

# 2012 USDA APHIS proposed Rule Impact on Rabbits & Breeders

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By Corinne Fayo Rabbit Education Society June 12, 2012

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## Background

The Animal Welfare Act (AWA) regulates animals and the USDA is the one who enforces the law. Rabbits are one of the regulated species in the AWA. This is the actual act

[http://www.aphis.usda.gov/animal\\_welfare/downloads/awa/awa.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/awa/awa.pdf) Rabbits sold for certain purposes require a license from the USDA , in order not to have to be USDA licensed a rabbit breeder must meet certain exemptions. One exemption is if the rabbit is sold for meat or fur. Another exemption is if a pet rabbit is sold direct to the pet owner. It has been thought this “direct sales” exemption aka retail pet store exemption also included sales of show stock between breeders. If one sold pet rabbits in wholesale channels i.e to a pet dealer who sells to a pet store or to a pet store you needed a USDA license unless you sold \$500 or less gross income per year. Sales of rabbits to research facilities or to animal exhibits such as a petting zoo also fall under the \$500 or less gross income per year exemption. Sales to an auction are considered “direct to owner” and exempt.

The USDA has proposed a rule to change the definition of retail pet store and the retail pet store or direct sale exemption. This rule change will have a profound effect on ALL rabbit breeders. It is hard to exactly explain the effect because the USDA is giving people who contact them different answers mainly

in regard to how sales between breeders is viewed. I'm sorry I cannot explain this any better, USDA is confused or confusing and that's the bottom line.

The proposed rule:

"APHIS is proposing to restore the definition of retail pet store which comes with exemptions from certain requirements under the AWA (Animal Welfare Act) to its original intent, limiting it only to places of business or residence that each buyer physically enters in order to personally observe the animals available for sale prior to purchase and/or to take custody of the animals after purchase, and where only certain animals are sold or offered for sale, at retail, for use as pets."

Translation: If you sell a rabbit as a pet you must sell it from your property to be exempt from USDA licensing. Not even one pet rabbit sale can take place off your property otherwise you do not have the retail pet store exemption. But this does not only impact pet rabbit sales, it will impact sales of breeding/show stock as well as auction sales.

I called Dr Rushin USDA point man for the rule on 5/21/12 and asked specific questions about show stock sales and the \$500 limit for an exemption from USDA licensing. In addition I spoke to a rep at the USDA Northeast Regional Office. Other rabbit people contacting USDA have been given different answers. Assuming everybody is accurately reporting what USDA reps have told them it appears the USDA is confused about how to regulate rabbit breeders and rabbit sales. This is further making a difficult situation worse.

I can only give a first hand account of my phone calls to the USDA. When I asked about sales between show breeders they both immediately and confidently stated that they were regulated and had to be less than \$500 per year gross total income, if over \$500 per year you required a USDA license. There is also a USDA report on the rabbit industry dated 2002 that states the same. However when I began laying out a show breeder scenario, you breed for show, some get sold as pets, some to show breeders, some go as meat as well as quoting the Animal Welfare Act (AWA,) I confused them. They could not reference where in the AWA it gives USDA the power to regulate show/breeding stock sales.

In addition breeders who have called USDA since my call are being told that sales of breeding stock is a "grey area" or "multi-layered". Most recent person to contact them and who I feel is trusted to accurately report back says he was told:

*In general individuals/rabbitries selling for breeding or show purpose directly to people are exempt but there are some scenarios to consider, especially in the cases of pet sales:*

- 1. Individual or rabbitry sells to another person and they pick-up the animal at the residence/rabbitry = non-regulated*
- 2. Individual or rabbitry sells to another person sight unseen and ships the animal to a person = regulated if yearly gross sales for all types of sales is greater than \$500.*

*3. Individual or rabbitry sells to another person and that animal is delivered to a show or other location by the seller = gray area - he suggests comments*

*4. Individual or rabbitry sells to another person and that animal is delivered to a show or other location by someone transporting on behalf of the seller = gray area - he suggest comments*

USDA will not give anyone a clear answer as to how breeding stock will be regulated or if it will eventually be exempted. All they are saying is they want breeders to comment. So my suggestion is every rabbit breeder comment. Explain what breeding for show is, a hobby that does not generate income, let them know what exemptions are required, educate them as to our issues, every single issue you can think of. And most importantly whenever possible quote & reference reliable sources of information. Let them know how this will personally impact you and the breeders you know.

The USDA needs to understand that sales between show rabbit breeders is not a pet sale nor is the stock being used to generate pet rabbits. Pet rabbits are an outlet for culls, it is not the primary reason or purpose one breeds show rabbits. I feel this is a key point as well as sales at shows between breeders is to perpetuate and improve show rabbit herds not to sell pets. Perhaps if they understand the show aspect of breeding they will view it as not pet and exempt it.

Dr Rushin kept telling me that they want questions and very specific questions so lay out every aspect of your rabbit hobby and sales, educate them, and use logic so that we end up with exemptions that benefit the majority of rabbit breeders.

## **Sending Comments**

Send a copy of your comments to your Congress representatives and to the Congressional Ag committees and Secretary of Ag Tom Vilsack.

The proposed rule can be found at <http://www.gpo.gov/fdsys/pkg/FR-2012-05-16/pdf/2012-11839.pdf> or [http://www.aphis.usda.gov/newsroom/2012/05/pdf/docket\\_APHIS\\_2011\\_0003.pdf](http://www.aphis.usda.gov/newsroom/2012/05/pdf/docket_APHIS_2011_0003.pdf)

FOR FURTHER INFORMATION CONTACT: Dr. Gerald Rushin, Veterinary Medical Officer, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737-1231; (301) 851-3740

**To send a comment By July 16, 2012** on this proposed rule you can do it online at <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0003> or by mail. One may consider doing both to ensure your voice is heard. Mail your comments to Docket No. APHIS-2011-0003, Regulatory Analysis and Development PPD APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD, 20737-1238. Online comments are limited to 2,000 characters (spaces count as characters) and the form times out after 20 minutes. It is suggested that you write your comment in a word processor and then copy/paste it to the form. You can also send attachments (up to 10 MB) with the online comments.

The impact on rabbit breeders include:

-Every pet rabbit would have to be sold from your property otherwise you require a USDA license

-Sales of show/breeding stock may be limited to \$500 or less per year. Note due to varying answers from USDA they are either saying show breeding stock is exempt if all sold from your home or it is limited to \$500 per year whether from home or not. I suggest breeders call Dr Rushin to ask how breeding stock sales are viewed, both now and under the new rule. And then report what you are told to the rabbit community.

-Sales of rabbits for meat or fur would be exempt but this does not include sales of breeding stock for meat or fur, likely that would be included in the \$500 gross income exemption.

-Sales to pet dealers, pet shops, research facilities, and auctions and maybe sales to other breeders limited to \$500 gross income per year.

**I'm writing this with the assumption that USDA views sales of breeding stock as a regulated activity.**

Because the USDA believes sales between show rabbit breeders is regulated we currently have a problem that could be addressed through this proposed rule. Sales between show breeders should be exempted. This could be done via raising the \$500 exemption limit or providing an exemption for sales of rabbits as breeding stock for food, fur, or show breeding. It is critical that rabbit breeders send USDA comments about how the \$500 limit will hurt breeders and under the proposed rule sales only allowed from your residence will also negatively impact rabbit breeders.

## **Exemptions Show Rabbit Breeders Need:**

- The USDA needs to clearly exempt sales of rabbits that are to be used for show or show breeding as they do not fall under the scope of regulation under the AWA because they are not being used or intended for use for research, teaching, testing, experimentation, exhibition, or use as a pet.
- Sales of breeding stock at rabbit shows or breeding stock that is shipped to another breeder should be exempt. These are not rabbits intended to be used as pets or other regulated activity.
- Shipments of breeding stock for show or meat/fur use should be exempted and not put under the \$500 gross income exemption limit. Rabbits shipped via air require a Veterinary certificate of health so their health is ensured prior to buyer receiving the rabbits. Also they are not intended for use as pets.
- The USDA needs to clearly exempt sales of rabbits to be used for meat or fur as well as breeding stock to be used to produce rabbits for food or fur.

- The AWA clearly has an intent to regulate rabbits used for research, teaching, testing, experimentation, or exhibition (defined as carnivals, circuses, animal acts, and zoos). I believe that falls under the \$500 exemption on gross income for sales of rabbits to be used for research, teaching, testing, experimentation, or exhibition (defined as carnivals, circuses, animal acts, and zoos). The new rule should not delete “to a research facility, an exhibitor, a dealer, or a pet store” from section 2.1(a)(3)(ii) so that a rabbit breeder could sell up to \$500 per year to pet dealers, pet stores, research facilities, or exhibitors.
- The \$500 limit needs to be adjusted for inflation as well as made comparable to exemptions for other species.
- Wholesale sales of rabbits to be used as pets and sold to pet stores or pet dealers by rabbit breeders has always been viewed as a regulated activity and falling under the \$500 gross income per year limit. This should continue although the \$500 figure needs to be adjusted for inflation and fairness.
- Sales directly to pet owners should not be required to ALL occur at the breeder’s home. There needs to be some exemption especially on sales that occur in person but not from the seller’s property, this should include exemption for sales occurring at a rabbit show. The seller should not be required to allow buyers free and total access to their property as groups such as HSUS are requesting. Why not focus on the “face to face” contact that USDA brought up in discussions with other stakeholders. Why can’t a rule be written so that **pet sales** must be face to face contact with the buyer/seller regardless of location. The buyer is still able to inspect the animals prior to purchase. And then this clearly applies to pet sales not sales of breeding stock that should be exempt from regulation regardless of where they occur, dollar amount, or if shipping is involved.
- Sales to animal auctions should be exempted or limited to an adjusted for inflation amount.

### Suggested Talking Points:

1) What is show rabbit breeding? It is a hobby undertaken with passion and dedication to produce rabbits that conform to a breed standard. It is a difficult hobby and does not generate sufficient income to be a business. There are a lot of expenses for going to rabbit shows, buying stock to improve one’s herd, supplies and equipment necessary to maintain a healthy herd, etc. Rabbits have unique reproductive traits which require they be bred often and also have a short breeding life. It is difficult to move culls out of the rabbitry and your average rabbit breeder likely sells some as show/breeding stock to other breeders, some as pets, and some as meat.

Rabbit breeders do not have genetic tests available like show dog breeders do. This means one has to have a good size herd in case genetic issues show up and then one must “breed them out”, this means culling as well as bringing new stock in from other show breeders.

Smaller breeds have more demand as pets than larger breeds but are not as desirable for human consumption given their smaller size. This means their use as food is usually restricted to snake or raptor. Large breeds are less desirable for pets but have a better market as meat animals. There aren't a lot of show breeders so that impacts the ease of which a show breeder can move culls out of their herd.

**The average number of rabbits a breeder sells per year is 68 ( 2004 RES Breeder Survey).**

## 2) Limiting sales of show breeding stock-the \$500 limit

I believe the USDA is in error regarding regulation of show/breeding stock sales between breeders. The AWA states animals used in “research, teaching, testing, experimentation, exhibition, or use as a pet” are regulated activities. Under exhibitor they say this term includes carnivals, circuses, animal acts, and zoos. However it also states what is excluded, retail pet stores, state and county fairs, livestock shows, purebred dog and cat shows, and “any other fairs or exhibits intended to advance agricultural arts and sciences as may be determined by the secretary.”

So the way I interpret it is showing rabbits is not included in the USDA's definition of exhibitor or exhibition. Breeding rabbits for show is not specifically mentioned as regulated by the AWA. In addition purebred dog and cat shows are specifically exempted under “exhibition” as well as livestock shows. A rabbit show is the same basic thing as a purebred dog or cat show or could be viewed as a livestock show.

**The primary purpose of breeding show rabbits is to improve and perpetuate a line of show winning rabbits. The primary purpose is NOT to produce pet rabbits.** Therefore sales between breeders of rabbits for show or show breeding stock should not be regulated because it does not fall under the AWA scope of regulating animals used in “research, teaching, testing, experimentation, exhibition, or use as a pet”.

The definition of dealer includes the terms “for research, teaching, testing, experimentation, exhibition, or for use as a pet”. In section 1.1 [http://www.aphis.usda.gov/animal\\_welfare/downloads/awr/awr.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/awr/awr.pdf) the definition of animal includes rabbit and says “which is being used, or intended for use for research teaching, testing, experimentation, or exhibition purposes or as a pet”. This definition does not include breeding for rabbit show purpose.

The definition of dealer adds a retail pet store exemption and also the no more than \$500 gross income in sales of animals. If the purpose of the AWA is to regulate those selling for the purpose of research, teaching, testing, experimentation, exhibition (but exempting purebred cat or dog shows) or use as pets I do not see how the \$500 limit can be applied to rabbit breeders whose primary purpose is to breed rabbits for show and in the course of that activity sell rabbits to other show rabbit breeders for use as show or show breeding stock. There should be no gross income limit of \$500 for USDA licensing applied

to sales between show breeders as these are not sales for research, teaching, testing, experimentation, exhibition, or use as a pet.

During the conference call between the USDA and stakeholders on May 10, 2012

([http://saova.org/news/APHIS/Aphis\\_May\\_10\\_2012.pdf](http://saova.org/news/APHIS/Aphis_May_10_2012.pdf)) Tina Perriquet US Working Dog Foundation asked a question about working dogs and Dr Rushin answered “One key provision in this regulation is that dogs are used as pets. We do not consider working dogs to be used as pets so they are not covered under this regulation.” So I do not see why a rabbit breeder selling rabbits to be used as show or show breeding stock should be regulated under the proposed rule or limited to \$500 gross income without a USDA license. If concessions are made for some animals it should be applied evenly and fairly to all species. If a working dog is not viewed as used as a pet then it is logical to state rabbits used for show or breeding for show are not used or intended to be used for pets and thereby be exempt from regulation.

Further sales between rabbit breeders of rabbits to be used as meat or fur breeding stock should also not be regulated and limited to \$500 gross income to be exempt from licensing. Under the AWA it allows exemptions for animals “used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.” Rabbits sold as meat or fur breeding stock should be included in this exemption.

Furthermore it can be logically argued that breeding show rabbits also can fit into this exemption. Breed standards used to judge show rabbits include points not only on fur and condition but qualities such as fullness of hindquarters and proper body type (ARBA Standard of Perfection). Does this not work towards some of the exemptions under farm animal? Such as “improving animal nutrition, breeding, management, or production efficiency”?

3) The \$500 exemption was originally written into the AWA in 1966 however that amount has never been adjusted for inflation. In today’s dollars the exemption should be \$3,550 (coinnews.net inflation calculator using US government provided CPI).

4) In addition to a lack of adjustment for inflation the USDA would give dog breeders a much higher exemption dollar amount by exempting those with 4 or fewer breeding female dogs. The USDA proposed rule docket discusses 4 breeding female dogs would average 30-60 puppies per year. A look at newspaper classified ads from Albany NY reveals the average sale price of a pet dog is \$630 (Times Union pet classifieds 2012) While for rabbits pet sales average \$19 (Rabbit Education Society survey), auction sales \$2-\$5, sales to pet stores \$5, meat sales \$0.50 to \$1.75 per lb (from NYS pamphlet on effects of state legislation 2012).

30-60 puppies per year to be exempted from USDA regulation means \$18,900-\$37,800 in gross income, in just pets, it is presumed breeding/show dogs would go for a higher price. Yet USDA is saying rabbit breeders can only make up to \$500 gross income per year to be exempt. This is unfair.

5) Under section 2.1(a)(3)(ii) the USDA wants to change the current wording from “any person who sells or negotiates the sale or purchase of any animal except wild or exotic animals, dogs, or cats, and who derives no more than \$500 gross income from the sale of such animals to research facility, an exhibitor, a dealer, or a pet store during any calendar year is not otherwise required to obtain a license” to delete

research facility, an exhibitor, a dealer, or a pet store. This section has been interpreted by rabbit breeders to mean that only sales to research facilities, wholesales to dealers or pet stores, or to businesses such as a petting zoo was regulated and limited to \$500 per year. Removing those key words and interpreting the AWA to regulate sales between show breeders of show/breeding stock will mean the USDA will be licensing 20,000 (latest figure for ARBA membership) or more hobby rabbit breeders (not everyone show breeding belongs to ARBA).

As stated in the USDA 2002 Rabbit Industry report unlimited sales of pet rabbits is not regulated by the USDA, this appears under commercial rabbit breeder in their flow chart as well as under Hobby, show/fancy (pg 9-10) however USDA is saying that sales between show breeders which are not intended to be pets or produce pets but rather show/breeding stock for hobby show breeders own use is limited to only \$500 per year gross income without a USDA license. This simply does make logical sense to me especially when the AWA states animals used in "research, teaching, testing, experimentation, exhibition, or use as a pet" are regulated activities but does not include breeding rabbits for show purposes.

6) According to the USDA 2002 Rabbit Industry report ARBA membership was 31,000. Since 2002 ARBA membership has plummeted to 20,000. If the USDA regulates sales of show/breeding stock by rabbit breeders this will negatively impact the ability of show breeders to purchase stock to improve their herds and bloodlines. The only way to bring qualities into your bloodlines that do not currently exist is to purchase stock from other show breeders. The only way new show breeders come into existence is by purchasing stock from show breeders. Youth will also be negatively impacted if there are fewer adults who can sell them show/breeding stock or more breeders get out of showing rabbits due to the hardship caused by trying to comply with USDA regulations and limits on selling show/breeding stock. There will also be an issue with having a limited gene pool. Many breeds of rabbits are not that popular as it is, regulating breeding stock sale will limit gene pools more and likely destroy rare breeds.

A rabbit breeder reports that the USDA wants to "stop large shipments of rabbits from bunny mills being shipped sight unseen through internet sales" (SRPS facebook page May 29 2012). Pet rabbits are not in great demand so there probably aren't "bunny mills" selling in mass quantities to pet owners. Given the high cost of shipping rabbits and their low pet prices it is extremely unlikely any rabbit breeder is engaging in shipping pet rabbits sight unseen to any pet buyer.

The only ones buying and having rabbits shipped to them are show rabbit breeders trying to bring in outside bloodlines to improve their herds. Or show rabbit breeders shipping show rabbits to their breed's National show or the ARBA convention. Both of these activities are extremely important for the continuation of show rabbit breeding. Breeders need access to gene pools so as not to over inbreed and produce problems. The only way to have access to unrelated gene pools is by importing rabbits from great distances. This is done via shipping breeding stock to a breeder or attending and purchasing stock at a breed national show or the ARBA convention.

Under the USDA proposed rule rabbit breeders would be unable to sell and ship stock to other show breeders or to sell at a national or convention without a USDA license, or be limited to \$500 gross income per year without a USDA license. The breeding stock is not going to be used or intended for use



as pets or to generate pets it's purpose and intended use would be to improve a show breeders herd of show rabbits to be used for show purposes.

Also the term "bunny mill" is meaningless. People and organizations opposed to breeding rabbits use the term but it has no real definition or meaning. There is no evidence that "bunny mills" even exist and no evidence that these boogey men are selling pets over the internet sight unseen. In a letter posted online from a vet involved with the House Rabbit Society, Dr Brown, referencing a confiscation of a rabbit breeder's herd stated the breeder didn't appear to be a "rabbit mill" which in her mind breeds strictly for sale to pet stores. The HRS opposes all breeding of rabbits as well as their use for meat, even they recognize that the only way to make money selling rabbits is to mass produce pet rabbits for sale to pet stores. This is NOT what the goal of breeding rabbits for show is. Selling over \$500 per year to pet stores or pet dealers would require a USDA license so commercial pet rabbit breeding is already regulated by USDA. Again the \$500 figure has never been adjusted for inflation.

7) The reality of show rabbit breeding is that it is strictly a hobby. As per USDA's 2002 report on the Rabbit Industry "The rabbit industry is composed of many groups each with differing production goals. Rabbit production can be commercial, for profit, with the rabbits being used for meat, as pets, and for laboratory purposes. **Rabbit production can also be a hobby and the rabbits are raised for the show circuit, home consumption, pet sales or as 4-H animals.**"

-The expenses associated with showing rabbits including show entry fees, gas to travel to shows, etc prevent any profit. Even those who travel and sell show stock at breed National shows and the ARBA convention show need to invest money into getting their entry and for sale rabbits to the show as well as hotel fees, food, etc.

-the time needed to watch babies develop to even determine if they would work for show or breeding means pet owners aren't offered the desirable 8 week old babies so the breeder loses most pet sales. Also since pet stores want 4 week old babies (USDA 2002 report) the show breeder misses out on that opportunity to market culls.

-the Rabbit Education Society in a series of breeder surveys asked how is the demand for pet rabbits? Hobby breeders answered: 56% said low, 30% medium, and 13% high. Many show breeders find few pet owners willing to buy from them, it is far easier to find a nearby pet store than find a rabbit breeder.

Also from a RES breeder survey 64% of hobby breeders said they lose money selling rabbits, 29% break even, and 7% profit. In a more recent breeder survey dated 2004 89% responded they lost money, 3% break even, 7% profit. The average sales price of breeding stock was \$31-\$61, pet sales price \$13-\$19.

8) Pet sales:

In the USDA 2002 Rabbit Industry report it states "**Pet rabbits are raised and sold to wholesale dealers or directly to pet stores.**" Page 18 discusses the commercial production of pet rabbits. The USDA report says commercially produced pet rabbits are most often sold through pet stores and requested to be four weeks of age. In addition it states older rabbits and larger breeds are less desirable for pet stores. The report also states that in 2000 total pet population in the US was estimated to be 353 million, of that

5.28 million were rabbits, 68 million were dogs and 73 million were cats. Again number of pet rabbits, 5 million, they simply are not popular pets.

Page 20 discusses show rabbit breeders and 4-H. In 2000 95,892 youth were enrolled in the 4-H rabbit & cavy program. If the USDA plans to so restrict sales of show rabbits and other outlets for culls many of those over 95,000 4-Hers would also require USDA licenses, how that works for USDA requiring a licensee be 18 or older I don't know.

In the 2002 USDA Rabbit Industry report it states information from APPMA shows 33% of pet rabbits were purchased at a pet store. 13% from a friend or relative, 13% from previous or private owner, 6% bred at home, 6% from a humane society. The USDA report states the average purchase price for a pet rabbit is \$20-\$35. Again reference average dog price in newspaper classified, \$630....average pet rabbit price \$20-\$35.

The Rabbit Education Society reports on two experiences with commercial pet rabbit breeders. One was a petstore with 2 locations which bought 600 rabbits per year from one breeder. The second was a man and his father and friend who supplied several pet stores in a 5 county area with 1,000-1,500 rabbits per year and paid \$5 per rabbit gross income of \$5,000 to \$7,500 per year.

According to a 2004 Breeder survey the average number of rabbits sold by a hobby show breeder is 68. The average number a hobby show rabbit breeder sells to a pet store is 18, 53% of breeders responded they do not sell to pet stores (RES 1998 breeder survey).

### **Effect due to proposed rule change:**

The USDA plans to exempt pet sales if all are sold from the business or residence, selling even just one pet outside your property requires a USDA license. For rabbits this means pet sales are unlimited if buyer comes to your property. However sales of breeding stock would be limited to \$500 without a USDA license. Suppose a breeder comes to your house and buys breeding stock, is that unlimited like a pet sale or limited to \$500 period? Ask USDA.

Rabbit breeders do have some concerns, for one many are now meeting buyers outside their property over a very real fear of being attacked by animal rights activists who are opposed to all breeding of rabbits as well as their use for meat. In NY 2012 a rabbit breeder was targeted by activists who planned to go to the property at night and steal their show rabbits. Another show breeder in CA who is very prominent was visited by activists posing as pet buyers (2012). They photographed her rabbits and put up a website describing her as a "bunny mill".

Allowing buyers into your home to sell a pet rabbit means you are allowing a stranger into your home and are not aware of what their true motives may be. Could they be casing your house and planning a robbery? This not only could be activists but plain old thieves. Several years ago a dog breeder was murdered and her unborn child cut out of her body by someone posing as a buyer. Many rabbit breeders are women, could they be targets for a rapist if they are mandated to sell every rabbit from their home.

Another area of critical concern is animal health and bio-security. Requiring all sales occur from one's home means you are inviting disease into your rabbitry that may have a deadly impact to your herd. After VHD outbreaks in the US rabbit breeders were advised to close their rabbitries and not allow visitors where the rabbits are. VHD is not the only rabbit specific disease that visitors could be bringing into a rabbitry. One RES member brought up the USDA's own recommendations on bio-security:

*We also raise chickens and I believe that the USDA is recommending that people who raise chickens do not allow people to walk into their barns or growing areas as a matter of biosecurity. this makes perfect sense to me and I don't think raising rabbit should be any different. This statement was copied from the Aphis fact sheet March 2007 which is posted online:*

*"Common Sense Biosecurity Measures You Can Follow*

*The following do's and don'ts provide some basic tips for you to help prevent foreign animal disease outbreaks.*

*1. Keep Your Distance*

*Restrict access to your property and your livestock or poultry, and post a sign. Have one area where visitors can enter. Do not allow visitors near livestock or poultry unless absolutely necessary..."*

Also anti-breeding organizations such as HSUS and ASPCA are already asking that breeders be required to allow open access to their property for all potential buyers under the proposed rule. Again this would be a mistake because even breeders should have privacy rights. And as noted above the potential buyers could have ulterior motives and you do not want them allowed full and free access to your home or property. And then there is the bio-security issue.

In addition many insurance companies will cancel your home owner's policy if you have people come to your property to purchase animals. Some pet buyers simply live too far away and it works better if they can meet a rabbit breeder at a show. The added benefit is at the show there will be multiple judges and a registrar as well as other breeders who could inspect the potential purchase for the buyer. Again there is face to face contact prior to purchase so if that is the USDA's goal a rabbit show works well.

It should also be noted that rabbit shows are a place where show rabbit breeders gather to have their animals evaluated by an ARBA licensed judge. These are not sales shows such as what one can find at craft shows, boat shows, gun shows, etc. The primary purpose is to have rabbits evaluated by a licensed judge, placed and awards for excellence provided. Because breeders are coming from great distances to attend these shows it has been easy to bring culls along to offer for sale to other breeders as show or show breeding stock. This is the life blood of show rabbit breeding, the ability to gather and exchange breeding stock to improve one's herd as well as move culls out of the rabbitry.

When show season is in full swing there can be a show every weekend or even multiple shows breeders attend over two days. Due to the cost of gas and travel this doesn't leave resources for the show breeder to travel to a breeder's rabbitry to buy stock. This is why breeders bring culls to the show for sale. If breeders are restricted by how much they can sell at a show it hurts the breeding community as a whole. Mandating that show/breeding stock only be sold from the breeder's home to not be USDA regulated creates a hardship and again these are not rabbits intended for use as pets.

It seems rather rigid to mandate all pet sales must occur from the breeder's property otherwise they require a USDA license. While pet owners sometimes show up at a rabbit show it is not that common. Sometimes a pet owner will meet a breeder at a show because the show is closer than the breeder. If the USDA wants face to face contact by buyer and seller and inspection of the animals offered for sale prior to the sale there is no logical reason to restrict pet or breeding stock sales at rabbit shows.

## Auction Sales

Because the proposed rule changes the direct to owner sales aspect of USDA licensing it also impacts sales to auctions. Sales to auctions have been viewed as direct to owner therefore exempt, but the new rule eliminates the direct to owner exemption unless it is done from your property. So how will this impact auction sales? Limited to \$500 per year? Ask USDA. USDA needs to understand that for many rabbit breeders the auction serves an important purpose of disposing of culls. If that is removed it makes disposing of culls difficult. People who buy at auctions are allowed to inspect the rabbit prior to purchase meeting the USDA's "face to face" angle. Those who buy include people buying for meat, other breeders, 4-H, pet store owners and dealers, rabbit rescue, and in some cases pet owners. The breeder has no control over who buys the rabbit but the intended purpose is the breeder needs to get rid of the rabbit and no other outlet has been found at this point.

## Misc:

-Include a cost analysis on what it would cost you to come into USDA compliance and send that to them

-If confused about the affects of this rule on you include a specific question. For example you ship breeding stock to other breeders ask is that regulated. Example: I breed rabbits for show and several times a year I air ship some show/breeding stock to another rabbit breeder, these are not intended as pets, is this regulated? Explain what regulating that activity will mean to you, you will cease breeding stock sales, you cannot afford the cost of USDA licensing, etc be specific as to the activity and the effect if you would be required to be USDA licensed.

-The proposed rule may also impact you if you raise other regulated animals besides rabbits. I have included links to other groups representing other species.

## Breeder's Speak out

Some show rabbit breeders who are members of RES have expressed their concerns and how this rule plus the current view that show/breeding stock is regulated impacts their hobby:

- Breeder A: I'm still uncertain if the \$500 includes sales of fryers to a processor ? It really adds up fast selling meat rabbits.

The sales of Good show stock also adds up quickly... especially in some of the Rare breeds.

In this day of wack-os ... I am not eager to have strangers on our property. Then to have someone say they want to "inspect the rest of the rabbits"... no... I would rather ship the lot for meat ! I very much Agree that sales At A Show is about the best way to sell a rabbit.

-Breeder B In 2011, I made \$2,800 in meat rabbits, some sold live to a (restaurant)broker (off site of my residence), some shipped whole frozen to zoos/dog food operations (sent from my residence, some delivered). About 3/4 of these animals I raised, 1/4 I purchase from other meat breeders, live. I bought \$623 in other breeder's meat animals in 2011.

For show animals, I typically sell my animals for \$100-150 each, I sold \$1925, I bought \$1250 in 2011. I do not sell pets. I currently have one breed, and 40 breeding does in constant production, approx 75 holes. In the coming year I will be focusing more on selling meat animals and few/no show animals to stay under the \$500 exemption.

-Breeder C cavies....sell to pets/wholesaler....\$5 each...usually sell 20-50 a year....that's \$100-\$250 a year.

.....show stock.....\$20-50 each....may sell 10-20 a year...( low figure)...\$200-\$1,000 a year.... so totals...we could sell anywhere from \$300-\$1250 a year ! and this was just for a high school kid ! Of course, there was food, bedding, carriers, waterers, etc...to buy...travel expenses... these are not high quantity of animals in a year.....if we take the highest number...that would be about 70 per year....out of animals that produce 6-8 per litter....so...10 litters in one year....not even one litter per month.

Rabbits would be even more pricey, depending on your breed....we did once pay \$50 for a mini-rex buck....Hollands would go even higher.

-Breeder D I have been selling for pets to local pet stores, and to breeders. Typically my stock is around 125 dollars each for grand champion animals, and 10 dollars each per pet. I've already sold 900 dollars worth of rabbits and I only keep a herd of 14 animals. That's right....14. In addition, I raise silver fox for meat and pay to have them processed for me. I have a few friends that use the meat for their dogs and I eat the rest for me and my family and friends.

-Breeder E My second objection is the security of my property and our personal safety. In our area several people have had valuable items stolen from their property after listing farm and garden items on craigslist. We have a very small operation at our home and I don't feel that it is safe to allow anyone that say they want to buy a rabbit to come into the house and look around.

I am absolutely opposed to rescues being exempt from any animal welfare standards. Rules that are truly necessary for the health and well being of domestic rabbits should apply to all domestic rabbits without exception.

-Breeder F The \$500 limit in selling effects me and all breeders to a very great extent. I do a lot of selling. I sell to my friends. I have always

been careful not to go over the \$500 limit on pet selling to pet stores. That was easy as they are usually sold for about \$10. BUT selling to my fellow breeders is entirely different as these are show quality rabbits, not culls. I am sure I have already reached \$500 this year selling show quality stock. This limits our ability to get new breeding stock and sell to 4 hers. Selling helps us pay for our feed and other expenses. Selling at shows is an important part of the show experience.

## References & Links for further reading:

- --Transcript of APHIS Stakeholder Teleconference Call concerning the Proposed Rule, May 10, 2012 [http://saova.org/news/APHIS/Aphis\\_May\\_10\\_2012.pdf](http://saova.org/news/APHIS/Aphis_May_10_2012.pdf)
- -Suggestions for what to put in USDA comments from SAOVA [http://saova.org/APHIS\\_comments.html](http://saova.org/APHIS_comments.html)
- -USDA 2002 Report on Rabbit Industry [http://www.aphis.usda.gov/animal\\_health/emergingissues/downloads/RabbitReport1.pdf](http://www.aphis.usda.gov/animal_health/emergingissues/downloads/RabbitReport1.pdf)
- Current USDA regulations: [http://www.aphis.usda.gov/animal\\_welfare/downloads/awr/awr.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/awr/awr.pdf)

The Animal Welfare Act

[http://www.aphis.usda.gov/animal\\_welfare/downloads/awa/awa.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/awa/awa.pdf)

- The Animal Welfare Act and the USDA: “For more than a quarter of a century, APHIS has enforced the Animal Welfare Act (AWA) to protect certain animals from inhumane treatment and neglect. Congress passed the AWA in 1966 and strengthened the law through amendments in 1970, 1976, 1985, and 1990. APHIS administers the AWA, its standards, and its regulations.” This link has a history of amendments and rule changes made to the AWA: [http://www.aphis.usda.gov/animal\\_welfare/downloads/awa\\_leg\\_history.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/awa_leg_history.pdf)
- Article being referred to as “transcript” of SRPS-USDA teleconference June 1 2012 <http://showrabbitlegaldefense.blogspot.com/2012/06/full-notes-from-usdaaphis.html>
- -Rabbit Education Society //rabbitedsociety.webs.com
- American Kennel Club <http://www.akc.org>
- The Cavalry Group <http://www.thecavalrygroup.com/letter1.php>
- National Animal Interest Alliance <http://www.naiaonline.org/articles/article/the-usda-proposed-rule-and-you>
- Pet Industry Joint Advisory Council (PIJAC) [http://capwiz.com/pijac/issues/alert/?alertid=61421501&queueid=%5Bcaâ€¢pwiz%3Aqueue\\_id](http://capwiz.com/pijac/issues/alert/?alertid=61421501&queueid=%5Bcaâ€¢pwiz%3Aqueue_id)

- Sportsman's And Animal Owners' Voting Alliance (SAOVA) <http://saovanews.blogspot.com/2012/06/call-to-action-comments-needed.html>
- Texas Outreach and Responsible Pet Owners Alliance [http://www.rpoatexasoutreach.org/Action\\_Alerts/ENewsMsgUSDA\\_APHISproposedregs2012.df](http://www.rpoatexasoutreach.org/Action_Alerts/ENewsMsgUSDA_APHISproposedregs2012.df)
- United Kennel Club <http://www.ukcdogs.com/WebSite.nsf/WebPages/ComDogRtsJuly12>
- Virginia Federation of Dog Clubs <http://www.virginiafederation.org/will-it-affect-you>

## Regulating Shelters & Rescues

Organizations that represent the shelter and rescue industry such as HSUS and ASPCA are asking that shelters and rescues be given a total exemption from USDA licensing rules. The proposed rule would also require all shelters and rescues to sell only from their property or obtain a USDA license. This part of the proposed rule I totally support. If it really is about animal welfare and providing proper care there is no logical reason to exempt shelters or rescues who sell animals out of pet stores or other locations. Be sure to add a comment to the USDA that shelters and rescues who operate like pet dealers-selling from or to pet stores, importing/exporting animals, etc be regulated under the USDA. The following is some quick references to use to argue the point.

<http://www.petside.com/article/puppy-mills-shelter-pups-retail-pet-shops-get-program>

From Puppy Mills to Shelter Pups: Retail Pet Shops Get with the Program by Kiri Blakeley :

*Some pet stores converting from selling puppy mill dogs to selling adoptable dogs from shelters.*

*many large pet stores, such as Petco and PetSmart, have long donated floor space to local rescue groups for adoption events. But pet shops that have previously relied on selling puppy mill pups to turn a profit--often retailing them for hundreds of dollars---are now pulling pets from high kill shelters and adopting them out instead.*

*Best Friends, the famous animal sanctuary located in Utah, has helped almost 40 pet shops in the U.S. convert to adoption-only stores through its Puppy Mill Initiatives program.*

*While the shelter dogs most likely won't get the same price as a puppy mill pup did, there's still a mark-up over a shelter. Many converted pet shops set an animal's price depending on its age and desirability, with the young puppies going for more. Still, while one can get a shelter pup for less, many people are willing to pay a premium for the convenience a pet shop offers. And for those people who find it emotionally difficult to go to a shelter, a converted store can offer an easier experience.*

*But pet shop owners aren't experienced adoption representatives, and while their animals may have changed from puppy mill pups to shelter pups, an owner's mentality may not have converted as well.*

*For instance, I recently visited a converted pet shop that, until about a year ago, sold only puppy mill pups. My friend, who was interested in adopting a small dog asked the owner about a certain pooch. "What's the adoption process?" he inquired. "I can tell you're a nice person," the owner replied. "So just let me know when you want to take the dog home."*

*<<http://www.republican-eagle.com/event/article/id/80747/>> The Humane Society of Goodhue County had a one-day petting zoo and photo shoot at its shelter on Bench Street. 15 visitors and staff members have been identified so far, all with symptoms consistent with "crypto" infection, according to a release from Goodhue County Health & Human Services.*

<http://huntsvillefriendsofrabbits.blogspot.com/2011/02/petco-and-petsmart-adoption-days.html>

#### **Wednesday, February 2, 2011 Petco and Petsmart Adoption Days**

*We had adoptions days at Petco and Petsmart this past Saturday. Christy and I started out at Petsmart, and Heather set up at Petco.*

**Petsmart website: PetSmart has chosen not to not sell dogs or cats and instead we join forces with [PetSmart Charities](#) to help save the lives of pets through adoptions. Many homeless pets are purebred, so even if you're looking for a particular breed, our adoptions program can help you find your next best friend. Pets' Lives saved since 1994 by PetSmart and PetSmart Charities**

**4,924,024**

#### **Adopting In Store**

You can find adoptable cats every day inside all PetSmart stores and adoptable dogs are available most weekends

### **Nearly 10,000 Dogs and Puppies Took the Ride of their Lives Aboard PetSmart Charities'® Rescue Waggin'® Vehicles in 2011**

PHOENIX (February 22, 2012) —

Every day, overcrowded animal shelters look for new ways to save the lives of homeless pets. In 2011, PetSmart Charities' Rescue Waggin' program transported 9,541 dogs and puppies from communities with high pet populations and euthanasia rates to shelters with exceptional adoption programs and more adoption space for pets in need of homes.

Since its inception in 2004, the Rescue Waggin' program has saved the lives of more than 52,000 dogs and puppies. It's the first and largest national pet transport program in the U.S. and has been labeled the "gold standard" for pet transport by veterinarians and national humane organizations. The program has expanded from one site in 2004 to 60 shelters in 22 states with four routes today: East Coast, Midwest, Great Plains, and the South Central states region.



## **16,307 Pets Found Unconditional Love During PetSmart Charities® National Adoption Weekend**

PHOENIX (February 15, 2012) —

More than 16,000 pets found a forever home during the most recent PetSmart Charities® National Adoption Weekend, just in time for Valentine's Day. The event was held in partnership with nearly 2,000 animal-welfare organizations throughout North America, Canada and Puerto Rico.

Held last week in all 1,210 PetSmart® stores in the United States, Canada and Puerto Rico, every adoption benefitted participating local shelters and rescue agencies because each received \$35 in adoption-reward grants from PetSmart Charities for every pet they adopted during the event.

Petco already has "strong relationships" with about 70 rabbit adoption groups, including the Minnesota Companion Rabbit Society and the San Diego House Rabbit Society, according to its release.

## **For Sale No More: Petco Adopts New Rabbit Policy**

December 10, 2008 | By Pet Pulse Staff Reports

Petco has announced it will stop selling rabbits in its stores at the beginning of 2009. (Pet Pulse Illustration by Tim Mattson)

NEW YORK -- Petco is now hopping to a different tune, as it announced it will cease rabbit sales, and only facilitate adoptions, after Jan. 1, 2009.

All of the rabbits in Petco stores at the start of the new year will still be eligible to find forever homes, just through an expanded adoption program.

The franchise will seek to further these relationships, as well as establishing additional partnerships to assist in facilitating more adoptions.

<http://www.mnhouserabbit.org/adoption/petcoprogram.html>

even though we only had three stores housing rabbits for most of 2004, 42 of our 81 adoptions are attributable to PETCO! Only 13 of those were "in store" adoptions where the rabbit was resident in PETCO at the time of adoption.

## **East Bay Rabbit Rescue: Adoption Events Saturday, June 16 (12 to 3 pm) at the Dublin Petco & Walnut Creek Petco**

<http://about.petco.com/2008/11/Petco-moves-to-adoption-only-for-rabbits/>

## **PETCO Moves to Adoption-Only for Rabbits**

We're very excited to announce that PETCO is expanding adoptions of rabbits in all of our stores nationwide!

As part of our commitment to saving more animal lives, we're phasing out the sale of rabbits in stores where we now sell them, and reaching out to rabbit adoption groups to join with us in finding forever homes for more rabbits in those stores and all of our stores across the country. We're looking forward to expanding our existing relationships with the many adoption groups we're already working with, and pleased to offer this important opportunity to rabbit rescue groups nationwide.

### **What does USDA regulation entail<sup>1</sup>:**

#### **Some key points/opinions**

1. When regulated, all of the information about you and your rabbitry is considered public information once it is in the hands of the USDA.
2. Information, such as your name, address, inspection reports, etc., is posted freely on the USDA website for all to see. Reports are posted even if there is an immediate correction made. Animal rights groups/activists data mine these reports on a regular basis.
3. You must be available for an unannounced inspection anytime USDA shows up during "business hours" and will be cited if you are not.
4. The AWA regulations and enforcement process are filled with complexity, individual inspector interpretations, government bureaucracy, etc. that we do not want to have to deal with as hobby breeders.

Information to look up USDA inspection reports on a couple rabbitries:

<http://acisearch.aphis.usda.gov/LPASearch/faces/CustomSearch.jspx>

**Rogers Rabbitry - Customer No: 39327, Customer No: Certificate # 63-A-0168**

**Carolyn Barnetts Rabbit Ranch - Customer No: 35501, Certificate No: 58-A-0266**

USDA has a 370 page inspection guide it recently revised that its inspectors use as a guideline when inspecting facilities. It can be found at:

[http://www.aphis.usda.gov/animal\\_welfare/inspection\\_guide.shtml](http://www.aphis.usda.gov/animal_welfare/inspection_guide.shtml).

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<sup>1</sup> Courtesy of Brian Bell June 2012

For those not familiar with the Animal Welfare Act (19 pages) and the Animal Welfare Regulations (136 pages), they can be viewed at <http://awic.nal.usda.gov/government-and-professional-resources/federal-laws/animal-welfare-act>