American Kennel Club Comment on *Notice of a Modified System of Records*
United States Department of Agriculture, Animal and Plant Health Inspection Service
October 24, 2019

The American Kennel Club (AKC) is America's only not-for-profit all-breed dog registry devoted to the study, breeding, exhibiting, and advancement of purebred dogs.

Founded in 1884, the 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, 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.

When most people think of the term “pet dealer”, they typically think of professional pet breeding facilities where a large number of animals are kept, and hundreds are bred and sold each year. However, current USDA Animal Welfare regulations require that any individual who maintains more than a combined total of four “breeding” (unspayed) female small mammals, including hamsters, gerbils, cats, dogs, etc., and transfers one sight unseen is subject to licensing as a USDA pet dealer. As a result, many individuals who live in residential areas, and keep several species of family pets in their home—ranging from the kids’ hamsters, to a barn cat or two, along with several dogs that participate in breed conformation dog shows or performance events—but breed only rarely, are also subject to USDA licensing.¹
Unfortunately, many responsible dog breeders, from small-scale, home-based hobbyists to large-scale commercial facilities, are targeted by activists intent on intimidating and disrupting dog breeders’ and animal enterprise operations. Congress has long recognized the need to address specific threats by such activists, as demonstrated by the Animal Enterprise Terrorism Act of 2006 (18 U.S.C. § 43, et. seq.). The need to protect private information, including home addresses of USDA dealer licensees, remains.

The American public relies on the Animal Welfare Act and the USDA to ensure a reputable and consistent source of quality purpose-bred pets for American pet owners. Likewise, professional breeders rely on public confidence in USDA-APHIS’s implementation of AWA regulations and inspections to substantiate their kennels’ operational standards. The American Kennel Club supports strong enforcement of the AWA. A strong USDA licensing and inspections program that fully enforces the AWA and that has the confidence of the American public is good for the health and wellbeing of dogs and for dog lovers who rely on knowing that puppies from USDA licensed kennels come from inspected facilities subject to federal health, safety and welfare requirements.

In our view, APHIS’s July 2016 formal comprehensive review and update of ACIS were appropriate actions to address substantive concerns about the publication of information on non-finally-adjudicated violations and other privacy concerns. APHIS’ website, publications, and correspondence were reviewed in a concerted effort to eliminate out-of-date content, improve the information provided, and balance its commitment to transparency with applicable laws and rules that seek to protect personal privacy. As a result of this review, information considered private from APHIS’ website was removed, and the APHIS/ACIS public search tool was temporarily taken off-line on February 3, 2017. APHIS immediately began reposting inspection reports with appropriate redactions of personal information that we believe are appropriate.

We also recognize the value of posting USDA breeder license inspection reports on APHIS’s Animal Care Information System (ACIS) online searchable database, with appropriate redactions of private information as required under the Privacy Act of 1974 (5 U.S.C. § 552a, et. seq.). This serves as a general tool for retailers and consumers to ascertain the animal care records of various pet breeder (dealer) licensees. Contrary to what critics have claimed, we believe protecting privacy concerns in this manner does not provide a foundation for substandard activities. Instead, as part of their standard business practices, pet retailers and distributors require dealers from whom they obtain puppies to provide a copy of the dealers’ USDA reports. This substantiates regulated entities’ appropriate and at-standard operations as required by both the Animal Welfare Act [9 U.S.C. § 2134] and the laws of various States.

We believe this system instills additional confidence in APHIS’ enforcement of the Animal Welfare Act and ensures that current or prospective regulated entities’ privacy concerns do not
serve as a disincentive to engaging in regulated activity. Any disincentive to engaging in regulated activities under the AWA would be a great disservice to America’s current and future pet purchasers.

The American Kennel Club is pleased to express support of the United States Department of Agriculture’s Animal and Plant Health Inspection Service’s (USDA APHIS) modification and expansion of its existing system of records to include activities conducted by regulated entities and the agency pursuant to the Animal Welfare Act (AWA) and regulations issued thereunder, as published in the Federal Register on Thursday, October 24, 2019.

The American Kennel Club thanks USDA APHIS for its consideration of these comments. Questions may be addressed to:

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1 The American Kennel Club remains concerned about 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.
