



Office of the City Manager

November 12, 2019

To: Honorable Mayor and Members of the City Council

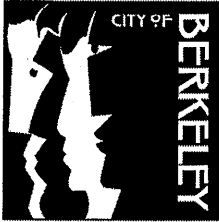
From: *DWR* Dee Williams-Ridley, City Manager

Subject: Live Animal Retailer Animal Sales Disclosures

On November 13, 2018, the Berkeley City Council referred adoption of an ordinance adding Chapter 9.26 Live Animal Sales Disclosure Requirements to the Animal Care Commission (ACC). After deliberating, the ACC respectfully recommended that the Berkeley City Council (BCC) not approve the proposed new BMC ordinance Chapter 9.26 Live Animal Sales - Required Disclosures. Instead, the ACC recommended that the BCC encourage Berkeley retailers of live animals to provide their animal's sourcing information to purchasers by using the appropriate one or two of the following descriptions: 'Captive bred'; 'hobby breeder' or 'licensed breeder', 'rescue', 'wild caught' or 'imported'. On September 10, 2019, the Berkeley City Council approved the Animal Care Commission recommendation. These terms have been defined and the recommendation including defined terms has been distributed to relevant pet retailers doing business in the City of Berkeley (see attachment).

Attachment: Letter to Pet Retailers in the City of Berkeley regarding animal sourcing.

cc: Paul Buddenhagen, Deputy City Manager
David White, Deputy City Manager
Erin Steffen, Assistant to the City Manager
Jenny Wong, City Auditor
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager



Attachment

Office of the City Manager
Animal Care Services

Pet Retailer
Berkeley, CA

October 3, 2019

Dear Retailer,

In October of 2017, Governor Jerry Brown signed AB 485, a law requiring pet stores in California to source dogs, cats, and rabbits from shelters and rescue groups rather than from puppy mills or other large scale pet producers. It also requires pet stores to maintain and publicly post records of the origins of dogs, cats, and rabbits. This legislation serves to both empower consumers by informing them about the source of animals as well as to discourage businesses from sourcing animals from breeders.

In the spirit of AB 485, the Berkeley Animal Care Commission made a proposal to Berkeley City Council in September 2019 recommending that pet retailers in Berkeley make available the purchasers, sourcing information regarding animals available for purchase. City Council approved this proposal and is therefore recommending that sourcing information be made available to purchasers in your store.

The recommendation suggests using the following categories and definitions when make sourcing information available to purchasers:

Captive bred - is defined as animals that have not been caught in the wild but have been born and bred in captivity from parents that mated in captivity." (USDA)

Licensed Breeder - The AWA (Animal Welfare Act) requires wholesale breeders and dealers who supply animals to pet stores, brokers, or research facilities to be licensed with USDA. Breeders and dealers are required to meet the minimum standards of humane animal care and treatment established by the AWA and enforced by the USDA's Animal and Plant Health Inspection Service (APHIS). (USDA)

Wild caught, not bred in captivity, bred in the natural wild habitat. (USDA)

Hobby breeder- There are exemptions to the dealer licensing requirements. In summary, the exemptions include but are not limited to, retail pet stores, breeders with four or fewer breeding females of dogs, cats, and/or small exotic or wild mammals, sales of less than 25 dogs or cats per year to research facilities, purchases and sales of animals used only for the purposes of

food or fiber (including fur), and any person who buys animals solely for his or her own use or enjoyment. (USDA)

Rescue - (1) "Animal adoption organization" or "animal rescue organization" means a not-for-profit entity that is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code established for purposes of rescuing animals in need and finding permanent, adoptive homes for those animals and that maintain records pursuant to Section 32003 of the Food and Agriculture Code. (California Law)

Imported- Any animal introduced or brought into, or landed on, any place under U.S. jurisdiction is an import. (US Fish and Wildlife)

If you have any questions regarding this recommendation, please feel free to contact me at 510-981-6603.

Sincerely,

Amelia M. Funghi
Manager
Berkeley Animal Care Services