

Thank you Mr. Chairman, and the other members of the Subcommittee on Research, Nutrition, and General Legislation, for inviting me to present testimony on S. 1139, the Pet Animal Welfare Statute (PAWS) of 2005. My name is Wayne Pacelle, President and Chief Executive Officer of The Humane Society of the United States (HSUS), and I appear on behalf of its 9.4 million members and constituents. I commend Chairman Santorum and Senator Richard Durbin for their leadership on animal protection issues over the years, and specifically applaud their effort to address problems with commerce in dogs for the pet trade. The HSUS strongly supports the PAWS legislation and urges the subcommittee to report it favorably and expeditiously.

The issue of inhumane treatment of animals kept and bred for sale to the public has long been a concern to The HSUS and other animal welfare organizations. We have conducted investigations and provided support for local communities, prosecutors, law enforcement, and the U.S. Department of Agriculture (USDA) in order to prevent or remedy the inhumane treatment of dogs and cats in large-scale dog and cat breeding operations. Documented problems at major breeding operations include a lack of veterinary treatment, poor quality and unsafe housing, insufficient protection from the elements, excessive breeding, and a lack of basic sanitation.

Under the USDA's interpretation of existing federal law, only those breeding operations selling puppies or kittens at wholesale are licensed and inspected. Licensing and inspection not only provides a safeguard for animals to help prevent inhumane treatment, but it also empowers the USDA to take action when animals must be removed from abusive situations. Another critical function of the inspection process is that it provides citizens with basic information regarding cruelty or inhumane treatment at some facilities and patterns of neglect or abuse.

However, under current law, this coverage and protection is denied to the tens of thousands of dogs and cats kept at breeding operations that sell directly to the public. Historically, "retail" operations, those who sell directly to the public with no broker, have been deemed exempt as "pet stores" by the USDA. Ostensibly, the pet store exemption is based on the fact that pet stores aren't breeding animals, so they needn't be regulated to ensure humane breeding conditions. Moreover, Congress may have felt that pet stores are open to the public and their conditions are readily apparent to consumers, allowing for informed decision-making as consumers would notice the effects of chronic abuse and neglect.

Unfortunately, with the advent of the Internet, including its use for commercial purposes, large-scale breeders have taken advantage of this pet store exemption, shifting to a retail-based business using the Internet to sell puppies and kittens and sidestep any federal oversight. As a result, we have witnessed a growing trend in cruelty cases involving breeders who sell their animals over the Internet. Essentially, we have a group of people who are required to play by federal standards when selling animals wholesale, and a growing group of people who play by their own set of rules because of a massive loophole in the law and the regulatory process.

A small sample of these cases reveals a disturbing pattern of neglect and abuse directly traceable to the retail pet store exemption:

? In 1997, 260 dogs were discovered without food or water at the home of an Internet breeder in Newport, Wash.

? In 2000, a Lyles, Tenn. investigation uncovered 164 dogs kept with no food or water and in squalid conditions at the home of a retail dealer exempt under the pet store provision.

? In Shelby, Mont., a 2002 raid by local officials resulted in the seizure of 171 dogs and 10 cats from an Internet dealer when they were discovered living in four inches of feces, emaciated, dehydrated, and suffering from severe ear infections, intestinal parasites, and malnutrition.

? In 2003, another 250 dogs were discovered in knee-deep feces and crammed together in rabbit hutches at the home of an Internet dog dealer in Union County, N.C.

? In 2004, investigations revealed a retail Internet dealer in Berry, Ky., where 108 dogs were literally covered in feces, had frozen water bowls, and one dog was discovered frozen solid.

? In a 2004 Macomb, Mo. case involving an Internet dealer, 147 live dogs and four dead dogs, all with severely matted fur, were found in dilapidated wire cages, covered in feces, many with eye ailments, hair loss, deafness, blindness, and tumors.

? Just last week, on October 28, 151 dachshunds and springer spaniels and one cat were found, many described as "skin and bones" at the home of a retail dealer in Vero Beach, Fl.

None of these operations were deemed covered under the Animal Welfare Act because they all sold their dogs and cats directly to the public, evading coverage through the "retail pet store" exemption. This list will continue to grow until we take action to close this loophole in the Animal Welfare Act. We are deeply disturbed by this new kind of dog breeder - those who breed large numbers of animals and sell them over the Internet.

In most states, there are no laws requiring licensing or inspection of these breeding businesses. Those states that do have laws vary in their coverage and oversight. It is nearly impossible for states to plug the loophole in federal law, given the use of interstate commerce instrumentalities by these businesses. Animals are bred in one state, sold over the Internet, and shipped by air to the pet purchaser several states away. This interstate commerce also makes it nearly impossible for breeders to be held accountable if a puppy becomes ill or dies. Without any inspecting agency to report problems to, these animals and the families who purchase them are left completely unprotected.

The existence of this loophole is a crisis for consumers, as well as for the animals unfortunate enough to be commercially sold through a breeder using the Internet. The HSUS has seen, over the last several years, a substantial increase in the number of cases reported to us from puppy buyers who have purchased a dog over the Internet only to have their puppy become ill or die within weeks of purchase. We receive hundreds of calls from consumers annually, and have been able to document the harm this growing, unregulated business has inflicted on consumers, as well as the animals. Young children who form a close bond with their puppies experience their own form of grief when these animals become sick and die. Some puppies, raised in intense confinement and isolation, are unable to adapt to life in their new home because they have not been properly socialized. Consumers cannot see the first stirrings of disease and behavioral problems in animals purchased over the Internet and only discover these problems after they have lived with a puppy for weeks or months.

Their tragedy is compounded when they feel forced to surrender the animals to a shelter or to euthanize their new pet. Because the breeding business may be located several states away, consumers are often unable to recoup any financial losses for the exorbitant veterinary bills and other expenses related to puppy mill puppies. Local communities bear the brunt of this loophole for Internet breeders when many of these animals are ultimately seized by or surrendered to chronically underfunded municipal shelters or animal control operations. For consumers who are concerned for the welfare of the other dogs and puppies at the breeding business site, based on the condition of their puppy upon arrival, there is often no agency to which they can report their concerns. While The HSUS works to educate puppy buyers about ways to locate reputable breeders who properly care for the dogs they keep and the puppies they raise, there needs to be a government agency available to enforce standards for humane care and handling for all major breeders.

Some other aspects of the bill address a growing frustration that the enforcement of the AWA has been hampered by cumbersome procedures and limited resources. One great concern has been the growing number of breeders overseas who see the United States as a lucrative market for dogs, and who can mass produce with no humane regulations or oversight. The public source records section of the bill will allow the USDA to determine the origin of dogs and cats coming into the United States and trace their pathway, allowing for better control of disease and inhumane treatment. Sections expanding the temporary suspension and giving the USDA the ability to enjoin breeding operations will enhance the USDA's enforcement capability, as well as focus on serious violations.

The urgency of this legislation is evidenced by the broad range of support for the PAWS bill. While it may not be surprising that every major animal welfare organization in the United States supports this bill, it is important to note that a broad diversity of organizations including the American Kennel Club and the American Veterinary Medical Association support the legislation as well. Clearly, the lack of oversight of large breeding facilities simply because they

sell their puppies directly to the ultimate pet owner and not to a pet store or other middleman is a problem that needs immediate action. This represents a glaring inconsistency in the law.

The PAWS legislation is the product of input from a variety of groups with a broad range of interests in the welfare of dogs, including animal welfare, veterinary, and breed enthusiast clubs. I must note that dog fighters have been among those working most diligently and persistently against the bill, as demonstrated by the traffic on several of their websites. Dogfighters masquerade as legitimate breeders, but are themselves involved in the vicious and despicable business of selling animals for fighting ventures.

Oftentimes, dogs seized in cruelty cases are taken in by local rescue organizations and shelters. The rescue and shelter community is the lone safety net that exists for animals discarded in our society. The individuals working for these organizations are utterly selfless and they should be recognized for the vital role they play in saving animals' lives and enhancing the quality of life in communities across the nation.

Some have falsely suggested that these organizations would need to become USDA-licensed and inspected dealers under the language of the PAWS bill. Rescue and shelter operations do not operate for commercial purposes and are therefore exempt from all coverage. PAWS is carefully drawn to only cover those entities that are large-scale, commercial breeding operations. We believe that the passage of PAWS will help alleviate the burden on these small, struggling organizations by limiting the flow of abused or discarded animals they are compelled to rescue and shelter.

The PAWS bill does not restrict breeding in any way. It merely levels the playing field among all large-scale breeding businesses. In order to be covered, a person would have to breed and sell more than 6 litters of puppies or kittens a year at retail. Depending on the breed, that might mean an individual could sell more than 60 puppies in a given year and still not be required to obtain a USDA license. While some would argue that this is too liberal a threshold, we feel that this trigger, the same one utilized by the American Kennel Club for their high-volume breeder program, is a reasonable line to draw in order to ensure that the large-scale commercial breeders are brought under coverage.

It simply does not make common sense to exempt large breeding businesses because they are employing new and unforeseen technology to evade oversight. PAWS will provide tremendous benefits to consumers, to animal shelters and rescue groups, to the breeding community as a whole, and to the thousands of animals produced annually at commercial breeding facilities.

I want to thank the Subcommittee for inviting me to discuss this serious problem and express our gratitude to Chairman Santorum for his leadership on this legislation.

