



**TESTIMONY OF PET INDUSTRY JOINT ADVISORY COUNCIL
BEFORE HOUSE COMMITTEE ON
ECONOMIC DEVELOPMENT AND FINANCIAL SERVICES
HOUSE BILL 1332**

February 10, 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 1332. 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 Oklahoma 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 is not opposed to licensing legislation, per se. We do feel, however, that a need for such legislation should be well-established. 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. **Particularly in the current economic climate, we question whether increasing costs on Oklahoma businesses and establishing new administrative program responsibilities for the state is prudent.**

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As a general proposition, PIJAC believes that substantial care should be taken when considering establishment of a dual licensing system for commercial breeders. Only a minority of states have 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.

PIJAC commends the inclusion of language within Section 4 that requires promulgation of rules “consistent with USDA Standards pursuant to the Animal Welfare Act...” Even such a proviso, however, still opens the door for significant differences between federal and state law by stating that consistency be “whenever possible.” **This qualification introduces substantial ambiguity in the bill.** It both fails to provide sufficient guidance to the agency as to when deviation from federal law is appropriate and fails to sufficiently constrain the agency in so deviating from federal law.

We would further question whether restrictions on out-of-state breeders unconstitutionally burden interstate commerce.

We do not believe that an adequate case has been made for imposing a new state licensing scheme on top of the federal system that is already in effect. 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. Adoption of House Bill 1332 at this time would be premature. We respectfully urge the committee to send this bill to a study committee so that all stakeholders may work to fashion legislation that can address identified deficiencies without imposing excessive burdens on those in the commercial trade and creating unnecessary additional bureaucracy for the state.

Thank you greatly for your consideration of our concerns!

Respectfully Submitted,

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