

Testimony by Dr. Karen Bradley on H.164

Dear Members of the House Committee on Agriculture and Forest Products,

Thank you so much for the chance to speak to you today.

In considering H.164, it seems the goal is really to have something more specific in place so that animal control officers (many of whom may be elected townspeople completely untrained in what we might consider the best practices for animal care and well-being) are tasked with determining what is adequate shelter and the statute is often what they have to rely on which leaves a lot to interpretation. Often, as veterinarians, we are fine with some room for applying standards to the specific animals but unless we are consulted as part of that process, they may not be applied as consistently as we'd like. The language in this bill applies only to dogs who are "to be maintained predominantly out-of-doors."

After review by our Vermont VMA, the following are the changes suggested:

Page 3, lines 8-10: replace the sentence, "Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 10 minutes or by symptoms of frostbite or hypothermia." We suggest an added sentence (similar to USDA language included below) such as **"Dogs that are ill, infirmed, injured, very young or old, or unequipped with a haircoat suitable for a cold climate shall not be maintained out-of-doors in temperatures below 50 degrees. Shivering due to cold is evidence of inadequate shelter for any dog."**

Page 3, line 11: We have no specific evidence of how long a lead needs to be, so we can't offer an opinion on whether or not four or five dog-lengths is sufficient. We do, however, have a VVMA position statement about tethering in general and I have it included below for your perusal.

Professionally yours,
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From the USDA:

<http://awic.nal.usda.gov/final-rules-animal-welfare-9-cfr-part-3>

(excerpt here because it is VERY long—includes summaries of comments, etc. and seems to be from 1991)

Sec. 3.4 Outdoor housing facilities.

(a) Restrictions. (1) The following categories of dogs or cats must not be kept in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

(i) Dogs or cats that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(ii) Breeds of dogs or cats that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-haired breeds in cold climates); and

(iii) Sick, infirm, aged or young dogs or cats.

(2) When their acclimation status is unknown, dogs and cats must not be kept in outdoor facilities when the ambient temperature is less than 50 deg.F (10 deg.C).

(b) Shelter from the elements. Outdoor facilities for dogs or cats must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for dogs or cats must contain a roof, four sides, and a floor, and must:

(1) Provide the dogs and cats with adequate protection and shelter from the cold and heat;

(2) Provide the dogs and cats with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;

(3) Be provided with a wind break and rain break at the entrance; and

(4) Contain clean, dry, bedding material if the ambient temperature is below 50 deg.F (10 deg.C). Additional clean, dry bedding is required when the temperature is 35 deg.F (1.7 deg.C) or lower.

(c) Construction. Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. Metal barrels, cars, refrigerators or freezers, and the like must not be used as shelter structures. The floors of outdoor housing facilities may be of compacted earth, absorbent bedding, sand, gravel, or grass, and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin. All surfaces must be maintained on a regular basis. Surfaces of outdoor housing facilities--including houses, dens, etc.--that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

<https://www.vtvets.org/temp/ClientImages/VTVMA/80a1f978-e9ca-476a-84da-4c50098fbd37.pdf>

VVMA Policy Statement Position on Dog Tethering

Dog tethering is generally defined as the tying of a dog by rope or chain to a stationary object. When used continuously and for extended periods of time, tethering is an undesirable method of companion animal husbandry. Vermont statutes prohibit tethering “in a manner that is inhumane or detrimental to [the animal’s] welfare.” [Title 13, Section 8, 352:3]. The Vermont Veterinary Medical Association (VVMA) believes that most instances of continuous, long-term tethering are, in fact, inhumane and detrimental to the welfare of the tethered animal and thus constitute cruelty.

The VVMA believes that dogs are inherently social animals that are genetically programmed to live in close contact with others. Tethering is “solitary confinement,” and has predictable negative impacts on both the tethered dog and on other animals or people who may stray into the dog’s territory. Continuously tethered dogs are improperly socialized, and their instinct to defend their territory is exaggerated by their inability to avoid a fearful situation by running away. This fosters territorial aggressive behavior.

In addition, chained dogs are at risk from other animals and from humans. They are “sitting ducks,” and may be trapped in potentially terrifying or harmful situations. There is no physical barrier to prevent either unsuspecting young victims or potential aggressors from approaching the tethered dog. Tethers can also become tangled around or hooked on the dog’s shelter structure, or around his limbs or neck, causing injury or strangulation.

Other issues associated with tethering include the greater likelihood of accompanying neglect, cruelty and abuse, and the greater likelihood of nuisance barking leading to neighborhood complaints.

The American Veterinary Medical Association (AVMA) has stated in a 2003 forum on dog bite prevention: “Never chain or tether your dog because this can contribute to aggressive behavior.”

In 1996 the USDA issued a statement in the Federal Register against tethering, stating: “Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane.”

Adopted by the VVMA Executive Committee 9/10/09