

Michigan HB 4663 – Koda’s Bill (Pound Seizure Bill)

Fact Sheet

- 1. This legislation will not prevent life saving biomedical research. For those facilities that still wish to utilize animals, this bill will still allow animals to be obtained. For facilities utilizing alternative non-animal techniques, this bill does not impact that research.**

This bill permits researchers access to genetically diverse and purpose-bred animals from a variety of legal sources, including: (1) Class A dealers that breed animals for research, (2) individuals who donate their pets for research, and (3) research facilities with breeding programs. The bill simply cuts out the Class B dealers “middlemen,” who have been investigated for acquiring “random source animals” from questionable sources (these include USDA investigations on stolen animals) and then sell them, often for hundreds of dollars each, to laboratories. It also stops shelter animals from being used for experimentation, many of which are lost and/or abused pets.

- 2. The issue with this bill is not the value of medical research, but the practice of allowing Class B random source animal dealers to obtain shelter cats and dogs for research. In recent years, research and training facilities have moved away from live animal research toward simulated or in-vitro research techniques. An even greater number are choosing not to use shelter animals supplied by Class B dealers.**

According to the Physicians Committee for Responsible Medicine, in 2008 the last U.S. medical school using dogs for medical education ceased this practice. Currently, 149 of 157 U.S. and Canada medical schools do not use any live animals for education, and 188 of 202 surveyed programs do not use live animals for Advanced Trauma Life Support (ATLS) courses. Every medical school and ATLS program *in Michigan* has ended live animal use for these purposes. In fact, in February 2009, the University of Michigan stopped the use of shelter dogs obtained from Class B dealers in its ATLS program. Many research and training institutions, including all Department of Defense programs and the intramural research program at National Institutes of Health have stopped using random source dogs and cats (pets commonly from animal shelters, found as strays, or other unverified sources). In 2008, following recommendations from the National Research Council of the Academy of Sciences, three national governmental agencies (Environmental Protection Agency, the National Toxicology Program and the National Institutes of Health) signed a memorandum of understanding to replace the use of animals with in vitro methods for chemical safety testing.

- 3. USDA has increased inspections of Class B dealers to include quarterly on-site inspections because they are deemed a “high risk” due to concerns about pet theft. These inspections include a “trace back” procedure that has verified that some random source animals were improperly obtained. Illegality and abuse are so rampant among Class B random source animal dealers that the number of USDA-licensed dealers decreased through enforcement from 100 in 1993 to only 10 in 2009.**

A USDA director has confirmed that, “We use a risk-based inspection system (RBIS) to target our inspections. RBIS encourages frequent inspections at types of facilities that, in our experience, have more problems and fewer inspections at types of facilities with consistent compliance. Random Source Class B Dealers are considered high risk in RBIS and are inspected at least quarterly. We had 10 licensed Random Source Class B Dealers in FY2008 and conducted 74 inspections. Five of the 10 licensed Random Source Class B Dealers have compliance issues that are under review.”

As an example of the nature of the Class B random source animal business, a 2006 HBO documentary called *Dealing Dogs* exposed similar illegal actions of C.C. Baird, an Arkansas Class B Dealer. An undercover investigation by Last Chance for Animals revealed that stolen animals were found being



brokered by C.C. Baird, a Class B Dealer whose facility was shut down after subsequent criminal prosecution. Over the five month investigation, footage revealed that Baird paid “bunchers” (people who collect animals) to steal family pets or fraudulently acquire dogs and cats from “free to good home” ads. Baird faced felony charges relating to money laundering and mail fraud, and was charged with hundreds of violations of the Animal Welfare Act. Responding to the need to eliminate such illegal activities of Class B Dealers, the USDA authorized a Standard Operating Procedure in 2008 to strengthen inspections. There have been several examples where family pets, with identification tags, have been in the possession of two random source Class B dealers in Michigan. These include:

- In the Fall of 2008, a dog named Rusty was in the possession of a Michigan B dealer and had an identification tattoo. The dealer contacted the tattoo registry, but was uncooperative and gave a false name to the registry. The tattoo registry identified the caller as a Michigan B dealer through their caller id and located Rusty’s actual owner, who lived in Florida and reported that Rusty was stolen from his front yard in 2005. Rusty was eventually retrieved from the B dealer and is now safe.
- In 2005 the rabies identification tags were removed from a dog named Conan and thrown away by the dealer who seized the dog from Jackson County Animal control. The family traced Conan to a New York laboratory where after an experiment he was killed. No one had contacted the family to retrieve Conan.
- In 2005, a dog named Echo was stolen from his yard in Fayetteville, AR and traveled through 5 states before ending up at a research facility in Minnesota. Echo was in the facilities of two Class B dealers (Michigan and Missouri) and neither scanned him for an identification chip. The research facility scanned Echo, located a microchip and returned Echo to his family.
- In 1993 a dog named Sam from Ionia County was improperly obtained from the county shelter and concealed from the owner by a Michigan B dealer. Through a police investigation, Sam was eventually returned to his owner. A lawsuit filed by Sam’s owners against a Michigan Class B dealer and others resulted in the Judge Enslin of the U.S. District Court – Western District of Michigan stating in an opinion, ”According to the allegations, the [Class B dealer was] operating their business by paying the county animal shelter workers to illegally deprive pet owners of their pets by dispensing with the pets prior to the expiration of the legal holding period. Proof of these allegations’ truthfulness is found in the report of the State Department of Agriculture, the testimony of the plaintiffs that the shelter workers confirmed that their pets were immediately removed from the shelter, and the alleged admissions of Woudenberg to the effect that he was cooperating with Seidelman in covering up the goings-on at the shelter.” (Opinion, Defendants’ Motion for Summary Judgment, November 1, 1995)

4. The USDA currently has insufficient resources to properly regulate Class B dealers. The USDA admits it spends too much of its limited resources in an attempt to regulate 10 random source Class B dealers who re-sell dogs and cats for research.

In a meeting held in January 2009 at the National Academies of Science, a USDA representative stated that USDA has prioritized its focus on Class B dealers because of allegations and investigations into “improperly obtaining animals”, but a loophole in the Animal Welfare Act prevents them from doing the necessary job no matter how much money they have. He stated, “The oversight of random source dealers is the single most important thing USDA does based on public and Congressional expectations. Random source dealers have always been an issue over the years, even with declining numbers of dealers and animals involved.” Each year, the USDA admits “it is expensive” to regulate 10 random source Class B dealers, who are each inspected in person more than four times yearly. In FY2008, there were 4200 Class A dealers (who breed animals) and 6300 inspections were conducted. But USDA oversees about 10,000 total licensees and registrants that are in need of inspection and oversight.



5. This bill will not put Class B Dealers and research facilities out of business. Random source Class B dealers and research facilities will still be able to conduct business by legally obtaining dogs and cats from other non-random sources.

Although this bill will prevent shelter animals, strays and other random source animals from being obtained for research, the bill still allows researchers and dealers to obtain animals from other sources. Since only 2 counties in Michigan practice pound seizure, it is overwhelmingly unwelcome in the state and a state-wide law is needed to finally end this practice. Nevertheless, this bill will not put Class B Dealers or research facilities out of business since there are other sources of animals available.

6. The National Animal Control Association opposes the practice of pound seizure, as do all national animal welfare organizations. Moreover, 17 states and the District of Columbia have passed laws banning the practice. Michigan communities are outraged when they learn that their local shelter provides animals for experimentation. This is why only two Michigan counties currently provide live animals to Class B dealers.

Although all but 2 Michigan shelters have banned pound seizure, this law is still needed to give Michigan communities a sense of security and trust in their local animal shelters. Given the economic difficulties facing Michigan families, thousands of pets are being surrendered to shelters. Their owners do so hoping that the pets will be adopted by people who are able to afford pet-care. However, many of these pets are now being utilized in experiments unbeknownst to their former owners. This is a betrayal of trust even in the best of economic times. Michigan law requires that citizens report stray dogs to county or city officials in order to be reunited with their family (MCL 287.308). It also encourages citizens to call in complaints of animal abuse or neglect so that the pets can be brought to the shelter for safe keeping. Yet people will not comply with those laws when they realize a shelter practices pound seizure.

In April 2009, American Humane conducted a survey on how people feel about pound seizure. Responses were received from 3044 individuals and responses included:

- “Would you bring a lost animal you’d found to a shelter that released unclaimed animals to research?” Over 97% of the people survey responded by saying “No.”
- “If there were a stray dog in your neighborhood, would you be LESS likely to report it to animal control if you knew it might end up in a research laboratory?” Over 91% of those surveyed answered “Yes.”
- “If you knew of an animal that was being abused or neglected, would you be LESS likely to report it to animal control if you knew it might end up in a research laboratory?” Almost 80% of those surveyed said “Yes”.
- “Would you donate money to an animal shelter that voluntarily sold or gave animals to laboratories?” Almost 98% of people surveyed said “No”.

Shelters with high euthanasia rates do not need to rely in pound seizure. There is a growing movement in the United States to reduce shelter euthanasia rates via increasing foster care programs, spay-neuter programs, education, volunteer and rescue services, and general outreach. These efforts have proven to increase adoptions, pet ownership, reduce euthanasia (all of which increases revenue and reduces costs). Lastly, as more research and training facilities move toward simulated and alternative research methods (see #2), animals bred for research will also decline in need.

7. Shelter cats and dogs that are given to the Class B Dealer are not unwanted pets, but are healthy and adoptable pets. Moreover, people are not informed that their pet could be sent to research.

Due to the recession, many people who love their pets are unable to care for them. People believe that an animal shelter is where you take your pet to find a new home. People may be informed that their pet could be euthanized, but they are *frequently not informed* that their pet could be used in experimental research. One Michigan dealer has stated, "I'm sorry, they may have been a pet at one time, but at the



point [a dealer] becomes involved, they are an unwanted, unclaimed animal about to be euthanized." That statement is simply false. This attitude is particularly egregious in our current economic climate where people are being forced to make difficult decisions, one of which may be to reluctantly relinquish a beloved pet in the hopes of finding a new home.

8. Utilizing former family pets in research has been overwhelmingly rejected by the citizens of Michigan and it betrays citizens' trust in shelters.

Shelter animals taken for research are former family pets that are the friendliest and most trusting because they are the easiest to handle during experiments. Taking these former family pets in this way angers communities and violates the growing body of research involving the human-animal bond. It also violates the purpose of an animal shelter to be a safe haven for animals.

9. Neither of the 2 shelters practicing pound seizure utilize the Michigan law that allows a maximum \$10 fee for each cat and dog sold into research. So pound seizure does not provide an economic incentive to those communities.

Of the two Michigan shelters that currently engage in pound seizure, both of them give cats and dogs **for free** to Class B Dealers. Both of the shelters engage in a quid pro quo agreement with the dealer where the dealer provides other "free" services to the shelter (such as dead animal body removal) in exchange for having his pick of the shelter and cats for research. This practice breeds concern about greed and whether the shelter will give preference to the dealer over an adoption or rescue of the pet. Such scenarios have been documented in several former pound seizure shelters in Michigan. Moreover, none of the shelters utilize the Michigan law (MCL 287.389) that allows a shelter to charge up to \$10 for each cat and dog sold to a dealer or research facility. Nonetheless, charging a fee would not bring a notable benefit to an economically-challenged shelter. According to records from the Michigan Department of Agriculture, there has been a significant decline in the past 5 years of shelter animals that have been given to Class B Dealers. In 2004, animal shelters gave 2344 cats and dogs to Class B dealers whereas in 2008 the number decreased to 721 shelter cats and dogs. Thus, at the \$10 per pet limit, the maximum that could have been earned statewide in 2008 was \$7,210. That amount is negligible and not worth the negative cost to society in maintaining pound seizure.

For more information, please contact:

Allie Phillips, J.D., Michigan Bar #P51251

Director of Public Policy for American Humane Association

(703) 836-7387 alliep@americanhumane.org

