



Testimony of Pet Industry Joint Advisory Council  
Before the Joint Task Force on SJR 56  
September 29, 2009

As the world's largest pet trade association, the Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer our views on the continuing work of this task force. Among its thousands of members PIJAC represents various associations, organizations, corporations and individuals involved in the commercial pet trade, as well as the interests of pet owners throughout the United States and, more specifically, across the state of Illinois. PIJAC member pet stores as well as commercial pet breeders in Illinois will be particularly impacted by the work of this task force.

I applaud the task force for its solicitation of public input in the course of its deliberations on Senate Joint Resolution 56. This approach promises to both enhance the credibility of the task force's work and facilitate support of the ultimate recommendations.

PIJAC has the greatest regard for, and commitment to, safe and healthy pets. We have, for many years, provided a highly respected animal care certification program intended to ensure that employees are well trained in the care of the animals they sell; a program that is widely utilized not only by persons in the commercial pet trade but also shelters and humane societies throughout the country, and one that has even been adopted as a statutory standard. PIJAC has worked closely with the USDA on effective implementation of the Animal Welfare Act for pets since its inception over three decades ago, and has joined hands with state and local agencies to ensure adoption and enforcement of appropriate regulatory standards. Our association has long been recognized as the voice for a responsible pet trade, and routinely advocates for new statutory standards that are in the best interests of companion animals and the pet-owning public. We also continually seek to advance the voluntary implementation of superior standards in the care, handling and transport of companion animals.

In working first with Senator Kotowski, and now this task force, to help fashion a consensus piece of legislation that will enjoy broad support, PIJAC has continually advocated for statutory language that will address perceived deficiencies in the current Illinois Animal Welfare Act while avoiding the establishment of standards that lack practical application or impose excessive burdens on regulated entities. Because the ongoing efforts of this task force have produced a fluid product in terms of draft legislative recommendations, those testifying before the task force are not in the position of responding effectively to a given proposal.

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In offering our observations to the task force at this juncture, therefore, PIJAC is basing its suggestions to a significant degree on the most recent draft of a proposed bill (the 08/21/09 Revised Draft), while remaining cognizant of the fact that the draft itself is subject to continuing revision. More fundamentally, however, PIJAC is relying on its experience not just here in Illinois but also in the many other states and at the federal level in advancing the interest of animal welfare, specifically with regard to the commercial sector.

In that vein, it is incumbent upon all parties to keep in mind that significant regulation of the commercial pet trade in Illinois already exists under both the federal and state Animal Welfare Acts. Further, many licensees are exemplary in running their facilities under existing law. Thus, the task force should not operate from the presumption that vast new legislative mandates need be enacted but, rather, should seek to identify weaknesses in current law based on empirical evidence. In setting forth a number of issues, SJR 56 does not provide that new requirements necessarily need be established across the spectrum of standards regulating commercial breeders and pet stores. The Resolution specifically provides that these issues “may be examined” and the task force shall “investigate and make recommendations” regarding needed improvements. A reasonable evaluation will lead one to conclude that existing standards in many cases are fully adequate. It is important in conducting such an evaluation that one not assume substantive standards to be inadequate simply because substandard facilities exist. Often it may be the case that problems motivating SJR 56 stem from inadequate enforcement of existing requirements and that adoption of new substantive standards is not the remedy enforcement concerns.

Sound public policy principles argue against regulation for the sake of regulation. The task force should refrain from proposing revision of existing standards absent objective evidence supporting the need for such revision. PIJAC would further urge that any proposed new requirements which would deviate from nationally recognized standards embodied in federal law be crafted using scientifically-based standards that have been objectively demonstrated to support a more humane result. Well-tested standards that have been in effect for years should not be discarded in favor of an arbitrary requirement. When crafting new standards to be recommended to the legislature, the task force should ensure that proposed standards are subject to practical implementation.

With regard to proposed revisions considered at the last task force meeting, PIJAC notes that the definitions for a “type I” licensee and a “type II” licensee effectively encompass the same group of animals and, as such, have no meaningful difference. But, further, PIJAC would question the appropriateness of adopting separate license “types.” It should not be forgotten that the focus of SJR 56 is the care of dogs in commercial settings and not other species. Nevertheless, there is not an appreciable difference in the cost of administering the law that would justify a 100% difference in license costs simply because a facility sells dogs as well as other species. Indeed, while PIJAC recognizes that the Department may benefit from designating different license types for activities such as kennels, breeders, and pet stores, we believe that operating multiple such activities out of a single location should not subject licensees to multiple fees. Since the cost of inspection is essentially identical for a single location irrespective of whether a pet store sells animals, offers grooming services and/or provides boarding, the licensee should be subject to the single highest license fee for any licensed activity being undertaken; but not multiple license fees.

Additionally, we would question whether the number of proposed categories is necessary. For example, what is the meaningful distinction between a kennel that boards a dog for 23 hours and one that boards

the same dog for 25 hours? Apparently one would qualify as “dog daycare” while the other is a kennel. But both licensees are engaging in essentially the same regulated activity, and the latter may well engage in “daycare” boarding as well as does the former. PIJAC suggests characterizing both of these as boarding kennels. Likewise, we believe that characterizing a licensee as a “large scale breeder” is not meaningful. PIJAC has long recognized the distinction between hobby breeders and commercial breeders, and fully agrees that these two groups should be licensed separately. Thus we recommend the establishment of a hobby breeder license and a commercial breeder license. A common way to distinguish the two, though by no means the only method, is adoption of a numerical cutoff for dogs possessed or sold. Such a number is, necessarily, arbitrary. But we believe that, in the interest of compromise, a reasonable consensus standard for a hobby breeder should be persons who possess no more than 26 female dogs for breeding purposes. Possession of a greater number of such dogs should qualify one as a commercial breeder.

PIJAC fully agrees that the existing prohibition in 225 ILCS 605/2.2 against the sale of puppies and kittens less than 8 weeks of age should be extended to the new license categories. We do not understand, however, why some license categories would be excluded from this provision. Accordingly, we suggest the amended language provides that “no person licensed under this act” shall sell or adopt out an unweaned puppy or kitten.

Responsible members of the pet trade comply with legal requirements in operating their facilities, and PIJAC endorses a prohibition against knowingly buying animals from persons who are unlicensed in violation of law. Thus, we support the concept reflected in the proposed language of 225 ILCS 605/2.3. That language should be amended, however, to prohibit only persons who are knowingly contravening the prohibition. Pet stores can seek confirmation of appropriate licensure from dealers or breeders, but are in no position to verify the validity of a dealer’s or breeder’s license. These pet stores do not have police enforcement powers and should not be treated by law as enforcement agents. Additionally, inasmuch as some persons are exempt from licensure, there is no rationale for demanding that pet stores refrain from buying animals from these people. The language, therefore, should extend the prohibition only to unlicensed persons who are required by federal or state law to hold a license.

Consistent with the dictates of SJR 56, and fair business practices, PIJAC endorses the provision to a seller of certain information about the prospective purchase of a dog or cat prior to sale. The type and breed of animal (including whether the animal is subject to registration with a recognized registry), history of vaccination and treatment, whether the animal has been sterilized, and the name of the breeder from whom the animal originated is all information that an informed consumer should expect to possess when making a decision about acquiring a pet. The routine posting of such information, though, is both unnecessary and inappropriate. Persons who are not seriously interested in purchasing a companion animal from the pet store, but wish only to use this information for harassment purposes, should not be granted that opportunity with an unnecessary posting requirement. Those who are seriously considering a puppy or kitten purchase can easily obtain the information upon request.

The language of proposed 225 ILCS 605/18 makes good sense, including the provision permitting the adoption of a sick or injured animal only if such condition is properly disclosed. PIJAC would recommend an additional requirement that pet stores may only sell a dog at such time as it has received a veterinary examination and been found to be apparently free of illness or disease which adversely affects the animal’s welfare.

PIJAC is aware that the task force has not engaged in discussion of various sections of the Animal Welfare Act relative to enforcement and penalties for violations. We do wish to emphasize that we are concerned about the proposed deletion of existing language in 225 ILCS 605/13 (in the 8-21-09 draft) that requires the provision of a copy of the Department's report to a respondent in any case of criminal prosecution or denial, suspension or revocation of a license. We would assume that all parties would support a basic and essential due process provision of this nature and are baffled by the suggestion to remove it from existing law. PIJAC strongly supports the retention of all due process requirements that ensure fair treatment of persons subject to this act.

Likewise, we would oppose the addition of language mandating suspension or revocation of a license for violation of the act. From a policy perspective, there is a very good reason why revocation should not be mandatory. An evaluation of the nature and severity of a violation, as well as any surrounding circumstances, should be conducted before determining whether suspension or revocation is appropriate. A statutory mandate that treats all violations of the act, irrespective of their severity or nature, with the same knee-jerk response is poor public policy. The purpose of this task force is the recommendation of standards to promote humane care of animals. To characterize a minor oversight in record-keeping as being on par with an act or omission that directly impacts animal welfare would be an abrogation of that duty. We would encourage inclusion of language in enforcement and penalty provisions that grants the Department authority in responding to an alleged violation to exercise appropriate discretion on a case-by-case basis, and to refrain from punitive punishment that is not commensurate with the violation in question. And, of course, in providing for response to alleged violations, the statute should incorporate appropriate due process protections for those who may, or may not, be guilty of violations. No punishment should be meted out and no property confiscated prior to a final finding of guilt.

Again, I wish to reiterate my appreciation for the opportunity to address this task force relative to the important work it is doing. As noted, I am aware that the task force may in the future be considering language that stakeholders have yet to see or consider, and therefore would at this point have no meaningful opportunity to address. Accordingly, and consistent with the open process you have employed heretofore, I would urge the continued opportunity for meaningful input prior to the formal adoption of recommendations.

Respectfully Submitted,

Pet Industry Joint Advisory Council  
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