

The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture was accepting public comments on a petition for rulemaking submitted by The Hunte Corporation, the largest distributor of pure-bred puppies to retail pet stores. Hunte purchases puppies from large-scale commercial breeders, often referred to as puppy mills, and sells them to retail stores. Because Hunte purchases puppies for resale, it is currently regulated as a Class B dealer, which also includes those licensees who sell animals for research. According to its petition, Hunte wants to change its current classification as a Class B dealer and proposes four new categories of licensee instead: pet distributor, exhibit animal distributor, laboratory animal distributor, and other distributors.

Despite its assertion that Class B dealers supplying animals to research facilities need unique enforcement, Hunte has repeatedly been found in noncompliance with the Animal Welfare Act (AWA) due to inadequate enclosures for dogs at its facility. This history of AWA violations is evidence of the need for continued scrutiny of all Class B dealers regardless of whether the animal ends up at a research facility or a pet store. There is no legitimate reason to create distinctive classes for certain Class B dealers.

AAVS submitted the following comments in opposition to Hunte's petition for rulemaking:

July 9, 2007

Docket No. APHIS-2006-0158  
Regulatory Analysis and Development  
PPD/APHIS  
Station 3A-03.8  
4700 River Road, Unit 118  
Riverdale, MD 20737-1238

To Whom It May Concern:

On behalf of the American Anti-Vivisection Society (AAVS), I write in opposition to the Hunte Corporation's petition (Docket # APHIS-2006-0158) requesting that USDA replace the regulatory definition of Class B licensees under 9 CFR § 1.1 with four new categories of licensee: pet distributor, exhibit animal distributor, laboratory animal distributor, and other distributor. 72 Fed. Reg. 17814 (2007)

This proposal is without merit. The petitioner offers no rational argument for changing the definition of Class B licensee. First, Hunte argues that use of the term "Class B" denotes a lower classification that "adversely affects its ability to do business." However, Hunte provides no evidence of experiencing any economic injury due to its Class B designation. Indeed, the petitioner characterizes itself as "the world's leading licensed distributor of pure-bred puppies to retail pet stores." Hunte is trying to remove what it views as the stigma of a Class B license while simultaneously boasting that it deals only with Class A breeders, allowing consumers to infer that this conveys some superior status.

Next, Hunte asserts that the definition of Class B dealer is too broad and limits APHIS's ability to individually regulate dissimilar licensees within a class. Misrepresenting a recent APHIS report, Hunte argues that USDA's enhanced enforcement efforts with respect to random-source dealers who sell to research facilities highlights the need for the company's proposed new classifications. However, USDA's increased oversight of random-source dealers has had no effect on other Class B licensees, including Hunte. Other animal dealers have not been burdened with unnecessary or additional inspections or paperwork as a result of USDA's efforts with respect to these random-source dealers.

The *Animal Welfare Act* (AWA) and its corresponding regulations set up clear animal health and welfare standards that all classes of licensees must maintain, and all licensees and registrants engaged in similar activities (i.e., breeding, dealing, transporting, exhibiting, or research) are and should remain subject to the same standards. USDA can easily differentiate among the different types of Class B dealers, and the licensees themselves using its risk-based system, and apply the requirements of the AWA accordingly. Currently, USDA prioritizes enforcement activity according to the compliance and violation records of licensees, and the only distinction that is appropriate or necessary is based on the behavior of the licensee. When a pattern of similar or repeated violations occurs, as has been the case with Class B random-source dealers, then special enforcement efforts are entirely justified.

Hunte's own record of noncompliance with current AWA standards only emphasizes the importance of maintaining or even strengthening the enforcement efforts for all Class B licensees. USDA inspection reports indicate that Hunte has been guilty of multiple violations of the AWA, including housing violations<sup>i</sup> and storing outdated medications adjacent to other drugs routinely used at the facility.<sup>ii</sup> In 2006, 60 puppies perished in a truck fire as they were being hauled from Hunte's Missouri facilities to various pet stores in New England.<sup>iii</sup> Further, there is at least one complaint on file from a pet store about sick and dying animals sold by the petitioner.<sup>iv</sup> It is also interesting to note that after Andrew Hunte was accepted as a member of the German Shepherd Dog Club of America, a petition in opposition was circulated by members who did not wish to be associated with Hunte and its troubled reputation. It is my understanding, based on a comment on this petition submitted in response to 72 Fed. Reg. 17814 (2007), that Mr. Hunte's membership was revoked.

Maintaining the integrity of the AWA and its regulations should be USDA's highest priority with regard to animal welfare. There is nothing in the Hunte petition to suggest that its recommended changes would improve animal health or welfare or strengthen enforcement of the law. Nor does the requested action mitigate any undue burden from USDA or current Class B licensees. More importantly, it could also set a dangerous precedent: To revise one licensee classification could cause others to expect the same treatment, or even lead to attempts to base enforcement not on compliance with the standards, but rather on the type of licensee or animals involved.

Granting Hunte's petition to replace the current Class B dealer designation with separate categories of animal distributors would be a waste of USDA's limited time and resources. The AAVS urges USDA to deny this petition.

Sincerely,

Tracie Letterman, Esq.  
Executive Director

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<sup>i</sup> United States. Department of Agriculture. Animal and Plant Health Inspection Service. (2005, February 9). Inspection Report of The Hunte Corporation.

<sup>ii</sup> United States. Department of Agriculture. Animal and Plant Health Inspection Service. (2005, July 7). Inspection Report of The Hunte Corporation.

<sup>iii</sup> Fitzsimmons, Emma G. (2006, August 16). Four Agencies Probe Truck Fire That Killed 60 Puppies. *The Boston Globe*. Retrieved July 9, 2007, from <http://www.boston.com>

<sup>iv</sup> United States. Department of Agriculture. Animal and Plant Health Inspection Service. Animal Care. (2005, May 3). Animal Welfare Compliant Against The Hunte Corporation.