

Mr. Chairman and members of the committee, we appreciate the opportunity to offer you our views. The Pet Industry Joint Advisory Council (PIJAC) is the largest pet trade association in the world, and represents every segment of the pet industry, including manufacturers, importers/exporters, commercial breeders, wholesalers, distributors and retailers. PIJAC works to ensure that members of the commercial trade observe high standards in the care of pet animals. We have been involved with the Animal Welfare Act (AWA) since it was amended to regulate pet dealers, and have testified on proposed amendments to the Act in the intervening three decades. Equally as significant, PIJAC has worked tirelessly with APHIS to maximize effective administration of the AWA. We believe proper enforcement of Animal Welfare Act standards brings about mutual benefit for the pet industry, the pet owning public and the animals themselves. We have witnessed first-hand these benefits over the years since adoption of the AWA, and are intent on taking whatever efforts we may to perpetuate the good work of USDA.

Congress has historically recognized the need for a functional regulatory framework that targets those persons in the pet trade escaping public and regulatory oversight. From its inception, the AWA has explicitly exempted retailers that are subject to broad public exposure and are frequently regulated at the state and local governmental level. PIJAC joins with you, Mr. Chairman, in acknowledging that the rationale for exempting pet stores from the Act is as valid today as it has always been. In fact, as this subcommittee considers bringing under the Act potentially thousands of additional licensees that will vie for APHIS regulatory and inspection resources, it is important that we do not overburden the agency with a mandate for persons that aren't in need of federal regulation. Advocates of PAWS point to large scale breeding operations which retail puppies, and Internet sales of dogs, as recent trends escaping oversight and therefore necessitating expansion of the Act. The legislation would accomplish regulation of these individuals. Unfortunately, as originally drafted, the bill would also bring about unintended consequences that have the effect of capturing under the Act the very pet stores that are intended to be subject to the AWA's explicit pet store exemption. And other provisions would go so far as to mandate federal licensure of persons who sell even a single pet animal.

We would respectfully urge this subcommittee to address these provisions of the bill which work to defeat the intent of the AWA and would undermine enforcement efforts that are critical to success of the Animal Welfare Act.

PAWS' amendment to the "Dealer" definition in Section 2 of the bill deletes the longstanding de minimis exemption for non-commercial breeders (i.e. the \$500 exemption that applies to all animals other than dogs, cats and wild animals) such that every person selling even a single pet animal other than a dog or cat would be required to obtain a USDA license. PIJAC feels certain that the Congress does not wish to subject a ten-year old child to federal licensure for

selling a couple baby hamsters. Further, we all know that a dollar just does not buy what it did in 1970. This de minimis exemption, established 30 years ago and never amended, should remain in the Act with a revision of the dollar amount to represent inflation over that time span.

One significant objective of this legislation is to ensure regulation of those who import dogs for resale in the United States. However, by regulating retailers selling imported dogs, this provision of the bill would not distinguish between those who import and sell dogs themselves (for example, persons importing dogs and selling them directly over the Internet) and bona fide pet stores who buy puppies from a Class B licensed dealer who may obtain dogs from domestic breeders as well as importing them from abroad. In such a case, the person importing the animals should be required to obtain licensure, not the pet store that doesn't even know the dogs were imported.

The new definition for a "Retail Pet Store" found in PAWS is meant to ensure regulation of persons not viewed as traditional pet stores and, to that end, includes certain exclusions. Unfortunately, these exclusions as originally crafted have the effect of affecting the very businesses to which the retail pet store definition is meant to apply. For example, the provision excluding animals bred for sale to the public is intended to capture those who breed and sale dogs and cats directly to the public, not pet stores who happen to carry hamsters, gerbils, guinea pigs, rabbits, mice, rats or other small animals that are not deliberately bred by the pet store.

The exclusion for hunting, breeding and security dogs is meant to ensure regulation of persons who sell animals that could be used for any of these purposes, as well being kept merely for purposes of companionship. But it would have the effect of regulating pet stores selling pet animals simply because these dogs could also be used as hunting, breeding or security dogs. In other words, this exclusion would turn the hunting, breeding and security dog clause on its head, accomplishing the opposite of what it was intended to accomplish.

Finally, the "Retail Pet Store" exclusion for wild animals moves language from elsewhere in the act into a definition in which it does not belong. Because the term "wild animal" is defined to include any species that lives in the wild, many common, domesticated household pets could fall within the definition. Again, the exclusion would have the anomalous result of extending licensure to the very pet stores that are specifically intended for exemption under the definition. This brings us to the provision mandating keeping of source records by pet dealers and pet stores selling dogs and cats. The language would actually require the keeping of information that pet stores and pet dealers have no authority to obtain in the first place. A far more effective provision would require the keeping of USDA license numbers by pet stores and pet dealers of those from whom they buy dogs and cats. This would permit USDA to specifically target

unlicensed dealers that are required by law to be licensed.

Two additional enforcement provisions that PIJAC believes will substantially aid APHIS in achieving the ends of the AWA are found in Sections 4 and 5 of PAWS. The temporary suspension period extension clause will give USDA the authority to intervene if a licensee fails to ameliorate conditions that threaten the health of animals. While USDA's existing authority to temporarily suspend licenses is sufficient in most cases, this section ensures the agency's authority in less common, but more urgent, cases.

Of even greater import is the provision creating authority to enjoin unlicensed dealers who are ignoring their obligation to meet legal standards under the AWA. Currently these people are outside of USDA's reach. The injunctive authority under PAWS would add a powerful enforcement tool to permit the agency to go after people who are often the most egregious violators of the Animal Welfare Act.

PIJAC endorses these provisions unchanged, and feel that they would go far in facilitating USDA's effective enforcement of the Act.

We appreciate, Mr. Chairman, your willingness to consider the pet industry's concerns about adverse and unintended consequences of PAWS, as well as your consideration of amendments to the bill that would address these concerns. As noted, there are important provisions of this bill which would advance the welfare of pet animals, and we are hopeful that other provisions we feel are counter to those interests may be remedied. We again thank this subcommittee for providing us the opportunity to voice our views on the legislation and would be pleased to respond to any questions you may have.