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The Class B Dealer: Down and Out?

Bernard Unti

The supply of dogs and cats to laboratories by Class B animal dealers has been a contentious matter for decades. The subject engenders heated debate whenever it surfaces, most recently in September 2005 when Senator Daniel Akaka (D-HI) proposed an amendment to the FY 2006 agriculture funding bill to withhold federal monies to research institutions that purchase animals from Class B dealers.

Akaka's amendment was accepted by the Senate but left out of the final package approved by a House-Senate conference committee after biomedical lobbyists applied pressure. It was the latest skirmish in a battle as old as the Animal Welfare Act, which in 1966 first brought animal dealers under federal regulation.

Then, as now, the debate is fueled by continuing revelations of horrific neglect and mistreatment of animals handled by Class B dealers. "Dealing Dogs," a 2005 HBO documentary, focuses on a legendarily retrograde operation, the Martin Creek Kennels, and a Last Chance for Animals (LCA) undercover investigation that led the (United States Department of Agriculture) USDA to charge Martin Creek's operators with over 100 violations of the Animal Welfare Act and a \$262,700 civil penalty in 2005.

Senator Akaka's appropriations amendment strategy foundered when representatives of biomedical research argued that the measure's prohibition on funds to institutions that purchased from Class B dealers would impede crucial medical advances being made at those institutions. This is a claim that conveniently overlooks the reality that Class B animals are poor subjects for sophisticated modern research, and that many of them end up in training and educational programs where suitable alternatives are available. Moreover, under Akaka's proposal, institutions would still be able to purchase animals from Class A dealer, breeders. Simply put, the absence of the Class B system would not impede education, testing, or research.

Senator Akaka's appropriations amendment strategy lacked the simple virtue of his bill, S. 451, which would make it impossible, as a matter of law, for institutions to buy or accept animals from any dealer who has not bred and raised those animals. Yet, reaction to Akaka's amendment initiative did reveal that the research community has recalibrated its arguments concerning Class B dealers for the 21st century. The humane movement needs to do the same thing.

Class B: Living up to the name

The Class B animal dealer is a USDA-licensed agent allowed to purchase and collect animals from random sources, such as pounds, shelters, auctions, flea markets, and private individuals, for sale to laboratories, institutions, and other dealers, for research, testing, and education. Unless the animals come from pounds or shelters, the Class B dealer is obligated by law to buy animals from individuals who breed and raise the animals on their own properties, or from other dealers who can provide paperwork showing that the animals originated from such a source.

It doesn't necessarily work like that, though. Many Class B dealers over the years have been caught receiving stolen animals or fraudulently obtained animals-- including pets --and falsifying records to make the transactions stick. Working alongside the Class B dealer in such transactions is the "buncher," typically a shadowy, unlicensed individual who gathers animals from various sources, like "free to a good home" advertisements, or by engaging in outright theft. The falsification of names, addresses, and

sources isn't hard to accomplish if you're serious enough about obscuring the means of acquisition and disposition of animals.

Historically, the Class B facility has been disturbingly similar to the "Concentration Camp for Dogs" that first shocked the nation when LIFE ran its 1966 exposé of the laboratory animal supply trade during the political debate over the Animal Welfare Act. Many B dealers over the years have maintained ramshackle operations, with inadequate enclosures and housing, poor drainage, substandard sanitation, food, water, and storage of supplies, and no serious veterinary care or provision for exercise and socialization of the animals.

Hundreds of Class B dealers flourished in the years immediately following the passage of the Animal Welfare Act. The Institute for Laboratory Animal Research estimated that approximately 400,000 dogs were being used annually by American research institutions during the late 1960s, and most of those were "random" source.

Today, there are far fewer Class B operations as the biomedical community has moved away from using random-source animals and enforcement actions have driven many of the worst offenders out of the business. Nonetheless, as the HBO documentary reveals, poor conditions and horrendous animal suffering are still prevalent in the Class B system.

In addition, Class B facilities are sites where disease is a constant problem that leads to significant health care problems, including diarrhea, worms, and sarcoptic mange. As an investigator in Missouri, for many years, HSUS staffer Curtis Ransom personally witnessed "dead, injured, emaciated, lethargic, flea-infested, mange-ridden, hair-matted, parasitic, hairless, and unhealthy animals" at Class B facilities.

Class B dealers also routinely transport animals in a manner that causes trauma, behavioral stress, physical harm, unnecessary discomfort, and sometimes even death. USDA inspectors have cited dealers for stacking arrangements that endanger animals and failure to keep their transport vehicles clean and in order. C.C. Baird, the dealer exposed in the HBO documentary, was involved in at least one horrific case of mass animal deaths in a 1994 shipment to Mississippi, in which 42 dogs arrived dead in their cages.

Numbers Game

For a variety of reasons, it is hard to determine the exact number of animals handled by Class B dealers, and that has not made it any easier to address the issue in the U.S. Congress. Our understanding is necessarily imperfect because of poor compliance by dealers and institutions with USDA reporting requirements, inadequate and falsified records, difficulties with procuring institutional records through the Freedom of Information Act, multiple sales of the same animal, the exclusion from totals of animals that die in the custody of dealers, and other factors.

According to an estimate of the California Biomedical Research Association, which opposes the Akaka legislation, there were approximately 32,492 dogs and cats from Class B dealers used in American laboratories in 2001.

A sketchy formula provided by the USDA (Federal Register 69 (134), July 14, 2004) puts the number of dogs and cats supplied by B dealers to the laboratory at 18,500 with about 13,000 being dogs. Cathy Liss of the Animal Welfare Institute (AWI), who has studied the issue for many years, believes this figure is in line with data obtainable directly from dealers' license applications to the USDA. A USDA insider recently told Liss that 10,000 dogs would be a fair estimate based on current reports. Moreover, the release of documents resulting from The HSUS's Freedom of Information Act (FOIA) litigation against

USDA should make it possible for the public to derive more accurate estimates of the Class B trade in the future.

In a real sense, the argument over numbers misses the point. Whether it is hundreds, or thousands, or hundreds of thousands, no animals should suffer the conditions exemplified by the Baird operation, or similar operations where grave violations of the Animal Welfare Act have surfaced again and again. Animals destined for the laboratory are likely to face pain, suffering, and death, but that doesn't mean that it's all right to impose additional burdens of suffering and mistreatment upon them while they are in the custody of Class B dealers.

Moreover, Class B dealers are the sources of other mischief from which, one would think, our nation's biomedical research community should want to distance itself. As the Baird case revealed, many animals die or are killed at Class B facilities before they ever get sent to a laboratory. And Class B dealers have on occasion acquired animals fraudulently through other means besides theft. Only a few years ago, a Class B dealer was found to be defrauding the owners of racing greyhounds, convincing them that he was running a shelter, rescue, and adoption program.

By purchasing from B dealers, biomedical institutions perpetuate the very operations the AWA sought to eliminate 40 years ago. Their purchases continue to make the substandard care and mistreatment of animals in decrepit facilities a profitable enterprise for individuals who are not too particular about how the animals are acquired or treated. In addition, they contribute to the widespread perception that there is an illegal interstate traffic in stolen pets for research.

Pet Theft a Blind Alley?

The argument that legislation outlawing the B dealer is needed to halt the problem of rampant pet theft retains its historical potency after four decades. Even today, there are animal activists who claim that each year, hundreds of thousands, if not millions, of dogs and cats are stolen and sold for medical research. While this claim has not got the factual foundation it did in the 1960s or 1970s, there are still documented examples of stolen pets ending up in the hands of Class B dealers and hence in research facilities.

Today, however, it would appear that illegal animal fighting may be a more significant motivation for pet theft. A single fighting dog has likely killed dozens of animals before entering the ring for competition, and most of the victims used in the "bleeding" process were formerly pets.

It is also true that other avenues, like answering "free to a good home" advertisements, offer a safer, more efficient, and comparably lucrative avenue for the Class B dealer supplying to laboratories.

Some observers believe that a 1990 amendment to the Animal Welfare Act virtually foreclosed any possibility that a stolen animal might be sold to a laboratory, at least through the Class B network. The amendment required that dealers provide accompanying paperwork linking each randomly obtained animal to its original owner, and established stricter fines and penalties for illegal transactions.

For their part, lobbyists for the biomedical research community continually stress that pet theft is an "urban legend."

Not exactly. In June 2005, a microchip scan revealed that a dog slated for use in a University of Minnesota research laboratory was Echo, stolen two months earlier from a backyard in Arkansas and sold to the University by a Class B dealer from Michigan.

Nor do the findings in the Baird case inspire confidence. The USDA's 2003 raid at Martin Creek Kennels, conducted in the wake of the LCA's undercover operation, resulted in the identification of a dozen animals whose owners were looking for them. Presumably, all twelve animals would have found their way into the laboratory supply chain but for the enforcement action prompted by LCA's investigation of Baird.

In response to public concern about pet theft, the USDA has increased its efforts to prevent the possibility that stolen animals might end up in research. In 1993, according to the American Physiological Society, only 40% of the animals sold by Class B dealers could be traced back to the original owners. By 1998, Animal Plant and Health Inspection Services (APHIS) administrator Terry L. Medley claimed in a letter to the House Committee on Agriculture that USDA efforts to trace-check animals back to their original owners had a success rate of 90%. In 2001, the USDA claimed that the rate of audited animal acquisition records traced back to the original source had reached 96%.

But the case of Echo and the presence of stolen pets at the Bairds' place make it clear that pets still wind up in research institutions where they ought not to be, the victims of a law and a regulatory system whose flaws have never been properly fixed.

Moving forward without the Class B dealer

Licensure by the USDA isn't like the Good Housekeeping seal of approval. It's more like a driver's permit, establishing the basic privilege to operate. Periodic inspection by the understaffed Animal Care Division of the USDA, moreover, isn't a guarantee that all's well with a given operation. In fact, the Class B dealer seems to stand out as the model of something that just can't be regulated. Many dealers with dozens of recorded Animal Welfare Act violations have not lost their licenses or faced serious sanction.

It ought to count for something in the debate that the USDA itself has expressed support for a two-year phase-out of Class B animal dealers. By its own admission, the agency lacks the resources necessary to track the interstate activities of Class B dealers. Thus, it cannot provide true assurances that illegally acquired pets are not being sold, or that animals in the hands of such dealers are being well cared for.

For their part, biomedical research institutions frequently defeat legislation concerning Class B dealers by arguing that prohibitions will force them to pay a lot more for animals from other sources. But it's time to take into account the costs of keeping an eye on B dealers, a substantial burden to the American taxpayer. With so many other responsibilities, attempting to regulate them is a poor use of USDA inspectors' time.

Nor is there any worth to the argument that random source animals -- larger and genetically diverse, for example -- fill a crucial need for research, testing, and education that can't otherwise be satisfied. There's no reason to imagine that Class A dealers who breed animals would not be able to meet this demand for as long as it should continue.

Despite its continued resistance to the Akaka legislation, there are some indications that the research community is fighting a rearguard action on the Class B issue, fighting off the inevitable disappearance of the random source animal dealer. Dr Robert Whitney, who eventually became the top veterinarian at the National Institutes of Health (NIH), long argued that the Class B dealer should be eliminated, and it's a positive sign that a number of institutions have switched to a policy of buying only from Class A permit holders. In addition, there are a lot fewer Class B dealers; in 1993 there were 100 of them selling to research, but in 2001 there were just 20.

There ought to be none. When it comes to the supply of dogs and cats for research, testing, and education, the issue that should govern legislation and public policy is how animals are treated. Whether

the number involved is 10,000 or 10, animals shouldn't suffer the indignity, cruelty, and mischief of the Class B pipeline.