

# ALERT

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The Cat Fanciers' Association

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## The "Pet Animal Welfare Statute of 2005" (PAWS) Senate Bill 1139/House Bill 2669 - May 2005

The "Pet Animal Welfare Statute" (PAWS) is a bill to amend the federal Animal Welfare Act. The AWA currently regulates large-scale commercial breeders who sell pets at wholesale. PAWS would dramatically change the concept of the AWA as established by Congress. It would require federal licensing and inspection of the private homes of many hobby breeders. Until now we did not need a federal license or inspection to breed and show cats. PAWS would change that for many in the cat and dog fancy.

Prior to 1995, the Doris Day Animal League (DDAL) argued that U. S. Department of Agriculture's (USDA) regulations interpreting the AWA should be changed to require federal licensing and inspection of hobby breeders. In 1995 DDAL filed a Petition for Rulemaking requesting changes in the regulations. Cat and dog fanciers responded with thousands of letters objecting to the proposal that fanciers should be regulated, inspected and subjected to federal fees for pursuing their hobby. In December 1996, DDAL filed a federal court action to force the USDA to change the regulations. CFA fought alongside AKC and the dog fanciers for over three years to maintain the concept of wholesale selling of dogs and cats as the characterization of "commercial" in the AWA. Fanciers will remember the U.S. Court of Appeals decision in 2003 that resulted in overturning the Doris Day Animal League's law suits against the USDA when they tried to change this definition. We question why we should now completely discard the sound rationale used before.

**The American Kennel Club, the Humane Society of the United States and the Doris Day Animal League all support this new bill** and have circulated press releases. PAWS is viewed as a compromise alternative to the defeated "Puppy Protection Act," which applied only to dogs. Although PAWS includes cat breeders, the Cat Fanciers' Association was neither made aware of pending bill affecting us nor given the opportunity to provide input. CFA has serious concerns with this federal legislation.

- The threshold established by this bill will require USDA licensing for dog and cat breeders who produce more than 6 litters of kittens/puppies per year. This number threshold was established because AKC considers 7 or more litters whelped to be a "high volume" breeder. This is not the case for cat breeders or dog breeders of small dogs. Responsible cat breeding requires mating according to heat cycles to maintain the health of the cat. So in many breeds females will produce more than one litter per year. Fanciers with as few as 4 or 5 females would all have to be USDA licensed. A good breeding program with genetic diversity requires at least this many females if breeders have more than one breed or color.
- PAWS seeks to dramatically expand the scope of the USDA responsibility, bringing many thousands of cat and dog fanciers within the scope of federal inspection and regulation. Currently, dog and cat fanciers are regulated by local authorities, leaving the USDA to concentrate on large-scale

commercial and interstate animal raising and transportation. By expanding inspections to include homes of dog and cat fanciers, the proposed changes would *overwhelm* the ability of the USDA to enforce the Animal Welfare Act for those it was intended to regulate - large commercial breeders who sell dogs and cats at wholesale. Cats and dogs will suffer as a result.

- The proposed changes would bring private residences into the inspection and regulation process. This would improperly infringe on the Fourth Amendment rights of fancy breeders of dogs and cats by subjecting their private homes to search and inspection. No compelling justification has been shown for this intrusion into personal residences.
- The federal regulations were designed for commercial operations, not residences, to regulate commercial animal raising and transportation matters. The regulations assume kennel facilities separate from the fancier's residence, which is not the case for many cat fanciers. For example, USDA regulations all but prohibit carpet and furniture in areas occupied by the cats!
- AKC, in their press release announcing support of PAWS, suggests the legislation will regulate individuals who sell through the Internet. DDAL in their press release says the bill will stop selling with newspaper ads. We fail to see how use of the Internet or cattery websites to communicate with potential buyers or placing newspaper ads have any inherent relationship with the welfare of the animals, commercialism or substandard conditions.
- The federal government should not take enforcement of animal welfare abuses away from state and local jurisdictions which take into consideration circumstances unique to various parts of the country.

Other provisions in this bill are not entirely clear to us at this time, such as the meaning of the exemption for persons who annually sell not more than 25 dogs or cats at wholesale "or to the public". It seems that, possibly unintentionally, rescuers as well as breeders would be affected by PAWS if they place 25 animals.

CFA has always supported increased and improved enforcement of the AWA to assure that commercial dealers selling at wholesale, who are required to be licensed, do comply and that their animals are humanely cared for. These are true businesses and regulation is a valid use of federal government resources for the benefit of animals. CFA's own Minimum Cattery Standards are based on those of the USDA (modified for a home setting) and we support quality care of cats no matter what the environment.

**We will be calling on you shortly to take action. Watch for CFA Legislative Alerts and Action Updates online. These will be posted on the CFA list and CFA website. Keep your club members informed, and be ready to act. Your help is critical.**

**The current CFA alert may be found at:**  
**<http://www.cfa.org/exhibitors/alert-US-PAWS.html>**