

PAWS 2005 FAQ

Senate Bill 1139/House Bill 2669 – May 2005

Revised 6/14/05

WHAT IS PAWS?

"Pet Animal Welfare Statute," or PAWS is the 3rd attempt by Senator Rick Santorum (PA) to amend USDA regulations to control breeding and sales of dogs and cats. The 2005 bill as written redefines the definition of "dealer":

The term "dealer" means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of,

- (1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet,
- (2) any dog for hunting, security, or breeding purposes, or
- (3) any dog imported from outside the United States, unless the dog is imported by the person for the use and enjoyment of the person, except that this term **does not include**—

(ii) any person who, during any calendar year-

(I)(aa) sells not more than 25 dogs or cats at wholesale or to the public; or

(bb) does not whelp more than 6 litters of dogs or cats and sells only dogs or cats bred or raised on the premises of the person directly at retail to persons who purchase such animals for their own use and enjoyment and not for resale; and

(II) derives not more than \$500 gross income from the sale of other animals;

IS SETTING LIMITS REASONABLE?

No. The use of numbers to determine whether a kennel should be licensed is not valid criteria.

- Responsible cat breeding requires mating according to heat cycles to maintain the health of the cat. So in many breeds females will produce more than one litter per year. Fanciers with as few as 4 or 5 females would all have to be USDA licensed. A good breeding program with genetic diversity requires at least this many females if breeders have more than one breed or color.
- Numbers serve no purpose as a threshold for licensing; this is over-regulation.

HOW WILL USDA LICENSING IMPACT THE HOBBY BREEDER OVER THIS 7 LITTER/25 PUPPY LIMIT?

- The requirement of USDA licensing will severely impact cat fanciers at the hobby breeding level, if it does not destroy their breeding programs completely
- The legislation would require some dog fanciers to cut back breeding to stay under the limit for USDA licensing and avoid having to build a kennel. In many areas having a USDA license would automatically make you a commercial kennel, requiring you to get a conditional use permit which can be vetoed by your neighbors and meet setback requirements that might require 20 acres or more. A USDA-compliant kennel with 10 runs will cost you in six figures and probably lower the value of your property for other than a non-kennel buyer in the future.

HOW WILL USDA LICENSING IMPACT RESCUE ORGANIZATIONS?

Rescue organizations will be in all probability eliminated as they will never be able to comply with USDA regulations which are written to cover commercial-scale breeding facilities. Even the smallest of rescue organizations sell 25 dogs/cats in one year.

Rescuers cannot 'just get a license' because if they are licensed they must keep all animals in a kennel. A 'kennel' with rescues is an 'animal shelter.' There is no practical way to change the rules to allow rescue without creating loopholes for any dog dealer.

ISN'T THIS A GOOD IDEA IF IT WILL REGULATE SALES VIA THE INTERNET?

No. The internet has become a valuable tool to connect both breeders and rescue organizations with the public. The internet provides valuable information to assist potential buyers with needed criteria for selecting and purchasing a cat/dog. Certainly there are people who abuse this by staging photographs that do not represent what they are selling or the conditions the cats/dogs are living in. There are people who will sell with or without contracts and refuse to allow the cat/dog to be returned if the buyer is not satisfied. However, this is true of any sale of any product. It is the buyers responsibility to be an informed purchaser. It is not the duty of the government to inspect the homes of private citizens or rescue organizations and license them prior to use of the internet for sales.

WHO SUPPORTS PAWS AND REGULATION OF HOBBY BREEDERS AT THE IN-HOME LEVEL?

- Animal rights oriented groups support this legislation. Everyone knows there are cases where cats/dogs are bred without care and concern; we are all familiar with the term puppy mill. Animal rights groups create extreme emotion and turmoil in the public eye over these situations, attempting to lead the public into believing that everyone who breeds is at the same level and therefore guilty by association.
- The agenda of Animal Rights groups such as the Humane Society of the United States who is spearheading the PAWS legislation is to end the breeding of cats and dogs. The HSUS is now led by Wayne Pacelle, a long-time animal rights activist. To quote Mr. Pacelle: 'We have no ethical obligation to preserve the different breeds of livestock produced through selective breeding ...One generation and out. We have no problems with the extinction of domestic animals. They are creations of human selective breeding.' Animal People News 5/1/93
- PAWS will change the historic separation of commercial breeding facilities and enter the private sector. This will only lead to more regulation in the future as animal rights activists continue to hammer at the government to control the breeding of pets and the eventual elimination of pets altogether.

WHY DOES NCRAOA OPPOSE THIS LEGISLATION?

- PAWS establishes federal authority to regulate a personal hobby conducted in the privacy of your own residence
- It is not the role of the federal government to be a national humane agency or a control agency to but strike a balance between public oversight and individual freedom which is appropriate for the federal government.
- We strongly oppose the attempt of animal rights groups to use government to further an extremist animal welfare and animal rights agenda which will redefine breeders as commercial activity and restrict the rights of responsible breeders and animal owners.
- Establishing Congressional intent for federal regulation of home hobby breeding sets a terrible precedent that will only lead to demise of hobby breeders.
- Current USDA regulations are written to cover commercial facilities, not in-home breeding programs. Raising a litter of puppies/kittens in your bedroom is not compliant to USDA regulations of hose-down/sanitize facilities. To cover in-home hobby breeders and rescue will require that AWA regulations be re-written. This is an enormous task that will not be easy to do and cannot cover all situations equitably. Breeding is not a one-size fits all hobby: Lifestyles are different, homes are different, breed requirements are different.
- USDA does not have the manpower to enforce this. It is useless to pass legislation that would require multi-millions of dollars to be appropriated by Congress. AKC did over 5,000 kennel inspections in 2004 which is more than USDA was able to do in the same time frame. How can USDA possibly cover twice the number of licensed facilities?