

The 4% Myth

Dog and cat fanciers across this land are passionately discussing the proposed *Pet Animal Welfare Statute of 2005*. In those discussions, how often have you heard something like this?

“Just 4% of the AKC registry will be affected by this legislation. Very few of our folk will be affected by this legislation”.

This, of course, is parroting the myth propagated by the AKC:

“It's important to understand that this definition (a “dealer” -ed.) covers fewer than 4 percent of all breeders who register litters with the AKC.”
– **Jim Holt, AKC**

In order to de-construct this myth, **you need to understand exactly what will constitute a USDA "dealer"**. The legislation defines who they are not:

Which breeders would NOT be considered dealers?

any person who, during any calendar year (who):

(aa) sells not more than 25 dogs or cats at wholesale or to the public;

or

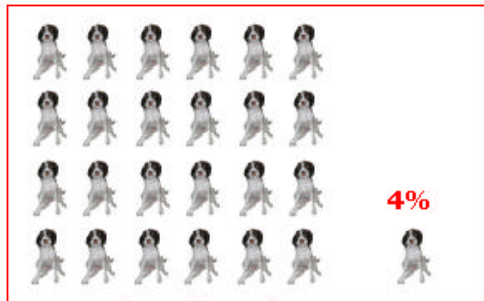
(bb) does not whelp more than 6 litters of dogs or cats and sells only dogs or cats bred or raised on the premises of the person directly at retail

Or as stated by the AKC:

If you produce less than seven litters, you are not subject to regulation, even if you sell many more than 25 dogs. Similarly, if you sell fewer than 25 (should be fewer than 26 –ed.) dogs, you can have in excess of six litters and not be covered.
–Robert Menaker, AKC

Where did the AKC's 4% figure come from?

AKC registry records and their definition of a “high-volume” breeder. Only 4% of breeders who register litters with the AKC register 7 or more litters or make 25 registration transactions with the AKC on an annual basis. A litter registration is only



Breeders Affected - per AKC

1 transaction for the breeder, not 5 or 10 transactions, so don't confuse that with the 25 dog limitation in the definitions above. Essentially this 4% figure corresponds to the USDA "more than 6 litter" figure; it was the AKC who proposed the litter exemption based on their definition of a "high volume breeder."

Why then is this an inaccurate or misleading statement? The computation of those affected (the "4%") uses a far-narrower definition (AKC high-volume breeder) than the actual regulation does.

Real-world scenarios

1. None of those breeders listed in the 4% register their feline litters with AKC, yet those litters will count against the "6 litter limit." The computation does not consider how this will affect CFA (feline) registrants.

2. Likewise, none of those breeders register canine litters ineligible for AKC registration with AKC, yet those litters count against the "6 litter limit." Are those irresponsible breeders worthy of over-regulation? Tell that to the Boykin Spaniel fancier! And many of those own and breed other (AKC registerable) breeds as well.

Obviously, no breeders registering with FDSB, UKC, or other canine registries were considered.

3. Any stud-dog owner/breeder who takes a stud-fee pup as payment for stud service, and then sells that pup, will have to count that single pup against his "6 litter limit," IF that pup was bred on his premises (as is the custom). According to the AKC:

"Since breeding usually takes place on the premises of the owner of the stud dog, stud (fee) puppies would usually have been "bred on the premises" of the seller," the seller here being the stud-dog owner/breeder. Jim Holt 6/21/2005

These scenarios obviously were not taken in to account in deriving the artificial "4%" figure. What do these three simple examples mean? It means that perhaps far more than 4% of the AKC fancy will be affected. But it gets worse.

4. Most serious breeders who are in danger of exceeding the 6 litter limit are frequently bringing in outside blood, making evaluation, and selling off those that do not make

the grade. Such breeders will not be governed by the “6 litter limit” but instead will be held to the “rule of 25.” This scenario has been confirmed by the AKC.

“The six litter exception also does not apply to persons who sell dogs not bred or raised on their own premises.” Jim Holt 6/21/2005

5. Any breeder who takes a stud-fee pup as payment for stud service, and then sells that pup, will not be able to count that single pup against his “6 litter limit,” IF that pup was NOT bred on his premises. This includes most litters facilitated by artificial insemination (AI), a not-uncommon practice used by serious breeders. Such breeders will not be governed by the “6 litter limit” but instead will be held to the “rule of 25.”

6. Those doing rescue in a foster-home environment, who receive dogs and then “sell” them (for expenses) also will be governed by the “rule of 25,” according to this proposed legislation. The legislation does not make any distinction between “for-profit” and “not-for-profit,” and in fact many hobby breeders never make a profit anyhow. The legislation addresses animals sold “for compensation or profit,” and reimbursement IS compensation.

There is no statutory exemption for rescue, and no compelling reason to believe that we should support this bill now and expect that an exemption will be worked out administratively after passage in a satisfactory manner. In fact, proponents of this bill state the bill is needed to eliminate the need for current administrative exemptions.

It must be emphasized that "rescue" dogs will count against a breeder's quota. No good deed goes unpunished.

7. Many/most serious breeders co-own litters. A litter born to co-owners will be counted against both owners’ “6 litter limit.” Put another way, 2 breeders who would expect a composite limit of 12 would be limited to 6 actual co-owned litters; 3 actual litters apiece (6 on paper). More than likely, because of other factors, they will fall under the “rule of 25” anyway.

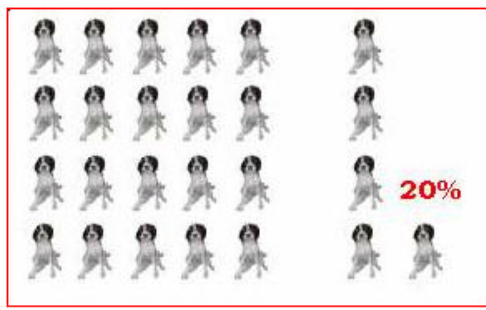
Toy breeders take note

Toy breeders frequently have very small litters. Most likely they will be governed by the “rule of 25” rather than the “6 litter limit,” as it may take 10 litters or more to surpass 25 sales. It is unclear how this would affect this analysis of AKC’s computation vs. reality. Toy breeders should lend support to fellow dog-fanciers who may practically be limited to 3 litters a year.

What does all this mean?

Most/many serious breeders who are in danger of passing the 6 litter threshold (represented as 4% of the AKC fancy by Jim Holt) will never be governed by the “6 litter limit” but instead will fall under the “rule of 25.”

With many breeds, a litter of eight is not at all unusual. It is easy to imagine three litters taking up most-or-all of the 25 quota. This would be commonplace in my breed-of-choice, the English Springer Spaniel (ESS).



Breeders Affected - Reality

Consider how many ESS breeders exceed 25 sales (approx 3-4 litters) annually, if not every year but every few years. Indeed, far more than the 4% cited by AKC for 7 or more litters. Probably more than 8%, as a plot of breeder litter numbers would be more logarithmic than linear; that assumption would place the figure closer to 16% annually and probably more than 20% if we look at “every few

years.” And there is not any indication how one would become unlicensed in a slow year.

Does this mean that the AKC is purposely misrepresenting the effect on the fancy in order to sway public opinion? My personal opinion is that AKC did not even consider these far-too-common scenarios.

What is the AKC’s response to this problem now that it has been brought to their attention? They suggest circumventing the law:

“As a practical matter, of course, someone who raises up to 6 litters, and also happens to also sell one or two other dogs which they have acquired because they did not work out as field trial dogs, is not going to be licensed and regulated, particularly if this is not a regular annual occurrence.” Jim Holt
6/21/2005

The legislation, obviously, makes no exemption for whom this “is not a regular annual occurrence.” Ironic that this bill is aimed at puppy mills who circumvent the law and they suggest hobby breeders now do the same.

What then should AKC do?

The continued use of the 4% figure by the AKC is indefensible. They should own up to the magnitude of the problem, admit that they did not consider the ramifications of the bill, and withdraw their support for this ill-advised legislation.

What then should the PCs do?

Since the ratio of serious breeders is most likely higher in PC membership than breed owners as a whole, that makes my 20% estimate conservative when considering those with club membership alone. Breeds like the English Springer Spaniel, with common bloodlines contributed by influential kennels (oh, that would be all breeds!) must have their fanciers understand that this bill will often apply to those who have dedicated much of their lives to their chosen breed and have contributed much to their Parent Club (PC) and to the continuation and improvement of the breed.

Some would argue that many of these same kennels have contributed to inbreeding or popular-sire problems within the breed. But this legislation is not about popular sires, or inbreeding, and we really don't want the federal government involved in such issues with a one-size-fits-all-breeds legislation, do we?

It is easy to put your head in the sand and say "this will never affect me," but I suggest that it is time to stand up and assist those who have given so much to our breed. The PC's should take a stand and express their viewpoint to the AKC.

The crippling of the breeding programs of some of those breeders will, in the long run, affect you and your ability to obtain good breeding stock for your own endeavors.

The AKC knows what is best

I think that many of us are programmed to believe that we should leave such issues to the experts. It almost seems unpatriotic to oppose the AKC. What you need to understand is that the AKC itself is divided on this issue. Four of the twelve board members voting on this issue do not support PAWS. It is not wrong to express a differing opinion; it is wrong to remain silent.

What should individuals do?

Let your PC and the AKC know how you feel. Let the Senate Agriculture Committee and its members know how you feel. Let your Senators and Representative know how you feel. This is not a time to be silent.

And remember, the next time you hear a comment like this:

“Just 4% of the AKC registry will be affected by this legislation. Very few of our folk will be affected by this legislation”.

don't believe it for a moment.

Thank you for taking the time to consider this very important issue.

-Bill Fawcett
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