

The Federal PAWS bill: What It Means to Rabbit & Cavy Breeders

By Corinne Fayo July 27, 2005

The Federal Pet Animal Welfare Statute (PAWS) S1139/HR 2669 is a bill that will negatively impact every hobby animal breeder in America. It is crucial that breeders take time to voice opposition to the bill sponsors, the Senate Agriculture committee, the House Agriculture committee, and to your own representatives. PAWS will cause every hobby animal breeder to be regulated by the USDA. This will prove very costly to hobbyists and turn your hobby into a business complete with burdensome regulation.

To understand the negative effects of PAWS one must understand the Animal Welfare Act and who currently is regulated. Under the AWA sales of rabbits for any purpose other than food or fiber is a regulated activity. Sales of pet rabbits direct to owners is exempt regardless of sales volume. The direct to owner sale is considered a retail sale and the breeder is exempted from regulation under the retail pet store exemption. However sales to pet stores or other non-direct sources are regulated and you require a USDA license unless you gross less than \$500 per year in these sales. Breeding stock is not defined in the AWA however the AWA does regulate sales of dogs for breeding stock. It is likely that sales of rabbits for breeding or show stock would be interpreted as a direct to owner sale and currently are exempt. If PAWS passes breeding or show stock sales will likely count against any licensing threshold.

The PAWS bill changes all of the current exemptions of licensing for rabbit and cavy breeders. PAWS defines what a retail pet store is and specifically excludes from the definition those who breed animals to sell as pets. There is also some confusion as to what exactly the exemption if any are for breeders of animals other than cats or dogs. According to the Pet Industry Joint Advisory Council there is zero exemption for other animal breeders. So if you sell even just one rabbit or cavy as a pet you will require a USDA license. Their interpretation is the \$500 gross sales exemption in PAWS only applies to breeders who also breed cats or dogs.

Personally I believe as written the \$500 gross sales will be applied to breeders of other animals regardless of whether or not they breed dogs or cats. If the USDA does not interpret the way PAWS is set-up the way I do then I can understand that there are no exemptions at all for rabbits and cavies sold as pets and perhaps breeding/show stock. But if PAWS further defines a dealer as someone who grosses more than \$500 per year in sales of regulated animals such as rabbits and cavies that doesn't help us out much. Dog and cat breeders are given an exemption if they breed fewer than 7 litters and sell 25 or less dogs and cats as well as gross \$500 or less in sales of other animals.

The average number of rabbits a hobby rabbit breeder sells per year is 68 (2004 Breeder Survey), the average price of a pet rabbit is \$19 with breeding stock averaging \$31-\$61 per rabbit (RES breeder survey). Obviously the average hobby rabbit breeder is grossing far above the \$500 limit PAWS sets for USDA regulation. It is likely that PAWS will require most rabbit breeders to obtain a USDA license to continue your breeding program.

What is most unfair is that PAWS allows basically a much higher dollar exemption for dog and cat breeders despite the fact that rabbit breeders produce far more rabbits than cat or dog breeders produce in their species. On the AKC website under their PAWS FAQ they state that a dog breeder can whelp 6 litters and sell 40 dogs and still be exempt from PAWS. In 2004 I checked through classified newspaper ads and found the average price of a dog was \$496 and the average price of a cat was \$475. If we round the average up to \$500 that means the dog breeder in the AKC example can gross \$20,000 and be exempt from USDA regulation while a rabbit or cavy breeder is restricted to only \$500 gross sales.

The impact of hobby rabbit and cavy breeding regulation is huge. To start you will have more expenses not only in the cost of the USDA license but the costs associated with complying with their regulations. Of course hobby breeding rarely provides a net profit to the breeder so added needless expenses will restrict many and likely force many out. An example of the hidden cost of compliance is the USDA requires you to have a formal agreement with a veterinarian to come to the dealer's facilities to monitor and treat animals. This will cost you as veterinarians don't offer this service for free.

You will be required to be inspected, unannounced, so you must have someone over the age of 18 available during what the USDA defines as business hours-M-F 7am-7pm. There will also be record keeping and reporting requirements. These regulations will not help you breed better show rabbits or covies but it will add more time and work to comply with what the USDA wants. Your hobby will become much more like a full time job than an enjoyable part time pursuit.

And then there will be the other issues that could stop you from breeding altogether if PAWS is passed into law. The USDA requires licensees to be in compliance with ALL state and local laws. We all know many breeders are currently in violation of restrictive local zoning laws that either prohibit raising rabbits or covies or limiting how many you can keep. If you are in violation the USDA will not grant you a license and you will be unable to continue breeding if you meet the over \$500 gross sales per year criteria. Also there is real concern that many local governments will view a USDA licensed breeder as a business. Most residential areas have laws restricting home businesses and it may be difficult for many rabbit breeders to maintain that it's a hobby when you're considered a dealer by the USDA.

As the \$500 or less licensing threshold is so low few breeders will be able to sell quality stock at a fair price because these sales will count towards that \$500 gross. 25 rabbits sold at \$20 each or 12.5 rabbits sold at \$40 each adds up to \$500, it's not very much at all! Where will our youth get stock from? How will new breeders open or youth get starting stock? PAWS will likely cause the quality of rabbits to decline as breeders will be unable to buy and sell quality stock to improve herds unless they hold a USDA license.

And then there is the hidden threat of PAWS. In 2002 the Doris Day Animal League sued the USDA over it's definition of breeders selling direct to pet owners are retail pet stores. The goal was to force the USDA to regulate ALL persons selling direct to owners. The case lost...on appeal. The judge ruled that there was no legislative intent in the AWA to regulate breeders selling direct to owners. PAWS will show clear legislative intent to regulate breeders selling direct to owners. All the animal rightists have to do is file another lawsuit and this one will be upheld, if PAWS passes. And then every rabbit and cavy breeder along with every dog and cat breeder will be required to be licensed by the USDA.

And for those who may think they can duck enforcement, what will happen when the National Animal Identification System (NAIS) is implemented? The USDA will also enforce that program and the goal is to have every animal ID'd and tracked from cradle to grave by 2009. This will make it virtually impossible for a breeder to hide pet, breeding stock, and meat sales from the USDA.

Things look pretty dismal right now for the future of hobby breeding unless the breeders start actively fighting to preserve our right to breed animals free from undue regulation. Make a call and write a letter to the legislators involved with PAWS and tell them NO! This website <http://saova.org/1139.html> allows you to send an e-mail to every legislators involved with PAWS, the addresses come up automatically and it's a great and easy way to voice your opposition. Also call the Senate Agriculture committee at 202-224-2035 and the House Agriculture committee at 202-225-2171 and tell them you want to be recorded as voting NO to PAWS. And contact Senator Santorum PA at 202-224-6324 and tell him his bill treats rabbit breeders unfairly. The animal rights fanatics usually win not because they are stronger than us but because we usually sit back and do nothing to stop bad laws. Whether we are afraid, too busy, not interested, whatever the excuse when we fail to fight we allow ourselves to end up governed by bad laws. Once a law is passed it is rarely repealed or changed to allow fewer people to be regulated. The time to stop it is when it's just a bill. I've made my opposition calls and written letters, will you?

For more information on PAWS:

http://www.cyberdobes.com/PDF/AKC_and_PAWS2.pdf Very detailed analysis of the bill

<http://www.pet-law.com/>

<http://www.ncraoa.com/alerts.html>