

ANIMALFOLKS

April 2023

To: Winona County Planning Commission
202 W 3rd St W
Winona, Minnesota 55987

RE: Discussion on Industrial Dog Breeding Facilities in Winona County

Dear Commissioners:

For years, residents of Winona County, Animal Folks and other subject experts have spoken with the county about concerns with the industrial dog breeding facilities in Winona County.

Repeated requests have been made for actions to protect the health, safety, and welfare of these animals — and to protect the reputation and general welfare of Winona County.

Attached are a few questions that have been raised with abbreviated answers. More details can be found in the bound document submitted to you and also on the website: www.speakupwinonacounty.org.

Testifiers will also speak to some of these issues.

Animal Folks and residents are available to meet and discuss this issue in more depth, as are other subject experts in Minnesota and the United States.

Thank you for taking the time to discuss this issue so as to be fully informed.

Sincerely,

Ann Olson
Animal Folks
651-222-2821

WINONA COUNTY DISCUSSION: INDUSTRIAL DOG BREEDING FACILITIES

QUESTIONS AND ANSWERS

1. What is the issue for discussion?

Specific requests by the public have been made to the county board for action, including:

- A full discussion by the county of the dog breeding industry to be accurately informed as to the problems and dangers created by these facilities to the animals and consumers

Based on this data and understanding:

- Prohibit permits for future industrial dog breeding kennels
- For existing 12 permitted facilities (if grandfathered in) — Develop a more comprehensive kennel ordinance or place additional conditions on the permits to make standards consistent and to enhance the health, safety, and welfare of the dogs and puppies
- For existing 12 permitted facilities (if grandfathered in) — Assess current county compliance measures and adjust where needed with cost-effective options for compliance
- For existing 12 permitted facilities (if grandfathered in) — Discuss options and incentives to encourage kennels to transition out of the harmful dog breeding business

Refer to pages 5-7 in the document or go to: www.speakupwinonacounty.org

NOTE: It is assumed legal options will be provided to the Planning Commission and County Board.

2. What is the core problem with these breeding facilities?

- The physical, mental, and behavioral harm caused by these breeding facilities to the breeding dogs and puppies is the core problem.
- Often, authorities who enter facilities are not qualified to evaluate the health and well-being of each animal.
- Many of the problems cannot be “witnessed” in a short visit. Harm to animals can be caused over years due to excessive confinement and lack of care.

Refer to pages 37-44 in the document or go to: www.speakupwinonacounty.org

3. What authority is granted from the state to local government in regard to animal welfare?

- The state, through Minn. Stat. sec. 392.21, Minn. Stat. sec. 394.301, and Minn. Stat. sec. 375.51, grants authority to counties to protect the public interest and promote the health, safety, morals, and general welfare of the community. Animal welfare is not excluded from these laws.
- A staff report referenced case law. In these cases, the courts did not say boards are barred from incorporating conditions. A county board can incorporate conditions. Animal welfare is not reserved solely for the state or federal governments.

Refer to pages 8-9 in the document or go to: www.speakupwinonacounty.org

4. Who is responsible for the welfare of animals?

- County staff has stated that it is not qualified to handle animal welfare in these breeding facilities. Agreed; ensuring animal welfare requires expertise. At no time did Animal Folks or residents suggest that the county should hire its own inspectors. This would be costly and ineffective.

- To delegate all animal welfare to the state and federal government is also ineffective.
- The USDA and Board of Animal Health are not experts in dog welfare.
- The ineffectiveness of regulation for this industry raises larger policy questions: Why do these businesses continue to operate when the harm to animals is well-documented? What is animal welfare and what are the physical and emotional needs of these animals to have a decent quality of life? What role does the county play in the promotion of these businesses and what are the values of Winona County in regard to the treatment of dogs?

Refer to points 5 and 6 below.

5. The state regulates most of these facilities. Why not just defer all welfare to them?

- The Board of Animal Health has failed to enforce the state dog and cat breeder law properly — from not conducting rule-making for the breeder law to granting a license to a dog breeder convicted of animal cruelty to refusing to fulfill data requests about its training protocols and enforcement actions.
- The staff report incorrectly stated that Rules 1721.0520 apply to the breeder law. These rules only apply to the kennel and dealer law, which is for animal shelters — not breeders.
- Multiple requirements were specifically added to the breeder law to enhance and protect the physical, mental, and social well-being of each animal, such as:
 - 347.59(4) “animals must be provided daily enrichment and must be provided positive physical contact with human beings and compatible animals at least twice daily...”
 - 347.59 (7) “the commercial breeder must provide adequate staff to maintain the facility and observe each animal daily to monitor each animal’s health and well-being...”

It is unclear how or if these requirements and other conditions are enforced by the state. By not conducting rule-making, the law was not further defined, weakening enforcement efforts.

- A Companion Animal Board (CAB) bill has been introduced at the Minnesota Legislature to address these concerns; the CAB bill transfers the dog and cat breeder law from the Board of Animal Health to the CAB who will have a dedicated mission and expertise in pet welfare.

Refer to pages 110-113 in the document or go to: www.speakupwinonacounty.org



*NOTE: Certain photos used in the powerpoints are misleading, such as the photo above illustrating exercise. **No Winona County breeder brings their 50, 100, or 200 dogs to a lake to go swimming.***

6. The federal government regulates some of these facilities. Why not just defer all welfare to them?



- The USDA has failed to protect animals in federal-licensed dog breeding facilities.
- Numerous lawsuits, audits, congressional orders, and other actions have documented this failure.
- A new federal bill, Goldie’s Act, has been introduced to try and impose stronger enforcement efforts. (Photo at left is Goldie, one of hundreds of dogs from a USDA-licensed facility in Iowa owned by Daniel Gingerich. The USDA allowed Goldie to suffer and deteriorate for months, even though they had the authority and are directed by the Animal Welfare Act (AWA) to protect dogs in these facilities.)

Refer to pages 106-109 in document or go to: www.speakupwinonacounty.org

7. There are other Minnesota laws that can address this. Why not rely on them?

- State animal cruelty laws, such as chapter 343 and Minn. Stat sec. 346.35 – 346.44, are complaint-based. Individuals must access the facilities to report what they see or suspect. This rarely happens.
- MN-licensed veterinarians are mandated reports of animal cruelty; however, no veterinarians of dog breeders have been known to report “what they see or suspect” in breeding kennels. It is assumed that conflict of interest (being paid by the breeder) or ignorance about dog welfare prevents this.
- If actions are taken, the burden on law enforcement and animal shelters and rescues is considerable. Consumers too experience severe financial and emotional harm if sold a sickly puppy.

Refer to pages 114-115; 96-104 in document or go to: www.speakupwinonacounty.org

NOTE: Animal Folks filed an animal cruelty complaint in 2012 against Leroy Yoder located in Utica. Reports showed inadequate personnel to provide the level of husbandry required by law, repeated violations of cleaning, sanitation and maintenance, an emaciated dog needed to be held up, excessive matting and nail growth, eye infections and buildup (dog could not open eyes), dental disease, inaccurate forms, expired medications, wire-flooring and harm to paws, and more. No action was taken by law enforcement due, in large part, to the sheriff office and humane agent not having proper training with this type of crime. It is difficult to rely on animal cruelty laws to protect the dogs in the facilities.

In March 2012, a groomer who had received some of the breeding dogs from Leroy Yoder prior to the complaint had stated: “In dealing with dogs that come from puppy mills, I have found that ‘compliance’ is not reached with patience but with force and fear. The dogs are timid and frightened because they are psychologically damaged due to lack of socialization, human contact, and kindness.” This breeder was granted a permit and is one of the largest breeding operations in Winona County with 217 dogs and puppies (80 adult breeding dogs and 137 puppies) as recorded on the 01-17-23 USDA report.

8. Staff stated that habitually barking dogs is a public nuisance but only relies on complaints.

- The neighbor of two dog breeders in Utica expressed his annoyance with the dog barking.
- He is reluctant to report as he doesn't believe the county will take action. He had testified against the breeders in 2015 and the county (3-2 vote) still approved permits for the breeding operations.

Refer to page 49 in the document for Mr. Mundt's letter to the editor.

9. What about other counties and kennel ordinances and conditions?

- County staff presented different kennel ordinances from other counties. To address concerns with industrial dog breeding kennels, these counties have created more comprehensive ordinances with multiple standards— so as not to rely solely on conditions in conditional use permits.
- Conditions cited in the Winona County CUPs and one IUP are inconsistent across all kennels and some kennels have few, if any, conditions to protect the welfare of the animals.
- The regulatory system is broken; animals continue to be harmed.

10. County staff visited the kennels. Shouldn't that prove all is well?

- County staff, in its recent presentation to the Planning Commission, indicated they visited some of the kennels. While their intentions are good, of interest:
- All visits were announced. Dates were provided to the breeders ahead of time which allows any kennel to "clean up" or remove animals if needed.
- Two kennels refused entrance by county staff citing biosecurity. Hazmat suits could have been worn by staff to enter and assess conditions.
- It is unclear as to the qualifications of each staff member who visited the kennels. Assessing the welfare of dogs (mental, physical, behavioral), if that was the intent, requires expertise. Example: Recent dogs given to a rescue group from a Winona County breeder indicated arthritis with one dog, resulting in chronic pain. Another dog displayed mental problems, including fear of people.

It is rare for the public to gain entrance to a breeding facility. Even if entrance is allowed, often authorities do not know how to properly evaluate conditions and the internal and external well-being of each dog. Example below is from a Wisconsin dog breeder. It is shown to raise questions of care and what should be considered. Links to multiple videos inside similar kennels can be found on pages 14-20 of the document.



CONCLUSION: General welfare and values of a community

A recent staff report stated: “There is significant regulation, inspection and oversight for dog kennel and operations already.” Respectfully, this statement reflects a misunderstanding of the issue, which is: the harm to the animals due to the current dog breeding business model that keeps adult dogs confined for years to mass produce puppies.

Staff presentations and powerpoints by the USDA and Board of Animal Health did not address what constitutes animal welfare and the physical and mental needs of the dogs.

A law is only as good as it is enforced. Having regulation in place is not the same as having effective enforcement of the regulation that provides protection of each animal. Both state and federal regulatory efforts haven failed to protect dogs, puppies, and consumers. Local government does not have sufficient resources to construct qualified compliance measures.

The fact that this issue is still being discussed year after year suggests the problem continues.

As one resident stated: "If Winona County does not have the time or resources to follow up with animal welfare, then why are permits being granted in the first place?"

The question now is one of policy — not mere process and regulatory oversight. This issue is about the health, safety, morals, and general welfare of the community.

- Residents value the welfare of dogs and want animals to be treated with high standards of care.
- Because regulation has failed and animals have suffered, residents do not want the county to continue issuing permits that allow these outdated breeding businesses that mass produce puppies to operate.
- Residents want action that supports and promotes animal welfare, not animal maltreatment.

This issue is also not only a local matter. Puppies are sold to pet stores in Minnesota and nationwide. Other states (see letters from New York and Florida) do not want puppies from Winona County.

Winona County has the opportunity to be known as the humane capitol of Minnesota, rather than the puppy mill capitol of Minnesota.

