

***THE CASE AGAINST
RANDOM SOURCE
DOG AND CAT DEALERS***

SUBMITTED TO THE HOUSE SUBCOMMITTEE ON LIVESTOCK,
DAIRY AND POULTRY AS TESTIMONY IN SUPPORT OF
THE PET SAFETY AND PROTECTION ACT OF 1996



**Animal Welfare
Institute**

AUGUST 1, 1996

Reprinted September 2007

TABLE OF CONTENTS

Statements from Scientists

Herbert Rackow, M.D.	2
Robert A. Whitney, D.V.M.	3
Marjorie Anchel, Ph.D.	4
Stephen Dubin, V.M.D, Ph.D.	5
Nicholas Gimbel, M.D.	8
James A. Serpell, Ph.D.	9

Stolen and Fraudulently Obtained Pets

How Pets Are Acquired by Random Source Dealers	12
Affidavit of Mark Yardley	19
Letter from Dave Grignon	22
Stolen and Fraudulently Obtained Pets	27
Letter from Tom and Carol Kaugh	29
Statement from Humane Society of Missouri	32

Recordkeeping and Enforcement Problems

Fraudulent and Inaccurate Recordkeeping by Random Source Dealers	36
Administrative Actions Against Dealers Take Years, Leaving Dealers Free to Continue Flouting the Law	39

Animal Care Violations

Serious Violations of Regulations Governing Animal Care by Class B Dealers	43
Failure to Provide Adequate Veterinary Care	43
Failure to Provide Adequate Housing/Shelter from the Elements	46
Failure to Provide Adequate Sanitation	50
Failure to Provide Adequate Food and Water	50

The Random Source Dealer Network

States with USDA-Licensed Class B Random Source Dealers	
Supplying Dogs and Cats for Research (map)	54
Research Dealers (table)	55
Sources of Dogs and Cats Purchased by Pennsylvania Class B Dealers (map)	58
Destinations of Dogs Sold by a Missouri Class B Dealer (map)	59

History

The Laboratory Animal Welfare Act of 1966	62
“Animal Protection” (from <i>The Washington Post</i>)	63

***STATEMENTS
FROM
SCIENTISTS***

HERBERT RACKOW, M.D.
147-01 THIRD AVENUE
WHITESTONE, NEW YORK 11357
(718) 767-8670

July 26, 1996

Congressman Steve Gunderson, Chair
House Subcommittee on Livestock, Dairy and Poultry
1336 Longworth House Office Building
Washington, DC 20515

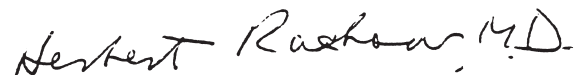
Dear Congressman Gunderson:

I am writing to ask your support for the Canady-Brown bill, H.R. 3398, which would prohibit Class B dealers and unlicensed individuals from selling cats and dogs to research laboratories:

This would be a major stimulus to the purpose bred cat and dog industry which also provides animals for research laboratories. Purpose bred animals have proven to be better animals for experimentation than the stray animals that often have undetected disease, are undernourished and frequently die during the course of an experiment. For all these reasons fewer purpose bred animals than stray animals are needed in an experiment to prove a point. The excellent research laboratories in Sweden and England use only purpose bred animals in their experiments.

The bill, H.R. 3398, would also stop the stealing of pet animals to be sold to laboratories.

Sincerely yours,



Herbert Rackow, M.D.
Professor Emeritus
College of Physicians and Surgeons
Columbia University

29 July 1996

TO: Subcommittee for Livestock, Dairy , and Poultry
House Committee on Agriculture

FROM: Robert A. Whitney, DVM,
Former Deputy Surgeon General
U.S. Public Health Service

SUBJECT: Testimony in Support of H.R. 3398

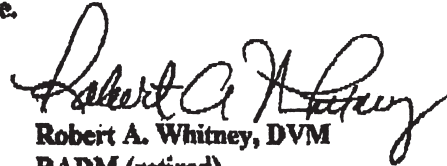
Thank you for the opportunity to express support for proposed legislation H.R. 3398, prohibiting "Class B Dealers" from selling dogs and cats for use in research - and explain my reasons for doing so.

I have an extensive background in this and other issues of public concern about the procurement and use of animals for biomedical research. Before becoming Deputy Surgeon General in 1992, I served as Director, National Center for Research Resources (NCRR) of the National Institutes of Health (NIH). In my 22 years at NIH I was responsible for production, procurement, and care of animals used in NIH intramural research. I also served as chairperson of the NIH Animal Care and Use Committee, Chairman of the U.S. Government Interagency Research Animal Committee (IRAC), and Director, NIH Office of Animal Care and Use. At NIH, the use of dogs from Class B Dealers, otherwise known as random source dogs, ceased many years ago.

Over the past 25 years I have been involved in the development and update of most of the federal policies and regulations governing appropriate care, use, and welfare of animals used in biomedical research. This experience has led me and many of my colleagues to believe that our inability to guarantee the quality of procurement and care of animals from Class B dealers creates many problems in public perception for the biomedical research community, and potentially in the research itself. Despite the small number of animals obtained from these sources, their use portends many more problems than the benefits which might be derived.

The continued existence of these virtually unregulatable Class B dealers erodes the public confidence in our commitment to appropriate procurement, care, and use of animals in the important research to better the health of both humans and animals.

This bill, H.R. 3398, is a moderate, sensible approach which will continue to provide access to dogs and cats for research, while helping to allay our public benefactors' concerns about research animal procurement and care.


Robert A. Whitney, DVM
RADM (retired)
USPHS

MARJORIE ANCHEL
147-01 THIRD AVENUE
WHITESTONE, NEW YORK 11357

(718) 767-8670

July 26, 1996

Congressman Steve Gunderson, Chair
House Subcommittee on Livestock, Dairy and Poultry
1336 Longworth House Office Building
Washington, DC 20515

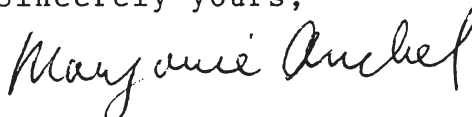
Dear Congressman Gunderson:

I am writing to urge your support for the Canady-Brown bill, H.R. 3398, which would prohibit Class B dealers from selling dogs and cats to laboratories. Class B dealers are notorious for theft of pet dogs and cats, and for keeping these animals under dreadful conditions until they are sold to laboratories, or at auction. USDA must spend time and effort on inspection of premises of Class B dealers, and repeatedly reports violations of the Animal Welfare Act by these dealers.

Ideally, only dogs and cats specifically bred for the purpose should be used in research. But until this can be accomplished, the least we can do is to assure humane treatment of animals supplied to laboratories, and to prevent theft and abuse of family pets - a practice causing suffering not only to the animal but to the human owner.

Passage of the Canaday-Brown bill would be a good step not only toward radically reducing theft of family pets, but toward a more scientifically sound as well as a more humane use of animals in research.

Sincerely yours,



Marjorie Anchel, Ph.D.
Senior Scientist, Emeritus
The N.Y. Botanical Garden



*Stephen Dubin, VMD, PhD
Calhoun Comparative Medicine Laboratory
Biomedical Engineering & Science Institute
Drexel University, Philadelphia PA 19104
Phone: 215-895-2219 Fax: 215-895-4983*

July 17, 1996

Chairman Steve Gunderson
The House Subcommittee on Livestock, Dairy and Poultry
The Congress of the United States
Washington DC

Dear Chairman Gunderson,

I am writing this in support of H.R. 3398 to amend the Animal Welfare Act so as to improve the quality of research using non-human animals and to mitigate some abuses related to acquisition and distribution of random-source dogs and cats.

I am a graduate veterinarian, licensed to practice in Pennsylvania and New Jersey; and accredited by the United States Department of Agriculture. For the past 30 years, I have worked in research using non-human animals in the military, industrial and academic settings. My current position is University Veterinarian and Clinical Professor of Biomedical Engineering and Science at Drexel University in Philadelphia PA.

During my rather long career giving care to laboratory animals, I have been privileged to witness several trends and developments which have improved the quality and reliability of research; while, at the same time, reducing the number of animals needed for a particular research goal and mitigating the distress or suffering imposed upon these animals.

In particular I am proud that I have observed and participated in the development of a much more controlled and orderly way of doing medical research. The areas of control have been several-fold.

We have learned to exercise genetic control in order that the various members of a sample of animals undergoing research might be more comparable to each other; and so that smaller numbers of animals be needed to achieve statistically valid conclusions. We have learned to control disease and injury so that our research results are not obfuscated by gross or subclinical illness. We have learned to exercise environmental control so that vagaries of weather, sanitation or environmental stress are not confounding variables.

These controls are widely practiced in the production and use of purpose-bred laboratory animals. Indeed, they are practiced throughout the agricultural livestock industry as well. I believe that this is not done out of consideration for the animals, but because it is much more efficient and economical.

There is one glaring and egregious exception to the application of careful control in the procurement of non-human animals for research purposes. That is the collection and distribution of "random source" dogs and cats. These animals are genetically heterogeneous, frequently diseased and very often subject to behavior problems which render their scientific value minimal at best. The use of such animals as research subjects has a great potential to contaminate and confuse research that may be otherwise sound and worthwhile. My grandmother, of blessed memory, used to say, "If you add one tablespoonful of wine to a barrel of sewage, the result is a barrel of sewage. If you add one tablespoonful of sewage to a barrel of wine, the result is a barrel of sewage."

I have heard arguments to the point that the use of purpose-bred dogs and cats would increase the economic cost of research in a burdensome way. This has not been my experience at all. The cost of procuring the animal subjects is a very small part of the whole cost of doing research. I recall the first major project in which I participated as a very young captain in the US Army Veterinary Corps in 1968. Our task was to evaluate a heart-lung machine which had been proposed to become the standard Army machine. This decision involved several millions of dollars and potential for either huge benefit or terrible danger to human life. When I requested use of purpose bred hounds, I was, at first, told that the cost - some \$200.00 per dog - was unthinkable compared to the \$10.00 we had been paying for comparable sized dogs from the Stockton pound. I pointed out that many of the pound source dogs were sheep killers and that they had at least five known types of parasites, two of which were communicable to humans. I also pointed out that the research team included, *inter alia*, three hospital department heads (two colonels and a brigadier general), and the typical experiment extended well beyond the usual working day. I prepared a spreadsheet to demonstrate that the cost of a healthy and uniform research dog was far less than the cost of blood collection bags, not to mention the sutures, drugs and other supplies we were to use. My commander backed me up in my view. The project was successful in demonstrating the danger of the particular machine. I received the Army Commendation Medal and my commander received the Legion of Merit.

Another very important improvement in the research use of non-human animals has been a more careful and enlightened choice of species for a particular research purpose. Swine have been widely recognized as superior to dogs for many dermatologic, cardiovascular and metabolic studies because of closer resemblance to humans in those regards. Various ruminants have proven preferable for many perinatal and heart replacement studies. Smaller equids are much more similar to humans in their respiratory anatomy and physiology than dogs or even non-human primates. If species were chosen for scientific reasons such as similarity of the particular body system to humans, very few dogs or cats indeed would be needed in research.

I believe that the scientific and economic considerations alone are quite sufficient to impel the removal of random-bred dogs and cats from use in research. However, my position as a veterinarian - a trustee on behalf of my subjects/patients - requires me to remark briefly on the matter of distress and suffering. Although I am sure that many earnest animal rights advocates would disagree, the research community uses a utilitarian calculus in which the pain, distress, suffering and death which a non-human animal may suffer must be justified by the good obtained; primarily for humans, by the research use of that animal. By comparison with purpose bred animals, including dogs and cats; the random source dog or cat has often been abused, abandoned, transported roughly, housed in crowded and unsanitary circumstances; and generally subjected to miseries far beyond what other laboratory animals must endure.

I recognize that our science has not yet progressed to the point where all of our important scientific goals might be achieved without animal suffering, but I am certain that the misery imposed on random source dogs and cats in research is neither scientifically necessary nor ethically acceptable.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Dubin', with a long horizontal flourish extending to the right.

Stephen Dubin VMD, PhD

Statement in Support of H.R. 3398
before the Subcommittee on Livestock, Dairy and Poultry
of the House Agriculture Committee
August 1, 1996
by Nicholas Gimbel, MD
1109 E. Capitol St., Washington, DC

Thirty years ago I testified at Senate hearings that led to the enactment of the Laboratory Animal Welfare Act. The bill passed both Houses of Congress in 1966 and was signed into law by President Johnson in August of that year. I urged the Senate Committee to designate the US Department of Agriculture to implement the legislation for humane treatment of experimental animals. At that time I was Associate Professor of Surgery at Wayne State University School of Medicine and Surgeon in Chief at Metropolitan Hospital.

My position in support of the pending bill was not shared by organized scientific societies whose representatives testified against it, but the Senate passed it by a vote of 85-0. This law, together with the broadening and strengthening amendments adopted by later Congresses, has reduced the suffering of experimental animals, but on the premises of Random Source Class B dealers, who supply dogs and cats to laboratories, the law has been an unqualified failure.

It must be changed. The USDA inspectors are constantly faced with totally inadequate and often falsified records of where the dogs and cats came from. Lack of veterinary care, filthy quarters, and failure to provide the animals' most basic needs for food, water and protection from the elements prescribed by the minimum standards of the law constantly recur at the next inspection. Government funds are being wasted on such things as repeated trips to inspect a dealer's premises who is absent whenever the inspector comes.

Inspectors have thousands of sites they must visit at research facilities, exhibitors and common carriers yet the Class B dealers who sell dogs and cats to laboratories take up a wholly unjustifiable amount of their time even though there are only 50 of them.

H.R. 3398 is urgently needed. I hope you will report it out of Committee so that it can be passed and signed into law.

UNIVERSITY of PENNSYLVANIA

School of Veterinary Medicine

Department of Clinical Studies-Philadelphia
3900 Delancey Street
Philadelphia, PA 19104-6010
Fax: 215-573-3925

James A. Serpell, PhD

Associate Professor

Marie Moore Chair of Humane Ethics & Animal Welfare

Telephone: 215-898-1004

E-mail: serpell@pobox.upenn.edu

July 28, 1995

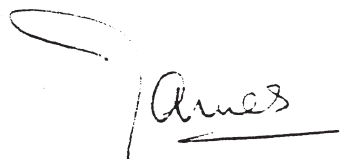
Christine Stevens,
President,
Animal Welfare Institute,
P.O. Box 3650
Washington, DC 20007

Dear Christine,

I enclose, as promised, a reprint of some work we did in Cambridge, UK, concerning the housing requirements of dogs in laboratories and animal shelters.

Regarding the subject of Class B dealers, I would be pleased if the law could be changed to prevent them operating at all. Failing this, I believe that, regardless of the additional cost, serious research and teaching institutions in this country *should not* use animals derived from these dealers. I have several reasons for holding this opinion. I have had the opportunity to discuss the subject with several USDA inspectors, all of whom have made it clear that they simply do not have the manpower or resources to police the activities of Class B dealers adequately. As a consequence, some dealers are breaking the law, receiving stolen (or fraudulently obtained) pets, reselling them for research or teaching purposes, and getting away with it. Since there is no prospect, particularly in the present economic climate, of the USDA's budget being increased, it makes more sense to eliminate the problem at source by putting Class B dealers out of business. Finally, I strongly believe that by continuing to use animals obtained from Class B dealers, universities and other research and teaching institutions are helping to perpetuate the widespread public fear that there is in fact a substantial illegal trade in stolen family pets. Whether or not this fear is wholly justified, the use of Class B dealers gives research a bad name.

Yours sincerely,



James Serpell

STOLEN
AND
FRAUDULENTLY
OBTAINED
PETS