

From: [Elizabeth Jones](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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From: sunset@sunset.texas.gov On Behalf Of Texas Sunset Commission
Sent: Wednesday, June 24, 2020 4:53:48 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

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

My name is Charles Jantzen and I am a Sergeant with Harris County Constable's Office, Precinct 5, Animal Crimes Unit. I have spent two decades investigating suspected cases of animal abuse and cruelty. Though my current position I continue to conduct these type of criminal investigations on behalf of the Office of Constable Ted Heap. I would like to urge the Commission's action to preserve the Texas Licensed Breeders Program.

The Program was designed to enact basic standards of care in breeding facilities and identify animal cruelty before it happens. Though the law has flaws in its current form, those flaws should not be used to nullify its existence. These flaws should be addressed, corrected and the enforcement of the regulation should continue to inspect/advocate/protect both the Citizens and animals within Texas.

Within the Sunset Advisory Commission report, dated June 2020 (pg. 24) the following was written under the "Significant Loopholes" section:

"Many types of breeding and animals are exempt from state regulation. Statute only contemplates dogs and cats..."

While this regulation does not address "any animal used for racing or field competitions, personal use, herding, or hunting", the regulation was not passed to address these animals. This regulation was passed to specifically address issues within the breeding facilities. It is true that these animal need additional protections which is one of the many reasons that strengthening the regulation would be warranted.

Within the Sunset Advisory Commission report, dated June 2020 (pg. 24) the following was also written under the "Significant Loopholes" section:

"Considering the average dog litter is five puppies, a breeder with less than 11 breeding females could legally house and sell a significant number of animals without a license..."

In 2011, the State of Texas passed this regulation with bipartisan support to addressing issues within breeding facilities. The number of 11 intact breeding dogs was written into the law to be a benchmark. As time has now

shown us, this benchmark number was set too high. The benchmark number warrants consideration to lower the qualifying animals to possibly 5 intact breeding dogs.

Within the Sunset Advisory Commission report, dated June 2020 (pg. 24) the following was written under the “Significant Loopholes” section:

“Sunset staff found through internet searches more than 400 dog breeders operating in Texas, but more than 350 of these breeders had neither a current state nor federal license. Meanwhile, the current number of state licensed breeders is only 154, and the population has been declining since a peak of 177 in 2016.”

Based on the Commission’s own research the breeding facilities are present within Texas. The fact that the population of licenses issued has been declining does not mean that the facilities are no longer operating. The Commission’s implication is that decrease of population is due to the regulation’s existence is false. Later in the Commission reported the following:

“TDLR staff 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. Staff often hear from licensees about unlicensed actors, something Sunset staff even observed during a ride-along inspection, and ample evidence indicates unlicensed activity, including large breeding operations, continues.”

“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.

So forgive me if I am incorrect but this above might suggest that the Commission is furthering their recommendation to discard this Regulation because certain individuals are not being truthful nor following the law.

Within the Commission’s report under the “Regulation misses the intended target” (pg. 25) section:

“The Legislature created the Licensed Breeder Program to prevent and prosecute large-scale breeder operations with significant potential for animal harm, yet the program has not had a significant impact on bringing such operations to justice”

“The nonprofit Society for the Prevention of Cruelty to Animals of Texas has publicly documented at least 22 animal seizures by law enforcement statewide from fiscal years 2012 to 2019. Only three of these offenders were TDLR licensees or license applicants, and in only one instance did a TDLR inspection facilitate the seizure.”

If the Commission’s report has already cited the fact that certain facilities are not being truthful nor following the law, logically the numbers facilities recognized by the TDLR would be minimal. This finding addresses their involvement with specific facilities. The fact that any TDLR licensees or license applicants would be involved in these cited cases is an issue.

Within the Commission’s report, the following was written under the “Resource-intensive but ineffective enforcement” (pg. 25) section:

“ Statute’s narrow criteria for licensure exempt many breeders, but proving exemption is exceedingly difficult and wastes staff ’s time”

“ TDLR allocates significant resources to this program and revenues do not cover its administration.”

This is another example where polishing the regulation would be needed. Just because the task is difficult does not mean it is not warranted. If TDLR is conducting their duty by enforcing the regulations of Texas, their time is not wasted.

As noted within the Sunset Advisory Commission report, dated June 2020 (pg. 24) the following was written under the “Significant Loopholes” section:

“Sunset staff found through internet searches more than 400 dog breeders operating in Texas, but more than 350 of these breeders had neither a current state nor federal license...”

It is unclear how the Commission was able to determine over the internet the number of intact breeding dog within these facilities. However, when the regulation was passed, the TDLR funding source was the administration of the

licenses. If qualifying facilities were held accountable through their inspection process, the Commission possibly would not cite "A 2018 agency fee study found the program had a 38 percent cost overrun".

TDLR is currently working to address the same realities other publicly funded agencies are facing, do more with less. The core function of the TDLR is to protect the citizens by investigating / enforce the regulations of Texas. Just because this regulation is not cost effective or easy to investigate in its current form does not prove that its presence is not necessary. I do concur with the Commission that this regulation needs to be addressed by minimizing the exemptions but strongly disagree that the Licenses Breeder Program does not provide meaningful regulation.

Any Alternative or New Recommendations on This Agency: Continued enforcement of the regulation and seek in the legislature to address the issues noted within the Commission's report.

My Comment Will Be Made Public: I agree