

ORDINANCE 22-_____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING CHAPTER 14, TO ESTABLISH LIMITS AND REGULATIONS RELATED TO THE SALE OF ANIMALS; PROVIDING FOR OTHER MODIFICATIONS FOR CLARITY AND CONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ensuring the humane treatment of animals is an important public purpose; and

WHEREAS, the Animal Welfare Act (“AWA”), 7 U.S.C. §§2131-2159, establishes federal standards for the humane care and treatment of certain animals sold at wholesale or through a broker, publicly exhibited, used in biomedical research, or transported commercially; and

WHEREAS, the U.S. Department of Agriculture (“USDA”), Animal and Plant Health Inspection Service (“APHIS”) has an Animal Care program, which is responsible for implementing and enforcing animal welfare regulations pursuant to the AWA; and

WHEREAS, the AWA regulates the activities of dog breeders, unless the breeder qualifies as a “hobby breeder,” and requires non-exempt breeders and brokers to maintain a license with the USDA, which requires that they agree to follow specific standards for the care of animals; and

WHEREAS, the USDA Inspector General (IG) issued audit reports on APHIS Animal Care regulation of the dog breeding industry in 2010 and 2021, and the findings of the reports include:

- Minimal standards in place and minimal enforcement
- Enforcement process was ineffective against large-scale dog dealers
- Inspectors did not cite or document violations properly
- The APHIS penalty worksheet calculated minimal penalties & misused guidelines to lower penalties
- Some breeders circumvented the Animal Welfare Act (AWA) by selling animals online
- Minimal work is being done to enforce the AWA
- There is a lack of organization by the USDA
- Data reliability issues with reports being generated from the APHIS database; and

WHEREAS, in 2021 the Inspector General summary stated: “We found that APHIS did not consistently address complaints it received or adequately document the results of its follow up. This occurred because APHIS does not have a documented process for resolving complaints and recording the results of the agency’s actions. As a result, some dog breeder facilities may be conducting regulated activity without a USDA license or oversight. Therefore, APHIS is not able to ensure the overall health and humane treatment of animals at these facilities.”; and

Exhibit B: Results of Prior Audit Recommendations

The table below lists the results of APHIS' implementation of prior audit recommendations from Audit Report 33002-4-SF, *APHIS Animal Care Program Inspections of Problematic Dealers*, issued in May 2010.

Recommendation Number	Recommendation Detail	Fully Implemented?
1	Modify the <i>Dealer Inspection Guide</i> to require an enforcement action for direct and serious violations. Also, define a serious violation in the Guide.	Yes
2	Remove "no action" as an enforcement action in the <i>Dealer Inspection Guide</i> .	Yes
3	Incorporate instructions provided in the "Animal Care Enforcement Actions Guidance for Inspection Reports" into the <i>Dealer Inspection Guide</i> to ensure inspectors and their supervisors follow them in selecting the appropriate enforcement.	Yes
4	Modify regulations to allow immediate confiscation where animals are dying or seriously suffering.	Yes
5	Establish written procedures to refer animal cruelty cases to the States that have such felony laws.	Yes
6	Provide more comprehensive training and detailed guidance to the inspectors and supervisors on direct and repeat violations, enforcement procedures, evidentiary requirements (e.g., adequately describing violations), shelter medicine, and animal abuse.	Yes
7	Revise the <i>Dealer Inspection Guide</i> to require photos for all violations that can be documented in this manner.	Yes
8	Limit total penalty reductions on the new worksheet to less than 100 percent.	Yes

9	Establish a methodology to determine a minimum stipulation amount and consistently apply that amount, when appropriate.	Yes
10	Designate a responsible party to ensure that "Determining Penalties Under the Animal Welfare Act" (April 2006) is consistently followed by AC and IES and that penalties are properly calculated.	Yes
11	Include instructions in "Determining Penalties Under the Animal Welfare Act" to count each animal as a separate violation in cases involving animal deaths and unlicensed wholesale activities.	Yes
12	Propose that the Secretary seek legislative change to exclude Internet breeders from the definition of "retail pet store," and require that all applicable breeders that sell through the Internet be regulated under AWA.	Yes
13	Correct all security issues pertaining to ACIS that were identified by USDA's Cyber Security Office during its concurrency review.	Yes
14	Require the Financial Management Division to ensure that IES follows the payment plan process by conducting additional training and periodic reviews, or require Financial Management Division to reassume its responsibility for establishing payment plans for stipulations.	Yes

Exhibit A: Number of Licensed Dog Breeders by State

State	Number of Breeders
Missouri	764
Indiana	331
Ohio	310
Iowa	217
Oklahoma	155
Kansas	116
Arkansas	105
Wisconsin	83
Illinois	49
New York	40
Nebraska	39
South Dakota	38
Pennsylvania	35
Texas	35
Minnesota	21
Michigan	15
Louisiana	9
Colorado	7
Mississippi	5
North Dakota	5
Georgia	4
Oregon	4
South Carolina	4
Utah	4
Florida	3
North Carolina	3
Unknown ²⁰	3
Virginia	3
Washington	3
Kentucky	2
Maryland	2
Nevada	2
New Mexico	2
Alabama	1
Alaska	1
Montana	1

²⁰ Based on the data the agency provided, we were unable to determine the State.

Tennessee
Total

1
2422