

October 11, 2007

Representative David Daniels, chairman
House State Government & Elections Committee

Mr. Chairman and committee members:

My name is Norma Woolf. I am here to present opposition testimony on HB 223 on behalf of Ohio Valley Dog Owners Inc.



OVDO is a coalition of dog clubs, dog-related businesses, and individual dog breeders, trainers, and owners. We have worked with lawmakers and government agencies on local and state matters involving dogs since the mid-1990s.

OVDO position

OVDO judges legislation by its harmful impact on responsible dog owners and its potential for solving an identified problem. We oppose legislation that

- presumes that dog owners, breeders, or other caretakers will fail in their duty unless they are micromanaged by the state; and
- targets a single segment of the dog-owning population based on the legal purpose for which dogs are raised or on the numbers of dogs that are housed on a property.

HB 223 fails on both counts.

We agree with the proponents of this bill that substandard kennels exist in Ohio. We join them in their desire to close such kennels. Our differences arise because we oppose legislation that harms responsible breeders with baseless edicts about dog housing and care, ignores input from breeders who would be regulated, requires criminal background investigations, burdens breeders with high costs, and fails to protect the rights of those who are accused of breaking the law.

On October 4, a proponent of the bill testified that Ohio animal welfare laws have not changed since the late 1800s and that these laws do not allow humane agents to close bad kennels. This is not true. The Legislature approved animal welfare amendments that went into effect in April 2003. These amendments deal with care of companion animals, require training for humane agents, and protect the rights of animal owners accused of violations. We believe that this law properly enforced by trained humane agents enables prosecution of kennel owners who fail to provide basic necessities, good health care, and decent facilities for their dogs.

Micromanagement

It is obvious that HB 223 was drafted without the participation of the breeders it attempts to regulate because it treats breeders like potential criminals and does not recognize the differences between customary and acceptable canine husbandry practices and neglect or abuse. Examples of this failure include:

- The requirement that water be available in open bowls at all times (lines 516-522). There are many reasons for restricting water or providing it on a schedule. Puppies being housetrained should not have access to water overnight, water in outdoor runs may freeze in winter, dogs that play in their water can get soaked and become ill, dogs that spill their water can make a mess, and dogs that will undergo surgery should not have access to water for several hours prior to anesthesia. Furthermore, both USDA

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and the National Research Council accept the use of watering devices that are banned in HB 223. Ohio breeders should not be barred from using devices that are acceptable to federal agencies.

- The section describing the size of confinement areas (lines 498-503). Just as there are reasons for not giving dogs constant access to water in open bowls, there are reasons for using smaller crates for temporary housing for dogs, including isolation during treatment of illness or injury and confinement to keep them safe, clean, and out of mischief.
- The requirements for veterinary care and vaccinations. Breeders and veterinarians may differ about vaccination protocols, and breeders can successfully treat their dogs for minor injuries or illnesses. However, the mandates about veterinary care (lines 550-551) and vaccinations (lines 561-565) take decision-making out of the hands of breeders and allow inspectors and veterinarians to determine which treatments and vaccinations are appropriate. Breeders should be free to use alternative remedies and should not be penalized for relying on their own knowledge when making these decisions.

Who gets regulated

Promoters of the bill claim that only breeders with more than eight breeding dogs will be regulated. However, although the bill contains a reasonable definition of breeding dog (lines 203-208), the license fees, bonds, and regulations are based on the number of adult dogs (dogs over the age of eight months) kept for breeding. This is a huge gap in the language that will hurt show and performance breeders who keep more than eight intact dogs in a breeding program but do not breed them all in a particular year. Promoters claim that these breeders are not covered by the bill, but the bill language plainly says otherwise.

Costs

HB 223 places a huge financial burden on breeders with surety bonds or insurance policies payable to the state and a further bond requirement if they decide to appeal an impoundment. These policies and bonds are difficult to find and are expensive to purchase when they can be found. Medical bills are likely to increase as well if breeders must consult a veterinarian for every illness or injury and follow veterinary recommendations about vaccinations.

Breeders whose kennels and practices do not meet the regulations in the bill would have three choices: comply, reduce a breeding program below the threshold number, or stop selling dogs. Compliance may mean a substantial investment of time and money for facility and equipment changes that have nothing to do with dog welfare and obviously means that a breeder, even one who has operated above reproach for many years, will face a criminal background check for wanting to continue a valued breeding program or business. People want puppies; if the good breeders leave or reduce operations because they are handcuffed by regulations, they could easily be replaced by scofflaws who operate under the radar.

Due process

HB 223 skirts around due process for licensees by placing appeals of administrative decisions in a single court that may be located hours from their kennels (lines 695-708), labeling threats to violate the regulations as actionable (lines 727-745), requiring additional bonds to appeal the impoundment of one or more dogs (lines 695-708), and failing to provide for return of the bonds if the kennel owner is found not guilty or the charges are dismissed.

Oversight committee

Substitute HB 223 creates an independent kennel control authority that is charged with hiring a director and writing additional regulations to implement the law. To add insult to injury, this authority is heavily weighted against the breeders and kennels regulated by the bill. Of the 10 members, only two represent kennels and pet stores and only one represents show and hobby breeders. The remaining members either have a vested interest in tight regulations or have no knowledge or experience in breeding dogs and raising puppies.

Propaganda

The term “puppy mill” is guaranteed to conjure up pictures of sick and matted dogs and puppies kept in dirty, run-down kennels, pictures that proponents of this bill have used to imply that “puppy mills” and “large kennels” are one and the same. Operators of some large kennels have invited lawmakers to visit their facilities, but to my knowledge, no legislator has accepted these invitations to see how dogs are raised in the kennels that don’t make the news.

Ohio already has a kennel licensing law for breeders who raise dogs for sale or hunting (ORC 955.02, 955.04). Promoters of HB 223 use the number of these licenses to imply that Ohio has the second highest number of “puppy mills” in the country. It is not only beyond insulting to insinuate that the bulk of people who currently have a kennel license are operating shoddy facilities full of sick dogs, it is also a deliberate distortion of fact.

As stated earlier in my testimony, we believe that Ohio law is sufficient to protect dogs and shut down substandard kennels if it is properly enforced. If dogs are healthy and kennels are in good repair, it makes no difference if the dogs get water in a drip bottle or a bowl, are temporarily housed in crates, or don’t have access to a particular type or depth of bedding. If the dogs are not healthy or the kennel facility is dirty and run-down, current law can handle the case. We don’t need fingerprinting and background checks, a new state bureaucracy or a set of standards that were proposed by people who have little or no knowledge of breeding dogs and raising puppies.

Senator Gary Cates said it best on a Cincinnati radio show interview on July 17, 2007. His comments were directed at the smoking ban passed by voters, but they are equally applicable to this bill: He noted that the ban had put some people out of business and said that those who oppose an activity should “educate, advocate, but don’t regulate.” We agree: advocating for and educating about good kennels is a far better solution than regulating those good kennels out of a passion, hobby, or business.

Thank for this opportunity to testify against HB 223. I will be glad to answer any questions now or later.

Sincerely

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Ohio Valley Dog Owners Inc.