

January 11, 2011

## Message from Ohio Association of Animal Owners, OAAO, <http://oaa.o.us/>

This is an update of the email we sent you on Friday, Jan. 7, and the email of earlier today. We now have the phone number (614-265-6879) and email address ([david.mustine@dnr.state.oh.us](mailto:david.mustine@dnr.state.oh.us)) for new ODNR Director David Mustine.

**Please call ODNR Director David Mustine immediately. We cannot afford to wait. The number to call is (614) 265-6879. You may get an answering machine; if so, leave a detailed message outlining your concerns and providing your name and phone number for a return call. If you get to speak to a real person, write down his/her name for future reference. As always, be polite but firm. Once you've called, follow up with an email to Director Mustine at [david.mustine@dnr.state.oh.us](mailto:david.mustine@dnr.state.oh.us)**

We knew that outgoing Governor Strickland promised HSUS he would ban exotic animals in Ohio. He made his parting shot at us on January 6 when he signed his "emergency executive order" to accomplish that. The former ODNR administration followed up the very next day by filing an "emergency rule" that expands even farther on the executive order by adding **more** animals to the "banned" list. Although the order and rule are only good for 90 days, a lot of damage can be done to our industry and our pocketbooks during those 90 days. It's time to go to work -- **right now**. We **must** get this overturned in order to protect our industry. The new ODNR Director **could** file this as a **permanent** rule, in which case we will need members to testify at the ODNR public hearing and, if necessary, at the subsequent JCARR hearing; but we can prevent this **if we can persuade Director Mustine to withdraw the emergency rule**.

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Here, very briefly, are the points you need to address:

1. This is a **power grab** by the former ODNR administration to seize control of, and ultimately shut down, Ohio's exotic animal industry.
2. Ohio Revised Code Section 1531.02 clearly shows the ODNR does not have statutory authority over exotic animals. It states: "The ownership of and the title to all wild animals in this state, **not legally confined or held by private ownership legally acquired, is in the state, which holds such title in trust for the benefit of all the people...**" Ex-Governor Strickland chose to leave out the part about animals that are legally acquired, confined and held by private ownership. The ODNR has **no** authority over non-native/exotic animals, so the emergency rule is flawed and will most likely be overturned if and when a permanent rule is filed with JCARR (Joint Committee on Agency Rule Review). **Ex-Governor Strickland lied, and the former ODNR administration was willing to participate in this Governor-ordered power grab.**

3. The order **exempts** AZA- and Global Federation of Animal Sanctuaries- accredited facilities. Both are **private corporations** with **financial links to HSUS**. The emergency rule is **unconstitutional** and creates a **monopoly** for those two corporations, while shutting down the other USDA- and ODNR-licensed facilities that have these types of animals; that includes the drive-through animal parks, private zoos, and licensed breeders/dealers/exhibitors throughout Ohio. In ex-Governor Strickland's own words last fall, the exotic animal industry is a 12.5 billion dollar/yr industry in Ohio. The emergency rule will shut down a large part of that 12.5 billion dollar industry. **Ohio cannot afford more job loss.**

4. There is no exotic animal emergency in Ohio. Licensed animal owners, breeders and exhibitors have safely and securely kept these animals for many, many years and are subject to regular, unannounced government inspections to ensure that the public and the animals are not at risk. This emergency rule was fueled by animal rights extremism and scaremongering, and it is a direct attack on commerce and private enterprise in Ohio. This rule was **not** requested by the ODNR as ex-Governor Strickland indicated in paragraph 5 of the emergency executive order; it was the other way around. The ex-Governor, HSUS, and Ohio Farm Bureau made a "back-door deal" on 6/30/2010, and **then** ex-Governor Strickland ordered the ODNR to draft the rule. **Ex-Governor Strickland bypassed the legislature and JCARR, and abused his authority as Governor by declaring an emergency where no emergency exists.**

5. Exotic animal owners throughout Ohio rallied to vote Ted Strickland out of office, due to his "back-door deal" with HSUS. We voted John Kasich in, convinced that he would **not** honor that back-door deal. **We now appeal to you to immediately revoke emergency rule #1501:31-19-05 which will cripple the exotic animal industry in Ohio.**

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**Action required:**

1. Call Director David Mustine at **(614) 265-6879** with the above information. Put it in your own words, tailor it to your operation, and do it **now**. Don't wait!

2. Follow up with an email to Director Mustine at [david.mustine@dnr.state.oh.us](mailto:david.mustine@dnr.state.oh.us)

Polly Britton  
Legislative Agent  
Ohio Association of Animal Owners

See more: <http://www.rexano.org/StatePages/OhioFrame.htm>

[www.REXANO.org](http://www.REXANO.org)