

Alert

Pet Animal Welfare Statute of 2005

– 109th Congress – S. 1139

The Pet Animal Welfare Statute of 2005 poses a dilemma: On one hand, it proposes amendments to bring people who import dogs for resale into the system and to provide USDA with better enforcement tools, both goals that are worthy of support. On the other hand, it wanders from its original purpose to regulate commercial breeders who sell wholesale into a scheme to regulate breeders by the numbers they produce and sell, even if they are residential breeders who sell puppies directly to the public, a goal that can not be supported.

The question is whether it's possible in the current political environment to make any substantive improvements to the Animal Welfare Act, without simultaneously creating unacceptable consequences.

In recent years, the original intent of the law – to regulate the handling of animals in commerce – has been blurred. The one-page law passed in 1966 has become a patchwork of thousands of pages of amendments and regulations extending to an ever-growing array of species in an ever-expanding number of settings. The goals of the Act are still valid, but they cannot be reached by expanding federal oversight to small scale in-home breeders who produce puppies and kittens as a hobby or avocation in their homes.”

Animal industries have significantly upgraded their animal-handling practices in the years since the act was first adopted. Abuses that were commonplace several decades ago are relatively rare today. While recognizing that the AWA spurred many of these changes, we believe that what is needed now is better enforcement of the current Act. We do not believe that the USDA should broaden its coverage to parties based on numbers or any other artificial standard.

Likewise, adding hobby dog and cat breeders to the Act would unnecessarily strain USDA's budget, take resources and attention from where they are needed and improperly expand the scope of federal authority into private homes, something the Act was never intended to do.

The search for real solutions

The federal government should not expand its authority beyond the large wholesale commercial operations they were intended to regulate. Instead, the Department should

seek ways of reducing the number of people currently regulated so that it can focus its resources on the areas of greatest risk. Changing the original focus of the AWA from large commercial operations to residential breeders is a bad idea. Even if the initial regulation of wholesalers occurred because all of the large-scale commercial breeders of the day sold through middlemen, the intended licensees were still large commercial businesses, not small breeders in private homes. Finally, large and small retail sellers are more appropriately handled by state and county agencies and private associations.

Many of the states where large commercial kennels operate already have their own kennel inspection programs that are working very well. At the local level, counties fund agencies to enforce anti-cruelty laws. In addition, large national dog and cat associations like the American Kennel Club (AKC) and Cat Fanciers Association (CFA) have significant, time-tested inspection programs in full operation. As a result of these innovations, (options that did not exist when the AWA was passed), some kennels are inspected by as many as three entities a year, a wasteful and inefficient practice.

NAIA believes that USDA should consider transferring some of its current oversight functions to the state agencies and private associations that have reasonable programs so they can focus their resources on enforcing current laws, and closing down the few operations responsible for most of the problems.

Over-regulation always leads to unintended consequences, a fact that animal advocates must keep in mind. The growth of pet imports suggests that American breeders cannot keep up with the marketplace demand for pets. If the current zeal for ever more regulations continues and conscientious breeders elect to give up breeding rather than welcome the federal government into their homes, the number of imports from totally uninspected foreign kennels will grow to meet that demand.

The AWA should not be expanded. Instead, its current provisions should be strengthened and enforced. People who seek better handling of animals in today's commercial pet trade should work with USDA and other regulatory bodies and stakeholder groups to create an appropriate response for today's challenges.