



# THE CAT FANCIERS' ASSOCIATION, INC.

World's Largest Registry of Pedigreed Cats

## Legislation - What's Hot . . . . .

*By Joan Miller, CFA Legislative Information Liaison*

### Federal licensing of cat breeders – a heads up !!

The United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) announced a new proposal, on May 10, 2012, to regulate those who sell pets directly to pet buyers. As soon as the proposal is published in the Federal Register we will have 60 days to provide comments to "Docket No. APHIS-2011-0003". This proposal will be analyzed by the CFA Legislative Group and discussed with others. We plan to develop strategy and guidance as soon as possible. Some background will help fanciers understand the impact of the rulemaking.

Attempts to expand the federal Animal Welfare Act regulation have been going on for about 15 years. This proposal is the latest version based on animal activists' claims that animals "sold sight-unseen over the Internet, via phone and mail based businesses" is a threat to the health of pets. They and APHIS believe that many breeders, currently exempted from Federal regulation, are selling sick animals raised in substandard facilities with no oversight. They want to change the definition of the "pet store" exemption (which now includes all cat breeders who only sell pets directly to buyers and not to dealers or pet stores). This new proposed exemption would apply only to businesses and residences "where buyers physically enter to observe the animals available for sale prior to purchasing them" Any breeder selling pets without the buyer entering their home would have to be regulated by the USDA/APHIS if they own more than 4 breeding females.

For over 40 years the USDA/APHIS has regulated and inspected only those breeders selling pets at "wholesale" to dealers or pet stores. The USDA standards of care are written for commercial breeders who are in business. The rationale for exempting breeders selling at retail has always been that pet stores and breeders selling direct to the public means that buyers provide sufficient scrutiny since the premises (homes or stores) are open to view.

Now the USDA claims they have received complaints that many breeders are Internet sellers and use other ways to sell direct to the public, and these "sight-unseen" pets are often flawed genetically and sick. The new USDA Docket proposes federal regulation and inspection of breeders' residences, whether they are selling wholesale or retail. Exempted will be any breeders who have 4 or fewer breeding females. Also exempted will be those who sell from **"a place of business or residence that each buyer physically enters in order to personally observe the animals available for sale prior to purchase and/or to take custody of the animals after purchase"**. Certainly, many breeders do sell their pet kittens from their home; but they also have websites and sell cats to fellow breeders in other parts of the country or to fanciers in Europe, etc. who

may not come to their homes. It appears that selling just one cat/kitten without the buyer actually entering the premises may mean regulation.

CFA has spent many years fighting those who have tried to take our federal exemption away. We started opposing the Doris Day Animal League Petition to Amend the "Retail Pet Store" Definition in 1997. This was finally rejected on appeal by the US District Court in 2002.

The "Pet Animal Welfare Statute of 2005" (the PAWS Act) was a complicated and difficult proposal to understand and fight. All breeders would have become USDA regulated dealers unless they sold not more than 25 pets (wholesale or retail) or "whelped" not more than 6 litters, bred and raised on their premises; sold only at retail to persons for their own use – no resale.

Later the Santorum/Durbin PAWS bill was amended and there were additions (referred to as PAWS II). AKC actually joined the proponents of regulating and inspecting dog and cat breeders selling direct retail to the public. As many will recall, CFA disagreed with AKC on this issue and had to step in to take the opposition lead with others. PAWS failed in the Senate in 2006 due to lack of support.

Next in 2007 came the "New" PAWS. The bill was similar with exemption for anyone who sells not more than 25 dogs/cats from not more than 6 litters per calendar year (whichever is greater). If the kittens/puppies are all sold at retail, and not for resale, the breeder would NOT have to be federally regulated as long as the dogs/cats were bred or raised on the premises of the "seller". In addition a total of 25 other dogs and cats not bred or raised on the premises could be sold (this allowed for rescue or former show/breeding pets). The bill's most controversial addition allowed for a choice of "certified third party inspectors". This was designed to not over burden the APHIS with inspections of thousands more entities. The new PAWS never got anywhere, primarily because of stakeholder objections to the third party inspection concept.

By 2010 and 2011 the latest legislative version was referred to as the "PUPS" act. This called for federal regulation only of **dog** breeders who "sell or offer for sale, via any means of conveyance (including the Internet, telephone, or newspaper), more than 50 of the offspring of such breeding female dogs for use as pets in any 1-year period." We were relieved that this Act did not include cats. (I was told that that the lawmakers/authors wanted to avoid the "cat lobby" opposition!) AKC did not totally oppose the concept of federal regulation of "high volume breeders/retailers" but they expressed concern with effective enforcement when APHIS needed additional resources and objected to some issues. This bill did not go forward and we have ever since been concerned that we would encounter federal regulation or another bill.

We have objected to all the previous proposals to regulate cat breeders, always emphasizing that CFA has a Breeder Code of Ethics, adequate self regulation and that there are very few large catteries that might be considered commercial businesses. We have argued that almost all selling of cats is by small or moderate "home breeders" who strive to provide healthy pets. They are not in "business" but instead dedicated to improving their breeds. Federal regulation with unannounced home inspection and rigorous commercial care standards would be intrusive of privacy and not appropriate for cat breeders, or most dog breeders.

The proposed USDA Rulemaking would change the definition of those who are exempted. And it no longer means just expanded regulation for dogs – along with cat

breeders the definition includes those selling birds, rabbits, ferrets, guinea pigs, hamsters, gerbils, rats and other animals sold as pets.

The proposed rule (Docket No. APHIS-2011-0003) is available at [www.aphis.usda.gov](http://www.aphis.usda.gov) along with a press release and Q&A. The CFA Legislative Group will provide guidance on the issues and suggested points to make in your Comment letters as soon as possible. Contact George Eigenhauser, Joan Miller and Sharon Coleman at [legislation@cfa.org](mailto:legislation@cfa.org)