



Nova Scotia Duck Tolling Retriever Club (USA)

Katie Dugger, Secretary

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Dear Senator,

The Officers and Directors of the Nova Scotia Duck Tolling Retriever Club (USA) are **opposed** to the “**Pet Animal Welfare Statute of 2005,**” (“PAWS” - SB1139/HB 2669) to the Animal Welfare Act (AWA). After carefully reviewing the Amendment, the original AWA legislation, recent public comments both for and against the Amendment, and Senator Santorum’s speech on July 27, 2005, we believe this bill should be defeated for the following reasons:

- The language of this bill is confusing and in some cases misleading.
- It is unclear how this amendment will be enforced.
- It is unclear how enforcement and monitoring will be funded.
- The criteria used to trigger regulatory oversight (i.e., 6/25 exemption) are a vast oversimplification of the recreational dog breeding hobby. For example, it is unclear how this bill will be applied to a home hobby breeder who might be exempt one year but subject to regulation, the next (exceeds those stated benchmarks.)

Despite Senator Santorum’s stated intent to exempt hobby breeders and not-for-profit rescue groups and organizations from regulation, these exemptions are not clearly evident in the current Amendment. In addition, Senator Santorum did not address some important issues regarding implementation, funding of enforcement, and monitoring.

Even if the problems listed above are addressed, there are three fundamental reasons we oppose this amendment and any similar legislation.

- First, the proposed amendment diverges completely from the original intent of the Animal Welfare Act of regulating animal sales at the wholesale level, which has been maintained for over 30 years.

The proposed amendment would place USDA in the position of regulating retail sales of animals; we do not believe this fundamental expansion in regulatory oversight is needed. In addition, while the one page AWA passed in 1966 has been amended several times, Congress has not previously changed or clarified the definition of “dealer”, leaving the USDA’s definition intact. We feel the amendment will not clarify the original law; rather it simply burdens USDA with the need to interpret this amendment with new regulations.

- Second, we believe that Federal regulation of dog and cat breeders based on the numbers of animals they breed and sell (6/25 exemption) will not improve animal husbandry or the welfare of the animals covered under the Act.

State statutes, local ordinances, as well as various non-governmental regulatory agencies already address this issue with number triggers that prompt automatic inspections. To have the Federal government involved is redundant. In addition, qualitative controls of this system are already in place. Buyers who purchase a dog from the person who bred and raised the animal on their residential property can take the necessary steps to determine whether the facilities of the breeder and the condition of the animals are satisfactory. This amendment will not solve the problem of “substandard dealers” as suggested by Senator Santorum.

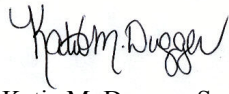
- Third and most important we believe this bill unnecessarily erodes an individual’s right to privacy by extending Federal regulatory oversight into private homes.

"The Fourth Amendment and the personal rights it secures have a long history. At the very core stands the right of a man to retreat into his own home and there be free from unreasonable government intrusion."
Justice Potter Stewart

As far as we can ascertain there are no Federal standards for housekeeping, temperature control, or basic living conditions for humans yet this legislation mandates the Federal government establish such standards be imposed on private citizens who choose to breed cats and dogs at home. The notion that an individual cannot live in a manner one wishes because others wish to place the welfare of privately owned cats and dogs above the rights of their human counterparts is an unreasonable government intrusion that we cannot support.

For these reasons, the Officers and Directors of the Nova Scotia Duck Tolling Retriever Club (USA) cannot support this bill, and we have encouraged our membership to voice their concerns to their Senators and Representatives.

Respectfully submitted on behalf of the Officers and Board of Directors of the NSDTRC (USA),



Katie M. Dugger, Secretary
NSDTRC (USA)

Cc: Agriculture, Nutrition and Forestry Committee Members – US Senate
U.S. House of Representatives Committee on Agriculture
Senate Appropriations Committee
House Appropriations Committee
Mr. James Crowley, AKC