



THE CAT FANCIERS' ASSOCIATION, INC.

World's Largest Registry of Pedigreed Cats

LEGISLATIVE ALERT

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"Puppy Uniform Safety & Protection Act" (PUPS)

U.S. Senate Bill S 707 U. S. House Bill HR 835

BRIEF SUMMATION: The "Puppy Uniform Safety & Protection Act" (PUPS) is a bill to amend the federal Animal Welfare Act (AWA). The AWA regulates large-scale commercial breeders who sell pets at wholesale or research. PUPS would dramatically change the concept of the AWA as established by Congress. It would require federal licensing and inspection of the private homes of many hobby dog breeders. It would vastly expand the power of the federal government to regulate pets in private homes.

CURRENT STATUS: PUPS has been introduced in both houses of congress. Senate Bill 707 has been assigned to the Senate Committee on Agriculture, Nutrition & Forestry. House Bill 835 has been assigned to the Livestock, Dairy & Poultry Subcommittee of the House Committee on Agriculture. Neither bill has been scheduled for committee hearing. The supporters of both bills have been actively gathering additional sponsors. **IMMEDIATE ACTION IS NEEDED.**

WHAT THIS LEGISLATION WILL MEAN TO YOU AND ARGUMENTS AGAINST THIS LEGISLATION:

For almost forty years the AWA has been used by the United States Department of Agriculture (USDA) to regulate commercial activity in animals. This includes transportation, handling, housing, treatment and care of certain animals, which includes the licensing of persons who deal in pets for commerce and profit. The current law and regulations exempt retail sales by home-based hobby breeders who raise pets in their own homes and do not sell wholesale or for research. This allows many dog breeders to be exempt from federal licensing requirement because they sell direct to the ultimate pet owner, buy no animals for resale and sell no animals to other dealers.

PUPS would require USDA licensing for "high volume" dog breeders who own at least one breeding female and exceed the quota of 50 puppies placed in a year. This would dramatically expand the scope of the USDA responsibility, bringing many thousands of dog fanciers within

the scope of federal inspection and regulation. Currently, hobby breeders are regulated by local authorities, leaving the USDA to concentrate on large-scale commercial and interstate animal raising and transportation. By expanding inspections to include homes of dog fanciers, the proposed changes would overwhelm the ability of the USDA to enforce the Animal Welfare Act for those it was intended to regulate - large commercial breeders who sell pets at wholesale.

PUPS is NOT limited to Internet sales as the supporters imply. It applies to any breeder who reaches the numerical quota who places pets "via any means of conveyance" which includes talking on the phone or placing an ad in the classified section of a local newspaper! Supporters of the bill fail to demonstrate how use of the Internet, telephone, newspaper or other means to communicate with potential buyers have any inherent relationship with the welfare of the animals or substandard conditions.

The AWA regulates large-scale commercial breeders, many of whom ship wholesale to other states. The USDA currently has about 100 inspectors working to regulate over 3,000 commercial breeding operations. PUPS would bring thousands more hobby breeders under Federal regulation and inspection. By expanding the USDA responsibility to include home hobby breeders the USDA will be less able to concentrate on the commercial breeders and animals will suffer. The USDA will be less able to concentrate on those the AWA was intended to regulate, the large, commercial breeders who sell at wholesale.

Commercial breeders may face fewer inspections if PUPS passes. The USDA has approximately 100 inspectors to cover the 3,000 Class A dealers. PUPS would greatly overextend the enforcement capacity of the USDA. The numbers of facilities/homes that would be added cannot be accurately determined but a reasonable estimate is 5,000 AKC dog breeders plus those of other registries, added to the existing 3,000 Class A Dealers. Since most home-based breeders work at a job elsewhere inspectors would experience many "call-backs". All of this is a waste of taxpayers' money and diverts the resources of the USDA from focusing on the business motivated and truly large sub-standard facilities as intended by the AWA.

The AWA currently exempts hobby breeders who sell directly to the public at retail. Consumers who buy pets directly from home breeders can see for themselves the conditions under which their prospective pet was raised. This also allows people to buy from local hobby breeders, rather than being dependent on out of state commercial breeders. If PUPS becomes law, local sources for pets will dry up, increasing the market for the commercial breeders. This will mean fewer choices for pet buyers and less personal contact with the breeder of their pet.

The proposed changes would bring private residences into the inspection and regulation process. This would improperly infringe on the Fourth Amendment rights of hobby breeders of dogs by subjecting their private homes to search and inspection. No compelling justification has been shown for this intrusion into personal residences.

The federal regulations were designed for commercial operations, not residences, to regulate commercial animal raising and transportation matters. The regulations assume kennel facilities separate from the fancier's residence, which is not the case for many dog fanciers. For example,

USDA regulations all but prohibit carpet and furniture in areas occupied by the animals! Home-based hobby breeders, used to treating pets as part of the family, will be unable to comply, and have to stop raising dogs. Health and socialization of pets will suffer.

Federal regulation of breeders selling at retail from their homes may mean individuals could face unintended problems. Zoning laws in local jurisdictions would consider a USDA licensed facility or activity to be a commercial business and individuals could be forced to move or to apply for difficult-to-obtain variances. Extensive record keeping, health certificates, fees and unknown penalties for violations would be a substantial burden for most small/moderate private home breeders. Public availability of information concerning the names/addresses of breeders or buyers would be a privacy and security concern for residential breeders.

ACTION TO TAKE:

ORGANIZATIONS/INDIVIDUALS (clubs, rescue groups, etc.) should contact both your U.S. Senators and your Congressmen to let them know you oppose the "Puppy Uniform Safety & Protection Act" (PUPS) as it is written. Ask them to NOT be a cosponsor of PUPS (Senate Bill 707 or House Resolution 835) and if they are already signed on as cosponsors ask them to WITHDRAW their support. **IMMEDIATE ACTION IS NEEDED.**

PLANNED MEETINGS: Neither bill has been scheduled for committee hearing but either could begin moving at any time. Each is already gathering cosponsors so please contact your representatives today. Please visit the CFA web site alerts page for updates on the status of both bills at: www.cfa.org/Client/exhibitorsalert.aspx

CONTACT LIST: To find your two U.S. Senators and your Congressmen to let them know you oppose PUPS you may use the following links:

U. S. Senate: www.senate.gov/general/contact_information/senators_cfm.cfm

U.S. House of Representatives: www.house.gov/ ("Find Your Representative" is located on the upper left corner of the web page).

Watch for future updates online. These will be posted on the CFA website www.cfa.org/Client/exhibitorsalert.aspx Your help is critical.