



**PET INDUSTRY JOINT  
ADVISORY COUNCIL**

1146 19<sup>th</sup> Street, N.W., Suite 350  
Washington, DC 20036  
Tel: 202-452-1525  
Fax: 202-452-1516

**TESTIMONY OF THE PET INDUSTRY JOINT ADVISORY COUNCIL BEFORE  
THE LONG BEACH CITY COUNCIL REGARDING PROPOSED ORDINANCE  
PROHIBITING UNALTERED DOGS AND CATS AND THE RETAIL SALE OF  
DOGS, CATS AND RABBITS**

March 10, 2015

The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer the Long Beach City Council our views regarding the proposed ordinance to prohibit unaltered dogs and cats and the retail sale of dogs, cats and rabbits in Long Beach. As the country's largest pet trade association, representing the interests of all segments of the pet industry throughout the United States, PIJAC counts among its members national associations, organizations, corporations and individuals involved in the commercial pet trade. More specifically, PIJAC represents the interests of pet stores, distributors, pet supply manufacturers, breeders, retailers and pet owners throughout California and across the United States.

Let me begin by saying that no one cares more about healthy and safe pets than do PIJAC and our members. We have for many years provided a well-respected animal care certification program that is widely utilized by persons in the commercial pet trade as well as in shelters and humane societies across the country. Our association has long been recognized as the voice for a responsible pet trade, and we routinely advocate legislative and regulatory proposals establishing governmental mandates where appropriate to advance the public interest and the welfare of pets. PIJAC works closely with USDA to ensure effective enforcement of the federal Animal Welfare Act, and has since its inception. We regularly work with federal and state agencies as well as local governments to advance animal welfare interests.

PIJAC wishes to speak to the proposed ordinance under consideration that would establish a mandatory requirement for all dog and cat owners to sterilize their pets. PIJAC has been concerned about, and involved in, the complex issues surrounding unwanted animals for years. They represent a real cause for concern and you are to be applauded for attempting to address them. Unfortunately, the bill before you today will not solve these issues.

Simply put, mandatory sterilization does not achieve the stated goal of decreasing the number of unwanted and abandoned dogs and cats, as animals from responsible pet owners represent a small percentage of shelter and rescue intake.

As written, your ordinance would impose a mandatory sterilization requirement on pet owners without providing any assistance to those who might find the cost of sterilization a financial hardship. This legislation would pose a particular burden on Long Beach residents living below the poverty line, leading some to choose not to license their animals at all and others to actively lie on their license applications. For some families, this mandatory requirement will simply prevent them from bringing a pet into their lives in the first place.

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Consensus on animal ownership issues is difficult to come by, especially when considering the positions of such disparate groups as the American Kennel Club<sup>1</sup>, the American Veterinary Medical Association<sup>2</sup>, the ASPCA<sup>3</sup> and the Humane Society of the United States<sup>4</sup>. In this case, however, these groups have all publicly stated their opposition to mandatory spay/neuter laws. These documents are all readily available online, but we have taken the liberty of including them with our testimony as attachments. We feel it is important that you consider the views of these organizations in their original forms.

Like these other organizations, we at PIJAC are sympathetic to the concerns motivating this legislation and we are supportive of efforts to encourage pet owners to spay or neuter their animals – *provided* that these efforts are focused on education and a recommendation that pet owners work with their veterinarians to determine the course of action that is best for their particular animal and situation. We do not believe that a one-size-fits-all, mandatory spay/neuter regime will benefit the people and pets of Long Beach; rather, we are concerned that such an effort would have the opposite effect as current owners who choose not to spay or neuter weigh breaking the law against relinquishing their animals to shelters and rescues.

Even as we have worked to raise standards of care, PIJAC has battled misconceptions about the quality of pet store animals and the sources of such animals. The unsubstantiated assertion that pet store animals generally come from substandard breeding facilities is commonly used as a smoke screen to obscure the fact that the overwhelming majority of pet owners who choose to purchase from pet stores bring home a happy, healthy pet and remain highly satisfied with their pet store experience.

The reality is that almost all pet store puppies originate from USDA licensed breeders who are regularly inspected and found to comply with appropriate care standards. By contrast, many of the dogs and cats from other sources, including rogue Internet operators, private sales, shelters and rescues, did not come from licensed breeders.

What purpose does this proposed ban serve? It doesn't protect consumers, as there are currently no stores who sell dogs and cats within your jurisdiction. That being said, it should be noted that customers already enjoy far more protection in the law for the animals they get from California pet stores than from any other source. They would merely be deprived of looking to a pet store as one of several alternatives for acquiring a pet, and in the process lose statutory protections that they currently enjoy. It doesn't protect the animals themselves. As already noted, pet store puppies are as healthy as any others and typically receive more frequent veterinary care than puppies from other sources. Additionally, consumers who buy their animals from pet stores enjoy extra protections in the event the animal purchased is sick or diseased. As well-intentioned as this proposal may be, the approach the ordinance takes is unsupported by all available facts.

Further, a retail pet sales ban indiscriminately targets responsible pet stores, while exempting others who need not even comply with the standards under which pet stores already operate. Thus, in considering a citywide retail pet sale ban, the Council risks enacting a law that will not only fail to stop the bad actors who operate substandard breeding operations, but will actually exacerbate the very problem a retail sales prohibition seeks to address. Banning the sale of dogs and cats by pet stores that are subject to strict regulation and sourcing transparency will only drive prospective pet owners to unscrupulous sellers of pets who are not licensed and are unconcerned about compliance with animal care standards.

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<sup>1</sup> [http://images.akc.org/pdf/canine\\_legislation/MSN\\_Article.pdf](http://images.akc.org/pdf/canine_legislation/MSN_Article.pdf)

<sup>2</sup> <https://www.avma.org/KB/Policies/Pages/Dog-And-Cat-Population-Control.aspx>

<sup>3</sup> <http://www.asPCA.org/nyc/mobile-spay-neuter-clinic/position-statement-on-mandatory-spayneuter-laws>

<sup>4</sup>

<https://www.facebook.com/humanesociety/photos/a.82110372841.79736.6041057841/10152026049887842/?type=1> – HSUS Comment timestamped 11:44 AM, February 26, 2014

Animals delivered to pet stores in California are highly regulated:

- In the state of their birth
- In the state of their distributor
- By the federal government
- By California when the animals enter the state
- And animal cruelty is a criminal offense everywhere

Some make the claim that prohibiting the sale of commercially bred dogs and cats in pet stores will lead to more adoptions of shelter animals. No independently developed data supports this claim. PIJAC knows that animal control facilities and non-profits are often excellent sources for pets for some prospective pet owners, though not for everyone. Many shelter animals are relinquished because of socialization or health issues. Adoption may not be an appropriate option for families looking for a certain breed of animal for health considerations. There are varied reasons why families choose the animals they do. They should have a choice and not be denied the pet that best fits their family's requirements.

Furthermore, California has strict pet warranty laws. People who purchase pets from pet stores in the state have ample opportunity to recover under alternative remedies if they purchase an unfit animal from a pet store. In obviating this consumer protection provided under state law, the proposal adversely impacts potential small businesses and pet owners alike within Long Beach. Only pet stores provide this warranty – shelters and rescue groups do not offer a warranty.

We would also call your attention to the comments made by the Chicago Veterinary Medical Association in opposition to a similar ordinance that passed last year in Chicago: “The Chicago Veterinary Medical Association (CVMA) strongly believes that ongoing education is a much more effective method to increase pet owner awareness and bring about the desired positive change necessary to address valid concerns regarding unethical, unscrupulous breeders who are the ultimate problem.” Their statement cites the several more stringent protections offered to consumers who buy from pet stores as a primary reason for their opposition.

It should also be noted that federal judges have granted preliminary injunctions against similar ban ordinances passed by the city of Phoenix, Arizona, and East Providence, Rhode Island, and Cook County, Illinois, has voluntarily stayed enforcement of their own ordinance pending the results of a legal challenge there, as well. In granting these injunctions, the courts found that the ordinances would be likely to cause “irreparable harm” to pet store owners. Until the legal challenges to these ordinances is seen through to their several conclusions, it would be irresponsible of the City Council to pass a materially similar ordinance that could subject the city to a similar legal challenge.

Hyperbole and emotionalism are poor substitutes for rational evaluation of objective information in establishing public policy. PIJAC recognizes that a few substandard facilities supplying pet stores do exist, as do substandard breeders providing dogs directly to the public and, in fact, substandard shelters as well. And, our efforts to ensure humane standards of care are met in all of these facilities will continue. However, singling out pet stores for specious generalizations based on anecdotal evidence will **NOT** eliminate the existence of substandard conditions. While this may be a “feel good” approach it only diverts attention away from efforts to really accomplish effective solutions and we urge the City Council not to move forward with any proposed ordinance that targets pet stores in this way.

PIJAC is highly sympathetic to the concerns motivating this proposed ordinance, but an outright ban on retail pet sales is unjustified, harmful to the future of the local economy and ultimately will fail to better protect pets. We respectfully urge the City Council to reject the ban and not impose excessive restrictions on all pet owners by

preemptively prohibiting legitimate local businesses that would be committed to the health, safety and well-being of the animals they could provide to Long Beach families.

If the purpose of this proposal is to encourage tighter restrictions on the sources of animals coming into jurisdictions that DO have existing pet stores, PIJAC would welcome the opportunity to work with the City Council to raise the bar to ensure proper animal sourcing that protects dogs and cats. For instance, common sense solutions would require:

- Animals come from only USDA licensed sources
- Breeders sourcing animals in any future Long Beach pet stores shall not have an entry on their last USDA inspection report that directly impacts animal health (these records are searchable online) – these inspection reports could travel with the animal and be made available to the customer

We would welcome the opportunity to work with Long Beach to arrive at a meaningful solution to the public policy concerns related to the care of animals. By working together, we can make sure that the city's citizens continue to have access to healthy animals to love as pets now and in the future.

Thank you for your consideration of our views.

Respectfully submitted,

Mike Bober  
Executive Vice President  
Pet Industry Joint Advisory Council