

Cat Fanciers' Association Update  
USDA Rule Announcement  
Appropriate forwarding allowed

Fanciers:

This morning the USDA and Animal and Plant Health Inspection Service (APHIS) finally announced the rulemaking decision that revises the definition of "retail pet store" under the Animal Welfare Act. The changes relate to the selling of pets over the Internet or any other means in which the buyer does not see the pet before purchase and/or taking custody of the animal. There is information on the APHIS website, which includes a press release, questions and answers and a summary of the final docket and review of comments received. This docket is 91 pages long. The CFA Legislative Group has not analyzed it yet; however there seem to be some changes that indicate at least some responsiveness to the issues raised by CFA and cat fanciers. There is much that is unclear, however, and we need to see the final rule expected to be published in the Federal Register later this week.

Go to: <http://www.aphis.usda.gov/newsroom/index.shtml>

All breeders who sell animals sight unseen and who maintain more than 4 breeding females must be licensed by the USDA. Exemptions from this federal licensing and regulation are to include:

1. Breeders/sellers of cats/dogs who maintain 4 or fewer "breeding females" and who sell "only the offspring of animals born and raised on their premises for pets or exhibition". If ALL sales of animals allow the buyer to see the pet prior to taking possession the seller will not have to be licensed. Originally it was proposed that all buyers would have to come to the premises. The rule will now allow purchases, or a buyer taking possession, at another location as long as the transaction is not "sight unseen". In another place in the docket, on page 8, it states that the rule will affect cat breeders who maintain more than 4 breeding females and sell offspring as "pets" sight unseen. (It is unclear whether breeders can sell offspring as exhibition or breeding cats sight unseen.)
2. Exempt are those who breed/sell dogs for hunting/security/"breeding purposes", and those selling rabbits for food, fiber, fur or for "preservation of bloodlines" and other businesses who deal only with fish or reptiles.

The new Rule will go into effect 60 days following publication which will be sometime this week.

A conference call was held this morning and responses to several questions revealed a few more details.

One important issue was clarified. A breeder/seller of pets will not be required to have each buyer come to their premises/home to take possession of their pet. They can meet in another place to finalize the purchase as long as a person can see the animal before buying the pet and taking possession.

The definition of "Breeding Female" is a female with the "capacity to breed". Dr. Ruskin said if the female is "too young" it will not count. (Is this up to the opinion of the breeder?)

The rule will be enforced using a "risk based" inspection criteria. Those with violations will be inspected more often than those with no violations. Resources will be prioritized by first looking at those who are selling the most dogs and those who have had legitimate negative reports. Licensing is expected to cost between \$284 and \$550 for a typical dog breeder. They expect that 3000 to 5000 new cat, dog and rabbit breeders will be licensed.

Dog sellers are exempt if they sell working dogs or dogs "used for breeding". The wording "used for breeding" is not mentioned for cat sellers, so this is not clear.

The Aphis representative said they were open to meeting with groups to review specific problems with the rule.

This update is to pass on to you what has been reported by the USDA. In the past the USDA has not been clear, and at times misleading, so we will not rely on what they are saying in either the summary docket or on the teleconference and will wait for the final rule published.

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