



NEW ANIMAL RIGHTS TREND: WEAPONIZING AGENCY OVERSIGHT OF BREEDERS

When we think about legislation that threatens our breeding programs or our sport, we typically think of issues like extreme and arbitrary breeder regulations, mandatory/spay neuter or ownership limits. But recent efforts by anti-breeder groups reveal a more subtle trend: legislative efforts to weaponize agency oversight of dog breeders.

Two recent efforts shine a light on this trend at the federal level:

- A measure to prohibiting USDA Kennel Inspectors from providing expert advice or “teachable moments” to licensed breeders with minor non-compliances to help them improve their operations (FY 2023 Agricultural Appropriations); and
- The recent introduction of the Better CARE for Animals Act (HR 5041/S. 2555) in Congress, which among other provisions would significantly expand federal courts jurisdiction to unilaterally prosecute alleged violations of AWA regulations.

These examples highlight federal breeder licensing rules that impact breeders throughout the country, but similar efforts are taking place in individual states too.

What is agency oversight and why does it matter?

The federal Animal Welfare Act (AWA) establishes the U.S. Department of Agriculture (USDA) as the federal agency responsible regulatory oversight of a variety of commercial activities related to domestic animals, including the breeding and sale of pet dogs. Currently, breeders who maintain more than 4 intact female dogs (and/or cat, rabbits, other small mammals etc.) and sell one offspring “sight unseen” are subject to licensing, care requirements, and inspection by the USDA. Individuals who maintain fewer than 4 intact females are exempt from USDA licensing and regulatory requirements. For more information, see [Understanding USDA Breeder Licensing](http://www.akcgr.org) at www.akcgr.org.

Background: About the USDA’s Role in Breeder Oversight

The USDA has some level of oversight or expertise related to the vast majority of agricultural and animal husbandry enterprises in the United States. Historically, the USDA has been charged with advancing American agriculture, including providing programs and outreach to assist farmers and those engaged in animal husbandry. The USDA’s Animal and Plant Health Inspection Service, which is staffed by thousands of animal experts, administers AWA licensing requirements. As part of their mission, which includes improving animal care and welfare, the agency’s experts recognize performance-based animal care standards and provide expertise, training, and certification programs that benefit animals and those who care for them.

While many breeders may not care for licensing requirements, few would argue that the USDA, with thousands of veterinarians and animal experts on staff, is not right agency to oversee animal activities.

Attacks on Cooperative Programming and Expertise

In late 2022, last-minute language was added to the FY 2023 Agricultural Appropriations Bill to prohibit any funding for [teachable moments](#). This attack on educational programming created a change in agency approach to pet breeders from cooperative and educational with a recognition of the value of instruction to improve animal care, to an approach based purely on enforcement. Changing the agency’s model from cooperative to a confrontational—or “gotcha”—environment not only undermines trust and responsiveness to the agency, it’s also likely to undermine canine wellbeing. Prohibiting the use of teachable moments and banning instruction about minor, fixable issues or non-compliances prevents interventions and unnecessarily allows minor issues to grow until they can become significant issues potentially impacting animal care and wellbeing.

Redirecting Agency Oversight: In the Footsteps of Animal Liberation

Now another bill in Congress seeks to further expand the weaponization of agency oversight against dog breeders. [H.R.5041/ Senate Bill 2555](#), the so-called “Better CARE for Animals Act” does exactly the opposite of what its name suggests. It shifts enforcement of dog breeder licensing and oversight under the AWA from the U.S. Department of Agriculture (USDA) to the U.S. Department of Justice (DOJ). This bill would circumvent oversight authority by an agency with pro-animal agriculture traditions that is staffed by animal experts focused on improving animal husbandry; and instead place it with one with little or no animal expertise that focuses on violations as potential federal crimes.

Legal experts note that there is little legal precedent for the Department of Justice to get involved in licensing and non-criminal activities. However, passage of this bill could set a dangerous legal precedent for treating simple animal licensing violations as something more than minor regulatory infractions.

This bill would also empower the DOJ to file charges, seize animals and impose penalties of animal licensees regardless of whether USDA – the animal experts – have determined or even alleged that there has been a violation of the Animal Welfare Act (AWA).

Proponents of the bill, notably the Humane Society of The United States (HSUS) argue that the DOJ needs additional authority to address violations of animal care or negligence. This is blatantly false. Current law already allows the USDA to call in the assistance of the Department of Justice where they believe legal assistance is required or a crime has occurred. Recent examples of this include a 2021 case of abuse by a licensed breeder in Iowa, and a 2022 case in which research dogs were removed from a licensed facility in Virginia.

To most people it simply doesn't make sense to remove oversight of animals and animal enterprises from an agency with specialized expertise in animal care. But dig a little deeper, and the darker side of these proposals is revealed. In Peter Singer's seminal 1970s book *Animal Liberation*, the author lays out a series of 12 steps to animal liberation that become the base text for animal rights movements worldwide. Step #7 in this repulsive narrative states Enforcement of animal laws must be transferred from Agriculture Departments.

This step is followed shortly thereafter by "ending the use of animals in sports" and "ending genetic manipulation of species."

Animal Rights Wish List

Sadly, issues with this extreme legislation do not end there. It also contains language that could potentially undermine or remove current exemptions from licensing for small hobby breeders who maintain fewer than 4 intact females and/or sell pets directly to their permanent homes.

What you can do

We need to stop this bill in its tracks! Everyone reading this article should take a few minutes today to contact Your Representatives in the U.S. House and Senate and ask them to oppose The Better CARE for Animals Act (HR 5041/S. 2555)

Visit AKC's Legislative Action Center at www.akcgr.org and type your address in the "Find Your Elected Officials" box to find out who represents you and get their contact information. Please respectfully call or email their offices today. Even a voicemail message from a constituent can make a difference!

Use the talking points below when reaching out to them.

- Explain you are a constituent. (Who you are and what town you live in).
- Ask them to oppose H.R. 5041/S. 2555 the so-called "Better CARE for Animals Act"
- Tell them it will do precisely the opposite of its name by removing crucial animal experts from the chain of animal welfare oversight. Removing subject matter expertise will undermine both animal care and enforcement of violations.

Additional points you may also wish to comment on:

- DOJ does not have staff, veterinarians or experts in animal husbandry and behavior that are experienced in evaluating AWA compliance or enforcement.
- Rather than creating more efficiency, H.R. 4051/S. 2555 creates redundant and potentially conflicting authorities and jurisdictions. This will cause greater bureaucracy and expand the backlog of cases at the DOJ.
- Removal of exemptions for de minimis activity such as hobby breeders will also create greater strain on USDA with is already strapped for sufficient resources for AWA enforcement of professional breeders.
- The measure is unnecessary as the USDA already can and does seek assistance from DOJ when appropriate.
- The bill allows owners to be forced to pay for the costs of care of seized animals by non-government entities while legal proceedings are pending, regardless of the outcome – with no provision for restitution.

Suggest an alternate solution to address lawmakers' animal care concerns:

Ask your members of Congress to instead support additional financial resources for USDA so they can appropriately enforce the requirements they already have.

For questions or more information, contact doglaw@akc.org, visit AKC's Legislative Action Center www.akcgr.org or contact 919-816-3720.

This article was originally published in Show Sight magazine, February 1, 2024.