



## HSUS Anti-Breeder Legislation Summary

Animal rightist legislation backed by the Humane Society of the United States (HSUS) has been introduced in 32 states with a stated goal to introduce commercial breeder aka “puppy mill” bills in 34 states this year. Having failed for over 8 years at the federal level to pass legislation that would regulate, inspect and eliminate many small scale dog/cat breeders selling at retail, HSUS has taken their campaign across the U.S. at the state level. The legislation has many common elements such as using numbers to define which breeders will be legislated, setting rigid engineering standards rather than performance standards for facilities, and establishing some type of veterinary criteria for breeding.

HSUS and animal rights groups prefer establishing rigid standards as a rule and have challenged attempts by USDA to move away from engineering standards to those that are more flexible. An engineering standard is one that requires adherence to very specific requirements that are declared by the government agency to be the only way acceptable. A performance standard is one in which a government agency directs regulated parties to reach a result but does not lay down specific requirements, allowing regulated parties to reach the result using their own discretion and in a variety of ways. A performance standard would say that the living area must be kept clean and free of debris or waste; an engineering standard would say surfaces must be sanitized with live steam under pressure.

### BACKGROUND

The Puppy Protection Act of 2001 (PPA) began the long and continuing effort by HSUS, Doris Day Animal League (DDAL), and PETA to regulate and restrict breeding of dogs and cats at the retail level. The proposed legislation would amend the Animal Welfare Act (AWA) with strict regulations on retail breeders. The PPA would have required the federal government to set standards for when to breed and how frequently to breed dogs. Currently the Animal Welfare Act does not regulate breeding practices for any species regulated under the Act, and the PPA would have set a dangerous precedent giving the federal government control over the breeding of domestic animals. No other species has a pre-breeding regulation in place. This provision would serve to make breeding dogs more expensive and more complicated. The decision to breed or not breed a dog should remain at the discretion of the owner and not become a legislative mandate. The PPA was vigorously opposed by the American Veterinary Medical Association (AVMA), leaders and individuals in the dog community, and members of the research community.

The Pet Animal Welfare Statute of 2005 (PAWS) supported for HSUS by former Senator Rick Santorum dropped the veterinary and socialization standards and set a numerical threshold to identify those retail breeders who would be covered under newly promulgated regulations of the AWA. PAWS was promoted by HSUS as legislation that would close a loophole in the Animal Welfare Act (AWA).



Typical of the animal rights agenda, their description of what PAWS would do was deceptive. PAWS misled legislators and the public into thinking this legislation would put an end to puppy mills, when nothing was further from the truth. Over 1,100 pages of opposition letters were filed for the Agriculture, Nutrition and Forestry Committee hearing. Like its predecessor, PAWS was defeated in committee.

At the request of HSUS, Sen. Dick Durbin (D, IL) introduced SA 3723 Regulation of High-Volume as an amendment to the 2007 Farm Bill (HR 2419). The amendment was nearly identical to PAWS 2005 with the inclusion of a provision for "certified third-party inspector". This concept was an attempt to alleviate the otherwise impossible financial burden on USDA that the increased scope of breeder regulation would create. The third-party inspector would be a nonprofit organization certified by the Secretary of Agriculture. The nonprofit organization would apply to USDA for certification as breeding facility inspectors and establish their own inspection standards which USDA would have to approve. For example, HSUS could establish another arm of their organization to be inspectors. Then HSUS would come into private homes to check compliance to the facility standards and send a report to USDA. Faring no better than the previous HSUS legislation, SA 3723 was stripped from the Farm Bill.

Finally, in 2008 after the HSUS ballot initiative success in California with Proposition 2 which ultimately banned livestock and poultry confinement methods (gestation crates, caged hen egg production), HSUS flexed its muscle and introduced the Puppy Uniform Protection Act (PUPS). The bill was referred to committee and forgotten.

## SUMMARY

The nationwide campaign by HSUS to enact restrictive dog breeding legislation has met with repeated failure at the federal level. The proposed state legislation is not based on any true or overwhelming need, but rather a skewed perception that abuse is rampant and dog breeders are not capable of managing a kennel or maintaining multiple dogs in good health without state intervention.

There is no legal definition of "puppy mill", which is a derogative, slanderous term used to paint all breeders with the same brush. In true activist style, vilifying dog breeders across the board makes the job of criminalizing dog breeding much easier. HSUS freely brandishes the term puppy mill to malign dog breeders and gain sympathy for their over-the-top legislative efforts. At the same time HSUS labels puppy mills as facilities of mass production, they draft legislation that will regulate breeders with as few as 3 intact dogs. The HSUS website posts a summary of state kennel laws, statute number, and license fees and has even named this statute summary "State Puppy Mill Laws".



The public is told responsible breeders should have no problem being regulated, restricted, inspected and limited. The public is told by HSUS that good breeders do not keep dogs outside in kennel runs. HSUS disingenuously continues to link breeding dogs with overpopulation and shelter euthanasia despite multiple studies that prove repeatedly shelter populations are caused by owner retention problems.

Breeders, hunters, and dog-related organizations that oppose the strict regulations HSUS works to impose on them are then falsely labeled by HSUS as abusers, dog-fighters, or puppy mill apologists.

Laws for animal welfare and to prevent animal-cruelty are already in place to protect all animals whether it is one dog or one hundred.

The animal rights movement is about control, not animal welfare. HSUS has positioned itself as a leader and expert partly due to public belief that HSUS is affiliated with local animal shelters, which it is not. As researcher and author Daniel T. Oliver writes: "the animal rights movement will continue to harm both people and animals as long as Americans fail to understand its actual agenda."