

LIVING WITH USDA LICENSING

Background

As written, PAWS amends the Animal Welfare Act to license retail breeder/sellers of dogs, cats and small animals. ONLY dogs and cats are given an exemption using numbers. However, the structure of the PAWS amendment places sellers of hunting and security dogs outside this number exemption and requires USDA licensing at the threshold of ONE.

The Numbers Game

The written exemption of 6 litters or 25 dogs is merely a diversion. Those numbers are meaningless. They do not represent any documented criteria substantiating that care at this level depends upon licensing and inspection. The numbers will be challenged in court by animal rights groups who want the number reduced. They numbers could be reduced at the State level when states modify their welfare laws to reflect federal changes.

How Widespread Is The Problem Of Substandard Kennels?

AKC itself conducted in 2004 over 5,000 inspections of high-volume kennels (over 6 litters/year) and kennels about which it had received complaints. Of all those inspections, AKC only found barely one-half percent involved poor kennel conditions.

A second count may be obtained from the petabuse.com website which reports every media story in the entire country on alleged and settled animal abuse cases. Note that at the time of reporting, most of these cases are alleged; petabuse.com doesn't follow most of them to see whether defendants are guilty as charged or just victims of over-zealous AR-driven groups or officials.

For 2004, of all the 11,000+ such media stories of animal abuse, barely three percent involved alleged puppy mills, and, as reported, all of those were alleged cases.

What does USDA Licensed Facility Mean?

- Over six litters and you build a kennel to comply with USDA standards for so-called high-volume breeders. Estimated cost depending on the number of dogs to house and kennel could be \$50,000 to \$100,000.
- Double floor drains, all surfaces touched by animals waterproof and sterilized every two weeks with your choice of live steam under pressure, 180 degree water and detergent with disinfectant, or a combination detergent/disinfectant product.
- No more gravel runs – they must be concrete with drains. In North Carolina, kennel waste is considered industrial and requires permitting by the NC Department of Environmental Resources.

Kennel Wastewater Disposal [<http://www.ncagr.com/vet/welfare.htm>]

Kennel wastewater has been classified as an Industrial Process Wastewater and must be disposed to an Department of Environment and Natural Resources approved wastewater system. Typical approved wastewater systems are septic systems with drainfields, and land surface application systems.

To receive permits to install and operate a kennel using a septic system contact your local health department, Environmental Health Section. Your local health department has state-approved design criteria specifically addressing the special waste issues of kennels. A directory of local health department staff is available at the following website: <http://www.deh.enr.state.nc.us/ehs/ehs.htm>. To receive permits to install wastewater treatment and disposal systems other than septic systems contact your regional office of the Division of Water Quality. A listing for the regional offices is available at the following website: <http://www.enr.state.nc.us/html/regionaloffices.html>.

- Separate facility for bitches within two weeks of whelp and puppies.
- Separate facility for puppies (they cannot be with adults).
- NO breeding stock or puppies in your home unless it meets the requirements. Your house is NOT impervious to moisture, so therefore not up to USDA code.
- Separate food preparation area from your kitchen. Food cannot be left in bags, but must be stored in airtight containers.
- Maintaining a log of dates and times when facilities are cleaned and when any veterinary care has been performed.
- Temperature of the kennel facility must be within the allowed range (45-85 degrees) at all times and a daily high-low record maintained.

Performance vs Engineering Standards

A performance standard is one in which a government agency directs regulated parties to reach a result but does not lay down specific requirements, allowing regulated parties to reach the result using their own discretion and in a variety of ways. In contrast, an engineering standard is one that requires adherence to very specific requirements that are declared by the government agency to be the only way or ways of acceptable behavior.

An example of a performance standard would be a regulation stating that dogs must be kenneled in cages that give them enough room to move around and to engage in a wide range of normal behaviors. An example of an engineering standard would be a regulation that requires cages to be of a specified material, length, width, and height.

USDA has attempted in recent years to use performance rather than engineering standards in its Animal Welfare Act regulations, but it has been challenged in court by animal rights activists who have demanded engineering standards. The most recent important cases related to the regulations governing the housing and care of non-human primates. A number of animal activist groups sued USDA claiming that its performance standards constituted no regulations at all, and research facilities should not be allowed to determine for themselves various ways of providing "psychological well-being" for their primates. USDA won this battle, but only after years of litigation.

Living With USDA Inspections And Being "Written Up" For Violations

- The 60 plus pages of current USDA standards as written are designed for a commercial, high-volume or farm-type kennel. As enforced, they pick up the attitudes of the inspectors who enforce them. Neither of these has much to do with the well-being of the animals and they have essentially zero to do with assuring that dogs sold are healthy, of sound quality or are good representatives of the breed.

Cobwebs? Dirty windows? Lid off a food container? Clogged drain that created a puddle of standing water. Footprints in your kennel building on a rainy day? All of these can get you "written up" for a violation. Three write ups and you will be fined.

- You have something you know needs fixed. You have all the stuff to fix it, no dogs near what needs fixed.....but the inspector comes before it is fixed and so there is a write up, and possibly if you have the materials needed to fix said problem handy for the job you can be written up for having building materials in your kennel area.

You aren't home when the inspector comes and you are written up for not being there. Keep in mind that these inspections are surprise. You may have run to the vet, the grocery store, three times and it is a fine. You aren't home when the inspector comes but a family member who knows nothing about the kennel is, so that person is forced to go on the inspection and because of that you receive multiple write ups because you weren't there to explain or to show paperwork.

- You have wood dog houses you have sealed with clear sealer, as per your old USDA inspector. You get a new USDA inspector and he makes you paint them, so he can see if they are scratched up. Painted surfaces must be epoxy paint. Then because you painted them either white or red, or brown--foot prints show up on them, and you got it, the houses are dirty and you get written up for having foot prints on your doghouses,
- Inspectors will always find something to write you up for. They have to or else they will be accused of not doing their jobs.

Outsourcing Inspections To Private Companies.

Our government routinely contracts many types of business to the private sector rather than relying on government employees. There is no reason to believe that USDA would not choose the same path and contract with private firms to do inspections in lieu of hiring and training their own personnel.

In the June 10th interview with Dog News, AKC lobbyist Jim Holt stated "*We have suggested to Senator Santorum the inclusion of language that will authorize the USDA to certify the inspection programs of non-governmental organizations such as the AKC and would support the addition of such a provision to the bill.*" AKC has every intention of pursuing this USDA inspection contract. This idea was announced by AKC Chairman Menaker at the Senate Subcommittee Hearing on November 8. AKC as an inspection arm of USDA is again discussed by Chairman Menaker in his December report followed by a detailed FAQ on how the process will work. However, it should be noted that despite AKC's elaborate presentation of this information, nothing in PAWS references this and no revision to PAWS containing this has been drafted to date.

Even if USDA decides to contract and selects AKC because of their existing inspection program, AKC will never be allowed to retain a monopoly on inspection work. USDA will have to extend invitations to bid on this work to any and all capable of performing the inspections.

“Our experience with legislative issues shows that definitions change, intent changes and choices become limited. How long can it be before HSUS or PETA develop an inspection program and create enough political pressure to force USDA to accept those standards and allow these animal activists' organizations to conduct kennel inspections? How long can it be before the breeder does not have a choice and finds a hostile HSUS inspector on his doorstep?” Garry Garner, President and Executive Director of America's Pet Registry, Inc.

Invasion of Privacy or "Hi, I'm from the government, and I'm here to see if you've scooped your kennel runs this morning"

Since the regulations are not written, we don't know exactly how PAWS enforcement would be done. We don't know if registries will be required open their records to the USDA or its authorized agents. We don't know if USDA or private contractors will be the inspectors.

We do know that the animal rights activists already compile lists of breeders from referral sources, show catalogs, and advertising to give to enforcement authorities. They also do their own sting operations, calling breeders to see if they have puppies available, do they know anyone else who does, etc.

If PAWS passes, hobby pet breeders, rescuers and owners of hunting and security dogs will become USDA licensed "dealers." All new dealer names and precise addresses will be posted on a USDA website for every animal rightist zealot to access.

<http://www.aphis.usda.gov/ac/publications.html>

Every violation write-up you receive is public information and can be obtained from USDA through the Freedom of Information Act.

Efforts to protect such lists from public disclosure have failed. Not only will PAWS require you to buy an annual license, be subjected to unannounced inspections by who knows who and abide by commercial kennel and research laboratory care standards, you and your family will become potential targets of the animal rights-hunting should be abolished-free the animals fanatics.

Think it can't happen? Talk to the commercial breeders who have had to endure harassment and threats from animal rights activists who pour through the USDA information, send it out to their lists and spend countless hours stalking the breeders. Theft, trespassing, phone calls, e-mails, propaganda to the news media, unannounced inspections by some who agree with breeding animals and some who are sympathetic to the AR movement.....welcome to the world of being federally licensed if PAWS passes.

Vote NO to PAWS – S1139/HR2669