

United States Senate  
Washington, DC 20510-1304

October 20th, 2011

Secretary Tom Vilsack  
United States Department of Agriculture  
1400 Independence Ave. S.W.  
Washington, DC 20250

Dear Secretary Vilsack:

We encourage you to take action as quickly as possible to close a loophole that currently prevents the U.S. Department of Agriculture (USDA) from regulating commercial breeders that sell puppies directly to consumers, including over the Internet. We thank you for your work to promulgate rules (Docket No. APHIS-2009-0053) implementing the 2008 farm bill provision regarding humane treatment of imported puppies, and we urge your continued diligence to address similar loopholes domestically.

In the 2008 Farm Bill, Congress included language directing USDA to limit the importation of puppies from questionable foreign breeders in an attempt to address the problem of inhumane foreign puppy mills inundating the U.S. market with unhealthy or injured puppies. Far too often, foreign breeders were shipping puppies to the United States that had critical health problems or even suffering from terrible injuries. Further, these imports were seriously undermining the ability of legitimate U.S. breeders following humane practices to compete and remain profitable. The recent rules promulgated by USDA will help resolve this issue and help ensure puppies sold in the United States are bred under humane conditions and transported accordingly.

At the same time, a serious loophole in current regulation of domestic commercial breeders remains. This gap in the law has unfortunately allowed puppy mills to continue doing business through direct sales to consumers, including over the Internet, in the United States. As highlighted in the May 2010 Office of the Inspector General report, the current Animal and Plant Inspection Service's (APHIS) definition of retail commercial sales only includes sales taking place at brick and mortar locations, leaving a significant gap in regulation regarding commercial breeders that sell puppies directly to consumers, including over the Internet.

To address this issue, we joined together, now along with 17 additional cosponsors, to introduce the Puppy Uniform Protections and Safety (PUPS) Act (S. 707) that would clarify standards and ensure we close this unnecessary loophole. We are heartened to learn that you are preparing to act to close this loophole through regulatory action, without requiring additional

congressional action. Just last week, more than 160 dogs and puppies were rescued from terrible conditions in a domestic puppy mill. It's time to take action. We ask that you move as quickly as possible with new rules to close the domestic Internet direct sales loophole and ensure that dogs and puppies are treated more humanely.

Thank you in advance for your attention to this matter.

Respectfully,



Richard J. Durbin  
United States Senator



David Vitter  
United States Senator