



**TESTIMONY OF PET INDUSTRY JOINT ADVISORY COUNCIL
BEFORE SENATE COMMITTEE ON
LICENSED ACTIVITIES
SENATE BILL 53**

March 11, 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 Senate Bill 53. 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 Illinois 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.

PIJAC commends Senator Kotowski for bringing together various stakeholders in efforts to address a number of concerns about his bill. We are very appreciative of the opportunity to work with the Senator towards consensus legislation. However, **PIJAC believes that in the rush to bring the amended draft to hearing, inconsistent and undesirable provisions remain, such that the amended version is still not consistent with the welfare of pet animals and rational regulation of licensees.** While we are supportive of effective legislation, we respectfully urge that the bill before you be set aside for further study so that an efficacious licensing bill may be crafted.

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One need only look to the conflicting provisions of the bill to conclude that it is not yet ready for adoption. For example, there has been substantial discussion about the appropriate definition of a “primary enclosure.” As defined in the proposed draft, that definition includes “a kennel, cage or run,” creating the curious requirement under proposed Section 18.05(1)(h)(i) that “each primary enclosure” have an entry way to a run; essentially requiring that primary enclosures include “unfettered clearance” unto themselves. Indeed, since “each primary enclosure [must] open onto and be adjacent to an outdoor run” this bill would literally require an infinite series of runs! The bill also establishes separate required dimensions for primary enclosures and runs which creates an inherent contradiction.

PIJAC understands that this drafting error is an oversight, but it is emblematic of the process by which this bill came together; a process meant to achieve inclusive participation but one which was insufficiently deliberative to produce a sound draft. There are a number of other problem provisions that still exist in the bill as a result.

As the committee is aware, commercial dog breeders are already subject to licensing and inspection pursuant to the federal Animal Welfare Act. Regulations promulgated under that act provide extensive standards for the breeding, housing, transport and general care of pet animals.

We believe that care should be taken when considering establishment of a dual licensing system for commercial breeders. While only a minority of states has taken this route, they have, when doing so, typically endeavored to fashion a system that will not result in conflicting standards between the federal and state licensing schemes. Unfortunately, while PIJAC supports the majority of the standards proposed by SB 53, there are several that are inconsistent with federal law and prevailing animal welfare standards. We respectfully submit that, when deviating from recognized standards, there should be some objective basis for doing so; not merely an arbitrary preference for a different standard.

If there is a need for Illinois to adopt licensing legislation (in addition to, and notwithstanding, existing federal law), that need is 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, and the standards for assessing humane care should derive from a sound, scientific basis.

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 trade do a good job. PIJAC is proud of its part in making this happen. At the same time, there is always room for continued improvement, and we recognize there are still those who fail to meet acceptable standards. PIJAC routinely works with legislators and regulators to close this gap, and we would be pleased to provide whatever assistance we might to this committee in furthering that objective. We again praise Senator Kotowski for initiating a process to amend his bill that brought together various stakeholders. Amending and adopting SB 53 based on the current draft would not ratify that process, but short circuit it. The job to produce a desirable bill has begun but not been finished. We urge the committee to endorse a continuation of this process and not pass out a bill that simply isn't in final form.

Thank you greatly for your consideration of our concerns!

Respectfully Submitted,

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