

Sportsmen's and Animal Owners' Voting Alliance
Working to identify and elect supportive legislators
<http://saova.org>
559 Thoroughfare Road
Brightwood, VA 22715
(540) 543-2312

North Carolina Responsible Animal Owners' Alliance
North Carolina's leading voice for responsible animal ownership
<http://www.ncraoa.com>
PO Box 455
Stem NC 27581

Dog Federation of Wisconsin
Promoting & Protecting Responsible Dog Ownership
<http://dfow.org>
W7821 County Road MM
Wautoma, WI 54982
(920) 765-0938

Statement for Inclusion in the November 8, 2005 Hearing Record
of the Senate Agriculture, Nutrition and Forestry Subcommittee
Concerning S1139, the Pet Animal Welfare Statute of 2005 (PAWS)

S1139 (PAWS) eliminates America's best source for pets – the home hobby breeder and rescuer.

For decades, hobbyists, or home breeders have been the best source of American pets. These animals are exceptionally well suited for the residential environment as they've already been raised in one. Commercial operations are at a distinct disadvantage in that they are not able to provide the type of heart and soul socialization and care that hobby breeders give.

- PAWS imposes USDA regulation on many private hobby breeders, most rescuers and every buyer and seller of a dog for hunting, security and breeding purposes, in a misguided effort to close perceived Animal Welfare Act "loopholes."
- PAWS abandons an existing workable, longstanding, legally tested basis for commercial pet business licensing and regulation, substituting a more complex, significantly larger plan that will be litigated for years, be very expensive to implement and will impair animal welfare.
- PAWS devastates hobby breeders of all pet species, small animal rescuers and targeted dog breeds. The nation's dog, cat, rabbit and bird pet owners say NO PAWS!

The three organizations submitting this statement, the Sportsmen's and Animal Owners' Voting Alliance, the North Carolina Responsible Animal Owners' Alliance and the Dog Federation of Wisconsin, represent responsible sportsmen and animal owners nationwide and in two specific states. They are familiar with state pet legislation and regulation, as well as the federal Animal Welfare Act and its USDA implementing regulations. We support sensible and humane animal welfare laws and oppose those that would restrict the rights of responsible animal owners.

Witnesses delivering oral statements at this hearing do not represent the nation's pet owners, hobby breeders, rescuers or owners of hunting and security dogs. Only those with a financial interest in seeing PAWS become law have been permitted to speak at this U.S. Senate Agriculture Subcommittee hearing, making many question whether this is a balanced and well-informed federal law making. PAWS is a fatally flawed bill. If properly enforced, it will either totally overwhelm USDA, or it will stop hundreds of thousands of home pet breeders from doing what they love. It should not receive further consideration from the U.S. Senate.

General PAWS Background

Introduced on May 26, 2005, S1139 or the Pet Animal Welfare Statute of 2005, "PAWS" represents a dramatic departure from the historical scope of the Animal Welfare Act, which has traditionally provided for the care and keeping of animals in a laboratory environment or large commercial settings. Without precedent, PAWS seeks to enter the privacy of American homes, setting standards of pet care and specifications for pet housing.

PAWS also exposes every seller of a hunting dog, most rescuers, and some breeders to USDA licensing and home inspections. PAWS doesn't "close a loophole". PAWS fundamentally changes the USDA's existing, long-standing, legally tested basis for federal dog and cat business licensing and regulation. The current procedure is based on treating wholesale sales and retail sales differently. Reducing it to its simplest terms, under current law and USDA regulations, if you sell a dog to a wholesaler, you are regulated. Rescuers, hobby breeders and owners selling to retail buyers are exempt today. The Doris Day Animal League challenged the hobby breeder portion of this regulatory structure in court and lost in 2003.

PAWS uses the numbers of litters bred and/or animals sold to decide which sellers should be USDA licensed. It ignores the factors of multi-species breeders, co-ownerships, the health of pedigreed cat queens, stud-puppy/kitten arrangements and resales. No study or proof of any kind has been offered to explain the rationale of using numbers as a threshold for licensing. This is completely arbitrary and has no connection or correlation to levels of care or necessity for regulation. An individual who breeds and sells a single litter may do so improperly, while another may sell a great many high quality animals to loving homes. Further, if such numerical criterion becomes law, pressures will quickly mount to reduce those thresholds.

Passage of PAWS will require a total rewrite of USDA regulatory standards. USDA's 60 pages of commercial care standards will need to be amended to allow home breeders to raise small pets in residential settings. This will be an overwhelmingly difficult task, with very large political and legal hurdles, promulgating regulations that apply to small breeders in a variety of settings as varied as there are homes and each different for dogs, cats and the other small animals which are covered in PAWS. In addition, USDA will have to decide whether to follow performance standards or engineering standards in developing these new regulations. Either way is a no win situation. Performance standards are being challenged by animal rights groups in favor of engineering standards. Those entities forced to comply with the current, more costly regulations will challenge home breeder rules, if the newly developed regulations are viewed as discriminating against commercial interests. Lawsuits will be inevitable as all sides attempt to have their version of requirements enacted into law or regulation.

PAWS supporters claim that S1139 will regulate Internet sales; however, this is not even mentioned in the bill. Further, there have been no studies offered to demonstrate the number of internet sales of pets, specifically dogs and cats, in which the purchaser does not see the kennel or cattery. Thus there is no proof of this being a real problem within the USA, under current USDA regulations. There have been no studies to show how many of this unspecified number of buyer complaints were resolved under current local or state consumer protection laws. Therefore, S1139 has no supporting rationale, no proof to validate its need regarding the Internet sales of animals, only scattered anecdotes.

PAWS supporters claim federal regulation is needed to control an increasing number of animals being imported and sold. Under current USDA regulations, imported dogs must be 8 weeks of age and the USDA Animal Care Department already inspects dogs traveling on both US and foreign carriers. A veterinarian must inspect every animal crossing a state line. We submit that if a need to address increased importation truly exists it can be covered in a separate bill without requiring thousands of US citizens to be federally licensed.

PAWS will all but eliminate home-based rescue. Volunteers "rescue," or rehome pets turned into shelters and pounds. Operating out of their homes, with pound and shelter operators, rescue volunteers are a significant source of cost low, quality dogs and cats. Even the smallest of rescue organizations sell or place 25 dogs/cats in one year, making them PAWS "dealers." Most rescuers couldn't meet the USDA dealer standards and would close their doors, eliminating this large and extremely worthy effort for no good reason.

PAWS Impacts

Dogs - PAWS can only create irreparable harm to small- and mid-size hobby breeders who raise dogs in their homes in a family environment. Dogs are raised for show, performance, service, stock work, hunting, maintaining a connection with animal husbandry which is now limited by urban living. The inability to comply with USDA licensing and regulation in a residential neighborhood will force many enthusiasts to abandon their hobby. This will place severe limitations on many breeds of dogs and eliminate one of the best sources of dogs for the public, service and guide dog programs, search and rescue programs, and herding interests, among many others. Dogs sold for hunting, security and breeding purposes will be regulated irrespective of other provisions in PAWS. Sterilization of puppies and kittens before sale is the only way to be exempt from this "*breeding purposes*" provision; making PAWS appear as the first step in a National Spay-Neuter Incentive Program, variations of which are already in effect in certain urban areas.

Cats - The threshold PAWS attempts to establish for a "high-volume" breeder have no relevance to pedigreed cat breeding. The bill impacts all cat breeders with conscientious and moderate breeding programs and concern for genetic diversity. Responsible pedigreed cat breeding requires mating queens according to their constant heat cycles to maintain the health of the individual cats. In most breeds, females will produce more than one litter per year. Fanciers with as few as 4 or 5 females would therefore have to be USDA licensed under PAWS. There is no such thing as a commercial cat breeder. PAWS will force many serious show exhibitors/breeders to leave the cat fancy. The availability of fine home-raised cats, as well as dogs in some breeds, will be greatly diminished.

PAWS Creates Many More Problems Than it Attempts to Solve

PAWS is confused, highly subjective and predictable only in the sense that it will overwhelm the USDA with unnecessary inspections of thousands of rescuers and hobby breeders and waves of litigation. PAWS also exposes **all** buyers and sellers of dogs for hunting, security and breeding purposes to federal licensing and regulation, increasing USDA's inspection load by hundreds of thousands of currently unsuspecting private dog owners. PAWS will create legions of very motivated and angry voters.

Volumes of federal regulations designed for large businesses will force many dog, cat, rabbit, bird and hamster breeders to abandon their hobby, eliminating the best and most reputable source of pets for the public. The public wants pets – breeding/selling dynamics will change and the supply from commercial breeders and pet stores will simply increase, as home hobby breeders are forced to close.

The current AWA/APHIS budget includes 100 inspectors for approximately 10,000 commercial and research facilities. PAWS expands that group's oversight into the private sector and increases the workload to more than 300,000 facilities. PAWS would be an enforcement nightmare. The USDA's budget cannot possibly accommodate regular inspections of the many thousands of additional "dealers" who would fall into one or another of the PAWS regulatory categories.

PAWS will not achieve better animal care, but it will very definitely divert USDA resources from its food security and protection mission. Adding a top-heavy federal layer of regulation onto private citizens is unnecessary when they are already subject to local and state anti-cruelty, sanitation, nuisance and zoning laws. Attempting to modify AWA regulations designed for high volume commercial facilities and research laboratories into a "one-size fits all" package for the

home breeder will undoubtedly create conflicts on the state and local level and interfere with local authorities ability to enforce existing laws.

This expansion of the AWA leading to Federal jurisdiction of home hobby breeders, rescuers and hunting dog owners cannot be justified based on the fragmentary anecdotal evidence that has been offered by the proponents of PAWS.

PAWS is unworkable, because it will generate a long series of lawsuits challenging its every clause as many thousands of adversely affected hobby breeders of every species and their advocacy groups take to the courts their fight to protect their hobby.

The vast majority of the nation's dog, cat, rabbit and bird owners oppose PAWS. The breed clubs of more than 60% of all the dogs registered by the American Kennel Club oppose PAWS, as does every cat registry in the country, major dog registries, specialty associations and nationwide sportsmen's groups.

We urge that the Senate Agriculture Committee vote No on S1139.

Respectfully submitted,



Robert J. Kane
Sportsmen's and Animal Owners' Voting
Alliance



Susan Wolf
North Carolina Responsible Animal Owners
Alliance



Kelly Wichman
Dog Federation of Wisconsin