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November 3, 2005

Honorable Members of the Senate Agriculture Research, Nutrition, and General Legislation
Subcommittee:

We approach you today to level the playing field regarding S1139, also known as PAWS. Despite what you will be told at the hearing on November 8, 2005, a large majority of your constituents are opposed to this legislation. This is the point of view we would like to bring to your attention. Letters of concern to our individual Senators have been answered with canned "thank you for your support of this legislation". In most cases, co-sponsors of this bill did not bother to reply. Letters to Senators involved in this process are answered with "I do not reply to letters from outside my State". When you are involved in deciding on legislation that affects the future of our animals, you must be ready to listen to all animal owners.

S1139, as stated by Senator Santorum is to "amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry. He further states that this bill will "regulate breeders who raise over seven or more litters of dogs or cats per year. This threshold test would differentiate those breeders who raise animals in mass numbers from those who are hobby breeders." He further states S1139 "...would cover importers and other non-breeder dealers who sell more than 25 dogs per year."

The first question you must ask is why the federal government needs to oversee the pet industry. What can be gained from governmental oversight of pet breeding? While animal care and control are areas of concern for many counties and states, existing laws and enforcement of those laws should be the primary focus, not new federal regulations.

If any agency had access to the funds that have been used to promote PAWS, it could hire and train new personnel to push enforcement of laws regarding animals on a county or state level. If the Federal Government has excess money it would spend on animals, why not put it into local government, and allow those agencies to expand their capabilities?

S1139 poses a serious threat to the future generations of purebred animals. Any numerical limit placed on a breeding program will be challenged in the future. If animal owners place their trust and support in PAWS, next year we will be fighting to maintain those numbers. Jim Holt, AKC Legislative spokesman, stated that it was certain these threshold numbers would go down. Breeders and purchasers of purebred animal are capable of "policing" their property. If problems arise, then they are the problems of local and state government, in accordance with current law.

Laws on the federal level for “home” breeders do not exist. Senator Santorum has assured all involved that the laws will be written to accommodate this unique situation. Where will this expertise come from? Breeding programs differ from dog to cat, and from small breed to large breed. There is not one set of regulations that will fit every situation or be equally accessible to every breeder. Is the federal government willing to take responsibility for the demise of home raised, healthy, well socialized animals?

There was talk of a mark up session to address several concerns raised. There has not been a mark up session. S1139 contains provisions that will adversely affect several areas of animal care and control. Some of the issues are:

- ◆ **Non-Profit Animal Rescue**

While large non-profits maintain kennels, small breed specific groups typically work through a network of foster homes. These homes are made up of fanciers and breeders who rescue, rehabilitate, and re-home animals. PAWS, as currently written, will remove breeders from the equation. Breeders will not be willing to spend their “numbers” on rescue dogs if they might breed a litter or two that year. This removes an expertise that rescue cannot afford to lose.

- ◆ **Doris Day Animal V Veneman Ann**

This case established that it was not the intent of Congress to regulate in-home breeding. PAWS will cause a reversal of this decision.

- ◆ **Availability of Quality Animals**

By allowing the USDA to establish standards for breeders, the likely outcome will be regulations that conflict with local laws. USDA licensing requires specifics best addressed by building a commercial kennel. Kennels are classified as a business and homeowners may be regulated by local ordinances that prohibit operating a business from their home. This infringes upon their rights to pursue a hobby, and thereby reduces the availability of the public to have access to purebred animals that are healthy, well bred, socialized pets.

- ◆ **Importation of Sick Animals**

There is no wording in this bill that will strengthen the importation regulations. While we continue to be sold this idea, there is no reference to improving the process of importing animals.

- ◆ **Stopping Puppy Mills**

This is the selling point of this bill. It will shut down puppy mills. It will stop the abuse of animals used only for breeding and profit. If a new law could accomplish this, it would be supported unanimously. S1139 will not stop puppy mills. Again, this is best accomplished by vigorous enforcement of existing laws on a state and local level. PAWS will force the “puppy mills” further underground, and make local enforcement impossible. People who want to breed animals for a profit will continue to do so. They will just be much better at camouflaging their operations. As the situation stands today, less than desirable “puppy mills” usually work themselves out of business as their reputation declines. If there is no longer a market, the production stops. If you force these establishments to “hide” to continue doing business, you endanger every animal they produce.

North Carolina Responsible Animal Owners Alliance
Statement of Opposition to S1139 aka PAWS
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These are but a few of the problems S1139 will undoubtedly bring about. Many persons opposing PAWS have asked to be included in the November 8th hearing. Senator Santorum has only asked those in favor of his bill to appear.

Panel 1 contains a member of the AKC who does not represent all dog owners, a member of the AVMA, and a self professed dog fancier, all of whom have been vocal in their support of S1139. Panel 2 contains HSUS, DDAL, and an advocate for breeder licensing. This panel also supports PAWS.

Where are the representatives from the other dog registries? Who is there to speak for the Cat Fanciers Association, the Professional Aviculturists, the Rabbit Breeders Association, and the Sporting Dogs Owners? Who is there to tell the subcommittee the extent of damage this legislation will cause? There is no one to voice opposition to PAWS because we were denied access to speak at the hearing. The Senator supposes you will not be intelligent enough to figure out the opposition to S1139 is widespread. If you are not allowed to hear both sides of the issue, is it fair to ask you to make a recommendation to the full committee? If the animal owning citizens are asked to follow new regulations concerning the care and breeding of their property, their animals, should they not be allowed a voice in discussing these regulations?

S1139, aka PAWS will be detrimental to the future of purebred animals. It will not stop puppy mills. It will not stop importation of sick animals. It will not decrease the population of mixed breed accidental litters. It will not decrease the numbers of animals that are in shelters or euthanized. It will encourage puppy mills to become secretive operations to avoid USDA inspection. It will decrease the numbers of purebred animals available to the public from knowledgeable, respectable breeders. It will play a part in the destruction of many breeds by decreasing the gene pool. It will give the animal rights groups a platform to enhance their goal of total animal liberation.

We urge you to be very informed regarding S1139. We await the recommendations of this subcommittee, and hope that you will consider both sides of the issues this bill encompasses. As citizens and voters, we expect our elected representatives to protect our interests, and voice our concerns. We trust the subcommittee will understand that this is not the case with S1139.

Respectfully submitted by the Board of Directors and Members:
North Carolina Responsible Animal Owners Alliance