



**Puppy Mills and  
the Animal Welfare Act**



**THE HUMANE SOCIETY  
OF THE UNITED STATES**



*For the welfare of animals and the public, the insufficient AWA regulations must be upgraded as soon as possible. Providing healthy and humane conditions will result in more trust in the pet breeding industry, healthier pets and safer consumers, in addition to meeting the USDA's statutory obligation to protect the health and welfare of animals in regulated facilities.*

# What is a puppy mill?

*Commercial dog breeding operations that fail to meet the basic physical, behavioral and/or psychological needs of dogs by keeping them in crowded, dirty or unhealthful conditions are commonly known as “puppy mills.”*

A single puppy mill can keep hundreds of dogs closely confined in stacked wire cages for their entire lives, solely to produce puppies for the pet trade. After the breeding dogs can no longer produce puppies, they are often killed or abandoned. Puppy mills in the United States pump out approximately two million puppies per year for the pet trade.<sup>1</sup> Due to poor husbandry at puppy mills, the puppies they sell to consumers are often sick, and many suffer from painful or life-limiting congenital disorders.

The United States Department of Agriculture is in charge of enforcing the federal Animal Welfare Act and its regulations, which require minimal standards of care for dogs bred for the purpose of selling their puppies to the public as pets. Any commercial pet breeder with five (5) or more breeding females is required to obtain a USDA license, and be open to regular inspections, if they sell to pet stores or to customers who don't see the animal prior to purchase.<sup>2</sup>

However, many dog breeders fail to obtain the required license, and even those who are licensed often fail to comply with the required animal care standards. Violations for issues such as failing to get proper treatment for sick or injured dogs, dogs exposed to extreme weather, dilapidated housing and underweight or severely matted dogs are common.

## **APPROXIMATELY 2 MILLION:**

Estimated number of puppies sold annually who originated from puppy mills—USDA-licensed and non-USDA licensed<sup>1</sup>



Compounding the problem is the fact that the minimal standards of care for dogs outlined in the AWA's regulations are outdated and insufficient.<sup>3</sup> AWA standards still permit conditions that the average American today would consider inhumane, such as keeping breeding dogs continually confined in small, stacked wire cages, with little or no exercise, socialization or enrichment. They also permit puppy mills to leave dogs in extremely hot or bitterly cold temperatures for up to four hours at a time—longer in some circumstances. Penalties for failing to meet the AWA standards are weak, and the rules are sparsely and unevenly enforced. Fines are not high enough to be a deterrent, and license revocations are rare—even for licensees who have been found with sick and injured dogs again and again.

In September 2015, the Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals and the HSUS-affiliated Humane Society Veterinary Medical Association submitted a rulemaking petition<sup>4</sup> to the USDA that called for 10 signifi-

cant reforms in basic care standards for dogs at regulated breeding operations. The reforms include: banning the use of stacked cages and harmful wire flooring; providing annual hands-on veterinary examinations and preventive care for breeding dogs; requiring that breeding dogs be given an opportunity for daily exercise and positive human interaction; requiring that dogs have continual access to potable water; protecting dogs from extreme temperatures; and doubling the minimum required cage space—currently, the requirement is for just 6 inches of space above and around each dog.

The petition documents in detail the scientific and rational justifications for these commonsense improvements. Almost five years later, in May 2020, the USDA finalized a rule partially addressing only two of the 10 issues in the petition. The new rule requires continual water and annual hands-on veterinary examinations and vaccinations for breeding dogs, but does not address the other critical animal care issues.

The victims of puppy mills are not only the animals, but the many citizens who purchase sick puppies and often spend thousands of dollars in veterinary bills attempting to save their lives. Poor oversight of puppy mills has also led to disease outbreaks and consumer lawsuits, giving the pet industry a black eye; as of July 2020, more than 360 localities and three states (California, Maryland, Maine) have passed ordinances to ban the sale of puppies in pet stores<sup>5</sup> as a result of citizens' concerns.

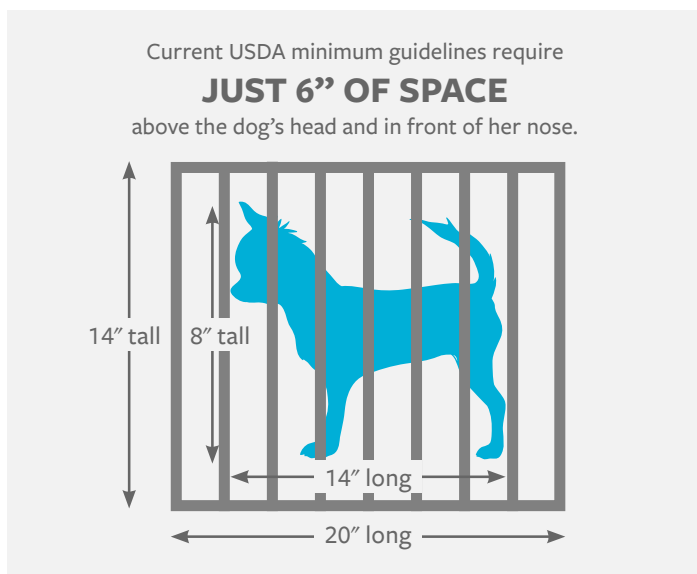
American families who purchase puppies from regulated breeders expect and deserve that the animals were raised in healthy and humane conditions. The USDA's Animal Welfare Act regulations must be upgraded to be in line with Americans' expectations and values, as well as the current scientific understanding of humane care.



A 2010 audit of the USDA's animal care inspections program found numerous problems with enforcement, including insufficient follow-up on dogs with severe veterinary issues.



Stacked wire cages are legal conditions under current USDA regulations.





## Insufficient standards harm citizens and businesses as well as dogs

In 2010, the USDA's Office of Inspector General released a report<sup>6</sup> on their most recent internal audit of the USDA/APHIS's Animal Care program of dog breeder inspections. The audit found that AC's enforcement process was ineffective against problem dealers; that inspectors did not cite or document violations properly as needed to support enforcement actions; that penalties were minimal at best; and that some high-volume dog breeders were using the internet to circumvent the Animal Welfare Act entirely. Shocking color photographs taken by AC inspectors were included in the report. The photos showed dogs suffering from conditions that a reasonable person would expect to result in confiscation of the dog(s) and animal cruelty charges filed if the dogs had been personal pets. The photographs included a dog covered with hundreds of ticks, a dog's food bowl crawling with cockroaches, dogs with large open wounds—one so severe that the dog's leg bones were exposed—and puppies entrapped in wire flooring. Yet the breeders responsible for caring for the animals generally remained licensed and faced only minor warnings or fines.

**204,363:**

Estimated number of dogs kept solely for breeding purposes in USDA-licensed facilities<sup>1</sup>



One of the most promising results of the audit was a long-awaited rule regulating internet dealers as proposed in the audit. Now known as the "retail pet stores rule" and finalized in 2013, the regulation requires commercial pet breeders who sell puppies online, by mail or by phone to buyers who are unable to see the puppy prior to purchase to be licensed and inspected in the same way as breeders that sell to pet stores. But seven years later, the increase in regulated breeders has not been as large as expected. The USDA originally estimated that

# INSUFFICIENT STANDARDS

between 2,600 and 4,640 additional large-scale breeders may require regulation under the new rule,<sup>7</sup> an estimate that was in line with HSUS estimates. But by mid-2020, only a few hundred new licensees had been added, and many of the other reforms the agency promised had not yet come to pass.

The HSUS's annual Horrible Hundred reports<sup>8</sup> on problem puppy mills have documented instances of breeders who had repeated AWA violations spanning many years, yet remained licensed, sometimes



An emaciated female chihuahua at a USDA-licensed breeding facility. USDA rarely imposes significant penalties for breeders, even those found with multiple sick or emaciated dogs.

for decades. For example, the USDA found more than 90 dogs and puppies in need of medical attention during inspections of Donald Schrage's Rabbit Ridge Kennel in Edina, Missouri, between April 2010 and October 2014, according to a complaint the agency filed in February 2015,<sup>9</sup> yet the facility did not have its license revoked until November 2016.

Meanwhile, many other breeding operations that repeatedly failed their state inspections received no violations at all on their USDA inspection reports. In some cases, the USDA failed to cite breeders for egregious issues. For example, in October 2019, a dog dealer in Kansas called Wendy Pets admitted to killing two dozen of their dogs by gunshot; their state inspection agency cited the operation, but USDA did not issue a single violation for the deaths.

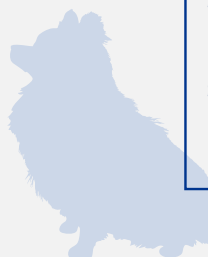
**In October 2019, a dog dealer in Kansas called Wendy Pets admitted to killing two dozen of their dogs by gunshot; their state inspection agency cited the operation, but USDA did not issue a single violation for the deaths.**

**\$500,000:** Estimated cost of a puppy mill bust involving 250 animals<sup>1</sup>

## THE COST OF CARING

### CASE STUDIES FROM PUPPY MILL RESCUES

Costs for puppy mill closures vary significantly by locality. These two examples show variable costs due to differences in veterinary fees, housing and other expenses.



Warm Springs, AR  
FEBRUARY 2015:

**46 dogs**

Vet care and consult services:

**\$46,698.91**

Shelter supplies:

**\$15,487.20**

Physical deployment:

**\$65,481.74**

Total:

**\$127,667.85**



Clarkesville, GA  
APRIL 2017:

**304 dogs**

Vet care and consult services:

**\$113,293.71**

Shelter supplies:

**\$33,598.84**

Physical deployment:

**\$55,441.86**

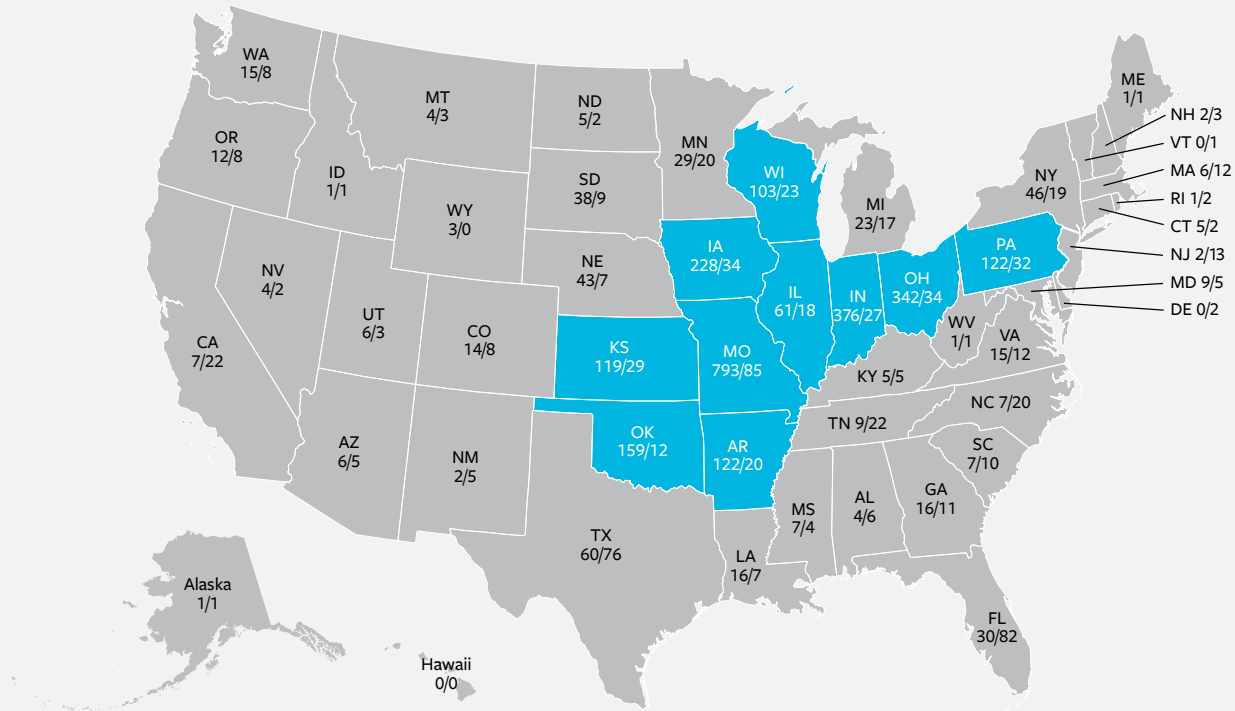
Total:

**\$202,334.41**



## USDA-LICENSED PET BREEDERS

Based on data published by the United States Department of Agriculture, (USDA), August 2020



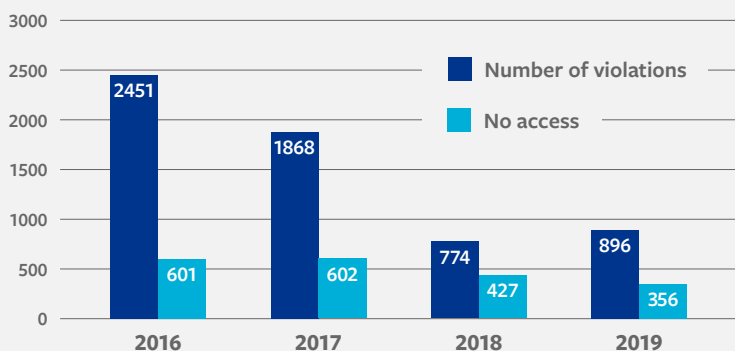
10 states with the highest number of licensed pet dealers

### Types of licenses: Class A/Class B

**Class A: Commercial Breeders.** Facilities that breed companion animals, primarily dogs, for the pet trade. **Total: 2,887**

**Class B: Brokers/Dealers.** Middlemen who obtain animals from breeders and then resell. **Total: 752**

## USDA VIOLATION DATA A&B LICENSES 2016–2019



Enforcement of the Animal Welfare Act at puppy mills has been on a precipitous decline since 2016, partly because the USDA has instructed inspectors to “educate” violators rather than documenting certain violations on inspection reports. The USDA has also removed large portions of its inspector guide on identifying and removing suffering animals.





## Animals are not the only victims of the regulations' marginal standards:



**Consumers often accrue thousands of dollars in expensive veterinary treatment** when they unwittingly purchase sick or genetically defective puppies from “USDA-licensed breeders” after being falsely assured by sales staff in pet stores, or on dog breeder websites, that the license is an indication of humane care and quality. Many families face the death of their puppy shortly after purchase.<sup>10</sup>



**Responsible dog breeders** who provide high-quality care and housing to their dogs face a competitive disadvantage when the USDA grants the same type of license to breeders who provide marginal care.



**Pet stores have had to be closed and quarantined** when puppies with distemper or other highly contagious diseases contaminated their store.<sup>11</sup> They also face frequent consumer lawsuits<sup>12</sup> for selling sick puppies from puppy mills. Others have faced lawsuits for selling puppies with zoonotic diseases, such as *Campylobacter* or *giardia*, that sent human family members to the hospital.



**Licensed dog breeding operations suffer financial peril** when crowded conditions, lax biosecurity measures and poor veterinary care result in disease outbreaks that

spiral out of control. For example, in December 2010 a licensed breeder in Kansas (Jeff Fortin) was forced to euthanize more than 1,200 dogs<sup>13</sup> when a distemper outbreak in his kennel could not be eradicated. Others have destroyed their breeding stock due to other preventable disease outbreaks—including canine brucellosis, which is transmissible to humans.<sup>14</sup>



**The pet industry is hampered** when localities pass ordinances banning the sale of puppies in pet stores. However, until consumers have confidence that puppies from USDA-licensed facilities were raised in healthy and humane conditions, the number of such ordinances will continue to rise.



**Animal shelters and nonprofit organizations often spend tens of thousands of dollars** housing and caring for dogs discarded by commercial breeding operations. A single dog sometimes requires thousands of dollars in veterinary treatment, as well as intensive behavioral training, to make the animal healthy enough for adoption. In 2014, the HSUS reported spending more than \$500,000 on the care and housing of 161 malamutes seized from an AKC breeder's puppy mill.<sup>15</sup> And in 2015, the ASPCA reported spending an average of \$318 to \$624 on veterinary care for each dog their organization rescued from a puppy mill.<sup>16</sup>



## THE HIGH HEALTH COSTS OF PUPPY MILLS

In December 2010, a licensed breeder in Kansas destroyed more than 1,200 dogs when a distemper outbreak in his kennel could not be eradicated. Others have destroyed their breeding stock due to other preventable disease outbreaks—including canine brucellosis, which is transmissible to humans.

More recently, the Centers for Disease Control studied two outbreaks of multi-drug resistant *Campylobacter* infections linked to Petland puppies in 2018 and 2019, finding that **commercially-raised puppies in pet stores were linked to approximately 150 cases of drug-resistant human illnesses**, including at least 26 people who were hospitalized. And in 2019, Iowa experienced a spread of zoonotic canine brucellosis after a USDA-licensed dealer with a history of violations sold hundreds of dogs at auction.<sup>17,18,19,20</sup>

# A pressing need for higher standards

## RULEMAKING PETITION FOR HIGHER STANDARDS

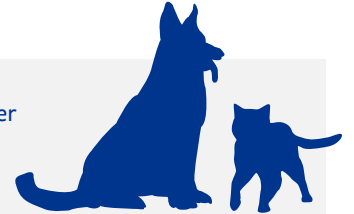
Even if all the USDA's enforcement issues are aggressively and effectively addressed, a core problem remains: The AWA's animal care guidelines are outdated, outlining basic survival standards that fall far short of humane care. Tens of thousands of dogs in commercial breeding facilities today live in objectively harmful conditions that nonetheless comply with current regulations.

In more than 50 years since the AWA was signed into law in 1966, scientific understanding of dogs and their needs has grown, and the public's expectations of proper dog care and welfare have improved significantly. There is also a greater understanding of zoonotic disease risks related to the intensive confinement of animals in crowded and dirty conditions, as well as new disease risks that have emerged over time.

Amending AWA regulations to ensure humane standards of care and safeguard the health of regulated animals is the agency's obligation under the statute. The rulemaking petition filed in September 2015 by the HSUS, HSVMA and the ASPCA urged the USDA to improve the standards of care for dogs in commercial breeding operations by adopting a number of very specific changes to the AWA regulations.

The pet industry, the USDA, Congress and animal welfare organizations agree on one fact: consumers care greatly about how puppies are bred and raised.<sup>21</sup> An Edge Research survey commissioned by the

**1.5 MILLION:** Estimated number of dogs and cats euthanized by shelters every year in the U.S.<sup>1</sup>



ASPCA<sup>22</sup> found that more than 90% of respondents believed dogs in commercial breeding operations should have access to veterinary care, the opportunity to exercise daily, a chance to go outdoors and cages that give them more than 6 inches of space in each direction, among other provisions.

The results of a successful ballot initiative in Missouri in 2010, Proposition B, otherwise known as the Puppy Mill Cruelty Prevention Act, showed that the majority of voters supported improved standards for dog breeders that exceed the USDA requirements, even in a state known for its support of agricultural interests and commercial dog breeding.<sup>23</sup> And in 2018, Ohio passed a law prohibiting some of the most harmful practices in puppy mills, including cage stacking and wire flooring. The law also requires ample exercise space and better temperature controls for dogs and limits how many times a female can be bred. Pennsylvania also passed much higher standards of care in 2009. With some of the largest puppy-producing states in the country passing such laws, the USDA can help level the playing field for all breeders by requiring the same standards nationwide.<sup>24</sup>



A dog in a USDA-licensed breeding facility suffering from advanced dental disease.



Puppies with their legs dangling through wire flooring at a USDA-licensed breeding facility; the entrapment can be life-threatening if the puppies aren't able to free themselves.



A dog in a USDA-licensed breeding facility had a cluster of feeding ticks on her face.



A puppy was found with a severe head injury at an Ohio breeder's facility.

## ADMINISTRATION MUST PUSH FOR UPGRADED STANDARDS

For the welfare of animals and the public, the insufficient AWA regulations must be upgraded as soon as possible. Providing healthy and humane conditions will result in more robust pet breeding operations, healthier pets and safer consumers, in addition to meeting the USDA's statutory obligation to protect the health and welfare of animals in regulated facilities.

### Ambient temperatures that are too hot or too cold for dogs can be stressful and cause harm.

Research shows most dogs are comfortable in temperatures between 64.46 and 84.2 degrees Fahrenheit.<sup>25</sup> USDA guidelines allow dogs to be kept in temperatures below 45 degrees or above 85 degrees for up to four consecutive hours.

The HSUS urges the USDA to make a rule that encompasses the remaining improvements outlined in the HSUS's September 2015 rulemaking petition. The administration can also help by supporting stronger enforcement of the AWA and its regulations and by recommending that Congress increase funding for the USDA so that it can properly carry out its obligations.

### USDA priorities should include:

- A plan to greatly improve conditions for dogs kept at USDA-licensed facilities, including a ban on cage stacking and wire flooring, and greatly increased minimum enclosure sizes.
- Greater emphasis on getting unlicensed pet breeders, including internet sellers, licensed under the retail pet stores rule.
- A plan to crack down more firmly and expeditiously on violators of the AWA regulations by streamlining the enforcement process.

### The changes would require commercial dog breeders to better meet the physical and psychological needs of dogs by:

- 1 Prohibiting wire flooring**, which is uncomfortable for dogs and often entraps or injures the dogs' feet.
- 2 Doubling the minimum required cage space for dogs**; current regulations allow dogs to live their entire lives in cages only six inches longer than their bodies.
- 3 Prohibiting the stacking of primary enclosures**. Stacked enclosures are often used to pack too many animals into a small space and can impede air flow, block light and prevent proper sanitation.
- 4 Protecting dogs from extreme temperatures**. Current regulations allow dogs to be kept in temperatures below 45 degrees or above 85 degrees Fahrenheit for up to four hours at a time.
- 5 Protecting dogs from excessive breeding to the point of physical depletion**. Current regulations place no limit on how frequently a dog can be bred, and female dogs are often bred repeatedly without rest. In addition, they are not screened for inheritable disorders that can harm their offspring.
- 6\* Requiring regular veterinary exams, core vaccinations and preventive care, and prohibiting the unlicensed practice of veterinary medicine in breeding operations**. The agency finalized a rule in May 2020 that partially addressed this issue, but it stopped short of requiring individual veterinary records for each dog, which will continue to make disease outbreaks difficult to trace.
- 7 Ensuring that dogs have an opportunity to exercise for their health and well-being**. Current rules allow dogs to be kept in small cages 24 hours a day, 365 days a year, as long as certain parameters for cage size are met. The petition recommends that dogs have access to an exercise area during daylight hours.
- 8 Requiring that dogs have regular socialization**. New proposed rules would require at least 30 minutes per day of positive social interaction with humans to address the mental and behavioral needs of dogs.
- 9 Encouraging the re-homing of retired breeding dogs and unsellable puppies**. Current regulations do nothing to protect unsellable or unbreedable dogs who are otherwise healthy from being destroyed or abandoned.
- 10\* Requiring dogs to have continuous access to water**. The agency did address this issue in their May 2020 rulemaking; it was the only issue out of the many issues outlined in the 2015 petition that has been fully addressed as of 2020.



**IN 2020** the USDA partially addressed number 6 and fully addressed number 10.



## Citations

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<sup>2</sup>USDA Animal Care, “Animal Welfare Act and Animal Welfare Regulations,” revised July 2020, [https://www.aphis.usda.gov/animal\\_welfare/downloads/AC\\_BlueBook\\_AWA\\_508\\_comp\\_version.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/AC_BlueBook_AWA_508_comp_version.pdf) (last accessed October 6, 2020).

<sup>3</sup>Latham and Watkins, LLP, HSUS et al. “Petition to the United States Department of Agriculture for Rulemaking Under the Animal Welfare Act to Increase Minimum Standards at Commercial Breeding Facilities.” (Sept. 21, 2015). Online at *blog.humanesociety.org/wp-content/uploads/2015/09/HSUS-Puppy-Mill-Petition-for-Rulemaking-FINAL3625509\_18\_DC.pdf* [Hereinafter, HSUS Petition for Rulemaking, 2015].

<sup>4</sup>Ibid.

<sup>5</sup>The Humane Society of the United States, “Localities Banning Retail Pet Store Puppy Sales,” online at *humanesociety.org/pmlocalities* (last accessed September 15, 2020).

<sup>6</sup>USDA, Office of Inspector General, “Animal and Plant Inspection Service Animal Care Program Inspections of Problematic Dealers,” May 2010.

<sup>7</sup>USDA/APHIS, Regulatory Impact Analysis and Final Regulatory Flexibility Analysis, Final Rule, APHIS-2011-0003, Revision of the Definition of Retail Pet Store (June 2013). Available online at <https://www.regulations.gov/document?D=APHIS-2011-0003-0002> (last visited June 30, 2020).

<sup>8</sup>The Humane Society of the United States, “The Horrible Hundred 2020: A Sampling of Problem Puppy Mills in the U.S.,” May 2020, available via pdf link on *humanesociety.org/100puppymills* (last accessed June 30, 2020).

<sup>9</sup>AWA Docket #15-0081 (Feb. 26, 2015).

<sup>10</sup>The Humane Society of the United States, “Puppy Buyer Complaints, a 10-Year Summary, 2007-2017,” online at: *humanesociety.org/sites/default/files/docs/2018-puppy-buyers-complaint.pdf* (last accessed on June 30, 2020).

<sup>11</sup>BA Schumaker et al, “Canine Distemper Outbreak in Pet Store Puppies Linked to High Volume Dog Breeder,” *J Vet Diagn Invest.* 2012 Nov.; 24(6):1094-8. *ncbi.nlm.nih.gov/pubmed/23012378*.

<sup>12</sup>ABC 7 News Chicago, “Pet Store Accused of Selling Sick Puppies Settles Lawsuit,” Sept. 21, 2016, *abc7chicago.com/pets/pet-store-accused-of-selling-sick-puppies-settles-lawsuit/1521172* (accessed July 6, 2020).

<sup>13</sup>Associated Press, “About 1,200 Dogs Euthanized After Disease Outbreak,” Dec. 15, 2010, accessed on Archive. Boston.com, [http://archive.boston.com/news/nation/articles/2010/12/15/about\\_1200\\_dogs\\_euthanized\\_after\\_disease\\_outbreak/](http://archive.boston.com/news/nation/articles/2010/12/15/about_1200_dogs_euthanized_after_disease_outbreak/) (last accessed October 6, 2020).

- <sup>14</sup>J Stella and C Croney, “Brucella Canis: Emerging Zoonotic Disease? Implications for Commercial Breeding Kennels and Public Health”, Purdue Center for Animal Welfare Science, Aug. 2015.
- <sup>15</sup>A Humane Nation, “Not Mute on Malamute Cruelty,” blog post from Aug. 7, 2014. [blog.humanesociety.org/wayne/2014/08/montana-malamute-abuse.html](http://blog.humanesociety.org/wayne/2014/08/montana-malamute-abuse.html) (last accessed July 6, 2020).
- <sup>16</sup>HSUS Petition for Rulemaking, Exhibit J, “Economic Analysis of Veterinary Care for Rescued Dogs.” Sept. 2015. Online at [blog.humanesociety.org/wp-content/uploads/2015/09/HSUS-Puppy-Mill-Petition-for-Rulemaking-FINAL3625509\\_18\\_DC.pdf](http://blog.humanesociety.org/wp-content/uploads/2015/09/HSUS-Puppy-Mill-Petition-for-Rulemaking-FINAL3625509_18_DC.pdf).
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- <sup>21</sup>Indiana Council for Animal Welfare (ICAW) Newsletter (a pet industry publication), “From the ICAW President,” Issue 14, April 2016.
- <sup>22</sup>ASPCA Press Release, “ASPCA Launches Consumer Tool Linking Puppies Sold in Pet Stores with Licensed Inhumane Breeders” (June 12, 2013), [aspca.org/about-us/press-releases/aspca-launches-consumer-tool-linking-puppies-sold-pet-stores-licensed](http://aspca.org/about-us/press-releases/aspca-launches-consumer-tool-linking-puppies-sold-pet-stores-licensed) (last accessed July 6, 2020).
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- <sup>25</sup>M Hurt et al., “Promoting the Welfare of Kenneled Dogs: Environmental Considerations,” Purdue Center for Animal Welfare Science, April 2015, <https://extension.purdue.edu/extmedia/VA/VA-3-W.pdf> (last accessed October 6, 2020).

# Our Promise

**We fight the big fights to end suffering for all animals.**

Together with millions of supporters, we take on puppy mills, factory farms, trophy hunts, animal testing and other cruel industries. With our affiliates, we rescue and care for thousands of animals every year through our animal rescue team's work and other hands-on animal care services.

We fight all forms of animal cruelty to achieve the vision behind our name: a humane society.  
And we can't do it without you.



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OF THE UNITED STATES**

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