



**TESTIMONY OF PET INDUSTRY JOINT ADVISORY COUNCIL  
BEFORE AGRICULTURE COMMITTEE  
LEGISLATIVE BILLS 241, 588 & 677**

**February 3, 2009**

**Position: Qualified Opposition**

As the world's largest pet trade association, the Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer this esteemed committee our views on Legislative Bills 241, 588 and 677. Representing the interests of all segments of the pet industry throughout the United States, PIJAC counts among its thousands of members various associations, organizations, corporations and individuals involved in the commercial pet trade. More specifically, we represent pet breeders, pet product manufacturers, distributors and retailers throughout Nebraska who would be significantly impacted by the legislation before you today.

Let me emphasize that nobody cares more about humane breeding and rearing standards than does PIJAC. 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. We are and have been highly supportive of Nebraska's Commercial Dog and Cat Operator Inspection Act. Likewise, PIJAC has historically been very supportive of statutory pet warranties such as that reflected in LB 588. In fact, 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.

**However, these bills contain a number of controversial provisions, and this hearing was set with relatively little notice. We strongly believe that members of the committee should be accorded a greater opportunity to benefit from the views of their constituents. Accordingly, we respectfully request this committee refrain from action on these bills at this time, pending an opportunity for greater input and deliberation.**

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Nevertheless, PIJAC desires to offer some comments about certain significant provisions of the bills. Both 677 and 241 amend the Commercial Dog and Cat Operator Inspection Act. As noted, we support this licensing scheme, and submit that it has complemented federal law in raising professionalism in the pet trade in Nebraska. Changes ought to be made reservedly and with due consideration.

Particularly conspicuous in both these bills is a new restriction on the number of dogs a breeder may own or possess. This type of ban would advance neither the interests of pet animals nor the public at large. Indeed, as well intentioned as these provisions may be, they will compromise the goal of humane treatment for dogs and cats.

**It is critical to note that there is no correlation between the number of animals in a facility and the quality of care those animals receive!** Some of the largest commercial breeding operators in this country employ state-of-the-art facilities, exceptional and frequent veterinary care, and the highest standards for breeding and raising their animals (typically exceeding what is required by law).

Any licensure statute should focus on establishing, and providing appropriate enforcement authority for, standards that will ensure dogs and cats are receiving quality care, nutritional sustenance, appropriate veterinary care, adequate exercise opportunities and sound, safe transport. Pet animals can and are provided humane care in abundance at countless breeding facilities of all sizes. By the same token, there are some breeders who do not comply with appropriate standards; but that has absolutely nothing to do with the number of animals in the facility.

If there is a need to revise Nebraska's existing licensing statute, that need would be based on the existence of breeders within the state who do not already meet appropriate care standards. Any legislation should be targeting such breeders based on the need to ensure humane care. Placing a limit on the number of dogs a facility may maintain does nothing to further this goal. Worse, though, it compromises the goal. If the state drives out quality breeders who maintain high standards it will only create a void that may be filled by unscrupulous persons who care neither about legal requirements nor the humane care of the animals they raise. **PIJAC submits that, regardless of one's position on other provisions of these bills relating to substantive standards, an arbitrary cap on the number of dogs a licensee may own or possess as no rational relationship to the health or wellbeing of those animals or their offspring!** Irrespective of whether the committee recommends either of these bills, the numerical cap should be removed.

That said, we do take issue with some of the substantive standards proposed by this legislation. For example, what is the basis for requiring, in L 677, that primary enclosures be no more than 1 foot off the ground? This can actually be contrary to the welfare of animals. Likewise, what is the basis for the proposed size requirement? When deviating from a nationally recognized standard reflected in long-standing federal law, shouldn't there be some sound scientific basis the new standard?

As noted, we advocate for statutory warranty legislation, because we believe that responsible pet dealers should stand behind the dogs and cats they sell. But interested parties have also had limited time to offer their opinions on L 588, and there is some ambiguous language in that bill that should be revisited as well. For example, Section 3 of the bill provides that "the purchaser shall have the cat or dog health checked by a licensed veterinarian within four business days after the date of purchase" for protections to apply. Yet Section 5 states that a retail purchaser must have the animal examined "by a licensed veterinarian within seven business days after delivery." These sections appear to be in conflict. The other language of Section 3 is ambiguous as well. Does the provision refer to dealers that are going out of state? Or is it intended to refer to the animals themselves? If the latter, how is the seller supposed to decipher the intent of a customer? It would appear that this whole section should be reviewed for revision and clarification.

PIJAC is not opposed to legislation per se. Nebraska has one of the more effective licensing statutes in the United States, but that does not mean there is no room for improvement. By the same token, we would caution against reflexive change that is neither necessary nor justifiable. Notwithstanding the hysteria and hyperbole disseminated by some, professionalism in the pet trade has steadily and consistently increased over the past several years, and the

quality of care provided pet animals has improved and continues to do so. Most in the commercial dog and cat trade do a good job. If legislation is called for, then that need will be borne out with a full airing of the issues. We urge this committee not to act with undue haste, particularly when stakeholders and other interested parties have not had a chance to participate in the process.

We respectfully urge the committee to table these bills for the present time.

Thank you greatly for your consideration of our concerns!

Respectfully Submitted,

Pet Industry Joint Advisory Council  
By: Michael P. Maddox, Esq.