

**From:** [Elizabeth Jones](#)  
**To:** [Trisha Linebarger](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Thursday, June 25, 2020 4:10:24 PM

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From: sunset@sunset.texas.gov On Behalf Of Texas Sunset Commission  
Sent: Thursday, June 25, 2020 4:09:24 PM (UTC-06:00) Central Time (US & Canada)  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT LICENSING AND REGULATION

First Name: Sherry

Last Name: Ferguson

Title: Executive Director Emeritus and Board Member

Organization you are affiliated with: Houston Humane Society

Email:

City: Missouri City

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

RE: The Licensed Breeders Program – I worked with the Houston Humane Society for 38 years, 35 as Executive Director. I still work with the agency. I have served on the TDLR Licensed Breeder Advisory Committee since it was first created. We worked very hard trying to come to agreements on inspections, fees, housing and all the other issues we were tasked to do. I agree with many of the points in the staff report. I also feel the program is vital and the problems can be worked out.

“The data reflect the limiting effect of these narrow criteria, suggesting only a small share of Texas breeders fall under TDLR’s jurisdiction. Only three other states that license breeders have an annual sales threshold for licensure to apply.” “...consistently encounter breeders who sidestep record-keeping requirements by claiming animals no longer in their possession were not sold but rather are being “temporarily held” by a friend or family member.” The only way to even the field is to delete the number criteria and the excuses of which animal(s) belong to whom. Whoever has care, custody and control is responsible for the animal(s) and all regs that apply. Paperwork should start when animal is born and follow it thru its life as is done in shelters, AKC & other agencies.

"...current number of state licensed breeders is only 154, and the pop has been declining since a peak of 177 in 2016", "Only three of these offenders were TDLR licensees or license applicants, and in only one instance did a TDLR inspection facilitate the seizure".

There has not been enough promotion of reasons (and legalities) to be a licensee. There is no incentive to be a licensee if non-licensees are not held accountable.

"Among 20 different complaint categories, unlicensed activity is the most common complaint leading TDLR to open a breeder investigation, making up roughly half of all breeder investigations in eight years of the program’s existence."

It was brought up, but not followed up, that legitimate breeders should be enlisted to help be the eyes in their animal communities. Who better knows what 'activities', 'short-cuts', 'trades', 'poor treatment', etc. are going on.

“TDLR investigators have encountered armed individuals barring them from entering a property where unlicensed

activity is suspected. ...which is appropriate for law enforcement, not a regulatory agency, to address.”  
Under Sec.A802.061.AA CONTRACTS FOR ENFORCEMENT. The department may contract with a third-party inspector to enforce or assist in the enforcement of this chapter and rules adopted under this chapter, including the performance of inspections and investigations required under this chapter.” HHS and other humane agencies have offered to have their law enforcement partners help.

“These facilities are often in remote areas of the state and once on site, staff takes on average three hours to complete each inspection.”

That’s because they can operate larger, noisier, fouler smelling facilities without close neighbors to complain.

Any Alternative or New Recommendations on This Agency:

2 examples of necessity of keeping the Breeder Bill.

In May 2018, HHS and law enforcement seized in excess of 200 animals, mostly dogs, that were in wire cages, stacked 5 and more high, kept inside and out, dripping with feces and urine. Animals were matted to the skin, eyes full of yellow & green matter and in varying degrees of poor health. It was in a rural county location. There was one out building that was relatively clean kept which is where puppies that were born alive were sold. It was surmised during the initial seizure, then verified during the investigation this operation had been going on for years. All of the misery that had been, and was being, perpetuated could have been stopped if there had been an initial registration and follow-up inspections done.

There was a facility in Montgomery Co. with an added component of a boarding facility. The “front” of the organization was well kept which was the public area. After several yrs. of operation, some employees and volunteers alerted the media to what was happening. We have found many times there is some psychological reason people don’t want to report poor conditions, but want to “help make it better” or “feel the person is doing the best they can” etc. Regardless, many animals suffered and died. This person retained an attorney, case went to court, case was lost, and the facility shut down. But it reopened in another county under a different name.

If the Breeder Bill was in effect at that time, had inspected and registered the facility, then made the yearly inspections, esp. in the back areas where the public wasn’t allowed, many animal lives would have been saved early on. In addition, the name and reputation would follow preventing owner from opening elsewhere due to animal cruelty charges and/or past history. There was a twist to this situation that a couple of the dogs were co-owned so neither “owner” wanted to take responsibility. This ‘grey area’ would be eliminated if the paperwork regulations were cleaned up and person who has care/custody of animal is responsible for keeping paperwork up to date.

To keep this valuable program going, increase its worth and to grow:

- It is critical to investigate and check backgrounds of people wanting to make money selling animals. Doing so helps prevent animal cruelty before it gets started and puts person(s) on law enforcement radar.
- Inspections monitor breeders as most do not fall under USDA oversight.
- Delete the breeding and selling number criteria which is the only way to even the field. Whoever has care, custody and control is responsible for the animal(s) and all regs that apply. Paperwork should start when animal is born and follow it thru life as is done in shelters, AKC & other agencies.
- Promote licensing and the incentives. Keep TDLR the important tool for the public to use when making decisions on pet purchases.
- Enlist group of responsible breeders and humane organizations to help with achieving goals.

IN MY OPINION - UNLESS THIS BILL IS KEPT & STRENGTHENED:

- CITIZENS WILL KNOW - NO-ONE IS WATCHING OUT FOR THE ANIMALS, therefore;
- THERE WILL BE MANY MORE CASES OF CRUELTY & ABUSE, because;
- TO THOSE THAT USE THEM JUST TO MAKE MONEY - ANIMALS ARE SIMPLY A COMMODITY, and not sentient beings;
- THEIR CARE IS A COST TO CUT BACK ON, and,

- THEIR DEATHS ARE JUST A COST OF DOING BUSINESS.

The cases above are just 2 of hundreds I, and many others, have personally witnessed, mourned, and are dedicated to decreasing, making life better for those needy and unable to speak for themselves. Written descriptions are not adequate to explain the disgusting sights, smells and suffering or explain the true need for assistance. It is difficult to put so much into so few words. Thank you for considering keeping the Breeder Bill and making it work better for the animals of Texas.

My Comment Will Be Made Public: I agree