

Approved March 8, 1991
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE

The meeting was called to order by Representative Lee Hamm at
Chairperson

9:07 a.m./~~p.m.~~ on Monday, March 4, 1991 in room 423-S of the Capitol.

All members were present except: Representative Freeman, excused
Representative Heinemann

Committee staff present: Raney Gilliland, Legislative Research
Jill Wolters, Revisor of Statutes Office
Pat Brunton, Committee Secretary

Conferees appearing before the committee: Berkley Kerr, Kennel Owner, Silver Lake
Marcia Gitelman, Assistant Executive Director,
Helping Hands Humane Society and Representa-
tive, Kansas Federation of Humane Societies
Sharon Munk, Kansas Kennel Owner and Operator,
Menlo
Camille Nohe, Assistant Attorney General
State of Kansas

Raney Gilliland, Research Staff, explained the various concepts of HB 2522 - an act concerning domestic animals; relating to animal retailers, wholesalers and auctions; licensure and registration thereof; fees.

Berkley Kerr, Silver Lake, testified in support of HB 2522 stating it would correct problems with the existing law. Mr. Kerr offered an amendment to Section 11 of HB 2522 which would allow flexibility to the Livestock Commissioner but would not take any authority from him. (Attachment 1).

Marcia Gitelman representing Helping Hands Humane Society and Kansas Federation of Humane Societies, testified in opposition of HB 2522. She stated her organizations are hoping that the state will spend its time enforcing the present law to get rid of the disreputable elements in this industry while allowing the responsible ones to continue. Only in the past six months, when the state has been enforcing its own law, have we begun to see favorable responses from the media and other interested parties. To pass HB 2522 would undo the progress made so far and see Kansas once again nationally attacked for its pet breeding industry. (Attachment 2).

Sharon Munk, Menlo, testified in opposition to HB 2522 stating the bill is a step backwards, when Kansas finally started to move forwards. She further stated it would be political suicide to exempt kennels licensed under public law 91-579 (7U.S.C. 2131 et seq.), from state inspections. (Attachment 3).

Camille Nohe, Assistant Attorney General, testified in opposition to HB 2522 stating this bill has some very serious problems. She further stated this bill would set the state back, making Kansas the object of mockery.

A question and answer period followed each testimony.

Chairman Hamm informed the committee that the hearings on HB 2522 would continue on Tuesday, March 5, 1991.

A motion was made by Representative Gatlin to approve the minutes of February 26, 1991. Representative Correll seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE,
room 423-S, Statehouse, at 9:07 a.m./~~p.m.~~^{xxx} on Monday, March 4, 1991

The meeting adjourned at 10:00 a.m. The next meeting of the House Agriculture Committee will be held on Tuesday, March 5, 1991, at 9:00 a.m. in room 423-S, State Capitol.

March 3, 1991

To Committee on Agriculture

I strongly support HB 2522 because it corrects the problems with the exiting law.

The fee base has been broadened to cover boarding and training of dogs and the hobby kennels eliminated.

The livestock commissioner has been given much more flexibility to manage the program.

I would estimate that the number of license will double based upon what I see traveling around Eastern Kansas on a weekly basis.

A great help to the commissioner is Sec. (c) which will allow him to inspect the federally licensed kennels he deems necessary instead of the present mandate that he inspect all 515.

the savings in time and money will allow for a lot of investigation to find why so many people own several breeding females but they didn't qualify for a hobby license.

THIS IS A BILL THAT WILL WORK.

Thank you

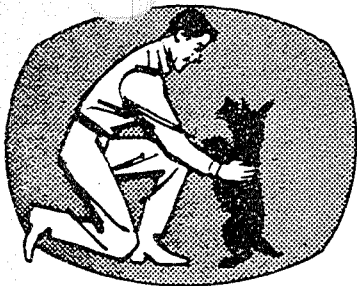
Berkley Kerr
Berkley Kerr
RR#1
Silver Lake, Ks.

Hs. Ag.
3-4-91
ATTACHMENT 1

Amendment to Sec. 11.

(c) No inspection shall be made under this act of the premises of any person registered under this act except;

1. Persons licensed under public law 91-579 (7 U.S.C. 2131 et seq.) but not currently licensed under K.S.A. 47-1701 et seq. shall be inspected by the commissioner or the commissioner's authorized representative before an original certificate of registration is issued.
2. Investigative order signed by the commissioner.
3. Upon a written and signed complaint. Records of complaints shall be maintained in the office of the commissioner.



Helping Hands Humane Society, Inc.

OFFICE AND ANIMAL SHELTER
2625 Rochester Road
Topeka, Kansas 66617
Telephone 233-7325

March 4, 1991

TO: Representative Hamm and committee members
House Agricultural Committee

RE: HB 2522

As for the present bill before you, we have very grave concerns regarding its content. We urge you to defeat HB 2522 as a whole but I will briefly outline our main points of contention:

1. Presently there is an advisory committee that has been established to study the Companion Animal Law, its rules and regulations, and its enforcement. This committee is comprised of breeders and brokers within the industry, veterinarians, representatives of humane organizations, a legislator and an attorney. This ten member commission is in the process of making recommended changes in the law and we hope that you would consult them and the Attorney General's office before considering any bill such as this.

2. In Section 1(a) this bill changes the nutritional quality of foodstuffs from "sufficient to maintain a reasonable level of nutrition" to simply meeting all requirements of the National Research Council. This is unacceptable because the NRC only sets bare minimum nutritional requirements necessary to sustain life, and dogs fed products following these guidelines often fall victim to skin disease and symptoms indicating susceptibility to infection. The NRC's inadequate guidelines are further documented in the attached article by David Kronfeld, D.V.M., which was printed in the American Kennel Gazette, the official magazine of the American Kennel Club. As you know the AKC is the chief regulatory agency of purebred dogs in the United States and if this respected organization of dog breeders does not support the NRC's

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ATTACHMENT 2

"Paws for Pleasure"

recommended requirements then neither should we.

3. Many changes in this bill intentionally weaken the Companion Animal Act and render enforcement more difficult. For example:

- a. Removing the requirement that sanitizing be done at such intervals as necessary. Sec. 1(w).
- b. Taking away the Livestock Commissioner's authority to seize and impound animals whose safety and welfare are threatened. In the recent Darrell Dee Johnston case in which a number of severely abused and neglected animals were seized, even a veterinarian was unable to save six of these dogs from death. In another case in western Kansas, Livestock Commissioner Kimmell chose to give Mrs. Young sixty days to sell or dispose of her animals, rather than seize them. Fifty nine days later law enforcement officials and local humane societies entered this facility, littered with numerous carcasses, and had to euthanize another thirty three due to their terrible state of neglect. These animals would not have suffered had they been impounded earlier. Clearly it is imperative that the Livestock Commissioner be allowed to remove animals whose lives are in jeopardy. Sec. 9.
- c. Removing the right of the Commissioner or the Commissioner's authorized representative to inspect a facility if they have reasonable grounds to believe that this person is in violation of this act undermines this office's authority. Sec 11(c).
- d. Not ensuring the confidentiality of complaints will reduce the number of people who would be willing to speak out on noted violations. Sec 11(d).
- e. Not allowing the Livestock Commissioner to request a licensed veterinarian to assist in an inspection is ludicrous. Who better than a qualified expert to make assessments as to the state of these animals? Why would any reputable breeder be afraid to allow a veterinarian on their property? Sec. 11(f).
- f. As this bill is written, any inspector who knowingly falsifies records is not held accountable for his or her actions. In addition, it would now be permissible for a person with a vested interest in the kennel business to act as an inspector, thereby raising the suspicion of objectivity. Sec. 11(g,h).

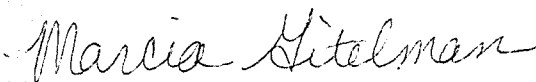
g. Records of deficiencies would be erased after one year. Therefore, an unscrupulous person could continue to amass infractions every year and the state would be unable to establish a pattern of abuse. Sec. 11, new(e).

h. The Commissioner would be limited to following only the guidelines set forth by the Federal Animal Welfare Act, currently used by USDA inspectors. The fact that the USDA rules are not strong enough can be documented not only through the Livestock Commissioner's office's investigations but also through the numerous media reports focused on this subject. This proposed change would serve to render the present bill useless. To maintain its credibility and improve its national reputation Kansas must be allowed to establish its own set of rules. Sec. 12.

i. Sec. 14(b) has been changed to omit the provisions of K.S.A. 21-4311, the state's Cruelty to Animals law. Not allowing these charges to be brought into play would harm the prosecution's ability to pursue its cases to the fullest. In addition a person found guilty of violating this act would be allowed to have his or her animals returned.

We are hoping that the state will spend its time enforcing the present law to get rid of the disreputable elements in this industry while allowing the responsible ones to continue. Only in the past six months, when the state has been enforcing its own law, have we begun to see favorable responses from the media and other interested parties. To pass HB 2522 would undo the progress made so far and see Kansas once again nationally attacked for its pet breeding industry.

Respectfully submitted,



Marcia Gitelman
Assistant Executive Director, Helping Hands Humane Society
Representative, Kansas Federation of Humane Societies

NUTRITION AND HEALTH

David Kronfeld, DVM

National Standards And Generic Dog Food

A two-page color advertisement is appearing in veterinary magazines. It declares: "A recent Purina dog growth study demonstrates (that) there is a significant nutritional difference between dog food products whose (sic) labels indicate they are complete and balanced."¹ The puppy fed Purina Dog Chow is much larger than the one fed a "price brand." In addition to this photograph, there are graphs comparing body weights and lengths, and summaries of blood data. "Puppies fed the price brand food has an increased incidence of illness, retarded growth and poor coat texture and color."¹ One conclusion: "Package labeling is not sufficient proof of nutrient availability and palatability in pet foods."¹

That conclusion is correct. This growth study is one of the best published to date that demonstrates that the national standards, the "adequate" guidelines recommended by the National Research Council,² an arm of the National Academy of Sciences, charged by Congress to be the nation's ultimate authority on matters of science, are not really adequate. The problem is compounded when other regulatory agencies, such as the Federal Trade Commission and the American Association of Feed Control Officials, make secondary uses (or misuses or abuses) of the NRC's Nutrient Requirements of Dogs for the purposes of advertising and labeling.

Complete And Balanced

The "price brand" of generic dog food may be labeled *complete and balanced* if it meets one of two standards:

1. It meets or exceeds the concentrations of nutrients recommended by the NRC.

2. It has passed tests or feeding trials according to protocols specified by AAFCO.

Meeting the NRC standards is relatively simple and inexpensive. It is almost certain to be the option elected by a manufacturer of a generic product.



(Illustration by Debra Lewis)

There are premixes of vitamins and minerals designed to supplement the corn-soy base of the dry food.

The AAFCO tests were devised mainly by major petfood manufacturers who were well aware of the weaknesses inherent in the NRC's "adequate" or minimum requirements. These tests require technical expertise and research kennels.

The label will state the basis for the claim of "complete and balanced." If it cites the NRC standards, then the product is covered for all stages of the life cycle, because that is the (outrageous) claim made by the NRC. The petfood industry has expressed its disbelief in the NRC's one-and-only diet by offering products for specific purposes, such as puppy foods. The NRC does not take this one-and-only diet approach to farm

animals, but it is less performance-oriented in regard to cats and dogs.

The Purina advertisement shows very nicely why the NRC Nutrient Requirements for Dogs, like those recommended for cows, pigs and horses, should be more performance-oriented.

Generic Dog Food Disease

Skin disease has been associated with the feeding of generic dog foods for one or two months.³ Dry scaly skin may break down to oozing and crust formation. These lesions occur most commonly on the face and feet. Affected dogs may also develop a fever and swollen lymph glands; these signs suggest susceptibility to infection.

This disease has been discussed previously in this column as a conditioned zinc deficiency.⁴ The food contains sufficient zinc to meet the NRC standard,

but the efficiency of absorption of the zinc is diminished by the high contents of vegetable fiber, phytic acid, and calcium.

The NRC for dogs² pays no attention to these interactions between nutrients and other constituents of foods. It gives a single recommendation for each nutrient. Its list of minerals is adequate, I believe, for a meat-based diet, but not for a corn-soy-based diet. That is why, for example, I use in practice a range of 0.5 to 1.0 % calcium for meat-based diets but 1.5 to 2.0 % calcium for corn-based diets. The NRC recommends 1.1% calcium (on a dry matter basis) for every kind of dog food.²

Who To Believe?

About 10 years ago, a manufacturer invited me to consult upon a new dry food. The company's nutritionists advised them to follow the NRC guidelines. I advised the company to follow Purina! Among the hand-outs that the Purina Director of Research had given to my students was a list of average analyses for six of their products. I took

the average, and the minerals ranged from two to 11 times the NRC's recommendations. Who was right, the NRC or Purina?

The manufacturer took the advice of its own men. The first batch of the new dry dog food used the NRC levels of minerals. The pups were small, anemic, and had grey streaks. The second batch copied Purina, and the pups were normal, rather soft and pudgy in my estimation, but typical for dry fed pups. We concluded that the NRC was wrong and that Purina was right.

The Current Revision

The NRC's Nutrient Requirements for Dogs is currently being revised. The blue-ribbon committee was selected very carefully for freedom from industrial bias. This effort was rather silly, because veterinarians and nutritional scientists in the petfood industry probably know more about petfoods than their counterparts in academia. Sometimes the facts become submerged in committees, even those under the aegis of the National Academy of Sciences. □

References

1. Purina advertisement, *DVM Magazine*, 15.1, 46-47, 1984.
2. *Nutrient Requirements of Dogs*, National Academy of Sciences. Washington, DC, 1974.
3. Sousa C, et al: *JAVMA* 182.3, 198-199, 1983.
4. Kronfeld DS: *GAZETTE* 99.7, 10-11, 1982.

Moving?



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3-4-91

TO: Agriculture and Small Business Committee of the House,
Representative Lee Hamm, Chairman

FROM: Sharon Munk, Kansas Kennel Owner and Operator, Kansas License #005-B,
Federal License #48-B-081, from Menlo, Kansas.

RE: House Bill No. 2522

Mr. Chairman and Members of the Agriculture Committee,

The Companion Animal Industry in the state of Kansas, can not survive two summers, back to back, of negative media coverage. Our Companion Animal Program just started to work this past summer, when the negative media forced the ethical breeders in the state of Kansas, to travel the state calling all breeders together, to publicly show our support of this Companion Animal Program. This tour included a visit with the Attorney General and Governor. We demanded that the law be carried out as written.

This "POLICE YOUR OWN INDUSTRY" attitude, has seen even the best breeders in the state of Kansas, find places to make improvements. The "MAKE KANSAS SHINE CAMPAIGN" is doing just that. The Companion Animal Office has made more progress this past summer and fall than they have the previous two years. They have the industry's support. The inspections are "beefed up" and those abusing their animals are losing them. This was the intent of the law. As members of the American Professional Pet Distributors, Inc., and Ethical Breeders of the state of Kansas, we are glad this bill is in place. We want to work with Kansas, to make the program effective.

House Bill #2522 is a step backwards, when we've finally started to move forwards. It is political suicide to exempt kennels licensed under public law 91-579 (7U.S.C. 2131 et seq.), from state inspections. Even if it would require an initial inspection, this is not in the best interest of our industry. The Humane Society of the United States and the Legislatures in the state of California, are just waiting for you to make the wrong move,; then they will "BLAST" us again. This forty three million dollar a year industry for the state of Kansas, will be history.

A Companion Animal Advisory Board was appointed in October of 1990. This board is comprised of veterinarians familiar with companion animals, representatives of the Kansas Federated Humane Society, a lawyer, plus every faction of the industry is represented.

DON'T CHANGE IT. Dr. Dan Walker, the Livestock (Animal Health) Commissioner, with the advise of the Companion Animal Advisory Board, the Attorney Generals Office, and the support of the industry, will make this program a reality, and SAVE this industry for the STATE OF KANSAS.

THANK YOU, Sharon Munk
Hs. Ag.
3-4-91
ATTACHMENT 3