

PIJAC: WORKING FOR YOU

PIJAC leads Successful Grassroots Effort on HR 669

The entire pet industry, including individual hobbyists and pet owners, rallied around PIJAC's opposition to HR 669, creating one of the most significant grassroots responses on Capitol Hill in many years. On April 23, the House Subcommittee on Insular Affairs, Oceans and Wildlife held a hearing, at which PIJAC was the sole (witness) representative speaking for pet owners and the pet industry. PIJAC's testimony dissected HR 669, highlighting problems with implementing the proposed risk assessment process and disputing the proposed "Likelihood Doctrine" which would list a species as "approved" only if there was no likelihood that it could ever become invasive anywhere in the United States now or sometime in the future (To read the full testimony, please go to PIJAC.org) PIJAC is credited with illustrating the numerous problems associated with the bill as currently drafted. PIJAC does not believe that HR 669 is "dead" and continues to strive for a viable solution to properly dealing with invasive species.

Prior to the hearing, PIJAC's Marshall Meyers and Bambi Osborne met with subcommittee members' staffs as well as Majority and Minority staff members to relay industry concerns about this bill. PIJAC engaged all segments of the industry, including retailers, animal suppliers, hobbyists, and manufacturers. PIJAC also collaborated with organizations like NOHR669.com, Kingsnake.com and birdchannel.com, using the Internet to alert the pet owning public, hobbyists, and commercial interests of the dangers of HR 669. Their websites provided the public access to PIJAC's PetAlerts and other valuable information on

HR 669; banners for uploading to individual websites; and other aids to help spread the word. PIJAC's detailed PetAlert on HR 669 (available on PIJAC.org) was widely disseminated and was featured on Google, Yahoo, YouTube, Facebook, Twitter, Digg, and hundreds of thousands websites.

THE FUTURE OF HR 669

As of now, the future of HR 669 is uncertain. Proponents are regrouping and allegedly drafting amendments to HR 669; some

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In Memory

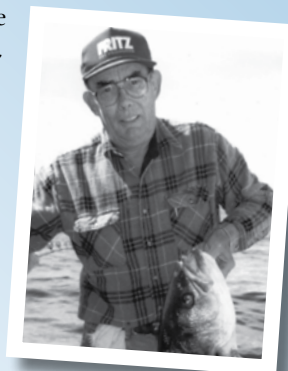
Howard Deardorff, a long time PIJAC employee, passed away on March 29, 2009, at his home in Stevensville, Maryland. He was 80 years old. Howard, a World War II veteran, served in the United States Navy. He later graduated from Lafayette College in 1956 with a degree in Government Studies.

His pet industry involvement started in 1969 with a Docktor Pet Center franchise in Hyattsville, Maryland. From there he joined the parent company Docktors' Pet Center Inc. as a consultant to other franchise owners. He eventually became their training director, a position he held for more than 15 years. While at Docktors he developed a 21-day curriculum which included a "five point program" covering health, comfort, con-

trol, housing and feeding for appropriate care of pet store animals.

Howard joined PIJAC in 1989 as Director of Research and Education and was the primary author of PIJAC's companion animal training and resource manuals. Although Howard officially retired from PIJAC in 2002, he continued to work for PIJAC's law firm, Meyers & Alterman, on a part-time basis until his passing.

Howard was a dedicated member of the pet industry, devoted to PIJAC's mission. He will be sorely missed by all the people who he befriended during his almost 40 years in our industry. The family has requested that any memorial contributions be made to Hospice of Queen Anne's Inc., 255 Comet Drive, Centreville, MD 21617. ■



Legislative & Regulatory News

PIJAC has screened more than 9,000 legislative and regulatory proposals at the State and federal levels during the first 6 months of 2009. Below are synopses of several critical pieces of legislation monitored by PIJAC in states which have adjourned for the 2009 legislative session.

Arkansas. A bill requiring licenses for owners of multiple dogs or cats was withdrawn in Arkansas. **Senate Bill 864** would have required the owners of 12-24 dogs, cats, or any combination of dogs and cats to annually obtain a license from the state Department of Agriculture for \$250, and the owner of 24 or more dogs, cats, or combination, to pay \$1,000 annually for a license. Anyone found in non-compliance of this licensure requirement would have been guilty of a Class A misdemeanor. Even though the bill was withdrawn, we will be monitoring Arkansas in the next legislative session for reintroduction of similar legislation.

Colorado. In February, PIJAC submitted testimony on **House Bill 1172** that would have amended the state's "Pet Animal Care and Facilities Act" by limiting the number of unsterilized dogs over six months of age that a dog breeder may keep on premises. PIJAC stressed that there is no correlation between the number of animals in a facility and the quality of care those animals receive; therefore, the bill was been postponed indefinitely. PIJAC is fighting similar legislation in many state legislatures and will work to make sure this does not reappear in Colorado. Even though, the limits amendment to the Act was halted, the Governor did sign into effect **Senate Bill 118**, implementing additional recommendations of the Department of Regulatory Agencies on the Pet Animal Care Facilities Act. The recommendations include allowing the Department of Agriculture to determine licensing fees, aggregating fines collected under the act to the state general fund, and changing the definition of "pet animal" to include rats and gerbils, which now makes these species subject to provisions of the act covering pet animals, even if they are intended for use as feeder animals.

Florida. A number of dog and cat bills were introduced in Florida this year. Florida, following a nationwide trend, introduced dog breeder limit laws. **House Bill 1249**, and its companion **Senate Bill 2002**, prohibit a person from owning, possessing, controlling or having custody of 50 or more dogs at any time. Once again, PIJAC submitted testimony emphasizing that commercial dog breeders are already subject to licensing and inspection under the federal Animal Welfare Act, and these bills would not improve upon these standards, but would significantly increase the likelihood of hereditary defects in pet dogs, thereby injuring the animals themselves, and hurting the pet owners in Florida. Subsequently, both bills were withdrawn from consideration.

House Bill 1337, and its companion **Senate Bill 992**, would allow dogs and cats released from animal shelters, with verification of medical conditions from a veterinarian, to forego mandatory spay/neuter requirements. Both bills were indefinitely postponed and withdrawn from consideration. **Senate Bill 288**, requiring pet dealers to offer warranties on dog and cat sales and to provide purchasers with written information on genetic disorders of the dogs and cats, was also indefinitely postponed and withdrawn from consideration.

Hawaii. Bills relating to pit bull ownership and tethering standards for dogs both died as they missed committee deadlines. **Senate Bill 30** would have made it illegal to tether, fasten, chain, tie or restrain a dog to a dog house, tree, fence or any other stationary object. Also, under this bill, no dog could legally be tethered for more than three hours in a 24-hour period. **Senate Bill 79** would have made it a misdemeanor to own, possess or sell a pit bull in Hawaii.

Illinois. Companion bills, **House Bill 198** and **Senate Bill 53**, establishing dog breeder licensing requirements will carry over to the 2010 legislative session. HB 198 would impose comprehensive new requirements and restrictions on pet breeders and pet stores, including a ban on ownership of more than 20 adult dogs

for breeders. After discussions with the sponsor of the Senate version, SB 53 has been amended to eliminate this ban and to modify some of the more onerous restrictions. PIJAC has submitted testimony on both bills and is currently working to craft a floor amendment to address remaining problem provisions.

Senate Joint Resolution No. 56, creating a Joint Task Force on Breeders and Pet Stores, was adopted this session. The task force will investigate and make recommendations regarding the breeding and pet store industry in Illinois, including creating more specific requirements for indoor and outdoor kennel and requiring detailed recordkeeping requirements for breeders and pet stores.

Indiana. Governor Daniels signed into law **House Bill 1468** requiring registration of commercial dog breeders and imposing a laundry list of new standards applicable to breeders, as well as pet dealers. Under this law, a breeder is prohibited from maintaining at one address more than 30 unsterilized dogs that are at least one year of age. HB 1468 also establishes a statutory warranty for all dogs sold by a breeder. Pet dealers are also required to maintain veterinary records for at least two years of every animal sold by the pet dealer, as well as any animal offered for sale. The breeder log must be made available to law enforcement officials, and pet dealers must make veterinary records available to purchasers or prospective purchasers.

Maryland. Companion bills, to which PIJAC testified in opposition earlier this year, died in both houses. **House Bill 495** and **Senate Bill 318** prohibited a person from owning more than 50 "breeding dogs" over the age of four months. The bills also provided a list of care requirements for persons who have more than 10 breeding dogs over four months of age. The demise of these bills was a success for PIJAC as well as the pet industry in Maryland.

Minnesota. Various bills which would regulate dog and cat breeders were all held over to the 2010 legislative session, as the Minnesota Legislature adjourned its 2009 session on May 18, 2009. **HB 253**, and its companion **SB 7**, would require breeders of dogs and cats in Minnesota to

obtain special licenses, subject such breeders to regular inspections, and impose new standards of care. 'Breeders' are defined as a person, other than a hobby breeder, who possesses animals and is engaged in the business of breeding animals for direct or indirect sale or for exchange in return for consideration, and who possesses six or more adult intact female animals for the purpose of breeding. **HB 573**, and its companion, **SB 500**, establish the Minnesota Puppy & Kitten Mill Cruelty Prevention Act, requiring commercial dog and cat breeders to obtain permits from the Board of Animal Health. Commercial breeders are defined as anyone "who produces puppies or kittens for sale and who owns, houses, possesses, or maintains an ownership interest in 40 or more cats or dogs older than nine months of age and capable of breeding." Such persons are required to apply annually for a permit by submitting an inspection fee along with a completed permit application. An additional permit fee is required prior to each annual renewal. The board establishes fee levels and the Board's rate setting activities are exempt from all rulemaking requirements. All Minnesota bills carry over to the 2010 legislative session, so monitor the Breaking News page of the PIJAC website for updates.

Montana. Bills that would have imposed new requirements and inspection standards for dog breeding "and selling" facilities and would have revised animal cruelty laws relating to animal hoarding, both died in their respective committees as the Montana Legislature adjourned on April 28, 2009. **HB 548** would have specifically included pet stores in its inspection standards and would have allowed for unannounced annual inspections. **SB 221** was poorly written and could have included pet stores under the definition of 'companion animal hoarding' as they routinely house more than 20 companion animals.

Oklahoma. Oklahoma **House Bill 1332** that would have create the Pet Quality Assurance and Protection Act establishing licensing requirements for pet dealers and breeders has been carried over to the 2010 legislative session. Neither the House nor Senate could agree on amendments to the bill so it was sent to a conference committee where the conferees were unable to agree before the Legislature adjourned

on May 27, 2009. **HB 1332** establishes a number of standards for dealers to follow, including recordkeeping requirements, purchaser remedies and displaying of licenses. A "pet dealer" is defined as any person or other entity that "acquires dogs or cats from any source for resale" and a pet store defined as "any outlet where animals are sold or offered for sale solely at retail for use as pets."

South Carolina. Legislation prohibiting the removal of more than ten turtles of certain species at one time, with a maximum of twenty from the state, was enacted into law on May 19, 2009. **HB 3121** provides that a person selling, offering to sell, or purchasing these certain species must have documentation from the aquaculture facility as to the origin of the turtles and may be charged twenty-five dollars for a permit. PIJAC submitted testimony before the House Agriculture, Natural Resources & Environmental Affairs Committee urging the Committee to reconsider this approach and limit restrictions, if deemed appropriate, to removal from the wild in the State and not ban otherwise legal interstate commerce, irrespective if from an in-state permitted facility or an out-of-state supplier.

Texas. **HB 3180** (and its companion **SB 1910**) sought to license commercial pet dealers in Texas and to establish a 20-day retail pet warranty period. The original bill defined a 'commercial breeder' as a person who possesses eleven or more adult intact female animals and is engaged in the business of breeding animal for direct or indirect sale or for exchange in return for consideration. The bill also defined a dealer as anyone who 'is required to collect sales tax for the sale of animals' to purchasers buying at retail. PIJAC submitted testimony regarding **HB 3180** before the House Committee on Licensing & Administrative Procedures on April 1, 2009. After hundreds of Texas PIJAC members and supporters sent letters to their Representatives and Senators, the bill was pulled from the agenda of the May 19, 2009 Senate Criminal Justice Committee meeting. Both **HB 3180** and its companion, **SB 1910**, died in their respective committees on June 1st as the Texas Legislature adjourned for the 2009 session

HB 458 provided that in counties with a population of one million or more, county commissioners would have the ability to

limit the number of dogs that an individual may keep at a residence located in a residential subdivision in the unincorporated area of the county. As written, this proposed law would have left too much discretion to county authorities in limiting the number of dogs (essentially pets) a person may own. **HB 458** also died in committee on June 1st as the Texas Legislature adjourned for the 2009 session.

Washington. **SB 5651**, prohibiting ownership or possession of more than 50 intact dogs over the age of six months, and imposing new standards on breeders, was signed by the Governor on April 30, 2009. PIJAC submitted testimony on this bill before the House Judiciary Committee on March 19, 2009, stressing that there is no correlation between the number of animals in a facility and the quality of care those animals receive or the quality of dogs offered to the public. The final version of the bill did exempt retail pet stores and grooming facilities, as well as commercial dog breeders licensed, before the effective date of this act, by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act (Title 7 U.S.C. Sec. 2131 et seq.). **SB 5651's** companion bill (**HB 1936**), never made it out of its committee of origin.

West Virginia. Companion commercial dog breeder limit bills **HB 2843** and **SB 447**, both died in their respective committees on May 31, 2009 as the West Virginia Legislature adjourned for its 2009 session. This legislation would have regulated dog breeding by prohibiting breeders from maintaining 20 or more "unsterilized dogs over the age of one year" if that person was "engaged in the business of breeding animals for direct or indirect sale or for exchange in return for consideration." The bills provided a series of standards when a breeder can breed female dogs; how they may dispose of dogs; and set record-keeping requirements. Violations would have resulted in fines of up to \$2,500 or jail terms not exceeding more than one year, or both. ■

Want news on other States? Visit
www.pijac.org/governmentaffairs

Education and Certification News

Congratulations to the following people who recently earned PIJAC Animal Specialist Credentials. For additional information, contact Nancy Knutson at 202-452-1525, or by email to nancy@pijac.org.



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Pet Trade Pathway Toolkit

A Call For Contributors & Sponsors

PIJAC is seeking your support for one of its internationally-recognized projects.

Invasive species (harmful non-native organisms) are one of the major threats to native wildlife and habitats. The pet/aquaria trade has been identified as a substantial source of potentially invasive species; escaped or released pets and aquaria species can predate upon, compete with, or spread diseases and parasites to native wildlife. Aquaria dumping and water gardening can also be sources of invasive plants. The greatest risks of deliberate release of unwanted pets and aquaria species are likely associated with:

- Consumers (pet owners, rather than commercial operations);
- Non-regulated direct sales – such as sales through the internet and newspapers, hobbyist shows, flea markets, etc;
- Pets that are free or inexpensive;
- Species which grow large, reproduce easily and in large numbers in captivity, have specialized dietary or other husbandry requirements, and have aggressive temperaments; and
- Species ecologically suited to the geographic region in which they are maintained as pets.

In order to minimize the invasion risk of the “pet/aquaria trade pathway,”

member countries of the Convention on Biological Diversity (CBD) have adopted a decision (May 2008) to collate case studies of best management practices that industries, governments, and others are taking to prevent the release, escape, and establishment of former pets and aquaria species.

The CBD explicitly recognized PIJAC and the Global Invasive Species Programme (GISP) as leaders in this process. Thus, the two organizations are now working together to develop a toolkit of regulatory and non-regulatory measures to minimize the introduction of animals, plants, pathogens, and parasites via the “pet/aquaria trade pathway.”

The final product will be made available in multiple formats: executive summary (PDF and print) and as a complete publication (PDF and print-on-demand). Examples of case studies are available at www.pijac.org (click on Invasives Toolkit).

At this time, PIJAC is seeking:

- Additional case studies of relevant regulatory and non-regulatory measures from around the world.
- Financial sponsors to assist in the development, design, and distribution of the toolkit. All sponsors will be acknowledge in the publication by name and logo.

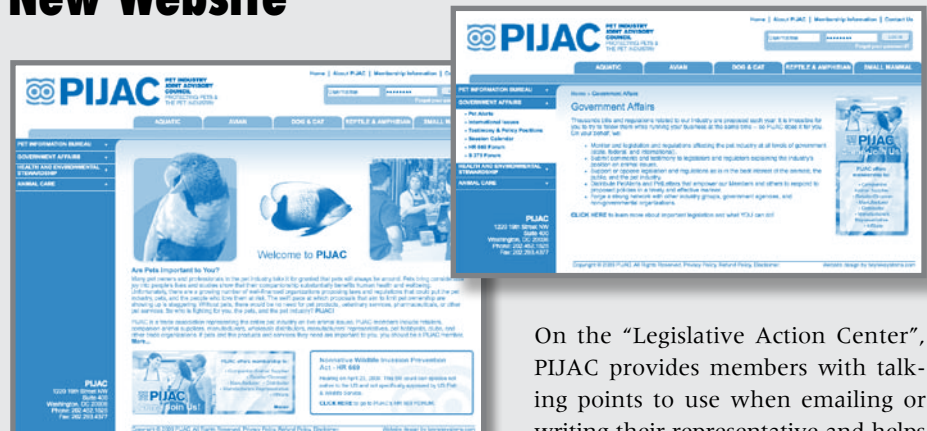
The budget for the project is approximately \$75,000.

For further information or to contribute to the project, contact: Dr. Jamie K. Reaser, PIJAC Senior Advisor for Health and Environmental Stewardship; pijacscience@nelson-cable.com. ■

Do you know who your legislators are?

Go to PIJAC's Legislative Action Center

Take Action and Get Educated on PIJAC's New Website



The newly redesigned PIJAC.org website simplifies navigation and improves content to better meet the needs of the pet industry. Members can now review information by animal group, such as Avian, Aquatics, Small Mammal, Dog/Cat, Reptile, or functional area, such as Government Affairs, Breaking News, Science and Environment. This ability to separate information into smaller groupings will allow members to find what they are looking for quicker and easier than ever before.

Our new “Legislative Action Center”, made possible by a grant from APPA, creates the ability for members to review critical legislation and contact their representatives directly from the PIJAC.org site.

On the “Legislative Action Center”, PIJAC provides members with talking points to use when emailing or writing their representative and helps them quickly locate the contact information for each of their representatives, from the U.S. President to their city council members, depending on the legislation they are commenting on. Early feedback on the “Legislative Action Center” is very positive, with a significant number of emails and letters being sent to state representatives on a critical piece of dog legislation, which was defeated, thanks in part to those who used PIJAC.org to take action and make their voices heard.

The new PIJAC.org website also has access to education programs and popular PIJAC environmental projects, such as Habitatitude, Bd Free Phibs, National Reptile Improvement Program (NRIP), and the Pet Trade Pathways Toolkit.

PIJAC leads Successful Grassroots Effort...

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contend a new bill will be introduced in the Fall; others argue that HR 669 language may be attached to another bill. The key groups supporting HR 669 include Defenders of Wildlife, Union of Concerned Scientists, The Nature Conservancy and the Humane Society of the United States.

PIJAC submitted a letter on June 3 urging the Subcommittee to encourage the US Fish and Wildlife Service to host a series of multi-stakeholder workshops to explore ways of reaching a common goal to minimize the risk of introducing invasive species into our environment. PIJAC's concept was endorsed by a diverse group of stakeholders. PIJAC also submitted supplemental testimony demonstrating that, contrary to comments made during the hearing and in *Science*, the United States is not "awash" in unknown imported nonnative species. PIJAC submitted copies of import documents mandated by law that provide the Fish and Wildlife Service with information on the numbers of specimens by species.

The US Fish and Wildlife Service and PIJAC will meet to discuss how PIJAC and the Service might collaborate in developing

a catalogue of species in trade. Preparation of such a list will require a substantial commitment to review and compile information from an estimated 1.5 million import declaration forms. This Catalogue approach would be used as a basis for identifying species already in trade if the process recommended in the National Invasive Species Management Plan is implemented. The Plan calls for requiring risk assessments for any species being imported into the US for the "first time." While a species already in trade could be evaluated as a potential "invasive", such species would not be removed from trade until shown to be invasive. The "first-time introduction" approach is a PIJAC proposal dating back to 1996. PIJAC is continuing to coordinate activities of a diverse coalition with the aim of developing a process that deals with proven invasives rather than declaring everything bad until proven innocent and disrupting trade.

Overall, the pet industry supports development of a strategic, science/risk-based process to prevent the introduction of invasive species (harmful, nonnative species) into the US. We are eager and willing to work with Congress and others to craft legislation that adequately takes into account

socio-economic issues, risk management options, funds and staffing required by the US Fish and Wildlife Service, and the effects on pets and their owners. ■

PetLetter

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Background — What is H.R. 669?

The Nonnative Wildlife Invasion Prevention Act (H.R. 669), introduced by Del. Madeleine Bordallo (D-Guam) Chair of the Subcommittee on Insular Affairs, Oceans and Wildlife of the House Natural Resources Committee would totally revamp how nonnative species are regulated under the Lacey Act.

Currently, the Fish and Wildlife Service (hereafter Service) is required to demonstrate that a species is injurious [harmful] to health and welfare of humans, the interests of agriculture, horticulture or forestry, and the welfare and survival of wildlife resources of the U.S.

HR 669 substantially complicates that process by compelling the Service to produce two lists after conducting a risk assessment for each nonnative wildlife species to determine if it is likely to "cause economic or environmental harm or harm to other animal species' health or human health." In order to be placed on

the "Approved List" it must be established that the species has not, or is not likely, to cause "harm" anywhere in the US. Species that are considered potentially harmful would be placed on an "Unapproved List." Furthermore, HR 669 would essentially ban all species that do not appear on the Approved List, regardless of whether or not they have ever been petitioned for listing or are sufficiently well studied to enable a listing determination.

Species not appearing on the "Approved List" could not be imported into the United States, nor could they be moved in interstate commerce. Trade in all such unlisted species would come to a halt — possession would be limited and all breeding would have to cease. To reiterate: Unless species are included on the Approved List import, export, transport, and breeding would be prohibited. Exceptions are limited and would not be available to pet owners across the nation. ■