



AMERICAN
KENNEL CLUBSM

Sheila Goffe
Vice President
Government Relations

August 23, 2021

Docket No. APHIS-2020-0101
Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

RE: American Kennel Club Supports Proposed Rule *Handling of Animals; Contingency Plans*

The American Kennel Club (AKC) thanks the United States Department of Agriculture's Animal and Plant Health Inspection Service (USDA APHIS) for re-issuing a rule to require breeder/dealers, research facilities, intermediate handlers, carriers, or other animal enterprises subject to USDA licensure/registration to establish emergency/contingency planning in the event of a natural or manmade disaster or other business disruption.

Founded in 1884, the American Kennel Club is America's only not-for-profit all-breed dog registry devoted to the study, breeding, exhibiting, and advancement of purebred dogs. AKC is a private, not-for-profit organization that demonstrates its commitment to responsible dog ownership and breeding through a variety of educational programs, humane programs, and a multi-million-dollar commitment to canine health research through the AKC Canine Health Foundation, and by conducting thousands of kennel inspections each year.

As the only national all-breed dog registry with a kennel inspections program, which includes a flexible, comprehensive, performance-based care and conditions policy for the welfare of all dogs, AKC has conducted more than 70,000 inspections of people who register their dogs with AKC since 2000. Moreover, our *Care and Conditions of Dogs Policy* features operations guidelines that state, "Each kennel should maintain an emergency preparedness plan adequate for the type of facility owned and breed(s) of dogs maintained therein."

The American Kennel Club believes the rule is an important and appropriate next step in helping protect both the dogs kept by regulated facilities and the staff employed to care for them. We believe that emergency contingency planning can prevent loss of animal life, reduce disaster recovery timeframes, and better ensure continuity of regulated businesses. Formalization of this rule will help reassure the public that regulated facilities have measures in place to ensure animal welfare during emergencies.

We applaud APHIS' development and distribution of a proposed *Contingency Planning Program* document to guide animal owners in the development of an appropriate plan. Substantively similar to AKC's *Developing an Emergency or Disaster Preparedness Plan* document, this document and similar resources help kennel owners develop their own unique emergency and evacuation contingencies that reflect the particular needs of their facility. We believe that providing this

guidance is helpful for those who do not have other resources for developing emergency contingency plans.

For AWA-regulated entities that are also subject to AKC inspections, the costs of implementation of emergency contingency planning has likely already been incurred to comply with AKC's *Care and Conditions of Dogs Policy*. Additionally, we are of the view that the estimated 1-2 hours that will be spent on plan development and one hour that will be spent on employee training is accurate; a reasonable small cost of doing business; and a good investment in protecting the wellbeing of animals.

We respectfully also reiterate our concerns with the lack of a clear definition for the term "breeding female" as used in the AWA regulations. Currently, the USDA appears to define "breeding female" as "capacity to breed" and bases this assessment on a case-by-case visual inspection on the ground of the animals involved, determining whether they are "of breeding age" and whether there are health or other factors that would limit that. The AKC believes that this is not a practical, efficient, or clear way to establish a threshold for licensing and regulation, as it does not allow either APHIS or a breeder to assess whether a breeder would be subject to licensing, regulation, and inspection without first being inspected by APHIS, which could only be undertaken after the license application process has been undertaken.

Unless a breeder is certain which animals will "qualify" as non-breeding animals, a breeder has no way of knowing what their regulatory requirements are. An individual with several intact females of various species who owns only one dog and whelps only one litter but sells one puppy sight unseen might still have to be licensed as a commercial breeder. Subjecting this individual to the same licensing requirements as an active 200-dog breeding kennel is counterproductive and inefficient.

Although a 'breeding female' is not specifically defined, it may be assumed that a breeding female would be broadly defined as an intact adult female. However, as argued above, the keeping of intact females is not in fact equivalent to breeding and should in no way be treated as proof of breeding or selling puppies. Likewise, when a hobbyist does breed an intact female, it may be the only breeding this dog will ever have despite being kept intact for the majority of her life.

For more information, see AKC's comment to Docket No. APHIS-2017-0062 at <https://www.regulations.gov/document?D=APHIS-2017-0062-74843>.

Thank you for your consideration of these comments. Please feel free to contact me directly at 919-816-3721 or Sheila.Goffe@akc.org if I may be of further assistance.

Sincerely,



Sheila Goffe
Vice President, Government Relations
American Kennel Club