



## Indiana Council For Animal Welfare

10/08/2011

We hope this finds you and your family doing well. We just wanted to give you an update on any number of Legislative topics involving our industry.

Federal: S.3519 (Us Senate) & H.R.6949 (US Congress) now known as H.R.835

We are going to provide you two sections of H.R. 835 that will explain what Congress is trying to enact in our industry right now..

“(B) HIGH VOLUME RETAIL BREEDER.—

The term ‘high volume retail breeder’ means a person who, in commerce, for compensation or profit—“(i) has an ownership interest in or custody of 1 or more breeding female dogs;and“(ii) sells or offers for sale, via any means of conveyance (including the Internet, telephone, or newspaper), more than 50 of the offspring of such breeding female dogs for use as pets in any 1-year period.

Notice the number 50 in the above paragraph. No matter how you look at it it is a cap on the number of dogs you can sell and not be a “high volume retail breeder” it makes it look like “If you are a Hobby Breeder” you’re okay. Once you put a number like this somewhere, it can always be changed down the road, not good.

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate standards covering dealers that include requirements for the exercise of dogs at facilities owned or operated by a dealer, including exercise regulations that ensure that—“(A) each dog that is at least 12 weeks old (other than a female dog with unweaned puppies) has daily access to exercise that—“(i) allows the dog—

“(I) to move sufficiently to develop or maintain normal muscle tone<sup>22</sup> and mass as appropriate for the age breed, sex, and reproductive status of the dog; and“(II) the ability to achieve a running stride; and“(ii) is not a forced activity (other than a forced activity used for veterinary treatment) or other physical activity that is repetitive, restrictive of other activities, solitary, and goal-oriented;“(B) the provided area for exercise—“(i) is separate from the primary enclosure if the primary enclosure does not provide sufficient space to achieve a running stride;“(ii) has flooring that—“(I) is sufficient to allow for the type of activity described in subparagraph (A); and“(II)(aa) is solid flooring; or

“(bb) is nonsolid, nonwire flooring, if the nonsolid, nonwire flooring—“(AA) is safe for the breed, size, and age of the dog;“(BB) is free from protruding sharp edges; and“(CC) is designed so that the paw of the dog is unable to extend through or become caught in the flooring;“(iii) is cleaned at least once each day;“(iv) is free of infestation by pests or vermin; and“(v) is designed in a manner to prevent escape of the dogs.”(2) EXEMPTION.—“(A) IN GENERAL.—If a licensed veterinarian determines that a dog should not exercise because of the health, condition, or well being of the dog, this subsection shall not apply to that dog.“(B) DOCUMENTATION.—A determination described in subparagraph (A) shall be—“(i) documented by the veterinarian;“(ii) subject to review and approval by the Secretary; and“(iii) unless the basis for the determination is a permanent condition reviewed and updated at least once every 30 days by the veterinarian.“(C) REPORTS.—A determination described in subparagraph (A) shall be maintained by the dealer.”.

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If this bill gets signed into law there will be a one year period to allow everyone to get into compliance. If you don't agree with these provisions we would suggest you contact your Congressman or Senator to express your disapproval of this bill. Some talking points about the above:

1. The bill would require a several fold increase in the number of **APHIS** inspectors. That's unjustified and in the current serious budget and national financial situation, unwise.
2. **USDA regulations** for licensed breeders require a farm-type operation. Small breeders can do it better precisely because they are not farms. They should not be forced to lower their standards.
3. The USDA already regulates breeding of dogs if any are sold at wholesale. **Retail-only breeders** are subject to animal welfare laws enforced by state and local authorities and additional requirements are generally made in zoning and other permitting requirements. The AKC inspects its own breeders.
4. Retail-only breeders are **inspected** by their customers who can (and often do) report violations to authorities.
5. The USDA does not believe that licensing and inspection of retail-only breeders are a good use of its resources; they have successfully defended this view in court. (Doris Day Animal League vs. Ann Venneman)
6. The bill's changes in exercise requirements would greatly increase the cost of breeding dogs without necessarily improving their welfare. With the cost of everything else increasing rapidly, this is unkind and will be unpopular.
7. The replacement of a licensing threshold set (and defended by) the USDA by a threshold in the law itself would make it much easier to further extend the reach of this unwise law in the future.

Can you imagine the shock that purebred, hobby, service and sporting dog breeders will have when they have to be USDA certified as well, no one will be immune. How will the USDA come up with all of those APHIS inspectors? This is government regulation run amok.

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This leads us to;

State: The next session will start January 1<sup>st</sup> 2011

We know of no specific Bills being proposed about our industry in the next session. Having chatted with Dr Bret Marsh, State Veterinarian (BOAH) in the last month. We can assure you that he is happy with our compliancy and professionalism. Please remember to always thank him for the respect that BOAH has provided us at a state level, slowly but surely health standards for our industry and all other livestock will be introduced. We are so lucky compared to other states that BOAH has control of health standards not someone else.

County/City: It came to our attention recently that Elkhart County is in the process of changing some of their zoning laws when it involves commercial breeders, specifically "Special Use Permits". We know that many of you thought that HB 1468 controlled everything, **it does and it doesn't**. The "**doesn't**" portion is Zoning & Planning. If this issue comes up in your area please get in contact with us as soon as you hear of or know of any efforts to try and do what Elkhart County has done, in your area. We can not do anything about something we don't know about.

It has also come to our attention that there are many "Cease & Desist orders" coming from the Medical Licensing Board at the state level. Please think long and hard about what is or is not a medical procedure that you might have performed that was legal and now might be illegal. Farm Bureau is concerned about this as well. Bob Kraft, our good friend at Farm Bureau is trying to get some clarity on this issue as we speak.

In closing we would like to spend a few minutes with you on the benefits of ICAW membership. If you look around the country state by state, county by county and city by city you will notice how many regulations, road blocks and bad laws are driving any number of people from our industry and farming in general. We were told the other day there is now only 1/3rd of the commercial breeders in Missouri that there used to be. Another state, Kansas has been the poster child for cooperation in protecting a sound business, our business, dogs. And now things are even changing for them. Yet we in Indiana are now being looked at as the model for moving forward in the industry..

No matter where you turn, somebody is trying to do harm to our industry. Believe us when we tell you dogs and cats are first, agriculture is next. This is a full blown attack on an American way of life. The animal rights people have their sites set on destroying what we own and what we eat. They truly believe in the propaganda that they push. One national organization that you all are familiar with even has school courses all the way down to the third grade. Meatless Mondays have now been introduced into the school systems. Where will it end? We can not predict the future but we can strive to help shape it.

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ICAW is a 501c(6) non-profit organization, this means that we can lobby and speak our minds a little bit differently than a 501c(3) non-profit organization. Even though one very large 501c(3) in America does not believe those same rules apply to them. What this really means is that ICAW leadership and founders spend an amazing amount of time on the phone, traveling around the state and in some cases around the country working on all of the issues that affect us.

What this also means is that we aren't always right out in front of the public eye. Over the years of our existence we have come to understand it is a much better way to fight this battle in a somewhat **"quiet"** way. We don't yell, shout and name call and such. We just speak the plain old truth. This method has brought us much respect from all of the parties involved. Whether it be the honorable Sen. Richard Lugar's office at the federal level to the honorable Sen. Brent Steele or Dr. Bret Marsh DVM at the state level to any number of folks at the state, county and city level too many to mention here. It is hard to argue with our success.

We have established relationships with so many organizations around Indiana and the United States it is almost mind boggling. NAIA, MOFED, ILSC, APRI, AKC, PIJAC, Humanewatch, Purdue University and Farm Bureau just to name a few of the organizations we have alliances with. We tell you this because you need to know that we always are watching and working for and improving things in your best interest. Sometimes it may seem from the outside that nothing is going on, let us assure you it never ends. Many of us go to bed at night with an issue and wake up with another one when we get up the next morning.

Our method of fighting this fanatical group of people is sometimes so "unknown" they have absolutely no idea how so many things are done or accomplished. Let's keep it that way, it keeps them on their toes. We have many plans on how to expand our membership and influence over the next few years. We know you don't want to miss it. So encourage your friends and colleagues to join ICAW, it truly is money and time well spent.

We will end on this point, you should always take pride in what we have accomplished in Indiana pertaining to our industry. Please know that we take pride in representing you. It has taken the efforts of many people working as one voice to accomplish this. We thank you so much for your continued support. As we always tell you, there is nothing to be ashamed of, we have a great industry and one to be respected. With that being said though, always remember our motto "If you can't do it right, don't do it at all".

Sincerely Yours,

The ICAW Board of Directors

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