

PAWS: November 8th Hearing and the birth of PAWS II

On November 8, 2005 the Senate Subcommittee on Research, Nutrition and General Legislation convened to hear testimony regarding PAWS. The one-sided hearing allowed only PAWS supporters time to present statements; AVMA and PIJAC each stated an area of concern but stood overall in support of the legislation. Opponents of PAWS were denied any opportunity to speak. The hearing was a sham, not a single subcommittee member was in attendance. <http://agriculture.senate.gov/Hearings/hearings.cfm?hearingId=1649>

Wayne Pacelle's testimony on behalf of HSUS was for the most part expected rhetoric.

However, Mr. Pacelle did make this disturbing comment: *"I must note that dog fighters have been among those working most diligently and persistently against the bill, as demonstrated by the traffic on several of their websites. Dogfighters masquerade as legitimate breeders, but are themselves involved in the vicious and despicable business of selling animals for fighting ventures."*

Is anyone surprised that Mr. Pacelle would dismiss reasonable arguments by hundreds of thousands of PAWS opponents including dog, cat, bird and rabbit breeders, and instead equate opponents with dog fighters? Surprised – maybe, offended – definitely.

Pacelle cited the need for PAWS because they have "Documented problems at major breeding operations include a lack of veterinary treatment, poor quality and unsafe housing, insufficient protection from the elements, excessive breeding, and a lack of basic sanitation."

"Excessive breeding"? Is this a slip back to the previous version a.k.a. Puppy Protection Act where breeding and socialization standards were called for up front? Does anyone actually believe that HSUS has dropped this issue?

"The legislation to require federal regulation of the breeding and socialization of puppies is an excellent example both of incrementalism and the hypocrisy of the animal rights movement. The legislation, artfully titled the Puppy Protection Act, was introduced in both the Senate and House in the last Congress at the behest of the HSUS. The legislation has been reintroduced in the House in the current Congress, and is currently pending." "The HSUS argues that the PPA is needed to address the problems created by 'puppy mills.' The HSUS argued vehemently to Congress, and, in a cynical attempt to pit hobby and show breeders against commercial breeders, also argued to the purebred dog fancy that the Puppy Protection Act was not intended to regulate hobby and show breeders, but just those bad puppy mills. The truth, of course, is that the HSUS has a longstanding and well documented history of opposing all purposeful breeding of dogs, and especially purebred dogs, by all breeders. The HSUS makes no distinction between hobby and show breeders and commercial breeders. In the HSUS's view, there is no such thing as good breeders or responsible breeders. To them, purposeful breeding is by its very nature bad and irresponsible, and every breeder is a puppy mill." *Remarks of Dr. James S. Holt, Federal Legislative Liaison, American Kennel Club to the National Animal Interest Alliance Conference: The Price We Pay - Washington, DC, March 29, 2004* <http://www.naiaonline.org/body/articles/archives/endanjholt.htm>

Dr. Childers, President of AVMA, seems also to have forgotten that socialization and breeding standards included in the Puppy Protection Act and are not called for in this latest Santorum/HSUS/DDAL/AKC bill. Dr. Childer's remarks: ". . .each and every day, veterinarians are confronted with pets that suffer the ill effects of irresponsible breeding, poor perinatal and pediatric care. . ." He further elaborates, ". . . Overbreeding, inbreeding, minimal veterinary care, poor quality food and shelter, overcrowding, poor socialization practices, and poor approaches to transport are the hallmarks of these operations. These operations escape regulation because they sell directly to the public. ." "Hip dysplasia in Labrador Retrievers, spinal cord problems in German Shepherds, blindness in Collies, and heart problems in Maine Coon cats are but a few of the genetic conditions that result from overbreeding and inbreeding."

It is appalling that the AVMA president would make these misleading statements insinuating that passage of PAWS will have any affect on inherited genetic disease in any species. USDA regulates facilities, housing, sanitation etc. – basically external to ensure comfort and wellbeing for animals. Why is this subject even brought into play? Is this yet another preview of future zealous recommendations at the regulation writing stage of PAWS?

Even Norma Worley, Director Animal Welfare, Maine Dept of Agriculture, brings this irrelevant point to the floor in her testimony: "some may have genetic disorders from poor breeding or are a horrible example of the breed."

AKC leaders evidently believe that HSUS has seen the error of their ways in asking for breeding standards, "As you know, we did not support your previous legislation intended to address the problems of so-called puppy mills, because we felt that federal regulation of practices for breeding and socialization of puppies was the wrong approach." "However, PAWS takes a different approach.."

Perhaps AKC should pay closer attention to the words of their new found allies.

AKC in its determination to force PAWS on private breeders actually resorted to the common AR tactic of displaying photos of sick dogs and dogs in small crates while Chairman Menaker delivered his speech. Is AKC so desperate to see the passage of this bill that they will stop at nothing?

That AKC would jump on this sympathy bandwagon is beyond comprehension. Breeders are struggling today in every state to preserve the right to pursue their hobby. The long running animal rights campaigns have blamed breeders for every ill imaginable in the dog world from poor health to overpopulation. The message is clear from all AR fronts there is no such thing as a responsible breeder.

"Every March, the Westminster Kennel Club parades dogs around like trophies and judges them based on appearance and appearance alone. Many of the poor dogs look like freaks of nature, there is really nothing natural about them. Breeders have manipulated them to have an overabundance of wrinkles; an overly prominent bone structure; fur that drags on the floor; tight, set ears; a short, amputated tail; and other preferred characteristics. Heather Moore - staff writer for People for the Ethical Treatment of Animals (PETA) and a regular contributor to IMPACT press.

"Buyers may be swayed by talk of "papers" and "AKC registration," but these papers cannot ensure good temperament or good health. Says one veterinarian, "The best use of pedigree papers is for housebreaking your dog." PETA Helping Animals factsheet

The finale of the hearing was the introduction by Chairman Menaker of the mysterious PAWS II – now appearing on the AKC website and being distributed as fact. PAWS II (a) exempts all who breed 6 litters or less annually (b) exempts all who sell at retail 25 dogs or less annually (c) exempts even those who breed higher than this threshold if AKC or another approved non-profit inspects them (d) now exempts all shelters and rescues and (e) removes reference to hunting and security dogs.

Where is this new version? AKC says it is so but where are announcements from the other stakeholders in this bill process? If a “discussion draft” is being promised – why are we expected to support this new version sight unseen? How can AKC distribute this information as fact before it appears?

Regardless of the revisions PAWS II *may* contain, these facts remain unchanged.

Continued manipulation of the wording of the “number exemption” does not change the fact that using numbers is wrong. Numbers have no correlation to care, conditions, or necessity for legislation.

PAWS breaks the long-standing wholesale/retail determination. The USDA classification of hobby breeders as “retail pet store” was defended and upheld in a court of law.

DDAL sought to change the retail pet store definition to license retail breeders, through a Petition for Rulemaking. USDA received 35,953 comments on the Petition of which 35% raised objections including the strain on federal resources and uncertainty about the number of new dealers. On June 24, USDA published an Advance Notice of Proposed Rulemaking (ANPR) requesting comments about specific parameters of possible changes in light of potential strain on agency resources.

A key USDA statement in the ANPR was: "Through that experience, we have determined that the risk of noncompliance with the regulations significantly increases if facilities care for more than 60 breeding female dogs and/or cats. At this time, however, we would like to gather more data to support the proposal of a specified number."

Based on the comments received, USDA re-affirmed its policy of only licensing wholesale breeders and sellers under the AWA, later challenged and upheld in the DDAL litigation.

The intent of PAWS to license at a 6/25 threshold is a far cry from any realistic need previously determined by USDA. The 6/25 is also far from the numbers involved in abuse cases recited by PAWS supporters in hearing testimony.

PAWS does not protect fanciers – PAWS places fanciers at risk. For the first time the federal government will be given the authority to regulate retail breeders/sellers and set standards for facilities in private homes – in residential settings – most of whom are not conducting business but are enjoying a hobby.

Remember the statement made by Jim Holt in his Dog News Interview on June 10th *“We would have preferred a definition of hobby and show breeder that was not based on numbers, because we recognize that we will likely have to defend the number for the foreseeable future.”*

There is still no mention of the impact on cats, birds and small animals from PAWS' (versions I or II) revision of the pet store definition or any attempt to correct this. No "kitten mills" raids were included in the hearing testimony to gain sympathy for PAWS – yet cat fanciers are being targeted with the same 6/25 regulation.

Without an opportunity to see a draft produced by Senator Santorum's office, there is no reason for anyone opposed to the original concept of this legislation to reconsider their opposition - despite the suggestion circulating in the latest AKC missive.

We urge all fanciers and clubs to review the devastating effects of this bill on breeders and the negligible effect on animal welfare and Vote NO to PAWS.

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On behalf of the Board of Directors
NCRAOA
North Carolina Responsible Animal Owners Alliance

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