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News Release

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USDA Restores Important Check and Balance on Retail Pet Sales to Ensure Health, Humane Treatment

WASHINGTON, Sept. 10, 2013--The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) has revised the definition of "retail pet store" under the Animal Welfare Act to restore an important check and balance that helps ensure the health and humane treatment of pet animals sold sight unseen.

The previous definition of "retail pet store" was developed more than 40 years ago, before the Internet provided an alternate method of selling pets to the public. Some breeders were selling pet animals sight unseen, without providing an opportunity for the buyer to observe the animal prior to purchase, as was intended by the regulation. APHIS is revising the definition in its regulations to bring animals involved in these transactions under the Animal Welfare Act so that they can be monitored by our Agency for health and humane treatment.

"Requiring these breeders to adhere to the Animal Welfare Act standards is important because we know that if the federal standards are being met, the animals are getting humane care and treatment" said Ed Avalos, Under Secretary for Marketing and Regulatory Programs. "By revising the definition of retail pet store to better suit today's marketplace, we will now improve the welfare of more pet animals sold sight-unseen."

Today's announcement fulfills a commitment APHIS made in response to an Office of Inspector General (OIG) audit on dog breeders. The 2010 audit found that more than 80 percent of sampled breeders were not being monitored or inspected to ensure their animals' overall health and humane treatment resulting in some buyers receiving unhealthy pets—especially dogs. Instead, these breeders were selling pets over the Internet and claiming "retail pet store" status, exempting themselves from oversight by both consumers and APHIS.

With this regulatory change, APHIS has acted on the recommendation made by the OIG and restored the definition of retail pet store to its original intent: a place of business or residence at which the seller, buyer and the animal available for sale are physically present so that the buyer may personally observe the animal and help ensure its health prior to purchasing or taking custody of it.

Traditional, “brick and mortar” pet stores will continue to be exempt from federal licensing and inspection requirements under the Animal Welfare Act. However, Internet-based businesses and other businesses that sell animals sight unseen must now be licensed and inspected by APHIS to ensure the pets they sell to the public receive minimum standards of care.

Many animal rescue groups, pounds, shelters and humane societies will continue to be exempt from APHIS regulations. Also exempt are the following: people who breed and sell working dogs; people selling rabbits for food, fiber (including fur) or for the preservation of bloodlines; children who raise rabbits as part of a 4-H project; operations that raise, buy and sell farm animals for food or fiber (including fur); and businesses that deal only with fish, reptiles and other cold-blooded animals.

The change in regulations will also increase from three to four the number of breeding females (dogs, cats or small exotic/wild pocket pets) that people may maintain before they would be required to be licensed under the Animal Welfare Act. This will allow APHIS to better concentrate its resources on ensuring the welfare of animals at larger breeding operations. Breeders who maintain four or fewer breeding females are considered hobby breeders who already provide sufficient care to their animals without APHIS’ oversight – provided they only sell the offspring of animals born and raised on their premises for pets or exhibition.

APHIS already regulates the commercial sale of pet animals on the wholesale side to ensure that animals bred at wholesale facilities are receiving humane care and treatment.

With Agriculture Secretary Vilsack’s leadership, APHIS works tirelessly to create and sustain opportunities for America’s farmers, ranchers and producers. Each day, APHIS promotes U.S. agricultural health, regulates genetically engineered organisms, administers the Animal Welfare Act, and carries out wildlife damage management activities, all to help safeguard the nation’s agriculture, fishing and forestry industries. In the event that a pest or disease of concern is detected, APHIS implements emergency protocols and partners with affected states and other countries to quickly manage or eradicate the outbreak. To promote the health of U.S. agriculture in the international trade arena, APHIS develops and advances science-based standards with trading partners to ensure America’s agricultural exports, valued at more than \$137 billion annually, are protected from unjustified restrictions.

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