



**TESTIMONY OF PET INDUSTRY JOINT ADVISORY COUNCIL
BEFORE THE COMMITTEE ON ENVIRONMENT
SENATE BILLS 499 & 783 AND HOUSE BILLS 5493 & 5801**

February 9, 2009

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 Senate Bills 499 and 783, and on House Bills 5493 and 5801. 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 Connecticut 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. 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.

Likewise, PIJAC is strongly supportive of pet warranty statutes. In fact, we have participated in the process of crafting every single pet warranty statute in effect in the United States today. Because we firmly believe that pet dealers should stand behind the animals they sell, PIJAC supports codifying a reasonable warranty in law.

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That said, we are concerned about the implication of some of this legislation before you today. Senate Bill 783 is one that we wholly support in concept. The shelter community provides a valuable public service to the people of Connecticut; one that we wish to continue supporting. But it is also true that animals adopted out by shelters and other humane organizations escape the type of regulation that has been imposed on the pet trade for many years. This means that the public does not receive the same level of consumer protection or protection against health and safety risks relative to these animals that they receive from comparable animals coming from the pet trade. The lack of regulation over these organizations also affords them a substantial competitive advantage over pet stores, against whom they are effectively competing.

PIJAC believes that when shelters or humane groups import animals from outside the state, and even outside the country, for adoption purposes in Connecticut, they are subjecting the people of this state to a certain level of risk. Senate Bill 783 seeks to alleviate this risk by imposing some level of oversight relative to these imported animals, and ensuring that exposure by the public, and other animals in the state, to potential disease is limited. We believe that is a lofty goal. We recognize that stakeholders may have concerns about some of the language in this bill, and PIJAC would be pleased to offer this committee any input or other information that may be of benefit should amendments to the bill be considered.

House Bill 5801 also clearly has worthy goals. We believe that the substantive criteria for facility management set forth in this bill are largely commendable. Indeed, as this committee is aware, commercial dog breeders are already subject to licensing and inspection pursuant to the federal Animal Welfare Act. And the standards included in this bill (and many, many more) are essentially all encompassed by the extensive regulations promulgated under that act. The more than 100 pages of USDA regulations under the Animal Welfare Act establish standards for the breeding, housing, transport and general care of pet animals that go far beyond H 5801.

That arguably makes this bill superfluous, but we oppose it for another reason. The language of H 5801 is ambiguous and creates serious enforcement and compliance issues. Firstly, the use of the term “puppy mill” is both unnecessary and detrimental. It is a pejorative term that has no objective meaning. Seeking to define it in law is self-defeating. If substandard facilities are what the legislature wishes to address, then substandard facilities are what should be regulated; fabricating a new term that has dozens of different meanings depending upon to whom one speaks merely clouds the issue. Irrespective of what action is taken on this bill, the term “puppy mill” should be stricken.

Additionally, though, this bill would task pet stores with legal enforcement duties. No quality pet retailer is going to knowingly buy its puppies from a substandard facility, if for no other reason than that it is an extremely poor business practice. Like any business, pet stores want satisfied customers; they aren't going to get that selling sick dogs. They are subject to a statutory pet warranty, and some have their own warranties that exceed the legal requirements. Again, selling sick animals only costs a pet store money!

Yet, H 5801 would prohibit a pet store from selling a dog that came from any facility failing to meet the specified standards. How is a pet store supposed to police that? And how would the pet store defend themselves against charges that animals came from an unlicensed facility? **Proving that negative would be an effective impossibility.** This bill may as well simply prohibit pet stores from selling puppies since that is the effective result.

This brings us to House Bill 5493 and Senate Bill 499. Both bills have the similar goal of reimbursing purchasers for a puppy suffering an illness or other disability. But both, as crafted, suffer from a host of problems.

As already noted, PIJAC routinely supports pet warranty legislation. We endorse the statute that Connecticut already has – and we would pose this question: What’s wrong with the current law? Is it not working effectively? Over a number of years in this state, the Department of Agriculture, which is charged with addressing complaints from persons buying animals from pet stores, has received annually complaints from a small minority of pet store customers. Indeed, the number of complaints about pet store puppies totals less than three tenths of a percent of the total number of puppies sold. **That’s the total number received, before the Department has even evaluated the legitimacy of any of those complaints.**

Are these bills attempting to fix a law that isn’t even broken?

If there are ways to improve Connecticut’s warranty statute, PIJAC would be happy to support that. But merely increasing the liability of pet stores is not the answer. A legitimate pet store will never knowingly sell a sick puppy. But dogs, like all living beings, will sometimes become ill. That occurs in a small minority of pet store puppies. Where it does occur, the warranty compensates the purchaser. There is no other warranty mandated by law, for any product or service, that requires strict liability compensation to customers in multiples of what they paid for that product or service. The pet warranty law does this. **It is the only such law to do this.** Yet this legislation would increase those multiples further. The fact of the matter is, such a mandate is not sustainable. In the best case scenario, pet stores will be required to pass the additional expense on to customers. In some cases, the pet stores will simply go out of business; not because they do a poor job but because the market simply won’t support that type of legal liability. Of course, prospective pet owners can get their puppies from a shelter, where they will receive no warranty at all. We believe that shelters **are** a good source of pets. But that doesn’t mean they should be the only choice.

PIJAC believes that, in an economic climate such as the current one, where margins for retailers are already painfully small in the best of cases and where many pet retailers have gone out of business and continue to do so, adopting legislation that will impose unsustainable financial burdens on these businesses is imprudent. It will cost tax revenue to the state and jobs to many current employees, while providing precious little benefit to the public at large. For these many reasons, PIJAC respectfully urges the committee **not to recommend Senate Bill 499, or House Bills 5493 and 5801.**

We **do** pledge to work with this committee in any way we can to fashion fair legislation to address problems that are identified, without placing undue burdens on the regulated community.

Thank you greatly for your consideration of our concerns!

Respectfully Submitted,

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