

Legislation – What's Hot

By Joan Miller, CFA Legislative Information Liaison

Breaking News – APHIS responds to a FOIA !

In the CFA opposition letter to the USDA/APHIS proposed rules, we questioned the asserted need for federal regulation of dog and cat breeders selling at retail to pet owners. APHIS has said the proposal was needed because of complaints about unhealthy dogs being sold directly over the internet. CFA said “There were complaints, noted in the May 2010 USDA Inspector General’s report, from buyers of dogs sold at retail but no comprehensive data. There was no discussion of whether dogs purchased “over the Internet” have more health problems than those acquired through other sources. There have been no scientific studies cited to demonstrate any difference between the health of animals sold at retail "using the Internet" compared to those sold from traditional pet stores. If the purpose of the AWA is to protect the health of animals then some empirical evidence to support the change is needed. “

The Sportsmen’s & Animal Owners’ Voting Alliance (SAOVA) took this concern to another level and filed a Freedom of Information Act (FOIA) request for copies of documents supporting statements made by APHIS in their Regulatory Impact Analysis, in which the agency stated, "In fact, in recent years, APHIS has noted a number of reports and complaints concerning the welfare of such animals." "In addition, APHIS has received complaints directly from members of the public concerning the welfare of dogs and other pet animals sold at retail."

On August 29, 2012 the FOIA request was answered:

“This is in response to your July 16, 2012, Freedom of Information Act (FOIA) request for copies of complaints concerning the welfare of dogs and other pets received by APHIS directly from members of the public as referenced in that statement.

Animal Care (AC) employees conducted a thorough search of their files and did not locate any information responsive to your request. AC has informed this office that they have no records concerning the welfare of dogs and other pets received by APHIS directly from members of the public as referenced in the APHIS issued Regulatory Impact Analysis & Initial Regulatory Flexibility Analysis Proposed Rule, APHIS-2011-0003 RIN 0579-AD57 because they do not record complaints regarding retail sales as it is not an Animal Welfare Act (AWA) covered activity.

You may appeal our no record determination. If you chose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter.” SAOVA has filed an appeal and will keep us posted.

Please send letters to your Congressional representatives. See [CFA Next Step Guide](#) For more information go to www.cfa.org or contact the CFA Legislative Group at legislation@cfa.org