



Breeding restrictions could permanently curb the availability of pet dogs ... and sooner than you think.

By Cathy Foster

Are Dogs Disappearing?

If professional dog breeders are limited as to the number of intact dogs they can own, or close their doors out of frustration or lack of wherewithal to comply with increasingly stringent standards, where will puppies come from?

That's a question few retailers who sell puppies seem to be asking yet. But with more and more states enacting or considering such laws, that may become a pressing question in the not-too-distant future, say representatives of several breeder and industry associations.

"We have a big concern that there will be a huge decline in the number of dogs coming available the pet industry doesn't perceive yet," said Patti Strand, national director of the National Animal Interest Alliance (Portland, Ore.). The group represents a wide range of stakeholders, from pet owners and dog clubs to breeders and trainers to farmers and fishermen. "People who are producing new dogs are quitting in record numbers. The future is inevitable."

In fact, in two to four years, Americans will not be able to replace the dogs currently in households, said Strand, who also is a board member of the American Kennel Club (New York). Strand bases that claim on initial findings of a dog population study she is coordinating with a mathematician and "two of the most credible veterinarian Ph.D.s and epidemiologists" in the United States. She expects the study, designed to yield numbers about the future sources and availability of dogs, to be peer-reviewed by March 2011.

So far, the spate of restrictive state laws passed "has not affected the total supply of dogs out there," said Bob Yarnall, Jr., president and chief executive officer of the American Canine Association Inc. (Phoenixville, Pa.). "If more and more states do it, it absolutely will."

"It ends up cascading," said Michael Maddox, vice president of governmental affairs/general counsel for the Pet Industry Joint Advisory Council (Washington). "Each state that limits the ability of breeders contributes to a critical mass that has a broader impact across the country in terms of broader supply."

"Not only are these laws resulting in some breeders opting to go out of business," he added, "but they also create a general environment which discourages commercial breeding. As a result, you are

Commercial Kennels in Pennsylvania

Commercial kennels, beginning of 2009	303
Commercial kennels that closed voluntarily in 2009	123
Commercial kennels, end of 2009	180
Commercial kennels that closed voluntarily in 2010 as of June	10
Commercial kennels that transitioned to regular kennels in 2010 as of June	46
Licenses revoked or refused since 10/9/09 (most still operating pending appeal)	13
Active commercial kennels as of June 2010 (including those operating with waivers)	111

Source: Pennsylvania Department of Agriculture, Bureau of Dog Law Enforcement

going to see fewer people who are even interested in doing this in the future."

Pennsylvania: Wave of the Future?

In states where laws cap the number of sexually intact dogs breeders may keep—Louisiana, Virginia, Oregon and Washington—there hasn't been a discernible wave of kennel closures. However, none of those states are home to many wholesale breeding operations. And in Washington, U.S. Department of Agriculture-licensed kennels are exempt from the law.

In Pennsylvania, on the other hand, where new kennel classifications and strict standards have gone into effect, it's another story. The number of commercial kennels in the state has plummeted 63 percent—from 303 in 2009, the first year there was a commercial kennel class, to 111 active kennels today, according to the Pennsylvania Agriculture Department's Bureau of Dog Law Enforcement.

"And the only reason that one-third is still there is that they were able to get one- to three-year waivers [to meet the new standards]," said Yarnall. He expects most of the remaining commercial breeders to close as waivers expire, beginning Oct. 9 this year.

The Professional Dog Breeders Advisory Council Inc. (Royersford, Pa.), with which Yarnall also is affiliated, unsuccessfully

challenged the constitutionality of several aspects of the law last year in a federal civil lawsuit. The suit argued, in part, that the law singled out commercial kennels for treatment and scrutiny far different from all other kennels that are also regulated, including extensive rules only commercial kennels must follow.

Those rules require commercial breeders to double cage sizes, eliminate wire flooring, provide unfettered access to the outdoors, institute twice-a-year vet checks, and follow a host of other regulations. While some of the specifics are detailed in the law itself, many regulations have yet to be promulgated.

That poses a problem for commercial breeders like Jerry Kreider who would like to comply, but who await final rulings on lighting, air changes, ammonia levels and more. "I cannot start building a kennel until I know what specs I have to build this kennel to. So you have many people who would like to build but still don't know what the regulations are," he said.

That leaves him and other breeders with few options, said Kreider, a board member of the Pennsylvania Professional Dog Breeders Association (Harrisburg, Pa.). "As their waivers run out, they can shut down or take it to court, but you can't expect [compliance] when only half the regulations are out. Very few have spent the hundreds of thousands of dollars that



See "Legislation" on page 14 for updates on local ordinances banning the retail sale of puppies.

will be required, and everyone who did is hoping and praying that the regulations will not make their kennels obsolete,” said Kreider.

Based on architects’ estimates, it will cost at least \$500,000 to bring his own kennel into compliance, he said.

Most commercial breeders—defined in Pennsylvania as breeding kennels that wholesale even one dog, or retail more than 60 dogs per calendar year—have already decided compliance is unaffordable. Some closed altogether or moved operations out of state. Others downsized so that they are no longer classified as a commercial kennel or even as a regular kennel, defined as an establishment that keeps or transfers at least 26 dogs/puppies in a calendar year.

“Most breeders sold their breeding stock to out-of-state kennels and have kept a few dogs for breeding to stay under the 26-dog requirement. Of course, now these kennels have no Department of Agriculture inspections at all,” said Yarnall. “One hundred breeders relocated their kennels to other states.”

Kreider said the PPDBA database now lists only 150 breeders, compared to more than 400 two years ago. “I’ve seen a lot of good breeders go out of business.”

The requirements for commercial kennels are more stringent than for other types of kennels because dogs stay in those kennels their entire lives, said Jessie Smith, special deputy secretary of Dog Law Enforcement.

“I have the sense that this has resulted in a business shakeout that had breeders either meeting the bare minimums of our regulations or not even meeting those,

Commercial Breeder Legislation

State	Bill No.	Description	Status
Delaware	HB 95	25-dog cap	Dead
Illinois	HB 5771	New standards	Active
Massachusetts	SB 774	New standards, 25-dog cap	Dead
New Hampshire	HB 1624	50-dog cap	Dead
New Jersey	AB 474	25-dog cap per year on sales	Active
North Carolina	HB 460/SB 460	New standards	Active
South Dakota	HB 1146	New standards, 50-dog cap (unless approved by local government)	Dead
West Virginia	SB 147	40-dog cap	Dead

Source: Pet Industry Joint Advisory Council; State legislatures’ Web sites

and when we raised the bar and put in the stricter regulations for commercial kennels, people who cared and wanted to stay said, ‘We’re going to do whatever it takes,’” Smith said. “Others who were somewhat more casually in this business, when they were going to have to put more money into it and have stricter requirements, didn’t want to do that, make those changes, invest that money.”

But not all the new requirements represent improvement, said Maddox. “If you look at some of the standards they incorporated, they are more stringent and more expensive to meet, but [don’t] necessarily benefit the animals.”

Harsh laws are simply meant to put all breeders out of business, said Kreider.

“Animal rights activists want to use Pennsylvania as an example and slowly go state by state to enact [similar laws].”

An Invisible Problem?

Of more than a dozen puppy retailers contacted in Pennsylvania, Virginia and New York, only a few reported problems with local puppy supplies due to stricter laws.

One of them is Kevin Zimmers, owner of 21-year-old Zimmers Pets in Boyertown, Pa. Zimmers has two shops and sells about 1,000 dogs a year, representing about 40 percent of his business. He is now supplementing purchases from local breeders with out-of-state brokers—and raising prices. “We have searched farther to get [puppies], including into Lambriar in Kansas. I have been dealing with [local kennels] for 10 to 15 years. One got shut down because they asked him to repaint everything. They are nit-picking the conditions [of the kennels]. I would eat off the floor, that’s how clean it was. We are also going out of state for dogs. Prices have to go up then.”

Another is Puppyville in Virginia Beach, Va. The 2-year-old store sells around 20 puppies a month and does 90 percent of its business in puppy sales. Joe Jorge, manager of the store, also has had to find new puppy sources. “I used to go to more independent breeders, but since the law has changed, more and more licensed independent people are not around. We

PET AGE POLL Puppy Supply Problems?

Only 14 percent of pet stores responding to a PET AGE poll sell puppies and are worried that breeder restrictions will affect their business. A total of 139 PET AGE subscribers participated in the poll, posted on PetAge.com May 28-June 22, 2010.

How concerned are you that breeder restrictions will affect your retail business?

Not at all—we don’t sell puppies.	86%
Moderately—we count on a reliable puppy supply, but can adapt.	7%
Extremely—puppy sales are the core of our business, and we won’t be able to count on a reliable supply of puppies anymore.	7%

have had to go to more brokers. We don't like to do that. We used to offer a three-year warranty to our customers for their puppies [for genetic defects]. We can't do that anymore, because the brokers don't offer it. We expected much more from our [independent] breeders. It's affected how we do business."

Dale Lowe, owner of Puppy Garden (Hampton, Va.), which derives almost all its profits from puppy sales, said the state law is a burden. Because the federal Animal Welfare Act requires only breeders who keep more than three breeding females and sell wholesale to obtain a USDA license, pet stores could legally buy from small-scale operations. But the Virginia law, in addition to imposing a 50-dog cap on breeders, did something else: "You have to buy from USDA-licensed breeders now. It ties your hands. In the old days, you could buy [from] anyone and find a good deal now and then. A lot of people say, 'Will you buy our litter of puppies?' and you can't buy them now."

But more troublesome than the new laws are the weak economy and the resulting reduced demand for puppies, Lowe and several other retailers said.

The depressed economy, in fact, may be making it difficult to assess the true impact of these relatively new breeder laws, said Maddox. "As soon as the economy bounces back, we'll see prices driven up, and demand will outstrip the supply."

Kreider, who also has a pet shop kennel license and operates a full-line retail pet store in a permanent farmer's market mall on weekends, agreed. "Demand is so much less that supply is less and it has masked the huge changes," he said.

And those changes will be devastating, Kreider said. "The bottom line is, the public is still going to want their dog. This is America; enterprise will prevail and people will find a way. There will be dogs on the black market, fewer qualified people breeding, more trying to do it undercover and not doing it right or trying to do it on the side. In the long run, customers are still going to get a dog somewhere, but there are going to be a lot more less-qualified people breeding them, and the dog ends up suffering." ■

Cathy Foster is managing editor for PET AGE. Katherine Hajduch, editorial assistant, contributed to this article.

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