



**PET INDUSTRY JOINT
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**TESTIMONY OF PET INDUSTRY JOINT ADVISORY COUNCIL
BEFORE HOUSE COMMITTEE ON
CIVIL JUSTICE
HOUSE BILL 253**

March 23, 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 House Bill 253. 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 Minnesota who would be 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 enjoyed the privilege of testifying before the Public Safety, Policy and Oversight Committee on this legislation, and appreciates that fact that amendments have been made to House Bill 253. **Nevertheless, we feel that ambiguities remain in the bill that should be addressed.**

As the committee is aware, commercial breeders of dogs and cats 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.

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We believe that care should be taken when considering establishment of a dual licensing system for commercial breeders. Only a minority of states has taken this route at all and, when doing so, such states endeavor to fashion a system that will not create conflicting standards between the federal and state licensing schemes. We suggest that the committee should consider whether there is a sufficient basis for directing scarce resources to the state regulation of breeders that are already licensed under federal law.

If the legislature deems such dual regulation to be desirable, we urge that legislation enacting such a system ensures harmony with the federal licensing program that already regulates commercial pet dealers, and takes care not to impose a burden on interstate commerce in companion animals.

PIJAC notes that HB 253 establishes in Section 2 of the bill (Subsection (g)) a requirement that “a nonresident applicant must consent to adjudication of any violation” in Minnesota courts. The bill is silent, however, as to what constitutes “a nonresident applicant.” Does this legislation envision the licensing of persons anywhere in the world who meet the definition of a commercial breeder for purposes of this bill? There is no language in the bill to this effect. How would the department inspect and license such persons as required by the act? **As currently crafted, this provision is so ambiguous as to make both compliance and enforcement effectively impossible.**

We note also that the provisions of subsection (b) concerning license fees appear not to include an actual amount by which the act ostensibly limits initial and annual fees. In this regard, PIJAC respectfully suggests that fee ranges should be set by statute rather than regulation.

Subdivision 2 of the bill, dealing with inspections, provides that “the board may delegate inspection authority to a county or a city pursuant to a written agreement...” PIJAC does not oppose such delegation, per se. But we would point out that delegation of enforcement authority to other entities increases the likelihood of inconsistent, or even arbitrary and capricious, enforcement of the act across the state. **Furthermore, we would suggest that this provision be amended to explicitly state that there shall be no delegation of authority to nongovernmental entities. Police powers of this nature should be reserved exclusively to appropriately trained governmental entities; this should be made clear by the language of the statute.**

Finally, we note with approval the provision under Section 3 of the bill that grandfathers in facilities licensed by, and meeting the requirements of, USDA under the Animal Welfare Act. PIJAC suggests that this provision be amended to apply not only to existing facilities but to any facility that is properly licensed by USDA and meets the requirements set forth by that agency. Creation of conflicting federal and state standards imposes an unreasonable burden on licensees and increases the likelihood of inadvertent noncompliance.

If there is a need for Minnesota 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 to ensure humane care. 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. 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. But HB 253, even as amended, retains provisions that should be revisited before this committee recommends the bill for further action.

Thank you greatly for your consideration of our concerns!

Respectfully Submitted,

Michael P. Maddox, Esq.