

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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From: sunset@sunset.texas.gov [<mailto:sunset@sunset.texas.gov>] On Behalf Of Texas Sunset Commission
Sent: Friday, July 31, 2020 12:24 AM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT LICENSING AND REGULATION

First Name: Glenn

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

Page 23 of the Texas Licensing and Regulation Department staff report addresses the recommendation that licensing and regulation of dog and cat breeders should be discontinued. I strongly disagree with that recommendation. The report states that the number of licenses to dog and cat breeders has declined to 154, but suggests the reason for this decline is an absence of effective enforcement allowing breeders ignore the licensing requirement--with no consequence to themselves. This has resulted in the declining number of licensed breeders, with a corresponding increase in unreported and unlicensed breeders according to Staff internet research. I think it is important to note that failure by a state agency to enforce the statutory requirement isn't a valid reason for that agency to recommend elimination of the requirement--especially when considering that a previous legislature has already deemed licensing and regulation of dog and cat breeders to be important and necessary! Clearly, enforcement has been known to be a problem for some time. Likewise the reasons for enforcement difficulty must also have been long known. Where was the management of this department? Asleep? Instead of waiting until now to recommend elimination, why has the department manager or appropriate cost/benefit officers not investigated, studied or otherwise established enforceable criteria or initiated statutory amendments to include the enterprises it knows should be targeted?--the culprits are not invisible but are for the most part the small, purposely unlicensed, off-road or secretive operations, often with deplorable conditions, which we well know as 'puppy mills'--These businesses have a long and well-documented history and clearly understood sole purpose for existing---which is to mass-produce as many puppies as possible in the shortest time possible. Because puppies are a commodity with a short shelf-life of only a few months the focus is entirely on volume. When the puppies age out of their profitability--or chances to be purchased as a cute puppy, and are now unwanted adolescent dogs, their value to the breeder is lost and they are now only a liability. The breeder is therefore keen to dispose of their "expired" inventory of newly adult dogs by any means they choose, including giving them away, abandoning them, dumping them at shelters or on deserted roads, or simply killing them. None of these animals will likely have had veterinary care, nor will they have been sterilized. Many will be sick or disabled and will soon be found as corpses and picked up by animal control. Other abandoned animals may have the misfortune to be discovered by particularly vile humans and be tortured and cruelly killed---some may also inflict terrible injuries to humans by self-defense or rabies infections. If animals survive without owners for the first months or years of their lives in scrap yards, rural fields, or on streets of rural and urban Texas, because they were not sterilized they may have had time to

produce new puppies of their own. This population of abandoned animals become the wandering strays we have all seen. Despite the hazards and poor odds, a huge number strays survive for months or years, but eventually most become incarcerated at Texas county animal control facilities. At these facilities they will cost the State of Texas a significant amount capturing, managing, cataloging, trying to find homes for, and housing for the typical

3-6 weeks period until they are finally destroyed to make room for the new ones that arrive constantly. Each of these phases of an abandoned dog's existence, the associated misery, and the expenses the state incurs, began at the puppy mill. Puppy mills and the exploitative nature of breeding creates unwanted puppies and unwanted expenses to the state that could be reduced if the Licensing and Regulation Department would seek more effective licensing and regulation--and not abdicate its responsibility for the welfare of these animals. Shutting down all data collection, licensing efforts, and attempts at regulation will produce no data and no information about the future growth of this now entirely unregulated business. History has already shown us that eliminating regulations from banking, securities brokering, real estate and other areas of business enterprise is like a magnet (with opportunities for

harm) irresistible to the unethical and unscrupulous individuals who seek only profit--in this case from the exploitation of puppies and kittens--who are some of the most defenseless and easiest to exploit. Such persons capable of exploitation of puppies and kittens care nothing about long term expenses they generate for Texas animal control departments to cope with, or about the consequences their actions cause to communities or individuals, and least of all to the creatures being exploited. The Staff's report hastens to point out that a licensing requirement is unnecessary "because state law makes cruelty to animals—including failing to provide necessary food, water, care, or shelter—a criminal offense punishable up to a state jail felony." That's true, but Staff cynically ignores the fact cruelty to animal crimes routinely go unpunished even if they are known for a variety of reasons. Staff also ignores the fact that many crimes related to puppy mills go unpunished because the locations of the puppy mills are unknown. Why crimes associated with abuse to animals go unpunished can be summarized thus:

1) because the jurisdiction either lacks the moral will or resources to enforce existing applicable laws, or 2) such crimes are so carefully concealed they are not easily knowable, or 3) the design of the protecting legislation misses its intended target. Staff correctly nailed #3 to the case here where the statute has too many loopholes. Assuming this is true, and the licensing requirements are barely enforceable now, how likely will the possibility of a just criminal outcome or a state jail felony be if licensing is eliminated entirely? Answer: Not very. An analogy would be telling Red Riding Hood not to leave a trail of breadcrumbs on her way into the forest; if the wolf commits a crime we don't want a trail leading to the evidence (we really don't even want know about it). Removing licensing altogether and relying the profiteering puppy breeder to be a decent morally upright person, is too difficult and ridiculous to accept.

A much more probably outcome will be increases in known and unknown abuses in the future, and no records to deduce whereabouts of these businesses, no way to inspect their performance, and no idea if performance even comes close to compliance intended purpose of the current law (Chapter 802 of the Texas Occupation Code). Given what is well known and documented about the puppy exploitation industry and the business model for puppy mills--designed to keep costs low and grisly operations private--it seems irresponsible of the state to recommend sweeping licensing for breeders away completely-- when considering that a previous legislature has already deemed licensing and regulation of dog and cat breeders to be important and necessary for a reason!

Any Alternative or New Recommendations on This Agency: In 2011 the state correctly identified breeders to be the source of abandoned, unwanted puppies and dogs in Texas and passed a law for the animals' protection. (Dallas Morning News, April 26, 2018) However, enforcement has been difficult, and made more so if you define "breeders" to includes anyone with unsterilized pets who irresponsibly allows them to roam free, or deliberately pairs them simply to produce puppies for profit. Rather than eliminate the existing (and difficult to enforce) controls on puppy breeders, the state should acknowledge this responsibility and seek to improve its enforcement by redefining the target puppy mill operations. The overriding goal/purpose is to reduce or or ultimately eliminate the annual population of strays that enter Texas animal control facilities each year, reducing the state's expenditures in this area, adherence to the mission of the 2011 Legislature, and relief from suffering and death, which is otherwise the continuing fate of the great numbers of dogs and cats involved.

My Comment Will Be Made Public: I agree