

THE ANIMAL COUNCIL

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September 14, 2008

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Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

Re: AB 1122, AB 241, dog and cat breeders

VETO REQUEST

Dear Governor Schwarzenegger :

We urge you to veto AB 241, creating a crime of possessing 50 "unsterillized" dogs/cats over 4 months old or acting in "concert with another person or to voluntarily assist a business entity in violating these provisions". On the claim of eliminating abusive "puppy mills", the sponsors and allies caused as many of these "unsterilized cap" bills around the country this year as they could find willing legislators on whatever terms would fly and success more likely in states with negligible commercial dog breeding presence such as California.

In fact, commercial breeding of dogs based on a business model requires limiting mature animals kept and selling offspring at wholesale to contain economic risk of the cost of carrying "inventory" beyond the minimum saleable age. This requires a USDA license and is rare in California for reasons not limited to cost of real estate, transportation and labor. Hoarding is not merely keeping a large number of animals but lacking the combined means – financial, physical, managerial or psychological to care for them adequately regardless of whether breeding is involved. It is not feasible to breed cats on a commercial scale, and comparable "kitty mills" are non-existent. AB 241 targets productive "businesses", but would we limit dairies the number of cows or factories the number of producing machines? No, because markets plus other ways of regulating business as to safety and quality standards work to create practical limits based on individual facts and circumstances. California already has such statutes in addition to many local ordinances. AB 241 would create an unworkable, difficult to ascertain standard for criminal offenses that are not rationally linked to criminal activity or conduct of an economically viable business. Worse, California would lose the capability of actually regulating any larger operations, leaving this sector to those in the business of crime with the likelihood of associated but unrelated criminal activities. Please veto AB 241.

THE ANIMAL COUNCIL (TAC) is a California nonprofit, public benefit corporation founded in 1991 to seek positive, humane solutions to the challenges of detrimental animal public policies, legislation and regulation through study, analysis and application of animal husbandry, statistics and law, and at the same time preserve human benefit from all species, breeds and registries.

Very truly yours,

SHARON A. COLEMAN
President, The Animal Council

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