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## *American Brittany Club, Inc.*

SPONSORS OF THE BRITTANY

*Mary Jo Trimble*

*Executive Secretary*

June 14, 2005

Jim Crowley, Secretary  
American Kennel Club Board of Directors  
260 Madison Avenue  
New York, New York 10016

Dear Mr. Crowley:

The American Brittany Club would like to express its opposition to the recent vote by the AKC Board of Directors to support Senators Santorum and Durbin's PAWS legislation, S1139.

First, we feel that the Fancy, the Parent Clubs and the Delegate body and our other allies such as the Cat Fancy were left out of the process in making this crucial decision. Good leadership needs the understanding and support of those they are leading if they are to be effective. Announcing to Parent Clubs what AKC's reasons were with less than 30 days lead time to form an opinion/objection and present ideas before the BOD vote leaves one wondering if AKC cares for our input or just our support of your activities and registrations. WE are the ones that will be affected, and we feel we should have been involved in the process and decision making through the delegate body.

The numbers are the most objectionable part: no more than 6 litters per year and 25 dogs sold (even if the terms applies to dogs not raised by the breeder). The wording is vague as to whether it is either/or or both needed to bring one under USDA regulation. AKC, ADOA, NAIA, Cat Fanciers Association and the dog fancies have always been opposed to breeder licensing and using numbers criteria to determine quality or commercial status. This new definition of commercial will have a trickle down effect to local and state governments now that AKC has said numbers are o.k.

The legislation says hunting dogs will be regulated but AKC tells us the 6/25 rule still applies. If in fact the 6/25 rule applies to determine "Commercial" breeders, then the hunting dog category needs to be dropped from the wording of the bill. HSUS has vowed to end the practice of hunting. This provision could possibly be extended or interpreted differently in the future by cracking down primarily on hunting dogs as opposed to pets.

Classifying individual breeders as "retail" sellers can be dangerous as time goes on. Definitions are not clear and this leads to litigation.

AKC says the legislation will only affect 3-4% of all breeders under their registry. If that is really the case, where is the need for this expensive proposition? This will be expensive not only to breeders but the US government.

Laws like this are best handled by the local and state laws governing kennels and health and welfare of animals. The Federal Government does not need to be invading individual's homes with federal regulations. We don't want the federal government telling us how many kids we can have; the same applies to our dogs.

There is no way that USDA can hire enough people to enforce the regulations. There is a great fear that HSUS and SPCA will volunteer to be the enforcers and home inspectors, and you know what that means. AKC has always said they are a registry. Are you prepared to become inspectors for the USDA?

This is the same legislation as the Puppy Protection Act that AKC went to court over to keep from being enforced on hobby breeders. Has AKC now joined forces with HSUS to overturn what the courts decreed in the last few years? This will nullify the court's decision and make us all look silly for fighting it in court and then turning around and supporting it two years later. If it was wrong then, it is wrong now.

Hobby breeders seldom earn profits. They break even or lose money, if anything. However, hobby breeders are not only regulated by the market and by abuse/neglect laws, but also by puppy lemon or consumer protection laws.

If any field trialers (particularly the professional trainers) fall into the commercial category, they will have to air condition their horse trailers and also heat them to transport dogs according to the transportation regulations already in this law. Crate requirements will make it difficult to haul more than a few dogs in those air conditioned/heated horse trailers. Most operate on a shoe string and will face the economic certainty of ending their professions. You can be sure that if HSUS is sitting at the table, they will want heavy restrictions on those people involved with hunting dogs. Is AKC powerful enough to overcome their demands?

One of our main objections is that none of the regulations concerning hobby breeders are defined. We have received correspondence from AKC's lobbyist, Jim Holt that AKC will be at the table helping to write those regulations. We find writing regulations after the law has passed to be a very scary proposition. If AKC does not have any more power to counter the proposals by HSUS, PETA, and ASPCA than they have in regard to fighting this legislation to begin with, we may well see dog breeding left to those who have the money and resources to produce on a mass basis rather than the small hobby breeder who is looking to improve his breed, improve genetics, and produce quality animals.

In the past, rescue groups have been exempted from USDA regulation. With the advent of the number system and the vagueness of the new legislation, we are concerned that bona fide rescue groups may be subjected to the 26 number of dogs if their "donations" are considered sales by USDA. Unless specific language addresses this issue, they may well be forced to discontinue their services.

In summary, the American Brittany Club Officers and Directors would like to go on record saying we are opposed to the passage of the PAWS legislation, S1139 for the above mentioned reasons. We do hope that you have received accurate advice from your lobbyists and that the concerns we've expressed will prove to be unwarranted for the sake of the AKC, hobby breeders, and the member clubs of the AKC. We will be contacting the Senate Agriculture Committee asking for a "kill" on S1139. We have been fortunate to have AKC and Lobbyist Jim Holt working on our behalf in the past and I'm sure in the future as well, but on this particular piece of legislation, we cannot support the AKC's position.

Sincerely,



Mary Jo Trimble  
Executive Secretary

CC: AKC Board of Directors  
Gordon Heldebrandt, AKC  
Wm. Speck  
ABC Member Clubs