

*Sent on CFA Letterhead by*  
**Joan Miller**  
*Director-At-Large*  
*Chair, CFA Legislative Committee*  
*CFA Legislative Coordinator*

July 11, 2005

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

**RE: Senate Bill 1139 Pet Animal Welfare Statute of 2005 – OPPOSITION**

Dear Senator Santorum;

I am writing to you on behalf of the Cat Fanciers' Association, Inc. to express opposition to the "Pet Animal Welfare Statute of 2005" (PAWS) as it is written. CFA is a non-profit organization founded in 1906 with over 600 member clubs throughout the United States, Canada, Japan, Europe and other areas of the world.<sup>1</sup> The PAWS dramatically changes the concept of the Animal Welfare Act (AWA) as established by Congress in 1966. CFA is concerned with portions of this bill that pose a significant threat to the preservation of pedigreed cat breeds and the very existence of our organization. I regret that CFA, as a prominent stakeholder, was not given the opportunity for input prior to the introduction of SB 1139.

The following will summarize our primary objections to the PAWS including concerns specific to breeders of pedigreed cats. Attached is an article written by a veterinarian respected worldwide for her expertise in feline reproductive physiology to provide more detail on this critical issue.

**Federal regulation of breeders selling cats and dogs directly to the general public at retail as required by the PAWS is not appropriate.** There is no compelling reason to justify discarding the historic concept of the Animal Welfare Act, which is to regulate the wholesale selling of dogs and cats to brokers, pet stores or for research as well as those engaged in animal transport or animal exhibition. The PAWS would extensively broaden federal regulation to include an

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<sup>1</sup> *CFA participants breed, register and show pedigreed cats. Part of CFA's mission is to enhance the well-being of all cats. Fanciers are active in cat health promotion, cat breed rescue, shelter support and other animal related programs. CFA is a positive force that has helped to educate the general public about proper cat care, spay/neuter and responsible pet ownership. CFA is proud of its self-regulation programs to encourage high standards of care for cats in multi-cat breeding environments. A "Breeder Code of Ethics" and breeder mentoring program are part of ongoing efforts to ensure responsible breeding programs and good feline husbandry.*

unknown number of private home-based breeders who are not motivated by profit-making but instead the goals of preserving and improving upon their chosen breeds.

**The quantitative measure to determine “high volume” breeding/selling or commercially motivated activity is arbitrary and includes private home breeders of pedigreed cats with small or moderate breeding programs.** The PAWS bill uses thresholds based on the American Kennel Club’s idea of breeders with “high volume” activity (7 litters or more or the sale of 26 or more). Because of reproductive differences in cats this would mean that cat fanciers with as few as 4 or 5 intact females could be required to be regulated by the federal government.<sup>2</sup>

**The PAWS thresholds do not take into consideration feline husbandry issues or reproductive physiology, which differ significantly from those of dogs.** Cats come in heat year round with periods of rest every 2 to 19 days if not bred. The optimum for domestic cats is to have two litters per year. Queens vary in cycling frequency and cats in some breeds do have fewer estrus cycles.<sup>3</sup> Generally for most breeds litters spaced every 8 to 9 months apart is adequate when considering the health of the cat. However, when female cycling is continuous, holding off cats from pregnancy can lead to health problems such as uterine infection, loss of body condition and stress-related conditions. A breeder has few choices. Side effects preclude the use of contraceptive drugs for avoiding reproduction in felines. Progressive uterine disease in an unmated female cat is also an important cause of infertility.<sup>4</sup>

In order to assure genetic diversity responsible breeding depends on exchange of cats, leasing, and other methods. In some breeds outcrossing to other breeds is imperative so breeders need to keep and mate more cats than others. CFA registration records for 2004 show that 1136 breeders registered 7 or more litters (1248 in 2003). Moderate sized catteries with serious breeding programs fall in this range. It is this core group of breeders that produce bloodlines critical to the preservation of many rare and beautiful cat breeds. They provide the high quality cats with outstanding pedigrees to other smaller and more novice breeders/show exhibitors.<sup>5</sup> These catteries with 5 or more female cats are not sub-standard “facilities” that need to be regulated.

**CFA is unaware of any demonstrated need for federal regulation of breeders selling cats and dogs directly to the general public.** Claims within the past few months of a growing problem of dogs or cats sold through mass media channels or the Internet are anecdotal and not verified by any facts, examples or data. This is especially true for cats. Several studies show that over 90% of all cats in American households are random-bred strays, cats obtained from shelters or from friends and family. Most owned cats are spayed/neutered (85% to 87%), few are obtained from pet stores other than through adoption events and only 3% of owned cats are obtained from breeders.<sup>6</sup> Large commercial breeding of cats simply does not exist to any great extent either at the wholesale level or retail. Commercial cat breeding on a large scale is neither a viable nor profitable business venture because of the well known vulnerability of cats to infectious diseases and stress-related factors.

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<sup>2</sup> Five female cats may have 1.5 to 2 litters per year with an average of 4.2 kittens per litter – this can easily mean 7 or more litters and more than 26 kittens to sell.

<sup>3</sup> “Feline Reproduction and Breeding Management” (2005), Susan Little, DVM, Dip.ABVP, Certified Feline Practitioner. (ATTACHED)

<sup>4</sup> Feline Husbandry; Niels Pedersen, DVM, Ch.3 “Reproduction and Reproductive Disorders, pg.134, pg. 144,pg. 147

<sup>5</sup> Feline Husbandry; N. Pedersen and Joan (Wastlhuber) Miller. Ch.8 Cattery Design and Management.

<sup>6</sup> American Pet Product Manufacturers Association National Pet Owners Surveys.

**The advertising of cats through the Internet has no inherent relationship to large commercial selling or inhumane conditions for animals.** Cat breeds are rare and most hobby breeders have websites to reach a desiring public throughout the US. Because of the many excellent Internet sources for educational material, including those of CFA and AKC, cat and dog buyers are more than ever aware of how to find a breed to meet their expectations and a reputable breeder.<sup>7</sup>

**The USDA standards of care are not appropriate for residential environments.** Federal housing facility standards emphasize hard surfaces and regular sanitizing. We question the feasibility of creating special “residential” standards for home based breeders. There will not be two “classes” of Class A Dealers. Compromising on the regulations in order to accommodate the newly added home breeder-dealers may potentially lessen the enforcement of the AWA standards of care for existing Class A wholesaler-broker-dealers. This is not in the best interests of animals.

**Self-regulation of cat breeders selling at retail is accomplished by the Cat Fanciers’ Association.** CFA has a successful Voluntary Cattery Environment Inspection Program. Veterinary inspection enables breeders to proudly advertise a CFA approved or “Cattery of Excellence”.<sup>8</sup> CFA considers catteries that register litters representing 75 kittens or more in a year to be “high volume” and this triggers a required veterinary inspection. In the year 2004 there were 66 catteries that registered more than 20 litters with CFA (21 litters x 3.6 kittens average would = 75) in the United States, Canada, Japan, Europe and elsewhere.

**There are numerous unknown or unintended consequences of the Pet Animal Welfare Statute of 2005 that could affect both the USDA and individuals.**

- **The PAWS 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 4000 or 5000 AKC dog breeders and 1200 CFA cat breeders, plus those of other registries, added to the existing 3000 Class A Dealers. When the “facility” is the entire residence and breeding cats are in bedrooms or wandering throughout mingling with spayed and neutered household pets USDA inspectors would face unanticipated challenges. 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. There is no authority in the current AWA to allow non-governmental organizations to take on kennel/cattery inspections.
- **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

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<sup>7</sup> <http://www.cfa.org/cbrs.html>  
[www.akc.org](http://www.akc.org)

<sup>8</sup> <http://www.cfa.org/articles/cattery-inspection.html>

information concerning the names/addresses of breeders or buyers would be a privacy and security concern for residential breeders.

- **Factors related to those who rescue cats/dogs have not been considered.** Cat breeders sometimes take in, neuter, advertise and sell stray cats, rescued cats or cats bred by co-owners living elsewhere. Breeders of pedigreed cats may have fewer than 6 litters yet they could sell over 25 kittens/cats in a year including strays or rescues not “bred or raised on the premises” and would have to be licensed as a dealer. Rescuers charging “adoption fees” are selling animals “for compensation or profit” – there is no distinction in the AWA. The AWA currently does not regulate any direct retail sellers, including shelters or rescue groups/individuals. With the broadening of the AWA through SB 1139, and considering many rescuers are involved in interstate activities including transporting of cats/dogs, it is unlikely that these groups would later be exempted under any new regulations. Most likely individuals would discontinue accepting rescued cats in order to stay under the threshold of 25 sales or less.

The Pet Animal Welfare Statute is not sufficiently thought out and is entirely too broad. The negative consequences are not balanced by worthy benefits for cats. There is a growing demand for well bred healthy pedigreed cats by those who appreciate their predictable personalities and appearance. This bill will discourage the public’s best source of home-raised, well socialized kittens/cats.

All states have animal cruelty laws properly targeted to inhumane conditions for animals whether in a commercial or home setting. We recognize that in some states there may be commercial breeding of dogs at a level that warrants facility licensing but safeguarding the welfare of these dogs can and has been accomplished on the state level. Whenever there are reports of animal neglect or abuse involving large numbers of cats it is usually related to the mental illness of “hoarding” and almost always the animals on the premises include stray or rescued cats. This addiction-related phenomenon can occur whether or not there is any breeding or sales of cats. The PAWS would have no impact on this particular animal welfare problem.

CFA encourages better enforcement of the AWA to protect the welfare of animals in facilities that breed and sell at wholesale. We request that you consider limiting this bill to language that would increase the ability of the USDA to better enforce regulation of existing licensees. Should the PAWS be amended to exclusively address these matters CFA would reconsider our opposition.

Thank you for considering our concerns. Please feel free to contact me for more information.

Sincerely yours,

Joan Miller  
CFA Legislative Coordinator  
[JMillerArt@aol.com](mailto:JMillerArt@aol.com)

Cc: Pam DelaBar, CFA President  
Thomas H. Dent, CFA Executive Director