



October 5, 2023

To: The Vermont Joint Legislative Committee on Administrative Rules
c/o Committee Assistant Charlene Dindo, charlene@leg.state.vt.us

Re: Proposed rule on trapping and coyote hounding, per the directive of Act 159 and Act 165

Good afternoon Chairman Squirrell and members of the committee,

My name is Joanne Bourbeau and I'm the northeastern regional director for the Humane Society of the United States (HSUS). I live in Windham County and represented the HSUS and our members and supporters in Vermont on both the trapping best management practices ("BMPs") and coyote hounding working groups. Thank you for the opportunity to share my comments on the proposed changes to trapping and coyote hounding in Vermont.

While the HSUS appreciated being at the table for these conversations, we find the recommended rule largely ignores the input of the humane groups that were involved. Instead, it just proposes to codify the trappers' and hounders' own ineffectual, self-imposed modifications to current practices. As such, the proposed recommendations will not protect wildlife, pets or the public.

The proposed rule appears to fall short of the intent of Act 159

Act 159 directed the working group to **consider recommended best management practices (BMPs) designed to modernize trapping and improve the welfare of animals subjected to trapping programs**. However, leghold traps are indiscriminate, spring-loaded metal jaws designed to clamp on an animal's limbs, and no amount of modifications will make them more humane. For example, the proposal would require leghold traps to be padded or offset, laminated, or have jaws with a minimum thickness of 5/16th of an inch. But researchers find that even if the jaws of leghold traps are covered by padding or a thin strip of rubber, they still cause major injuries in nearly one-half of trapped animals.¹

Act 159 also **requires that traps be set away from public areas on all lands where the public can be reasonably expected to recreate**. Vermont Fish and Wildlife's recommendation for setbacks is inadequate because it applies to only a small percentage of public lands and is insufficient to protect the public. Additionally, its recommended 50-foot trap setbacks, although an improvement from the 25-foot setback that was initially recommended, still present a danger to the public and their dogs. The wildlife protection representatives on the stakeholder group instead recommended a 500-foot or more setback rule for public trails, class 4 roads, playgrounds, parks and other public locations where persons may reasonably be expected to recreate as a minimum standard for consistency.

Further, Villeneuve and Proulx (2022) attempted to quantify the hidden world of domestic dogs and cats captured in traps.² They found that the majority of family pet captures occur near urban settings, on

¹ Muth, R. M., Zwick, R. R., Mather, M. E., Organ, J. F., Daigle, J. J., & Jonker, S. A. (2006). Unnecessary source of pain and suffering or necessary management tool: Attitudes of conservation professionals toward outlawing leghold traps. *Wildlife Society Bulletin*, 34(3), 706-715.

² Kimberly A. Villeneuve and Gilbert Proulx, "Impact of wild mammal trapping on dogs and cats: A search into an unmindful and undisclosed world," in *Mammal Trapping: Wildlife management, animal welfare and international standards*, ed. G. Proulx (Alpha Wildlife Publication, 2022).

trails and in winter.³ They also found that governmental bodies “prefer to keep pertinent data sets [of captured domestic pets] undisclosed.”⁴

Act 159 also directed the stakeholder group to recommend trapping methods that would avoid nontarget animals. But as long as body-crushing kill traps are allowed on the ground—including being elevated above the ground—nontarget animals will continue to be victims. We recommended these traps not be allowed on the ground under any circumstances, and be restricted to underwater use only, which would have significantly reduced this concern. However, the VFW proposal still allows traps to be placed at least 5 feet above ground, which will endanger black bears, whose limbs can be crushed when trying to access the baited trap in a tree, as well as endangered pine martens and other non-target species.

Additional requirements such as adjustable pan tension on traps, a limit on the size of a trap’s jaw spread and allowing the use of drag anchors will also not limit the amount of physical and physiological distress that trapped animals regularly endure.

Beausoleil et al. (2022) write that traps can produce “negative or unpleasant mental experiences” on trapped animals including “thirst, hunger, pain, breathlessness and fear,” which causes the animal to react in order to “try to alleviate or rectify the underlying problem,” and these experiences are “detrimental to an animal’s current state of welfare” or their survival.⁵ These “unpleasant experiences” that an animal is unable to rectify either “through behavioral and physiological responses,” such as thirst or fear, harm an animal’s welfare far more than an experience in which an animal can control what is happening to itself.⁶

Confirming earlier studies, Beausoleil et al. (2022) found that while restraining traps (such as leghold traps) that are intended only to hold an animal, can cause death if these traps go unchecked—leaving an animal to die from dehydration or exposure. This is not a quick nor humane death, according to the American Veterinary Medical Association (2013).⁷ Beausoleil et al. (2022) also reiterated that killing traps may not cause a quick death if a non-target animal is captured or if mis-strikes occur, which also has important animal welfare implications.⁸

Act 159 also directs the establishment of criteria for when and how live, captured animals should be released or killed (using the euphemism “dispatched”). Vermont Fish and Wildlife proposes that, “Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzleloader, gun, crossbow, or bow and arrow.” But it weakens this directive by adding that it “...may be amended upon receipt of the Association of Fish and Wildlife Agencies’ recommendations regarding humane dispatch.” However, those current AFWA recommendations are anything but humane, and allow wholly unacceptable killing methods such as bludgeoning, stomping to crush the heart and lungs (using the bloodless term “chest compression), choking, and even drowning. To reiterate, the American Veterinary Medical Association states clearly that *drowning is not a humane form of death*.⁹

³ Villeneuve and Proulx, “Impact of wild mammal trapping on dogs and cats: A search into an unmindful and undisclosed world.”

⁴ Villeneuve and Proulx, “Impact of wild mammal trapping on dogs and cats: A search into an unmindful and undisclosed world,” p. 141.

⁵ Ngaio J. Beausoleil, Sandra E. Baker, and Trudy Sharp, “Scientific Assessment of the Welfare of Trapped Mammals—Key Considerations for the Use of the Sharp and Saunders Humaneness Assessment Model,” *Animals* 12, no. 3 (2022): p. 3-4, <https://www.mdpi.com/2076-2615/12/3/402>.

⁶ Beausoleil, Baker, and Sharp, “Scientific Assessment of the Welfare of Trapped Mammals—Key Considerations for the Use of the Sharp and Saunders Humaneness Assessment Model,” p. 3-4.

⁷ The American Veterinary Medical Association, *AVMA Guidelines on Euthanasia* (June 2013).

⁸ Beausoleil, Baker, and Sharp, “Scientific Assessment of the Welfare of Trapped Mammals—Key Considerations for the Use of the Sharp and Saunders Humaneness Assessment Model.”

⁹ Ludders, J. W., Schmidt, R. H., Dein, F. J., & Klein, P. N. (1999). Drowning is not euthanasia. *Wildlife Society Bulletin*, 27(3), 666-670; the American Veterinary Medical Association: AVMA Guidelines for the Euthanasia of Animals: 2020 Edition at <https://www.avma.org/sites/default/files/2020-01/2020-Euthanasia-Final-1-17-20.pdf>

So-called “best management practices” may not be what’s best for wildlife

During discussions in the trapping BMPs stakeholder group, the HSUS agreed that the limited BMP recommendations proposed by the Vermont Trappers Association would not *worsen* animal welfare concerns. But we do not agree that they will *improve* animal welfare in any significant way.

Moreover, the use of the Association of Fish and Wildlife Agency’s (AFWA) Best Management Practices as a guide for Vermont, in whole or in part, is no guarantee that there will any measurable reduction in the suffering that animals in our state endure in traps. The AFWA BMPs were established following the 1995 prohibition on the use of leghold traps in the European Union, which also sought to prevent the export of furs from countries that continued to use those devices, including the U.S. and Canada.¹⁰ However, a compromise was eventually reached, allowing the U.S. to develop voluntary best management practices for trapping without actually moving toward a nationwide prohibition on the use of those devices.

Despite being touted as some kind of humane standard, the BMPs in fact allow for an unacceptable level of harm to trapped animals. This is because they rely on international scales of trauma and injury to assess trapped animal welfare that allow for some severe suffering to individual animals, as long as an average amount of suffering across all animals trapped is below a certain threshold. Notably, one of the scales allows for up to 30% of animals caught in restraining traps, such as leghold traps, to suffer from severe trauma, up to and including death. Animals caught in so-called killing traps, such as body-crushing traps, are allowed to suffer for up to five minutes before becoming permanently unconscious, and up to 30% of those animals can suffer even longer in agonizing pain.

The BMPs also fail to consider a holistic understanding of welfare. They fail to incorporate behavioral or physiological responses as measures of welfare, and they fail to account for the compounding effect of multiple lesser injuries that an animal might incur in the trap. They also assign low and moderate injury scores to some injuries that are capable of causing severe pain, such as a permanent tooth fracture, which by any reasonable measure can cause agonizing pain. The BMPs also allow for some injuries that may not be identified without the use of x-rays, they don’t consider how long an injury is present before the animal is killed, the long-term harms from some injuries for animals who escape or for non-target animals who are released, and they don’t provide guidelines on how animals, once caught, should be killed.

For instance, Gese et al. (2019) compared the usage of leghold traps to foot snares used to capture wolves (for research) and **found that many injuries are impossible to see on live animals and can only be discovered postmortem.**¹¹ Their study showed:

- 61% of wolves who were captured in leghold traps and 5% of wolves captured in cable snares sustained injuries to the feet and legs such as lacerations, punctures, and lost toes.
- 26% of the wolves captured in leghold traps had injuries to their mouths such as cut lips and lost teeth, while 77% of the snared wolves had injuries to their mouths including gum, tongue, and lip injuries.¹²

¹⁰ Tara Zuardo (2017) How the United States was Able to Dodge International Reforms Designed to Make Wildlife Trapping Less Cruel, *Journal of International Wildlife Law & Policy*, 20:1, 101-123, DOI: 10.1080/13880292.2017.1315278

¹¹ Eric M. Gese et al., “Injury scores and spatial responses of wolves following capture: Cable restraints versus foothold traps,” *Wildlife Society Bulletin* 43, no. 1 (2019), <https://doi.org/https://doi.org/10.1002/wsb.954>, <https://wildlife.onlinelibrary.wiley.com/doi/abs/10.1002/wsb.954>.

¹² Gese et al., “Injury scores and spatial responses of wolves following capture: Cable restraints versus foothold traps.”

Their research shows that even under the best conditions in which traps are monitored by researchers, wolves suffer grave bodily harm while restrained in leghold traps or snares. But many of those injuries are not detectable on live animals.

And though the BMPs suggest that specific trap types be used for specific animals, traps are indiscriminate—literally just pieces of spring-loaded metal—and frequently capture non-target animals like family pets and other wildlife.¹³ In particular, the BMPs fail to consider the suffering of other “furbearing” species when they are caught in the wrong trap type. For instance, while a specific type of leghold trap may effectively capture and cause less injury to foxes and coyotes, the same trap can just as easily capture raccoons and opossums, too, and cause much more severe injuries to those species.¹⁴ (In a brand-new study, researchers found that ticks, a favorite opossum prey, could be an important vector for spreading chronic wasting disease.¹⁵)

Finally, an AFWA survey found that trappers rarely follow the BMPs that it had created. Its 2015 report indicated that only 42% of trappers had heard of the BMPs. Of that 42% of trappers, only 66% currently use and plan to continue using the BMPs when they trap.¹⁶ That means that only 28% of all trappers are following the only, and insufficient, guidelines that the trapping industry has established to address animal welfare concerns.

The proposed rule appears to fall short of the intent of Act 165

Hounding, which is the use of packs of dogs to find and pursue coyotes and other wildlife, is considered unsporting even among many hunters because it gives unfair advantage to the hunter.¹⁷ Hounders may attach GPS collars to their dogs, who then run miles ahead and are not under the control of their owners. While pursuing coyotes and other target species, hounds chase, startle, panic and kill non-target wildlife, including deer.¹⁸ They may even chase coyotes into roadways, where oncoming vehicles could strike either species. And hounds invariably trespass on lands—whether on private land or on special refuges such as national parks where hounds are not permitted. This creates strife between landowners and hunters.¹⁹ If the hounding is conducted in the late winter or spring, dependent coyote pups may be orphaned and left to die of starvation or exposure, or may be killed by other carnivores.

¹³ Beausoleil, Baker, and Sharp, “Scientific Assessment of the Welfare of Trapped Mammals—Key Considerations for the Use of the Sharp and Saunders Humaneness Assessment Model.”; G. Iossa, C. D. Soulsbury, and S. Harris, “Mammal trapping: a review of animal welfare standards of killing and restraining traps,” *Animal Welfare* 16, no. 3 (Aug 2007), <Go to ISI>://000248518900005; S. Harris, C. D. Soulsbury, and G. Iossa, “Trapped by bad science: The Myths behind the International Humane Trapping Standards: A Scientific Review,” *International Fund for Animal Welfare*, (Nov. 2005); R. M. Muth et al., “Unnecessary source of pain and suffering or necessary management tool: Attitudes of conservation professionals toward outlawing leghold traps,” *Article, Wildlife Society Bulletin* 34, no. 3 (Oct 2006), <Go to ISI>://000242398700020

¹⁴ Iossa, Soulsbury, and Harris, “Mammal trapping: a review of animal welfare standards of killing and restraining traps.”

¹⁵ Inzalaco, H.N., Bravo-Risi, F., Morales, R. et al. Ticks harbor and excrete chronic wasting disease prions. *Sci Rep* 13, 7838 (2023). <https://doi.org/10.1038/s41598-023-34308-3>

¹⁶ The Association of Fish and Wildlife Agencies. (2015). Trap use, furbearers trapped, and trapper characteristics in the United States in 2015. Available at https://www.dfw.state.or.us/wildlife/docs/AFWA_Trap_Use_Report_2015.pdf.

¹⁷ C.W. Ryan, J.W. Edwards, and M.D. Duda, “West Virginia residents: Attitudes and opinions toward American black bear hunting,” *Ursus* 2 (2009); T. L. Teel, R. S. Krannich, and R. H. Schmidt, “Utah stakeholders’ attitudes toward selected cougar and black bear management practices,” *Wildlife Society Bulletin* 30, no. 1 (Spr 2002), <Go to ISI>://000175200100002.

¹⁸ Hank Hristienko and Jr. McDonald, John E., “Going in the 21st century: a perspective on trends and controversies in the management of the black bear,” *Ursus* 18, no. 1 (2007). Stefano Grignolio et al., “Effects of hunting with hounds on a non-target species living on the edge of a protected area,” *Biological Conservation* 144, no. 1 (2011/01/01/ 2011), <https://doi.org/http://dx.doi.org/10.1016/j.biocon.2010.10.022>, <http://www.sciencedirect.com/science/article/pii/S0006320710004702>.

Emiliano Mori, “Porcupines in the landscape of fear: effect of hunting with dogs on the behaviour of a non-target species,” journal article, *Mammal Research* 62, no. 3 (July 01 2017), <https://doi.org/10.1007/s13364-017-0313-5>, <https://doi.org/10.1007/s13364-017-0313-5>.

¹⁹ Hristienko and McDonald, “Going in the 21st century: a perspective on trends and controversies in the management of the black bear.”

The GPS and shock collars recommended in the proposed rule change may not meet the intent of Act 165, which **states that hounds should be under control of the coyote hunter**. It is impossible to control up to four dogs who could potentially be running in different directions without visual or physical contact. Since most Vermont coyote hounders already use GPS technology, it is unclear how this recommendation will decrease potential conflicts with landowners who have posted their land as closed to hunting.

Allowing the pursuit of one coyote with as many as four hounds also seems contradictory to **the directive of Act 165 to address the humane taking of coyotes**. By any reasonable measure, four trained, powerful hounds pursuing one terrified coyote is neither fair chase nor humane. By pitting domestic dogs against wild dogs, it is nothing more than a state-sanctioned form of dog fighting.

Act 165 also **asked Vermont Fish and Wildlife to consider prohibiting baiting**, which draws animals next to roads and residential areas and offers hunters even more of an unfair advantage. Members of the coyote hounding working group agreed to prohibit the baiting of coyotes for training purposes, but with no explanation, Vermont Fish and Wildlife ultimately removed that provision from its final proposal.

Finally, Act 165 **directs the rule to support “...the management of the population in concert with sound ecological principles.”** But to date, Vermont Fish and Wildlife has not provided any science-based evidence that their proposed rule comports with that directive. In fact, the practice of hounding is antithetical to sound ecological principles.²⁰

Wildlife belongs to all Vermonters, who should have a say in how their wildlife is managed

The wildlife of Vermont is held in the public trust, to be managed for the benefit of all Vermont residents—not just the small percentage who seek to kill them in traps or by hounding.

Recent landmark research titled the “America’s Wildlife Values Project” found that animal welfare has become an increasingly important concern for the general public, and the number of those who value wildlife as “part of their extended social network” has grown.²¹ That survey also found that nearly 10% more Vermont residents consider themselves to be “Mutualists,” believing that humans and wildlife are meant to coexist, than those who consider themselves “Traditionalists,” believing that wildlife should be managed for human benefit. Further, in that survey more than 70% of Vermont residents agreed that they should strive for a society that emphasizes environmental protection over economic growth. And a 2019 survey of American attitudes towards hunting by the National Shooting Sports Foundation and Responsive Management found that 71% of Americans disapprove of trophy hunting, and even more disfavor trapping.²²

²⁰ *Supra* notes 17 and 18.

²¹ Manfredo, M.J., Sullivan, L., Don Carlos, A.W., Dietsch, A.M., Teel, T.L., Bright, A.D., & Bruskotter, J. (2018). *America’s Wildlife Values: The Social Context of Wildlife Management in the U.S.* National report from the research project entitled “America’s Wildlife Values.” Fort Collins, CO: Colorado State University, Department of Human Dimensions of Natural Resources. <https://sites.warnercnr.colostate.edu/wildlifevalues/>

²² The National Shooting Sports Foundation Report: “Americans’ Attitudes Toward Hunting, Fishing, Sport Shooting and Trapping 2019” at <https://asafishing.org/wp-content/uploads/2019/04/Americans-Attitudes-Survey-Report-2019.pdf>.

There is no question that the demand for fur is disappearing, largely because policymakers and fashion companies have become aware of the cruelties associated with the fur industry, including trapping. The sale of new fur products has been banned throughout the entire state of California, and 16 municipalities around the country have similar bans or partial bans, including six communities in Massachusetts. Additional state and local policies are currently under consideration.

The fur market is bottoming out as supply far outpaces demand and a rapidly growing list of fashion designers, department stores, and prominent apparel companies reject it, including Prada, Armani, Versace, Michael Kors, Jimmy Choo, DKNY, Burberry, Chanel, Alexander McQueen, Moncler, Balenciaga, and

Dolce & Gabbana. (Fig. 1) In 2021 the prominent fashion magazine *ELLE* announced that it will no longer allow the advertising of fur products or the use of fur in its photoshoots.²³ Last year, one of Russia’s largest fur retailers announced it would be closing its factory and selling its remaining stock because of declining sales.²⁴

Nationwide, wildlife watchers and those who participate in non-consumptive outdoor recreation outnumber and outspend hunters and trappers by a wide margin.²⁵ (Fig. 2 and Fig. 3).

Fig. 1



²³Kim, L.: “Elle Ditches Fur In Magazine And Online Content Worldwide.” *Forbes*, December 2, 2021 at <https://www.forbes.com/sites/lisakim/2021/12/02/elle-ditches-fur-in-magazine-and-online-content-worldwide/?sh=3088474a8991>

²⁴Labutina, Daria: “Russian Fur Retailer Kalyaev to Close Factory Following Sales Decline.” *Business of Fashion*, January 14, 2022. <https://www.businessoffashion.com/news/global-markets/russian-fur-retailer-kalyaev-to-close-factory-following-sales-decline/>

²⁵The U.S. Fish & Wildlife Service: National Survey of Fishing, Hunting, and Wildlife Associated Recreation (2016) at <https://www.census.gov/content/dam/Census/library/publications/2018/demo/fhw16-nat.pdf>; and Dept. of Commerce Bureau of Economic Analysis, “Outdoor Recreation Satellite Account, U.S. and States, 2021” <https://www.bea.gov/data/special-topics/outdoor-recreation>

Fig. 2

USFWS: Wildlife Recreation Participation & Expenditures: 2011 vs. 2016 data From: <i>2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation</i>			
	2011	2016	Percent change
Wildlife watchers	71.8M	86.0M	20
Wildlife watcher expenditures	\$59.1B	\$75.9B	28
Hunter numbers	13.7M	11.5M	-16
Hunter expenditures	\$36.3B	\$25.6B	-29

Fig. 3

Outdoor recreation spending in the U.S. (2021) From: <i>U.S. Bureau of Economic Analysis</i>		
Activity	Spending [in millions of dollars]	% of total
Hunting and trapping	4,831	1.27
Other outdoor recreation	62,796	16.5
Trips and travel	123,860	32.6
Total outdoor recreation	380,471	100.00

In Vermont, tourists spend millions of dollars in local economies to view wildlife and enjoy outdoor spaces. The National Park Service reports, “In 2021, 48.0 thousand park visitors spent an estimated \$3.1 million in local gateway regions while visiting National Park Service lands in Vermont. These expenditures supported a total of 40 jobs, \$1.4 million in labor income, \$2.4 million in value added, and \$4.1 million in economic output in the Vermont economy.”²⁶

According to the Bureau of Economic Analysis in the U.S. Dept. of Commerce, outdoor recreation in Vermont generated \$1.5 billion for the state’s economy in 2021. Of that figure, hunting and trapping generated a little over one percent. Participants in snow activities spent more than 12 times that much, and people spent more than 33 times as much on travel and tourism in Vermont (Fig. 4).²⁷

²⁶ National Park Service, “2021 National Park Service Visitor Spending Effects Report,” <https://www.nps.gov/subjects/socialscience/vse.htm>

²⁷ Dept. of Commerce Bureau of Economic Analysis, “Outdoor Recreation Satellite Account, U.S. and States, 2021” <https://www.bea.gov/data/special-topics/outdoor-recreation>

Fig. 4

Outdoor recreation spending in Vermont (2021) From: <i>U.S. Bureau of Economic Analysis</i>		
Sample outdoor activities	Spending [in thousands of dollars]	% of total
Hunting and trapping	17,691	1.2
Game areas (includes golfing and tennis)	57,613	3.7
Snow activities	215,049	14
Travel and tourism	594,020	38.6
Total outdoor recreation	1,539,280	100.00

The actions of an extremely small—and shrinking—segment of our state’s population should not jeopardize the safety and well-being of Vermont’s wildlife, companion animals, non-target species and public land users with these practices. Further, the values and viewpoints of the vast majority of Vermont residents who oppose these practices should be seriously considered by this Board.

Conclusion

For the reasons stated above, the Humane Society of the United States finds the proposed rule by Vermont Fish and Wildlife does little to nothing to improve animal welfare for trapped animals or coyotes being pursued by hounds, and does not need the mandates set forth by the legislature. Thank you for your time and attention.

Sincerely,



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