



THE CAT FANCIERS' ASSOCIATION, INC.

World's Largest Registry of Pedigreed Cats

The Cat Fanciers' Association Legislative Group e-Rulemaking Portal Comment guidance:

The USDA/APHIS proposed rule would amend and/or change regulations regarding breeder licensing. If the changes in Docket No: APHIS-2011-0003 are adopted as a final rule, most cat breeders who sell cats directly at retail would need a federal USDA license. APHIS has asked for public comments on the proposed changes.

SEND YOUR COMMENTS ASAP!

The deadline for receipt of comments has been extended to August 15, 2012 (Wednesday) at 11:59 PM Eastern time.

Comments may be submitted by using the Federal e-Rulemaking Portal:

<http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0003-0001> (Click on the "Comment Now" button upper right of page)

You will be allowed 20 minutes and 2000 characters (about 300 + words).

- Review the suggested CFA topics and points to make and choose one.
- Put the topic in your own words with some personal experience.
- Prepare your comments ahead, spell check, copy and paste the final in the Rulemaking Portal comment box.
- You can make as many comments as you like. So to make another point start another comment box. Please make as many comments on as many issues as you are willing.
- An attached file is allowed. State your opposition to the comment box and indicate that a file is attached.
- You will be asked for your name and City but no further identifying information. (Some comments have referenced only initials) If you are comfortable stating your name, club membership or other affiliation, this is beneficial.
- Start your comment by stating you are opposed to the proposed changes; or ask for withdrawal of the proposal. Then give reasons why.

Organizations and clubs:

Use the Federal e-Rulemaking Portal system.

- In the comment box state briefly that your club is opposed to the proposed changes and that you have attached a letter with comments.
- Attach your letter, **on letterhead**, addressed to:

Docket No. APHIS–2011–0003
Regulatory Analysis and Development
PPD, APHIS, Station 3A–03.8
4700 River Road, Unit 118
Riverdale, MD 20737–1238

Comments may also be made via postal mail to this address.

To read already submitted comments:

<http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0003>

To see the Regulatory Impact Analysis:

<http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0003-0002>

Suggested Topics For Fancier Comments

Choose one or more topics and put comments in your own words adding personal experience. Start out by stating clearly that you are opposed to the proposed changes to the rules. Then explain why. End with a statement urging APHIS to withdraw the Docket and not make any of the proposed changes. In a separate comment you may want to address another topic.

Topics related to cat issues:

1. The proposed changes to the rules by APHIS are unnecessary with respect to cats because there is almost no large scale commercial breeding of cats.

- Commercial breeders have little interest in producing cats due to the relative difficulty in raising kittens and making any profit. There is no demonstrated need for federal regulation of small or moderate scale home-based hobby breeders of cats who have more than 4 “breeding females” regardless of how they communicate with buyers or whether the pet buyers come to their house or not.
- Less than 0.5% of cats are obtained through Internet/online contact according to the American Pet Products Assoc. (APPA.) 2010 National Pet Owner Survey. This insignificant number would also include rescue cats obtained through Internet websites like Petfinder.com. Only 2% of owned cats are obtained from breeders of pedigreed cats. Over 90% of owned cats are random-bred, mainly acquired from sources other than breeders or pet stores. Most pet cats are obtained as homeless strays or they come from friends and family. Many come from shelters and rescue groups. There is no need to expand APHIS regulation to include cat breeders selling at retail.
- Fancy breeders of pedigreed cats are adequately self-regulated without the need for federal regulation. The Cat Fanciers' Association, Inc. (CFA) has a successful Voluntary Cattery Environment Inspection Program. Veterinary inspection enables breeders to proudly advertise a CFA approved or "Cattery of Excellence". Any breeders registering litters representing 75 kittens or more per year are required to have a yearly veterinary inspection. This number is approximately 50 breeders worldwide.
- The self-regulation of cat fancy breeders selling at retail is accomplished by the registries. If there are multiple complaints a breeder's cattery must be inspected. CFA has Minimum Cattery Standard, based on USDA standards but modified to allow a home environment. CFA has a ‘Breeders’ Code of Ethics’. Any animal welfare cases are handled by the CFA Protest Committee’s disciplinary procedure with full cooperation with local animal agencies.

2. The proposed changes mean an invasion of home privacy. The vast majority of cat breeders are hobbyists who maintain their breeding cats as pets in their homes. Many would have more than 4 “breeding females”, could not meet the “retail pet store” exemption and therefore would be newly regulated.

- The proposed rule will require that APHIS inspectors enter all rooms in private homes to enforce the Act. This runs contrary to Constitutional protections,

particularly the Fourth Amendment. Federal inspection of cat breeders' homes would be extremely intrusive of individuals' privacy and highly unusual in federal regulation practice. The USDA should not take such a step, and certainly not without specific Congressional directive.

3. Federal regulations and animal care standards were designed for commercial/wholesale operations, not residences. No major cat registry was allowed any input into the proposed regulation despite the obvious affect on cat breeding.

- Current regulations cover commercial breeders who are in business. These breeders raise litters in separate facilities, not in their homes. Per APHIS, 85% of the Class A licensees are rural area dog breeders. They sell to brokers or to pet stores and operate differently than the thousands of non-commercial home breeders of pedigreed cats, purebred dogs, rabbits and other animals who would be newly regulated.
- APHIS inspection procedures, and the existing standards of care, assume kennel facilities are separate from the breeder's residence. This is not the case for cat fanciers. For example, USDA regulations all but prohibit carpet and furniture in areas occupied by the cats! We have no assurance that the standards would be sufficiently modified to accommodate the practices of hobby breeders who allow their cats free run of the home when not in heat. Raising kittens in a home environment is the best possible way to provide healthy well socialized pets.
- Cat breeders who sell retail directly to the ultimate buyer offer ongoing assistance and guidance to the pet owners. The Animal Welfare Act and regulations clearly intend licensing requirements and standards of care to focus on the larger non-retail commercial realm and not on home sales to the ultimate pet owner. We urge APHIS to keep the cat fancier retail seller "outlet" exemption and to withdraw this proposal.

4. The proposed changes would substantially expand the scope of APHIS enforcement and overwhelm the agency.

- Adding well over 1500 hobby breeders of cats, plus many thousands of dog breeders and breeders of other species, selling pets from their homes would result in an overwhelming drain on federal resources that would lessen the USDA ability to enforce the Animal Welfare Act as it was intended. The APHIS objective, for 40 years, has been to assure that animals raised by those

in business who sell at wholesale are maintained in a healthy environment. APHIS would have to not only inspect private residences, license small non-commercial breeders, impose fines and suspend or revoke licenses but educate thousands of persons who are currently exempt.

- Magnification of agency authority and responsibilities would diminish the capacity of the agency to carry out the intent of the Act, causing animals to suffer. The burden on APHIS resources to increase licensing and regulation of almost all pedigreed cat breeders selling at retail would be contrary to both the purpose of the AWA and agency regulations.

5. The APHIS regulation changes would be detrimental to ALL responsible hobby cat breeders.

- No cat fanciers with a sound breeding program, which takes more than 4 breeding females, would be able to be exempt. APHIS facility care standards and other requirements are contrary to their goals of providing home raised healthy and social cats. Hobby breeding includes numerous complex practices unheard of in the commercial/wholesale seller businesses.
- Cat breeds are rare so it is imperative to protect and expand the gene pools. This usually requires owning more than four “breeding females” to assure genetic diversity – no chance for the threshold exemption. Because the market for pedigreed cats is select, breeders must sell kittens to buyers living out of their area or country – no chance for the “retail pet store” exemption.
- Home-based hobby cat breeders cannot meet the criteria for exemption yet they do not fit the definition of a Class A Dealer either. These are not breeders “whose business involving animals consists only of animals that are bred and raised on the premises in a closed or stable colony.....” In order to acquire genetic outcrosses hobby breeders must exchange cats with friends from far away. Their “breeding females” number fluctuates year to year. A breeder will buy or lease an intact female and often, after one or several litters, she will later be sold as a pet. The unintended consequence of this proposal would mean an end to responsible hobby breeding. This would diminish the finest source of healthy, home raised, well socialized pedigreed cats.

6. There has been no thought or research into the practical aspects of regulating thousands of breeders who raise and sell pets in their homes. APHIS inspectors, familiar with commercial breeders’ facilities, have little knowledge of what it would be

like to inspect the private homes of cat breeders, dog breeders, rabbit breeders and others selling pets at retail. Regulating small hobbyists would mean inspectors would incur many obstacles.

- Fanciers allow intact females and spayed females to be free-roaming together in the home, only confining cats to a bedroom when in heat or before delivering a litter. It would be difficult for an inspector to know how many of the cats are “breeding females”. Many cats do not tolerate collars and tags so identification by an inspector would not be easy. Even if cats are microchipped, inspectors, as strangers in the home, may make it necessary to retrieve cats from under beds or in closets. Bedrooms are commonly used for cat delivery since isolation is the preferred way to avoid infectious disease of young kittens, to minimize stress in queens and to allow close monitoring.
- USDA licensing would entail the incongruity of federal inspectors entering the most private areas of a person’s home. Licensing and unannounced inspection of cat fanciers would entail increased “attempted inspections” since breeders’ homes are not “open for business” on any regular basis.
- Sales of cats/kittens are by prearranged appointment only and a representative would not be reliably present. Since most breeders in this proposed regulated group would be away working elsewhere during the day this would necessitate evening/weekend visits, which would be extremely intrusive of privacy. Federal regulations requiring routine inspection of a person’s entire home is an extremely rare and unusual event.

7. Exemption depends on a static threshold of “four or fewer breeding females” yet there is no way for a breeder to keep a stable colony.

- There is no clear definition of “breeding female”. Cats of many breeds are capable of reproduction at 5 months of age. Responsible breeders wait until females are mature to decide if they have breeding/show potential or will be placed as pets. Therefore, the numbers of breeding females maintained by cat fanciers will never remain static.
- The primary purpose of a fancier’s breeding program is to preserve, and improve upon, a chosen breed. Methods to assure good health determine the numbers of females owned or kept by hobbyist cat breeders at any given time. They might fall under or over any established threshold number in any given

year. Regulating breeders selling cats at retail is contrary to the purpose of the Animal Welfare Act.

- Cats are commonly co-owned by persons living in different parts of the country and may be maintained for cat show exhibition for periods of time. Females will be leased and kept for delivery of one litter prior to sale or return to an owner. Females often come from far away for mating (sometimes staying for unpredictable/extended periods of time). Because of the constant changes inherent in a responsible breeding program, pedigreed cat breeders experience overlap among females.

8. The specific “purebred” fancier exemption has been entirely removed yet meeting the changed “retail pet store” exemption is not possible for fanciers. Despite assurances in the most recent APHIS explanation of the changes, “not the focus” of enforcement is not an exemption.

- Paragraph (a)(3)(vii), which was the “fanciers” exemption, would be gone. That leaves only the proposed “retail pet store” exemption for breeders selling direct retail, which includes those who maintain 4 or fewer “breeding females” and sell only their offspring. This changed “retail pet store” exemption requires that every single buyer must come to a person’s home. The requirement is not practical, safe nor reasonable.
- Security is important, especially for home-based hobby breeders who are single women living in rural areas or suburban neighborhoods. It may not be safe to allow every person who says they would like to buy a kitten to have access to one’s home. Homes don’t have security systems or multiple employees like a store in a shopping mall.
- Cat breeds are rare and buyers come from many parts of the United States, Canada and from overseas. Breeders who exhibit cats at cat shows and/or advertise in magazines or online must be able to sell kittens to buyers who choose not to physically enter their home. Not all buyers can travel to pick up a cat/kitten.
- Cats are extremely susceptible to infectious diseases. Breeders are reluctant to allow buyers or inspectors, who could transmit ringworm or upper respiratory germs, to have contact with cats running free in their homes.

- The exemption changes are not in the best interests of pedigreed cats and responsible breeders. The rulemaking would end hobby breeding activity and the public would lose its ability to acquire fine well bred pedigreed cats with special characteristics.

9. The proposed rule changes are supposed to regulate those who sell pets to buyers “over the Internet” but the rule would not improve the welfare of cats.

- The use of electronic communication is a good means to inform and educate potential buyers of pets. In fact, the use of emails and websites enables far more information to be exchanged between pet buyers and sellers than ever before. The consumer has an expanded opportunity to build a relationship with a breeder through emails, electronic photos, videos or even use Skype to see their new pet.
- APHIS claims they have received complaints concerning large commercial dog breeders who sell dogs at retail and advertise through the Internet. This is not a reason to regulate cat, rabbit or hamster breeders who utilize email or have a website. How one advertises or reaches buyers, whether through a magazine classified ad or a website, is not related to the quality of care received by animals on the premises.
- There is nothing inherently evil about the Internet buyer/seller interaction. Because cat breeds are very rare, it would be highly unusual for breeders to find all of their pet buyers within reasonable travel distance, nor is there a need for a buyer to visit a breeder's home for every sale.

10. APHIS claims the exemption changes are needed because selling animals “sight unseen” is detrimental to their health and well-being.

- 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. If there are complaints about dog breeders we question why cat breeders selling direct to the public must be regulated.
- Existing local nuisance laws, State cruelty laws and warranty laws are sufficient to deal with complaints about dog breeders. In addition the self

regulation and peer pressure within the dog and cat fancy cultures are extremely effective. Dogs and cats must have veterinary certificates before air transport so they are not "sight unseen" when shipped by air.

11. Breed rescue would be seriously impacted by the proposed exemptions. Rescue activity for purebred dogs and pedigreed cats is handled primarily by individual breeders as a sideline. These are not entities associated with shelters but independent breeders working with national breed networks of volunteers who find homes for cats in need. The exemption changes would end breeders' ability to take in an animal (not bred or raised) and re-home (sell) the dog/cat. Even if a rescued pregnant cat delivered kittens they could not be placed unless the new owner enters the breeder's home. The concept of changing the retail seller exemptions will result in unforeseen consequences and a complete disruption of the rescue efforts of thousands of cat and dog breeders.

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