

Thank you Mr. Chairman and members of the Subcommittee for giving the American Veterinary Medical Association the opportunity to speak in support of the Pet Animal Welfare Statute, commonly referred to as PAWS.

I am Dr. Henry Childers, President of the AVMA and a companion animal practitioner from Cranston, Rhode Island.

The American Veterinary Medical Association represents 73,000 American veterinarians engaged in every aspect of veterinary medical science. Among other things, our members ensure the health of the nation's livestock, help preserve endangered species, and protect human health through control of zoonotic disease. Nearly fifty five percent of us, however, are companion animal practitioners who commit our expertise and energy on a daily basis to ensuring the well-being of the nation's pets. Pets are important members of 58 million U.S. households, and veterinarians are passionate about making sure that strong bonds are created and maintained between owners and their pets.

Unfortunately, each and every day, veterinarians are confronted with pets that suffer the ill effects of irresponsible breeding, poor perinatal and pediatric care, and inappropriate transport over long distances. Animal suffering is compounded by human suffering as heartache and financial burdens are thrust upon pet owners who have purchased these unfortunate animals. Not only is the existing owner-pet relationship harmed, but future relationships are also jeopardized as some owners may hesitate to make another commitment.

Large-scale puppy and kitten dealers who escape regulation under the current Animal Welfare Act are a significant source of these problems. Overbreeding, inbreeding, minimal veterinary care, poor quality food and shelter, overcrowding, poor socialization practices, and poor approaches to transport are the hallmarks of these operations. These operations escape regulation because they sell directly to the public, either from their facilities or via the Internet, and are therefore classified as "retail pet stores." "Retail pet stores" are not required to be licensed under the Animal Welfare Act.

Hip dysplasia in Labrador Retrievers, spinal cord problems in German Shepherds, blindness in Collies, and heart problems in Maine Coon cats are but a few of the genetic conditions that result from overbreeding and inbreeding. Overcrowding, poor sanitation, lack of veterinary care, and the stress of prolonged transport encourage exposure to and the spread of otherwise preventable gastrointestinal and respiratory diseases that can easily take the lives of the puppies and kittens born in these facilities.

Unfortunately, by the time veterinarians see these sick animals, its family has usually formed a strong bond with their pet. Their joy and excitement over having a wonderful companion in their lives soon turns into a difficult choice between returning a pet to its source, surrendering

the pet to a local shelter, or accepting the emotional and financial burdens of health problems that may or may not be treatable and can potentially last a pet's lifetime.

As veterinarians, we see the shortened life expectancies and the days, months, or years of impaired function or discomfort that the affected pets must endure. We see the emotional pain inflicted upon families as they suffer along with their pets. Sometimes, when our most valiant efforts cannot fix the problem, or at least ensure a reasonably good quality of life for the pet, or when families can no longer manage the financial or emotional burdens associated with their pets' care, these same families may be forced to make yet another difficult decision--euthanasia.

The burdens created by individuals who irresponsibly breed and import and who escape regulation are not limited to those affecting the pet and its family. When owners can no longer care for their pets and cannot bear the idea of euthanasia, they often surrender their pets to animal shelters. Whether those shelters are publicly supported or privately funded, the cost of caring for these animals is now borne by the community.

The high-volume breeders and importers that this statute will affect have profit as their only goal. Neither morals, nor ethics guide the misery they breed. To date, through an unintentional oversight, they have been exempt from the law. The American Veterinary Medical Association believes this must be corrected. Congress has the power to do that.

Veterinarians work hard to educate prospective owners about obtaining puppies and kittens from reputable sources. It is incredibly frustrating when our efforts are undermined by disreputable breeders and importers. Amending the Animal Welfare Act with the PAWS will provide the Department of Agriculture with the tools it needs to bring those high-volume breeders and importers who are currently escaping regulation under a mandate that requires a viable health plan for their animals. This means these breeders and importers will have to work more closely with veterinarians to improve husbandry practices and breed healthier animals. It also means these breeders and importers will be held accountable when their efforts do not meet standards.

We understand that regulation without complementary education usually fails. Therefore, the leadership, members, and staff of the American Veterinary Medical Association stand ready to help ensure the success of this legislation.

The AVMA has a strong professional and public education presence. Veterinarians are provided with up-to-date and scientifically rigorous information about animal health, care, and welfare. Veterinarians assimilate that information and pass it along to their clients on a daily basis. Those clients include breeders, pet owners, and an increasing number of prospective pet owners who are seeking the advice of a veterinarian before obtaining a pet. Veterinarians often participate in pet-friendly community events and this provides another opportunity to deliver

related information to an even broader audience. In addition, the AVMA makes educational materials on the importance of careful breeding, appropriate pet selection, and responsible pet ownership and care directly available to both breeders and the public.

Ensuring animal welfare is at the heart of what we, as veterinarians, do. Ensuring the welfare of the American public is at the heart of what you do. Together, we can help ensure that America's pet owners and pets are afforded the protection they deserve. The PAWS is an important step in the right direction.

Despite its support for the PAWS, the AVMA acknowledges that this piece of legislation is not perfect. There are some unanswered questions and some unintended consequences of its current language that should be addressed. These include:

? Ambiguities in the definition of "retail pet store" and "dealer"

? The effect of the PAWS on hobby and show breeders

? The effect of the PAWS on rescue organizations and shelters

? Source record requirements for pet stores that would otherwise not fall under USDA's jurisdiction.

"Retail pet store" is not explicitly defined in the current Animal Welfare Act. As previously mentioned, to date, almost anyone who sells at retail has been considered to be a "retail pet store" by the USDA and, thereby, has been exempted. "Retail pet store" is redefined by the PAWS as "a public retail establishment that sells animals commonly kept as pets in households in the United States, including (a) dogs; (b) cats; (c) guinea pigs; (d) rabbits; and (e) hamsters." Exclusions are listed as "(a) a person breeding animals to sell to the public as pets; (b) a person selling hunting, security, or breeding dogs; or (c) a person selling wild animals."

An expected effect of the new definition and associated exclusions is that more pet stores will be required to be licensed. Why? First, because it is not clear whether the species listed under the proposed redefinition of "retail pet store" (i.e., dogs, cats, guinea pigs, rabbits, and hamsters) are all inclusive. Warm-blooded animals besides those species listed, such as sugar gliders, gerbils, and fancy mice, are often kept as pets. If the definition is interpreted as being all-inclusive, then pet stores selling other species will be required to be regulated under the revised Act. Second, some pet stores will have inadvertently bred certain species (e.g., hamsters) as a result of their being housed in groups. Third, "wild animal" is not defined. Although most small mammals, reptiles, and amphibians sold by retail pet stores have been through several generations of domestication, identifying when an animal moves from being "wild" to being "domesticated" is extremely difficult. This means that pet stores selling such animals might find it difficult to determine whether they are or are not required to be licensed under a revised Act.

Even if a pet store limits its sales to dogs, it is possible it may be subject to regulation under the exclusion of "selling hunting, security, or breeding dogs." The AVMA is not confident a retailer could easily confirm for what purpose a dog is being sold, therefore retailers would not be able to determine whether they do or do not meet the definition of "retail pet store" and, thereby, are or are not subject to regulation. In the current Animal Welfare Act, language addressing the sale of hunting, security, or breeding dogs primarily applies to dealers whose business revolves around that purpose and who are already required to be licensed (i.e., wholesalers).

Members of the Subcommittee should also be aware that the revised definition of "retail pet store" will expand coverage to some hobby and show breeders of dogs and cats. It does this by specifically excluding individuals who breed animals to sell to the public as pets from the definition of "retail pet store." To date, most hobby and show breeders have been exempted from regulation because they sell directly to the public at retail; i.e., USDA-APHIS-Animal Care has chosen to consider them as retail pet stores. Under the PAWS, however, whether hobby and show breeders are required to be licensed depends on whether they meet the new definition of "dealer."

Under the current Animal Welfare Act, a "dealer" is defined as "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, or (2) any dog for hunting, security, or breeding purposes, except that this term does not include (i) a retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer; or (ii) any person who does not sell, or negotiate the purchase or sale of any wild animal, dog, or cat, and who derives no more than \$500 gross income from the sale of other animals during any calendar year." The PAWS modifies the definition of "dealer" to include anyone selling dogs imported from outside the United States (including retail pet stores) and exclude those who (a) sell 25 or fewer dogs or cats per year, or (b) do not whelp more than 6 litters of dogs or cats per year and sell only dogs or cats bred or raised on their own premises directly at retail to persons who purchase those animals for their own use and enjoyment, and (c) derive not more than \$500 gross income from the sale of other animals. "Or" appears to be subject to interpretation, but it has been opined that dog and cat breeders may meet either criterion (a) or (b) and be considered exempt.

The AKC has advised the AVMA that the revised definition of "dealer" will affect less than 4% of breeders in their registry, including some who are already required to be licensed. The impact, therefore, of the PAWS on hobby/show breeders is expected to be minimal. The exception, however, might be co-ownership situations. In the past, USDA-APHIS-Animal Care has regulated the person on whose premises the puppies are raised and sold; however, concern has been expressed about how co-ownership will be handled in the context of a

definition that identifies "dealer" on the basis of the number of animals sold or whelped (i.e., what is the impact of the phrase "and sell only dogs or cats bred or raised on their own premises"?). The AVMA agrees this is a question that should be addressed before the PAWS is passed.

Rescue organizations and shelters, like hobby and show breeders, have benefited from the USDA's interpretation of "retail pet store." It is not clear to the AVMA whether rescue organizations and shelters might meet the definition of "dealer" under the PAWS? "Dealer" refers to a person who, "for compensation or profit," "negotiates the purchase or sale of any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet." Many rescue organizations and shelters derive a significant portion of their funding from adoption charges; i.e., they transfer animals and are compensated for it. Furthermore, "commerce" is currently defined under the AWA as "trade, traffic, transportation, or other commerce (1) between a place in a State and any place outside of such State, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia; (2) which affects trade, traffic, transportation, or other commerce described in paragraph (1)." It has been opined that "commerce" may include rescue organizations and shelters since animals transferred in rescue/shelter transactions comprise a significant portion of the total market for animals. Some AVMA members have suggested that perhaps it was intended that rescue and shelter animals be covered, because some rescue organizations and shelters have been alleged to be involved in some of the activities precipitating the PAWS (i.e., imports and internet sales and transfers). Nevertheless, it seems prudent to consider the impact of the PAWS on this group of individuals and organizations involved in the pet trade during your deliberations.

PAWS would further require that dealers and retail pet stores maintain and allow access to source records for dogs and cats. Those source records would have to include (1) the name and address of the person from whom each dog or cat was purchased or otherwise acquired and (2) whether the person from whom the dog or cat was acquired was required to be licensed or registered under the Act. We believe that requirement (1) is reasonable for individuals who met the definition of a "dealer," and thereby are subject to the Act, but question the appropriateness of the requirement for "retail pet stores," since they would be excluded from USDA's jurisdiction. We believe that meeting requirement (2) would require a regulatory interpretation by the "dealer" or "retail pet store." This is not appropriate.

Finally, the AVMA suggests that a requirement for permanent animal identification be considered for inclusion in the source records provision.

To summarize our concerns, the AVMA does not believe the intent of the PAWS is increased regulation of retail pet stores, hobby and show breeders, or rescue organizations and animal shelters. Therefore, these unintended consequences of the PAWS should be rectified prior to passing it. We are particularly concerned that increasing, without good reason, the number of

facilities required to be licensed under the AWA will place additional inspection burdens on USDA-APHIS-Animal Care that will dilute their ability to regulate the problematic dealers that have actually created the need for the PAWS.

Despite these questions and concerns, AVMA remains steadfastly convinced that much needed enforcement tools are present within the PAWS. We emphasize that it is our intent to support this legislation and look forward to working with members of Congress to rectify language that may complicate its enforcement and dilute its impact. Thank you for the opportunity to appear before you today and speak on behalf of this important proposal.