

## CLASS B DEALERS OF RANDOM SOURCE DOGS AND CATS

### A White Paper Prepared by The Humane Society of the United States July 2007

*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.*

*[The] Pet Safety and Protection Act is a moderate, sensible approach which will continue to provide access to dogs and cats for research, while helping allay our public benefactors' concerns about research animal procurement and care.*

-- Dr. Robert Whitney, former Director of the National Center for Research Resources of the National Institutes of Health (1972-1992) and Acting Surgeon General of the U.S. Public Health Service (1993)

### **Background**

Class B dealers are licensed by the U.S. Department of Agriculture (USDA) and purchase a wide variety of animals, including dogs and cats, for resale to laboratories. The dogs and cats are obtained from various sources including shelters, "pounds," auctions, flea markets, and private individuals. Class B dealers also procure dogs and cats from "bunchers," middlemen who have been known to acquire lost, stray, and "free to a good home" dogs and cats, and even pets from their owners' backyards. Such "random source" animals are distinguished from the "purpose bred" animals bred and reared by USDA licensed Class A dealers.

After purchasing animals, Class B dealers routinely hold them at their own facility until they transport them to research institutions.

In the following discussion, we focus on the acquisition, care, and sale of random source dogs and cats by Class B dealers.

In the 1970s, scores of Class B dealers sold dogs and cats to research institutions. Today, while there are over 1,000 Class B Dealers registered with the USDA and who sell a wide variety of animals, only 10 Class B dealers still sell live, random-source dogs and cats for research. Moreover, three of these facilities are under investigation by the USDA as of February 2007, according to the Animal Welfare Institute. The 10 facilities are located in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Oklahoma, and Pennsylvania.

The number of Class B dealers selling live, random-source dogs and cats for research has declined dramatically over the years because USDA enforcement actions have driven many of

the worst offenders out of the business. Moreover, the biomedical community has largely moved away from using dogs and cats in laboratories. In the late 1960s, surveys by the Institute for Laboratory Animal Resources (ILAR) reported that about 400,000 dogs were being used by laboratories every year. When institutions then began to report the number of dogs and cats used annually to the USDA in 1972, the total dog use had fallen to a little less than 200,000. The table below outlines the changes in dog and cat use as given in ILAR and USDA reports.

Table

	Dogs	Cats	Total
1967	371,024		
1977	176,430	62,311	238,741
1987	180,169	50,145	230,314
1997	75,429	26,091	101,520
2005	66,610	22,921	89,531

According to the *Federal Register* 69 (134), July 14, 2004, the National Association for Biomedical Research (NABR) reported that about 20 percent of the dogs and cats used in research are random source animals supplied by Class B dealers. This comes to 18,000 in 2005. (Of the remaining animals, 70% are purpose bred animals from Class A dealers and 10% are random source animals from procured directly from shelters or pounds, according to NABR).

### **Animal Welfare Concerns**

Animal protection organizations have long opposed Class B dealers' trafficking in dogs and cats, arguing that this system is fraught with problems.

Historically, the acquisition of dogs and cats by research institutions has been an important focus for the ongoing tension between research institutions and animal protection groups. In fact, one social commentator remarked that researchers' attempts to acquire random source dogs for research during the rapid expansion of biomedical research after the Second World War was a major stimulus for the revitalization of the humane movement. Various dealers became involved in gathering and reselling dogs and cats into laboratories but this practice was largely hidden until the publication of "Concentration Camps for Dogs" by *LIFE* magazine in February 1966. This story was a key event in the development and passage of the Animal Welfare Act and the first version of the Act (in 1966) was focused largely on regulating these dealers and the trade in dogs and cats to laboratories.

Since then, there have been periodic major investigations and/or exposes of Class B dealers that sometimes revealed situations almost as bad as shown in the original *Life* story. These cases usually involve a mix of the following: lack of veterinary care, inadequate food and water, inhumane handling, falsified or missing records intended to "prove" that an animal is not a stolen pet, and outright trafficking in stolen pets. In 2006, "Dealing Dogs," an HBO documentary of an undercover investigation, again revealed atrocious conditions in a Class B dealer's facility – this time at Martin Creek Kennels, a Class B dealer facility owned by C.C. Baird. The USDA's complaint against Baird and his wife included the following: "treated hundreds of animals cruelly and inhumanely in myriad ways, including failing to provide them with the most basic

needs: sufficient and nutritive food, potable water, safe shelter and adequate veterinary care.” A number of the dogs at Martin Creek Kennels had heartworms despite the fact that laboratories need healthy, disease-free animals. One such dog, Buck, a coonhound, subsequently died from a massive bleed, the result of damage caused by thousands of heartworms.

Pet theft occupies a special place in the debate over Class B dealers. The argument that we need legislation to outlaw the B dealer to halt rampant pet theft remains potent even after the four decades of enforcement of the Animal Welfare Act. There are today still animal advocates who claim that thousands, if not hundreds of thousands, of dogs and cats are stolen and sold annually for medical research. While this claim no longer has the factual weight it may have had in the 1960s or 1970s, there are still periodic examples of stolen pets ending up in the hands of Class B dealers or in research facilities that sustain these claims.

Some argue that a 1990 amendment to the Animal Welfare Act virtually foreclosed any possibility that a stolen animal might be sold to a laboratory, at least through the Class B network. The amendment required that dealers provide paperwork to link each animal to his or her original owner, and established stricter fines and penalties for illegal transactions. Lobbyists for the biomedical research community also suggest that pet theft is an "urban legend." However, in June 2005, a microchip scan revealed that a dog slated for use in a University of Minnesota research laboratory was actually someone's pet—named Echo—who was stolen two months earlier from a backyard in Arkansas and sold to the university by a Class B dealer from Michigan. The USDA's 2003 raid on Baird's Martin Creek Kennels, conducted after an undercover operation by Last Chance for Animals (LCA), resulted in the recovery of a dozen animals whose owners were looking for them. In the “Dealing Dogs” documentary, one buncher touted, “I know a few boys that go into rich neighborhoods... they get some of them rich peoples’ dogs and they don’t even know what happened to ’em,” while another admitted, “[W]ell, let’s face it, it’s not legal, you know. I took stolen dogs to him ...I think well – that could be a child’s dog. You know – that could be a pet, ya know... Hey, a buck’s a buck.”

In response to public concern, the USDA increased its efforts to prevent the possibility that stolen animals might end up in research. In 1993, according to the American Physiological Society, only 40% of the animals sold by Class B dealers could be traced back to the original owners. By 1998, Animal Plant and Health Inspection Services administrator Terry L. Medley claimed in a letter to the House Committee on Agriculture that USDA efforts to trace-check animals back to their original owners had a success rate of 90%. In 2001, the USDA claimed that the rate of audited animal acquisition records traced back to the original source had reached 96%.

Increased enforcement of the Animal Welfare Act by the USDA has not eliminated the problems with dog and cat acquisition by Class B dealers. The dealers exploit a loophole in the AWA that allows them to buy dogs and cats from virtually anyone as long as the seller claims he or she bred and raised the animal. It is virtually impossible for the USDA to disprove this claim, especially since the Department’s tracebacks are principally conducted by phone and rely on the honesty of the sellers, including bunchers who have every reason to lie. Furthermore, the agency’s efforts to attempt to authenticate records result in an enormous expenditure of limited resources. The USDA is spending hundreds of thousands of dollars a year chasing down the procurement records of this small group of Class B dealers (when the agency has over 13,000

sites to regulate under the AWA with approximately 100 inspectors). In fact, the USDA has, in the past, expressed support for a two-year phase-out of these dealers. By its own admission, the agency lacks the necessary resources to track the interstate activities of Class B dealers.

Supporters of Class B dealers who sell random source dogs and cats argue that these dealers are still needed as a source for older, larger, and genetically diverse animals, including those with unknown health histories. However, the researchers' professed need is for animals, not Class B dealers. Larger, older and genetically diverse dogs could be obtained from Class A dealers, for example, although this source is typically more expensive.

Echo's case (see above) and the presence of stolen pets on Baird's property make it clear that pets still wind up in research institutions where they ought not to be, victims of a law and a regulatory system whose flaws have never been properly fixed. By removing the "middlemen" between sources of animals for research and the researchers themselves, and thereby eliminating the financial motivation behind selling stolen pets to research, the Pet Safety and Protection Act effectively minimizes the risk of pets being sold for research. While Class B dealers and bunchers may not be the only source of pet theft, closing any source of pet theft should be welcome.

### **Impact on Biomedical Research of a Ban on Procurement from Class B Dealers**

To determine which research facilities are purchasing random source dogs and cats, The Humane Society of the United States (HSUS) surveyed 50 of the leading U.S. research universities, as ranked by the amount of funding received from the National Institutes of Health. The survey was mailed in September 2006. Of the 50 universities sampled, 34 replied to the question of whether or not they purchase random source dogs and/or cats from Class B dealers. Only three institutions (about 9%) of those responding indicated that they do purchase dogs and cats from B dealers.

In 2007 (?), the HSUS and the Animal Welfare Institute expanded the initial survey to include all of the approximately 1200 universities and other research institutions registered with the USDA to conduct animal-based research. To date, 181 institutions have responded. Of these, 173 (about 96%) indicated they do not purchase random source dogs and cats from Class B dealers and only 8 (about 4%) said they do. These results (and the decline in the actual number of Class B dealers selling dogs and cats) suggest that random source dogs and cats are of marginal importance in the larger biomedical research and education enterprise.

Biomedical research and testing will not be hindered by the elimination of the Class B dealer. From a scientific research point of view, random source dogs and cats used for experimentation have not had the standardized care and upbringing that is nowadays considered the norm for laboratory animals. Random source dogs and cats have an uncertain medical history and probably an unsuitable temperament for living in standard laboratory housing. These circumstances make them poor candidates for virtually any biomedical experiments. Some researchers argue that purpose-bred laboratory animals are much more expensive than random source animals (on average, about 2.5 times more expensive) but this claim ignores the cost of the quarantining and "conditioning" typically needed for random source animals. Moreover,

animal acquisition costs represent only a very small percentage of the costs of any research project. Hence, even a doubling in the cost of the animals would have only a small impact on the overall cost of the research. One calculation of the costs of random source versus purpose bred dogs argued that research using random source dogs would be more and not less expensive. This is because one would have to use a larger number of random source than purpose bred animals to overcome the greater variability introduced by the random source dogs.

Therefore, one could legitimately argue that prohibiting the use of random source dogs and cats in research will save money and will also improve the quality of research, by providing researchers with animals who have a known history and background, allowing for better controlled experimental design and replicable results.

Because random source animals lack the standardization, health histories, and genetic specification so important in contemporary research, purpose-bred animals comprise nearly all animals used in research today. It is peculiar for anyone to argue that random source animals are somehow essential to scientific research at a time when, in one discipline after another, the trend has swung decidedly in the other direction. Purpose-bred animals include those that are genetically similar or genetically diverse. In either case, the genetic background is known.

Simply put, research conducted on random source dogs and cats flies in the face of good science. For example, it would be unthinkable for researchers using rodents to bring rats found in city sewers into laboratories, claiming these rats, like the human population, have varied genetic and disease backgrounds. Good scientists seek to control extraneous variables in their studies and will not willingly introduce unknown, data-skewing variables. Dr. Robert Whitney, former Director of the National Center for Research Resources (NCRR) and former Deputy Surgeon General, stated that use of dogs obtained from random source dealers in intramural research at the National Institutes of Health (NIH) “ceased many years ago.” During his 20 years at NIH, Dr. Whitney was responsible for production, procurement, and care of animals used in intramural research. This same standard should apply to extramural research.

Should any researcher claim to need genetically diverse, older or larger dogs and cats, these animals will continue to be available from breeders of purpose-bred animals (Class A dealers), municipal pounds, and research facilities with breeding programs. The strong advantage of relying on Class A dealers rather than Class B dealers is that while both can provide genetically diverse animals, with the Class A dealers, the genetics are actually known. With the Class B dealers they are not.

During a listserv discussion of the Laboratory Animal Refinement & Enrichment Forum [LAREF] in January 2004, laboratory personnel expressed their concerns about working with animals who were not purpose-bred. These workers stated their belief that these animals were more stressed (possibly causing them to be immunocompromised and potentially affecting the results of the experiment).

### **Impact on Veterinary Education of a Ban on Procurement from Class B Dealers**

Dogs and cats are sometimes purchased by veterinary schools for use in anatomy and surgery classes. According to a survey by the American Association of Veterinary Medical Colleges, at least 19 of the nation's 28 vet schools do not use random source dogs and cats from Class B dealers. Thus, even in veterinary education, more than half the schools have stopped purchasing from Class B operations. Some of these schools have stopped using such dogs because of student protests or legal restrictions.

Body donation programs, in part, address ethical concerns expressed by students, faculty and the public, and further promote animal welfare. These programs, which rely on pet owners to donate the body of their recently deceased animal), provide an alternative to purchasing such animals from Class B dealers.

The following colleges have implemented body donation programs: University of California at Davis, Texas A&M University, Tufts University, University of Florida, University of Pennsylvania, University of Wisconsin at Madison, and Western University.

Tufts University's body donation program began in 1997. As of 1999, Tufts became the first veterinary school to provide all of the cadavers for its freshmen small animal gross anatomy class of approximately 80 students solely through its program. As of 2001, Tufts collects 20-30 cats and 30 dogs annually for the small animal anatomy course.

Since its inception in 2003, Western University has relied exclusively on donated small and large animals acquired from local veterinary clinics. As of February 2007, they have received nearly 1000 donated cadavers.

In 2004, The University of Pennsylvania started a body donation program. As of February 2007, almost 180 cadavers have been donated. Currently cadavers are being used for teaching fourth year students, interns and residents in clinical and surgical procedures in the veterinary hospital. A small number of cadavers have been used to teach a successful trial surgical skill laboratory to residents to gain information on using this as an option in an elective course for students who do not want to use purpose bred live animals. The hope is to get approval to use donated cadavers for first year anatomy lab students who do not want to use random source cadavers.

In 2005, the University of Florida developed a body donation program for large animals. Cadavers used for teaching in the first-year Large Animal Anatomy course can now be obtained from terminally-ill horses, ponies, and calves.

UC Davis and the University of Wisconsin currently utilize a combination of donated animals and animals procured from other sources. In a brochure on animal use in veterinary medical education, the University of Wisconsin states, "It is our goal that eventually our Body Donation Program may eliminate the need to purchase canine cadavers."

### **Concluding Remarks**

We believe the time has come for the research and veterinary communities to follow Dr. Robert Whitney's advice (see opening quote) and abandon the Class B dealer system for dogs and cats.

From all indications, this system is in a free-fall decline. Most research institutions are already managing without recourse to Class B dealer dogs and cats. They recognize the inherent problems with conducting research on random-source animals, the long-standing animal welfare concerns associated with the B dealer pipeline, and the public ill-will generated by continued business dealings with these middlemen.