



7/15/05

Senator Rick Santorum
Chairman
Subcommittee on Research, Nutrition & General Legislation
511 Dirksen Senate Office Building
Washington, DC 20510

RE: OPPOSITION TO S1139/H 2669 – Pet Animal Welfare Statute (“PAWS”)

CC: Richard G. Lugar, Patrick J Leahy, Thad Cochran, Mitch McConnell, Max Baucus, Pat Roberts, Blanche Lincoln, Debbie Stabenow, E. Benjamin Nelson, Mike Crapo

Dear Senator Santorum:

The International Cat Association (“TICA”) *strongly opposes* the federal PAWS bill. TICA is the largest genetic registry worldwide whose members breed, register and show pedigreed cats and exhibit non-pedigreed household cats. *The American Kennel Club does not represent TICA in this matter!*

As written PAWS far exceeds USDA practice of nearly 40 years, largely obviates a very sound decision by the federal Court of Appeals in the Doris Day Animal League v. Veneman, 315 F.3d 297, 299 (D.C. Cir. 2003) and will ultimately destroy the hobby of breeding quality purebred cats.

Since 1966 the Animal Welfare Act (“AWA”) has appropriately distinguished between large scale commercial breeders selling at wholesale and retail pet stores selling directly to the public. Attempts by the Doris Day Animal League (“DDAL”) to destroy this distinction and force the USDA into the private bedrooms of hobby breeders through a rulemaking petition and then the aforementioned lawsuit failed. Even the Court of Appeals recognized that retail dealers, especially hobby breeders operating out of their private homes, are already subject to self regulation via breed and registering organizations and public oversight to a degree not seen by commercial wholesale breeders. The court also recognized that retail outlets are also subject to many state and local laws to monitor and deal with allegations of inhumane treatment and abuse. Increasingly local and state governments are enforcing and enhancing laws covering abuse and neglect, *thus it is more appropriate than ever that Retail Pet Stores (as currently defined in the AWA including hobby breeders) be regulated at the state/local level, not at the federal level.*

The current AWA definition is clear and does not rely upon an arbitrary number. PAWS creates an awkward and confusing definition of dealer which completely ignores the reality of breeding pedigreed cats. Unlike dog breeding, there simply are not many large scale commercial cat breeding operations at either wholesale or retail because of the inherent vulnerability of cats to infectious diseases, stress and other factors. The PAWS definition of breeder is simply not a reflection of large commercial sellers of pedigreed cats for the following reasons:

- Cat health sometimes requires the cat to be bred more than once a year making it impossible to predict the exact number of litters per year. Furthermore it is also impossible to predict the number of kittens produced by those litters. As in dogs, there is a high degree of variability in litter size. Genetic diversity often requires a cattery maintain 4-5 breeding female cats. As many female cats would deliver one litter every 8-9 months, a cattery with 5 females would have 7

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litters per year (1.5 litter/year/female cat). With an average of 3.5 kittens per litter, this small sized hobby breeder would have 26 kittens in a year and be considered a dealer under PAWS.

- Cat breeding is a *private home activity* by individuals wanting to produce quality kittens. Does Congress really intend for the USDA to invade the private bedrooms of its constituents?
- The USDA facility requirements are impossible to obtain within the walls of one's private residence where kittens are generally raised underfoot and are detrimental to producing well socialized cats. There are no standards for in-home facilities nor are any proposed.

PAWS will ultimately destroy the public's only access to quality bred, well socialized purebred cats and kittens in the United States of America.

The realities of enforcement also make it clear that PAWS is an ill-considered bill. PAWS will easily double or triple the number of facilities to be licensed and inspected. The USDA does not have the resources to inspect the current level of licensed facilities. The increase in cost and manpower to effectively comply with the PAWS changes will be large. As large increases in resources and manpower are unlikely the result will be more, not fewer, substandard commercial facilities operating under the AWA. This is clearly not a step in the right direction. Furthermore, TICA is opposed to the possibility of allowing groups whose goals are to eliminate all breeding and even pet ownership to conduct such inspections. If you don't believe such groups exist, please read the following:

"We have no ethical obligation to preserve the different breeds of livestock produced through selective breeding. ... One generation and out. We have no problem with the extinction of domestic animals. They are creations of human selective breeding." **Wayne Pacelle, Senior VP of Humane Society of the US, formerly of Friends of Animals and Fund for Animals, Animal People, May, 1993**

"I don't use the word "pet." I think it's speciesist language. I prefer "companion animal." For one thing, we would no longer allow breeding. People could not create different breeds. There would be no pet shops. If people had companion animals in their homes, those animals would have to be refugees from the animal shelters and the streets. You would have a protective relationship with them just as you would with an orphaned child. But as the surplus of cats and dogs (artificially engineered by centuries of forced breeding) declined, eventually companion animals would be phased out, and we would return to a more symbiotic relationship enjoyment at a distance." **Ingrid Newkirk, PETA vice-president, quoted in The Harper's Forum Book, Jack Hitt, ed., 1989, p.223.**

Is it really any surprise that TICA would be concerned about such groups and others like them conducting the inspections on behalf of the USDA if that is how the USDA chooses to enforce the PAWS legislation?

It is also unlikely the USDA would be able to enforce PAWS without access to the registry database of each of the registering organizations. *TICA strongly objects to such a use of its registration database.*

While PAWS supporters claim hidden puppy mills and internet/newspaper retail sellers escape regulation, there is no evidence that internet and newspaper advertising has any relation to the quality of the animals and the conditions under which those animals are reared and housed (is a furniture dealer immediately suspect because it has a web site?). The reality is the internet has made for a much more savvy purchaser not the opposite. *Breeders are getting more informed pet buyers in increasing numbers thanks to the internet.* Many web sites include information on how to find a reputable breeder and what conditions to look for when looking for a kitten. Drastic legislative action as required by PAWS is not required to protect the consumers – the information is readily available for the consumer searching the web. Here are just a few web sites:

<http://tica.org/pdf/kittbroch2000.pdf>

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<http://www.cfa.org/ezone/features.html#findkitten>

<http://www.mcbfa.org/Articles3.htm>

The effect PAWS will have on rescue organizations is also of concern to anyone concerned about animal welfare. If a rescued animal is placed by a rescue organization for an adoption fee (hey we want those animals valued as well in addition to keeping the rescues operating) is considered a sale, then rescuers are considered retail sellers. By abandoning the wholesale-retail sales distinction, PAWS places many rescues in the same class as any other reseller meaning many *more dogs and cats will be euthanized because of PAWS* as there will be no rescues available to take them. What statutory authority to exempt rescuers is there? At the moment there is none. And what about shelters? They would be “retail pet stores” under current law. Is the USDA going to license and inspect the local shelters as well? What about shelters importing strays from Puerto Rico, Mexico and Taiwan? Save a Sato has sent over 14,000 animals to the US (Humane or Insane? Patti Strand.

www.naiaonline.org/body/articles/archives/humane_insane.htm#N2) Why? To sell more animals because the shelter cannot meet demand! Is this not a dealer under PAWS?

At the 25 dog limit is there a shelter that would meet the dealer exclusion? Not likely. Yet, a shelter’s mission is regular operation rather than the sporadic operation of many breeders (even breeders at higher levels). If state and local laws, ordinances and governance are a satisfactory control on a shelter business, why isn’t that level of governance satisfactory for hobby breeders?

PAWS is not about animal welfare, it is about hobby breeder control and elimination. TICA support changes that would solely enhance enforcement of the current law but *opposes any changes to regulations that would expand the AWA to the retail sellers* who are already covered by state and local laws.

Regards,

Kelly Crouch
Chairperson, TICA Legislative Committee