

Michigan Pound Seizure Bill

2009 Legislative Session

Myths and Facts

1. **Myth: This legislation will prevent life saving biomedical research.**

Fact: This bill will still allow research and educational facilities to obtain animals purposefully-bred for research from Class A dealers.

This bill simply stops the practice of utilizing “random source animals” (strays, animal shelter pets, animals from auctions or from unverified sources) in research. It does not affect the interests of Class A dealers who breed animals to be utilized in research. For those researchers who want genetically diverse dogs and cats of various sizes and ages and unknown health histories, this legislation permits full access to all the legal sources to continue. Those sources include: (1) Class A dealers that breed purpose-bred animals and genetically diverse animals, (2) individuals who donate their pet for research, and (3) research facilities with breeding programs. The legislation simply cuts out the Class B dealers “middlemen,” who have been investigated for acquiring animals from questionable sources (including USDA investigations into 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 or abused/neglected pets that need protection.

2. **Myth: Research facilities need to conduct testing on live animals in order to improve the health of humans.**

Fact: In recent years, research facilities have moved away from live animal research toward simulated or in-vitro (test tube) research techniques. And an even greater number are choosing not to use shelter animals supplied by Class B dealers.

Many research institutions, including all intramural research 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, all university medical schools stopped utilizing live random source dogs in cardiology research and three National governmental agencies signed an agreement to phase out animal testing (Environmental Protection Agency, the National Toxicology Program and the National Institutes of Health). In February 2009, the University of Michigan stopped the use of live dogs in its Advanced Trauma Life Support course.

3. **Myth: There is not sufficient evidence that stolen animals have ended up with Class B Dealers or in research facilities.**

Fact: USDA has increased inspections of Class B dealers to include quarterly on-site inspections. These inspections also include a “trace back” procedure to verify the source of random source animals. Moreover, a documentary by HBO in the Spring of 2006 called *Dealing Dogs* exposed the illegal actions of C.C. Baird, an Arkansas Class B Dealer.

In an undercover investigation by Last Chance for Animals, stolen animals were found being brokered by C.C. Baird who was subsequently criminally prosecuted and his facility closed. Over the five month investigation, footage revealed that C.C. Baird paid bunchers (people who collect animals) to steal family pets or fraudulently acquire dogs and cats from “free to good home” ads. C.C. Baird faced felony charges relating to money laundering and mail fraud, and was charged with hundreds of violations of the Animal Welfare Act.

In the Fall 2008, USDA authorized a Standard Operating Procedure to strengthen inspections of Class B Dealers. Each dealer now receives a quarterly on-site inspection that includes tracing back animals to the original source. The trace back method is used to discover stolen or improperly obtained animals.



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.

- In 1993 a dog named Sam from Ionia County was concealed from the owner by a Michigan B dealer.
- 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.
- 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 Rusty, located a microchip and returned Echo to his family.
- 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 the true owner of Rusty. Rusty's owner lived in Florida and reported that Rusty had been stolen from his front yard in 2005. Rusty was eventually retrieved from the B dealer and is now safe.

4. **Myth: The USDA currently has sufficient resources to properly regulate Class B dealers.**

Fact: The USDA admits it spends too much of its limited resources in an attempt to regulate 10 random source Class B dealers who sell dogs and cats for research.

Each year the USDA admits "it is expensive" to regulate this small group of dealers, who are each inspected in person more than four times yearly--while the more than 10,000 other licensees and registrants in need of inspection and oversight may get only one inspection per year at best. 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 pet theft, 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."

5. **Myth: This bill will put Class B Dealers and research facilities out of business.**

Fact: Random source Class B dealers and research facilities will still be able to conduct business and legally obtain 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, including directly from breeders. Legislatures and governmental agencies (such as animal control shelters) are not established to ensure that private for-profit businesses stay in business. Instead, the legislature should be concerned with the wishes of its constituents in lieu of keeping dealers in business against the citizen's wishes. Since only 4 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. **Myth: Since most municipal animal shelters are overcrowded and must euthanize thousands of pets each year, allowing these shelter animals to be utilized for life saving research is a good use of resources that communities support.**

Fact: Communities in Michigan are outraged when they learn that their local shelter provides animals for experimentation which is why only four counties in Michigan currently provide live animals to Class B dealers.

Although all but 4 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 animals are being surrendered to shelters because the families do not have the money to support their beloved pet. Numerous family pets that slept with their human owners are now being caged and utilized in experiments. 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 is 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. These animals, who have already been victimized, can then be sold for experimentation. In 1988, American Humane conducted a survey on how people feel about pound seizure and the responses were overwhelmingly against the practice. For example:

- “Would you bring a lost animal you’d found to a shelter that released unclaimed animals to research?” 93% 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?” 80% of those surveyed answered “Yes”.

Due to media stories, investigations into Class B dealer activities, and citizens advocating for change, the number of people opposed to pound release is higher now than it was in 1988. This demonstrates the lack of public trust and confidence associated with pound release and serves to diminish the effectiveness of animal control as well as increase its work load.

7. Myth: The shelter animals taken by the dealers for research are unwanted animals and not family pets anymore, as stated by one Michigan Class B Dealer.

Fact: Shelter cats and dogs that are given to the Class B Dealer are healthy and adoptable pets.

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 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. Myth: Some shelters can obtain an economic benefit from selling unwanted cats and dogs to Class B Dealers. This will help during an economic crisis, particularly for Michigan.

Fact: No shelter in Michigan currently utilizes the Michigan law that allows a maximum \$10 fee for each cat and dog sold into research.

Of the four Michigan shelters that currently engage in pound seizure, all of them give cats and dogs **for free** to Class B Dealers. 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 4 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 2007 only 966 shelter cats and dogs were given to these dealers. Thus, at the \$10 per pet limit, the maximum that could have been earned statewide in 2007 was \$9,660. That amount is negligible and not worth the negative cost to society in maintaining pound seizure.

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