



PIJAC UPDATE

THE PET INDUSTRY'S UNIFIED VOICE

PIJAC UPDATES are provided as a review of what is going on with legislative and regulatory matters not only in your state, but also in other areas of the country. What happens in one state can easily occur in another. We hope this provides information on issues that could affect your business.

Pennsylvania has been in the legislative spotlight this year, due to an aggressive campaign by Governor Edward Rendell to establish new kennel requirements and enforcement powers. Receiving national media attention, this initiative's evolution from proposed regulation, to legislative bill, to signed law has a long history, and PIJAC was in the thick of it from the beginning, representing the entire pet industry throughout the almost two-year process and helping to defeat some of the most onerous proposals in the process.

In late 2006, the Pennsylvania Department of Agriculture introduced major revisions to the Dog Law Regulations that included sweeping new standards that deviated from established federal law under the Animal Welfare Act and gave the Department far-reaching authority. In response, PIJAC submitted detailed comments on behalf of the pet industry outlining our vehement opposition to the proposals. Even animal shelters shared a number of our concerns and voiced similar objections to the proposals.

PIJAC's government affairs team joined with other concerned groups and formed a coalition to maximize influence in the process. Working with the American Kennel Club (AKC), the Pennsylvania Dog Breeders Association, the Pennsylvania Farm Bureau, and the Pennsylvania Federation of Dog Clubs PIJAC succeeded in having the proposed regulations withdrawn. PIJAC and other members of the coalition met with several staff members in the Department of Agriculture and the independent regulatory review commission, as well as staff from both the House and Senate committees that oversee Dog Law regulations in Pennsylvania. PIJAC's written comments, testimony, and our on-the-ground work with the legislators and regulators in Pennsylvania not only helped bring about withdrawal of the regulation but helped shape the legislation that followed. The independent regulatory review commission later issued a report criticizing the proposed regulation that included objections from PIJAC's submitted comments. PIJAC, working with our partners in Pennsylvania, eliminated the threat of egregious provisions that were far worse than the final provisions in the signed law. These eliminated provisions included, among several others:

- allowing new administrative fines without the opportunity to correct cited deficiencies,
- inflexible mandates that would have required extensive renovations of facilities,
- unreasonably extensive record-keeping requirements, and
- Authority for the Department of Agriculture to obtain a search warrant whenever they believe it is "necessary,"

Please see the attached for additional details regarding the eliminated provisions.



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Early in 2008, Governor Edward G. Rendell's administration, working with the Department of Agriculture, introduced new legislation – House Bill 2525 – to replace the proposed regulations that had by that time become all but defeated. PIJAC was closely involved in reforming poor provisions of the initial drafts and integral to making further changes to the introduced bill; we, along with our coalition partners, worked with the bill sponsors to shape the text of the bill. Through these repeated and extensive meetings, PIJAC successfully addressed concerns we had and kept many provisions that would be detrimental to the industry out of the proposed bill. The administration insisted, however, on keeping some other provisions in the bill that PIJAC strongly opposed.

Once the bill was introduced, PIJAC's team met with various staff members of the House and Senate Agricultural Committees to discuss problems that still remained with the bill and proposed amendments to correct them. Over several months, we participated in meetings and discussions on all provisions of the bill effecting breeders. We worked with the other groups as well as a well-respected lobbyist that specializes in agricultural interests (Pugilese Associates). PIJAC has a retainer with Pugilese to work on issues in Pennsylvania, but this project demanded increased investment by PIJAC as it went well above and beyond the parameters of the retainer. PIJAC remained involved every step of the way, reviewing proposed amendments and revised versions of the bill.

Ultimately, timing threatened passage of HB 2525. The end of the legislative session was approaching and the bill was being held up due to specific objections from PIJAC and the other groups in the coalition. The coalition was ready to stipulate Governor Rendell's administration either acquiesce on the breeder issues or be forced to start fresh with a new bill in the next session. On the brink of this success, our efforts were sabotaged by the actions of a lone breeder. A gentleman in Pennsylvania, feeling he had been harassed by the Department of Agriculture and concerned about legal repercussions, decided to euthanize 80 dogs by shooting them. This garnered national media attention and outrage, demanding the Rendell administration force the bill's passage. With elections coming soon and public focus on Pennsylvania from this incident, as well as the earlier Oprah Winfrey program investigating illegal breeding facilities in Lancaster County, legislators were fearful of the backlash they would receive if they were to vote against the bill. Governor Rendell quickly signed the bill into law on October 10, the same day it passed in the Pennsylvania state Senate. With one ill-informed act, the political leverage that was achieved through the groundwork PIJAC and the coalition had laid was lost. As a result, some provisions that PIJAC and its partners strongly opposed remained in the bill.

While the final bill was not what PIJAC hoped it would be, the long process leading up to it was not wasted effort, as many of the egregious provisions that the coalition objected to were ultimately eliminated.

As other states take up the call to impose greater restrictions on the pet trade, PIJAC will continue to work for the interest of all constituents in the pet industry on these and the many other issues that impact your ability to do business. It is up to members of the pet industry, however, to act responsibly toward animals and their owners in order to give PIJAC the credibility it needs when going before legislative bodies and opposing bills that may put you out of business.

Pennsylvania Dog Law Amendments

Beginning with the promulgation of a rulemaking to make sweeping changes to Pennsylvania's Dog Law, and continuing through revisions proposed by a number of different draft statutes, the two-year process culminated in adoption of House Bill 2525. Due to the vigilant and tireless efforts of PIJAC and its coalition partners, this process saw elimination of some excessive mandates that would have represented a costly and unreasonable burden on dog breeders. Some of the proposed provisions in earlier drafts included:

- New administrative fines without the opportunity to correct cited deficiencies. In the final version of this bill, the Department must issue a Notice of Violation citing initial deficiencies and providing an opportunity for kennels to correct them. The law now reads that "no civil penalty shall be issued for a violation which is corrected."
- Authority for the Department of Agriculture to obtain a search warrant whenever they believe it is "necessary." This would have permitted fishing expeditions and random persecution. The final language was amended to permit a warrant only when inspectors have been denied access in violation of law or the Department demonstrates reasonable grounds to believe there has been some other violation of law.
- Authority for the Department to set license fees at any level it chose. This change was rejected, and license fees remain set by statute.
- A requirement that all primary enclosures contain solid flooring. This was rejected in the final bill.
- An absolute ban on temperatures ever rising above 85 degrees F in kennel facilities. The final law permits higher temperatures so long as adequate ventilation is available.
- A requirement that all primary enclosures allow "unfettered clearance" to an exercise area. The final law permits alternative means of providing exercise subject to Canine Health Board approval, and allows exceptions to the standard exercise area requirements in cases of zoning prohibitions.
- Inflexible mandates that may require extensive renovations of facilities. The final law includes waiver authority for kennels that have made substantial structural improvements or are making a good-faith effort to comply. In such cases, the requirement to comply with new substantive standards may be waived for up to 3 years.
- A 14-day quarantine requirement for all dogs entering any kennel. This was rejected in the final law.
- Strict and unreasonable lighting standards. These were rejected in the final bill.
- A ban against exercising certain size dogs together. This was eliminated.
- A specialized gutter and drain for "sluicing wastewaters" during kennel cleaning. This requirement was eliminated in the final bill.

- Extensive record-keeping requirements Such as:

- Date, time and detail of daily feedings, cleaning of kennel, and changing and refreshing potable water
- Date, time and detail of exercise activity of the dog
- Date, time and detail of any medication administered to a dog
- Any accident or incident in which the dog is injured
- Date and time of any veterinary care administered
- Date and time of day that the housing facility was cleaned
- Date and time of day that the housing facility was sanitized
- Date and time of day that each individual cage, dog box or primary enclosure was cleaned
- Date and time of day that each food and water bowl was sanitized
- Date and time new food and potable water was provided each dog

These record-keeping requirements were rejected in the final bill.

Starting with the proposed regulation, and going through a number of subsequent drafts, the initiative that ended up as Pennsylvania House Bill 2525 at various times encompassed many adverse provisions that were ultimately modified or eliminated altogether. This summary identifies some of the more objectionable provisions.