**July 23, 2019**

**Re: Comments on proposed information collection project titled "Enhanced Surveillance for Cases Linked to a Multistate Outbreak of Multidrug-resistant *Campylobacter* Infections Linked to Contact with Pet Store Puppies."**

Centers for Disease Control and Prevention, Docket No. CDC-2019-0038; Submitted on July 23, 2019 via federal eRulemaking portal, Regulations.gov

I. Introduction

On behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA), the Humane Society Legislative Fund (HSLF), and the Humane Society of the United States (HSUS), thank you for the opportunity to submit these comments on the Centers for Disease Control and Prevention's (CDC) proposed information collection project titled "Enhanced Surveillance for Cases Linked to a Multistate Outbreak of Multidrug-resistant *Campylobacter* Infections Linked to Contact with Pet Store Puppies." We support the CDC's proposed information collection project and encourage the agency to use the information gathered to evaluate potential interventions that could be used to stop the spread of disease and prevent future outbreaks.

Despite a finding by the CDC that commercially bred puppies sold through pet stores were the source of the antibiotic-resistant, multi-state outbreak of *Campylobacter* (2016-2018), which has sickened at least 118 people[1], there have been no additional regulations or interventions proposed to prevent future infections. As a result, the risk to the public's health continues. A recent news report highlighted a 16-year-old who contracted *Campylobacter* while employed by Petland and was hospitalized as a result. Her family filed a class action lawsuit after Petland declined to take responsibility for her illness. It is clear that puppies sold in pet stores can present a serious risk to public health and could be contributing to overall antibiotic resistance in our environment.

Puppies from commercial facilities and sold through pet stores are bred and raised in inhumane and unsanitary conditions, because the cruel breeding industry values profit over the health and care of the animals. Puppies from these facilities often carry disease, and because puppies from different breeders are shipped together on crowded trucks or share space in a pet store, disease can easily spread. We urge the CDC to use the information it gathers to stop the flow of sick puppies into the stream of commerce and address the inhumane and unsanitary conditions that serve as the catalyst for this public health threat.

II. Summary of Outbreak and Investigation

In August 2017, the Florida Department of Health notified the CDC of six *Campylobacter* infections linked to Petland, prompting CDC's investigation to identify the source of the outbreak and to prevent additional illness. The CDC investigation included the collection and analysis of epidemiologic, laboratory, and traceback evidence.

[1] https://www.cdc.gov/mmwr/volumes/67/wr/mm6737a3.htm

By the conclusion of their investigation, the CDC had identified 118 people in 18 states who had been infected. This included 29 pet store employees who worked where dogs were sold. Those sickened ranged in age from younger than 1 year old to 85. Almost all (99%) infected persons reported dog exposure, including 95% who had contact with a pet store puppy. The CDC's laboratory testing confirmed that the infections were linked and were resistant to azithromycin, ciprofloxacin, clindamycin, erythromycin, nalidixic acid, telithromycin, and tetracycline—common first-line options for treating *Campylobacter* infections.[2]

The CDC found over 30 breeders and distributors connected to infected puppies; however, because the commercial dog breeding, transport, and sale model involves significant co-mingling, with major disease transmission risks at every point, no single breeder, distributor, or transporter was identified as the infection source.

This evidence, combined with the prolonged nature of the outbreak and the potential for puppy co-mingling, led the CDC to conclude there was "a potential for continued transmission of multidrug-resistant *Campylobacter* industrywide, including at breeders, distributors, transporters, and stores, and ultimately in customers' homes."[3]

## III. Background on *Campylobacter* in Animals/Commercial Breeding Context

Although the pet industry was quick to point out that any dog can acquire *Campylobacter*, there are identified factors associated with the development and spread of the disease, including the following:

- poor hygiene conditions, specifically environments that include wet areas or do not have sufficient fly control;
- high density housing, where animals are kept caged together;
- age, with the disease being more common in young dogs, particularly puppies;
- contact with other animals;
- stress;
- diet, including feeding leftover food or rapid changing of diet; and
- antibiotic use.[4]

Many of these conditions are commonly found in the commercial breeding industry. The commercial breeding model incentivizes producing the highest possible number of dogs at the lowest cost. Federal standards of care required by the Animal Welfare Act (AWA) regulations and enforced by the United States Department of Agriculture (USDA) allow breeding dogs to spend their lives housed together in small, stacked cages. Adult breeding dogs and puppies eat and defecate in the same small spaces, often having to walk through one another's excrement. Food and water bowls and cages are only required to be sanitized every two weeks. This environment allows disease to spread quickly.

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[2] https://www.cdc.gov/mmwr/volumes/67/wr/mm6737a3.htm

[3] Montgomery MP, Robertson S, Koski L, et al. Multidrug-Resistant *Campylobacter jejuni* Outbreak Linked to Puppy Exposure — United States, 2016–2018. MMWR Morb Mortal Wkly Rep 2018;67:1032–1035. DOI: http://dx.doi.org/10.15585/mmwr.mm6737a

[4] Campylobacter infections, a significant issue of veterinary urban hygiene: dog-related risk factors Veterinaria Italiana 2017, 53 (2), 111-120. doi: 10.12834/VetIt.904.4615.2.

Instead of improving the conditions which lead to disease spread and/or ensuring a sick dog is given a specific diagnosis and tailored treatment plan, commercial breeders give dogs antibiotics prophylactically. These commercial facilities often use dog brokers (i.e., distributors, or middlemen) who sell and transport to pet stores.

As noted during the CDC investigation, dog brokers and transporters routinely mix young puppies from multiple breeders on trucks used to ship puppies to pet stores. Since puppies can be on an enclosed truck for many hours or days (for example traveling from Iowa to pet stores on the East Coast), there is ample time for a puppy to be exposed to an infected dog.

Puppies who are being prepared for shipment on trucks with other dogs may be given antibiotic medications by the broker or transporter. Pet stores also are known to provide antibiotics to puppies in an effort to address (or mask) a variety of symptoms of illness, such as vomiting and diarrhea, so they can be sold to consumers. Undercover pet store investigations undertaken by HSUS have shown that puppies are routinely given antibiotics by pet store workers based on their symptoms, often without first receiving a specific diagnosis or testing by a licensed veterinarian.[5]

As part of their investigation, CDC visited 20 pet stores in four states (Kentucky, Ohio, Pennsylvania, and Wisconsin) and collected antibiotic administration records for 154 puppies. Of the 149 puppies with available information, 142 had received one or more antibiotic courses before arriving or while at the store. 78 had received antibiotics prophylactically (to prevent illness) and 54 received antibiotics both prophylactically and for treatment.

Administering antibiotics to puppies without a definitive diagnosis, at multiple points by different people, or as an alternative to providing reasonable hygiene and husbandry is the opposite of the judicious use recommended by most public and animal health organizations for companion animal care.[6] In the case of the *Campylobacter* outbreak, we believe this resulted in many people becoming ill; 23 of them became so ill that they had to be hospitalized, according to the CDC study.

This widespread antibiotic administration among pet store puppies has led to antimicrobial resistant disease and increases the potential for transfer of antimicrobial resistant bacteria from dog to humans.

## IV. Pet Industry Inaction Contributes to the Ongoing Threat

The CDC clearly connected the multi drug-resistant *Campylobacter* strain to pet store puppies, but despite the strong evidence and ongoing threat to the public, the CDC indicated that "[u]nlike for most multistate foodborne disease outbreaks, the outbreak vehicle (puppies) could not be removed from commerce." It is not clear exactly what the CDC meant by this statement. The inability to identify a single source should not be used as justification for inaction. On the contrary, the fact that the pet industry model makes tracing to one source difficult is evidence that there is ongoing potential for serious infections that can spread rapidly and impact multiple states.

Often, in an effort to prevent threats to the public heath, agencies take action even before a traceback is completed. Relevant federal agencies can request that industry voluntarily restrict sales of a product

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[5] https://blog.humanesociety.org/wp-content/uploads/2019/05/Petland-report-FINAL-May-2019.pdf

[6] See for example, https://www.avma.org/KB/Policies/Pages/AAFP-AAHA-Basic-Guidelines-of-Judicious-Therapeutic-Use-of-Antimicrobials.aspx.

while the investigation is occurring. For example, in 2018, health officials suspected that people were falling ill after consuming romaine lettuce. Because the exact growing locations and dates of harvest were uncertain in available traceback records, and the outbreak appeared to be ongoing, in addition to recommending that consumers not eat any romaine lettuce until further notice, the Food and Drug Administration (FDA) also requested that industry voluntarily withdraw product from the market and withhold distribution of romaine lettuce until FDA could either identify the specific source of contaminated romaine lettuce and take appropriate action; or determine that the outbreak was over.[7] In response to FDA's announcement, produce industry groups urged an industry-wide voluntary withdrawal of all romaine in marketing channels and held in inventory at that time.[8]

In this particular case, there did not appear to be any such voluntary action by any member of the commercial pet industry. Voluntary actions, including commercial breeders choosing not to sell puppies until testing, distributors choosing not to co-mingle or transport dogs, pet stores suspending purchases of commercially bred puppies, or an urgent warning to consumers to minimize contact with puppies in pet stores, could have contained the outbreak and minimized infections.

In a 2017 public statement, Petland—the pet store at the focus of the investigation and ultimately linked to the majority of the cases—did not acknowledge that the strain of *Campylobacter* linked to its puppies was a particularly dangerous, antibiotic resistant strain. Petland's public statement implied that *Campylobacter* was common and ordinary, deliberately downplaying the severity of the issue. Petland also claimed its procedures were already safe and suggested that the entire outbreak could be blamed on the poor hygiene of the victims. Petland even insinuated that the victims may have become infected by eating raw or undercooked chicken, a claim that was not in line with the CDC's findings.[9] Petland did not appear to make any, even temporary, changes to its procedures and continued to keep its doors open to the public, including allowing young children to handle puppies throughout the course of the outbreak. The only apparent "effort" made by Petland was to publicly state that it would continue its efforts to encourage hand-washing after contact with puppies.

Of significant concern, Petland also did not appear to fully cooperate with the CDC during the investigation. Emails obtained via public records requests indicate that Petland did not allow CDC to share traceback information with state health department partners and that Petland failed to provide requested information to the CDC that would have assisted with their investigation. CDC noted in an email to Petland attorneys that the agency had requested specific information from Petland on several occasions and that: "Any further delay in providing this information to CDC hinders our ability to conduct a thorough and expedient investigation which in turn hinders our ability to prevent potential additional infections with this multidrug resistant pathogen."[10]

Additionally, USDA—the agency that regulates commercial dog breeders and dealers—did not appear to take any action during the investigation, or even after CDC evidence confirmed that the antibiotic-resistant *Campylobacter* was traced to over 30 USDA licensees.

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[7] https://www.fda.gov/food/outbreaks-foodborne-illness/outbreak-investigation-e-coli-o157h7-linked-romaine-lettuce-grown-ca

[8] "Produce Industry Groups Respond to Protect Consumers in Romaine Outbreak," Nov. 20, 2018, https://www.unitedfresh.org/produce-industry-groups-respond-to-protect-consumers-in-romaine-outbreak/

[9] https://petland.com/news/2017-9-11.htm.

[10] *See* Attachment 1

CDC's findings that (1) hygiene and animal husbandry practices can reduce the need for antibiotics and decrease transmission of *Campylobacter* between animals and from animals to humans, (*2*) adherence to antibiotic stewardship practices in these settings might reduce the selection of highly drug-resistant *Campylobacter*, and (3) implementation of antibiotic stewardship principles and practices in the commercial dog industry is needed., all directly point to the role and responsibility of the USDA. But to date, that agency has not provided any indication on how it intends to address these issues. In fact, we were unable to locate any public statements by USDA about the *Campylobacter* outbreak.

## V. Conclusion

Given the nature of the commercial pet industry and given that we continue to receive complaints from the public about dogs infected with *Campylobacter*, it is very likely that both dogs and humans are still being infected. It is also likely that the practices which led to this outbreak will cause multidrug-resistant outbreaks of other zoonotic disease. For example, recent cases of brucellosis have been linked to a commercial dog breeder in Iowa who was known to have a problematic compliance history with USDA.[11]

We share the concern with CDC about the risk of continued canine and human illness and believe that identifying and tracking ongoing cases associated with this outbreak could help expose even more widespread unhygienic and inhumane practices of this industry. Collecting this information is vital to further the CDC's ability to evaluate potential interventions that could be used to stop the spread of disease and prevent future outbreaks to protect public health. Commercial pet breeders, brokers and pet stores must be held publicly accountable. We believe accountability is essential in containing and preventing future outbreaks. We look forward to reading the results of this information collection project and gaining insight into the use of antimicrobials by the commercial pet industry.

Sincerely,

Ingrid Seggerman
Director of Regulatory Policy
ASPCA

Gillian Lyons
Senior Regulatory Specialist
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Kathleen Summers
Director of Outreach and Research, Puppy Mills
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[11] https://www.desmoinesregister.com/story/news/2019/06/28/more-canine-disease-cases-found-originating-marion-county-breeder-double-g-knells-iowapuppies-com/1594015001/

# Attachment 1

**From:** Nichols, Megin C. (CDC/OID/NCEZID)
**Sent:** 31 Oct 2017 19:27:01 +0000
**To:** 'Halpern, Nancy E.';Elizabeth Kunzelman
**Cc:** Williams, Ian (CDC/OID/NCEZID);Jhung, Michael (CDC/OID/NCEZID);Huntley, Heather (CDC/OCOO/OGC)
**Subject:** Cooperation with CDC investigation
**Attachments:** Petland data request_10252017.xlsx, Puppy Stool Collection Results_10252017.xlsx
**Importance:** High

Dear Elizabeth and Nancy,
Thank you to Petland for the assistance you've provided to CDC thus far. Your further cooperation in this investigation is requested in order for CDC to examine potential sources of infected puppies, and determine the extent to which they are associated with Petland. All information shared with public health partners during an outbreak investigation is done so with the understanding that the information will not be shared with entities not essential to the investigation.
It is not our standard operating procedure to have firms and their attorneys work directly with our state public health partners to convey information during a multistate outbreak investigation. However, we wish to move this investigation forward, and if this is the only way Petland will permit microchip numbers to be shared, we will proceed as follows. We will advise our state public health partners that Petland will not allow CDC to share traceback information with them, but that Petland will provide this information directly. Accordingly, we propose a call between state partners in Indiana, CDC, and Petland to convey the microchip numbers important to this investigation. Please let us know your availability and who from Petland will need to be included in this call.
Additionally, we are still waiting for information from Petland that will be helpful in the traceback investigation. We are resending the information provided previously on 10/20/2017 and on 10/27/2017 with the requested information highlighted in yellow. Any further delay in providing this information to CDC hinders our ability to conduct a thorough and expedient investigation, which in turn hinders our ability to prevent potential additional infections with this multidrug-resistant pathogen. Please advise if you are not able to provide the requested information.
We are also reattaching the test results for puppies in stores. Please convey these results to stores and advise implementation of measures to prevent any additional infections.
Sincerely,
Megin Nichols, DVM, MPH, DACVPM
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