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**Testimony by Lisa Nelson, VMD
Senate Committee on Judiciary
H. 218, an act relating to adequate shelter of dogs and cats
April 26, 2017**

Thank you very much for the opportunity to speak to you today. I am Dr. Lisa Nelson, a veterinarian. I am a past President of the Vermont Veterinary Medical Association, have served on multiple VVMA committees, and am currently on the Animal Welfare committee. I have also served as president of two Vermont humane societies and have been involved with animal cruelty investigations.

I very much appreciate the opportunity to have served as the Vermont Veterinary Medical Association representative to the Animal Shelter Working Group, along with representatives from the Humane Society of the United States, the Vermont Federation of Dog Clubs, and Rep John Bartholomew. I can attest to the amount of work and collaborative thinking that went into crafting this proposed new language starting in 2015. This bill has the strong and collective support of veterinarians and animal organizations in Vermont. We all share the belief that this bill will improve welfare of dogs and cats in Vermont by providing enforcement agents with a specific checklist and measurable standards when they review cases of alleged animal cruelty.

The two major issues for proposed new language relating to dogs and cats are (a) minimum size of living space for dogs and cats (where a living space is a principal primary housing) and (b) adequate shelter for dogs maintained outdoors in enclosures, with proposals for standards of construction, and conditions of temperature, shade etc. This bill does not provide guidance for design of ideal animal housing; these enforceable benchmarks are minimums which, if not met, would constitute substandard animal care and animal cruelty.

As to living space size, the proposed language specifically states that the dog must be able to, in a normal manner, turn about freely, stand, sit and lie down. These are performance benchmarks, which must be met. H.218 allows for two options to determine if living space size is adequate. Each option originates from the federal Animal Welfare Act (AWA): the one based on length of dog is also part of the American Veterinary Medical Association's Model Bill and Regulations to Assure Appropriate Care for Dogs Intended for Use as Pets. Practically speaking, the formula for determining adequate living space size based on length of dog requires a tape measure and a calculator or smart phone, or a copy of the AWA chart.

The enforcement agent simply has to measure the dog, do the calculations or refer to the chart. The adequate space size formula for length takes into account performance standards for dogs—an 80 lb English Bulldog may not require the same amount of living space as an 80 lb Irish Setter, based on breed characteristics and activity levels. Simply providing excess living space has not been shown to necessarily benefit the welfare of dogs. The VVMA supports H. 218 adequate living space requirements, as they are compliant with accepted federal and veterinary criteria and as the minimum size of living space, in H.218, is determined by whichever formula (weight or length of dog) provides the greater space.

As to shelter for dogs maintained outside in enclosures, the minimum standards for construction of the shelter are specific and address environmental protection. The proposed language also says that dogs that cannot tolerate prevalent area temperatures, for the reasons stated, shall not be maintained outdoors even if the list of minimal engineering requirements are met or exceeded in an outdoor shelter.

A livestock guardian dog is defined in H. 218 as a purpose-bred dog, specifically trained to live with livestock, being used to live with and guard livestock, and is acclimated to local weather conditions. This shelter exemption does not apply to a livestock guardian dog that is not actively guarding or a dog that happens to be of a livestock guardian breed but is indeed a pet, has not been specifically trained, and is not in use guarding livestock. Livestock guarding dogs prefer to stay with their sheep/livestock and may not enter a shelter but prefer to have full view of their surroundings and the livestock. Also, livestock guarding dogs will burrow into the middle of a flock to stay warm. The VVMA supports testimony previously presented by people actively involved with livestock guarding dogs that shelters for these dogs would be of no benefit, as the dogs would choose to stay with the livestock. I have references to research on this issue in my written statement if you're interested in more information on this.
Reference <http://www.omafra.gov.on.ca/english/livestock/sheep/facts/10-033.htm>

The Vermont Veterinary Medical Association believes that these changes are necessary to provide enforcement agents with the tools they need when they review cases of alleged animal cruelty. The current statutes are confusing and unclear, and these changes are necessary to hold animal-owning Vermonters accountable to minimum standards, and to improve animal welfare. The VVMA strongly supports passage of this bill and I am happy to address any questions you may have.

Thank you for your time and consideration of this important legislation.

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