

97-018-2



## DORIS DAY ANIMAL LEAGUE

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September 17, 1998

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Docket No: 97-018-2  
Regulatory Analysis and Development  
PPD, Suite 3C03  
Animal and Plant Health Inspection Service  
4700 River Road  
Riverdale, Maryland 20737-1238

Additional Comments Concerning Docket No. 97-018-2

To Whom It May Concern:

Since the comment period on the ANPR (Docket No. 97-018-2) was unexpectedly extended, we would like to take this opportunity to address two other important issues that are being raised in the context of the ANPR.

1. . . . Objections to the changes under discussion are being made based on the false claim that "hobby" breeders would unfairly be treated like commercial breeders. For instance, it has been argued that "USDA should not attempt to regulate purebred dog and pedigreed cat fanciers who derive less than a substantial portion of their income [from their activities] and for whom the retail sale of dogs and cats as pets is secondary to such activities." Our comments of May 23, 1997, responding to APHIS's Notice of Petition and Request for Comments (Docket No. 97-018-1, 62 FR 14044, March 25, 1997) recommended several licensing and inspection changes to ensure that the new regulations focused on commercial breeders and not hobbyists. These include a licensing exemption for any person breeding and selling directly to buyers for the buyers' own use up to as many 75 domestic pet animals. This shields small hobby breeders from any licensing requirements whatsoever. It is disingenuous to suggest that an establishment with sales (or other transfers) above this number is merely a "hobby" and not a commercial operation.

Further, in order to minimize the regulatory burden on smaller commercial breeders, we also suggested allowing certification of compliance with AWA standards via affidavit, in lieu of a prelicensing inspection, for breeders whose direct sales or other transfers to other

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persons for their personal use are the lesser of \$40,000 in gross annual income or 150 animals.

2. The idea of regulating breeders of dogs used for hunting, breeding, or security has also been challenged, with the modifier that if such regulation occurs, "there should be no distinction ...based on the purpose" for which the dog is to be used. The Animal Welfare Act and legislative history leave no room to debate the fact that USDA must change its regulations to require licensing of dealers of dogs used for hunting, breeding, and security purposes. We do agree with the stipulation noted above and again refer you to our May 23, 1997, comments, in which we state that these dealers should meet the same licensing and inspection standards (and, by extension, enjoy the same exemptions) as other Class A dealers.

We believe that certain commenters are deliberately misrepresenting the extent to which small "hobby" breeders would be affected by revised regulations. Otherwise, they would acknowledge that if the revisions include not only the new coverage that is required under the law, but also the exemptions we have proposed (which also help minimize the additional regulatory burden on APHIS), then only those operations that are truly commercial in nature will be affected.

Sincerely,



Holly E. Hazard

On behalf of Doris Day Animal League and  
The American Society for the Prevention of Cruelty to Animals