

June 24, 2009

Representative John Domenick, chairman
House Agriculture and Natural Resources Committee

Mr. Chairman and committee members:

My name is Norma Bennett Woolf. I am here today to testify against HB 124 on behalf of Ohio Valley Dog Owners Inc. OVDO is a coalition of dog owners, breeders, and trainers and dog-related clubs and businesses. We have been working for good laws that protect dogs, dog owners, and our neighbors since 1994.



We are currently involved in stakeholder meetings being held by Representative Weddington, a sponsor of the bill, and thank him for listening to our concerns. Although we understand that amendments are possible as a result of these and other meetings, I want to address two major concerns with HB 124 as introduced.

Hobby breeders

We have been told many times that HB 124 does not apply to hobby breeders and that therefore our opposition to the bill is misplaced. However, the following provisions in the bill do directly affect us.

Section 955.02 changes the definition of dog kennel to eliminate the requirement that kennel owners be “professionally engaged in the business of” breeding dogs for sale or hunting. This language has exempted breeders who produce dogs primarily for show or performance purposes as a hobby for many years. The new language removes the exemption and instead covers anyone who keeps adult dogs “for the purpose of breeding.” Since it’s tough to prove that an intact dog is *not* being kept for the purpose of breeding, this language requires anyone with intact dogs to buy a kennel license to avoid conflict with the letter of the law.

Section 956.01(G) defines a regulated dog intermediary as “a person who buys, sells, offers to sell, donates, gives, or exchanges more than nine dogs annually in this state or who sells or gives one or more dogs to a pet store annually.” This language requires a license as an intermediary if a breeder has a single litter of more than nine puppies. The license application alone costs \$500 and the applicant must also purchase insurance or a bond, pay an annual renewal fee, meet all the criteria established by the kennel control authority, and agree to abide by the set of standards outlined in the bill. Most hobby breeders raise their dogs in their homes and could not meet many of the requirements.

In addition, this section could harm the pet owner who has an accidental litter and asks the local independent pet store to help them find homes for the puppies.

Section 956.03 (A) requires everyone who sells a dog or puppy to have a vendor’s license (lines 269-272). This provision unfairly impacts those who have a single litter or breed only every few years and those who purchase a dog but may want to sell it later. Ohio law allows four garage sales per year and allows owners to sell a car they no longer want. We think an equivalent exemption from the vendor license requirement should apply to occasional breeders and individual dog owners.

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Standards of care

Our next area of concern is with the standards of care outlined in 956.08 (lines 544-713). These standards were obviously drawn up by people who have little or no knowledge of the art and science of raising dogs. I'll address some of the more radical requirements and refer to federal regulations for alternatives as appropriate.

- HB 124 requires confinement pens and exercise areas based on the dog's weight weight. (lines 549-561), thus failing to consider that different breeds and different ages of dogs have different requirements. Furthermore, in defiance of logic, the regulations allow up to three dogs per pen. If one dog needs a certain amount of space, how can that space be adequate for two or three dogs? And why only three dogs? *USDA requirements – which are followed by Ohio's USDA-licensed kennels – set the size of a primary enclosure for one dog by a formula based on the dog's length. USDA also allows up to 12 dogs in an enclosure, if the enclosure meets the minimum size determined by each dog's measurements. In other words, a primary enclosure for three dogs must be at least three times the size of an enclosure for one of the dogs.*
- The bill requires that dogs have two hours of exercise daily (lines 562-564) if the kennel does not include attached outdoor runs. This provision could require a large capital outlay for breeders who have large numbers of dogs.
- The regulations specify that breeders must have equivalent size indoor exercise areas for use in inclement weather if the kennel does not have attached outdoor runs. This provision could easily cost regulated breeders and intermediaries tens of thousands of dollars in new construction. (Remember that hobby breeders who sell more than nine puppies or give even a single puppy to a pet store are considered regulated intermediaries.) *USDA requires regular exercise for dogs according to an exercise plan approved by a veterinarian and does not require separate exercise areas if certain conditions are met.*
- The bill requires that regulated breeders provide “appropriate veterinary care and treatment for any disease, illness, or injury.”(lines 668-669) This provision could easily be interpreted to prohibit breeders from dealing with transient problems such as intestinal upsets or minor injuries or even to prevent breeders from designing their own vaccination and worming protocols without a veterinarian's advice. *USDA requires breeders to file a veterinary care plan and to provide records to show that they adhere to the plan.*
- HB 124 bans the use of confinement areas that are “incompatible based on observation.”(lines 589-590) This provision could easily ban the temporary use of dog crates at dog shows or in kennels. *USDA specifies the size of the dog's primary enclosure and leaves temporary confinement up to the kennel owner.*
- The bill bans the use of closed water systems or water bottles (lines 611-616), both of which are allowed for dogs by USDA and the National Research Council. Furthermore, there is no evidence that closed systems cause harm despite the claims of bill proponents that water bottles are associated with bad teeth. There is plenty of evidence to the contrary because toy breeds are notorious for having tooth and gum problems.
- The bill requires that dogs be kept in a temperature range of 60-90 degrees (lines 648-650). Many dog breeds are adapted to temperatures below 50 degrees. *USDA allows temperatures suitable for the health and well-being of the dog.*

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- The bill bans breeding a dog twice in one year. However, some reproductive veterinarians advise breeders to do two or even three back-to-back breedings and then spay their females in order to avoid potential medical problems caused by repeatedly coming into season without being bred.
- The bill bans the use of metal enclosures unless the wire is covered with a protective coating. This ban prohibits the use of the stainless steel enclosures that are an industry standard and are widely used by veterinarians.

Conclusion

Even if the provisions of HB 124 that affect hobby breeders who produce occasional litters are fixed, we cannot support a bill that bases animal care standards on the perspective of those who condemn breeders based on the number of dogs they breed or the fact that they might make a profit doing so. Like all animal husbandry practices, dog care standards should be based on science with room for personal experience to guide breeder decisions, not on the wishes of those who describe commercial kennels as ‘puppy mills’ to generate public concern and unreasonable legislative mandates. While we understand their anguish over dirty kennels and sick dogs, we do not believe that responsible breeders should be subjected to overreaching and unnecessary regulations in order to close those bad operations.

OVDO does not object to adoption of kennel standards, but we believe that breeders and other regulated entities should have a seat at the table before a bill is written. HB 124 was written without us, but Representative Weddington has given dog breeders that respect, and we look forward to acceptable changes in the bill as a result.

Thank you for listening. I will be glad to answer any questions now or later via e-mail or telephone.

Sincerely,



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