

# Public Workshop for Proposed Animal Care Standards

## Dog Workshop Minutes

December 5, 2011, 3:30 – 5 PM

Scope of Workshop: The purpose of the workshop was to discuss specific animal care standards for dogs.

Attendance: Approximately 35 people, including animal control officers, Alaska State Troopers (AST), dog mushers, Iditarod Trail veterinarian, USDA/APHIS veterinarian, and other private citizens. All comments listed below are from citizens or organizations (where specifically noted) unless noted as DEC comments or responses. “OPEN” items are noted for further research and will be discussed further during future sessions.

### 1. Several aspects of shelter were discussed:

- AST: We should clearly define expectations for what “shelter” does.
- Confined shelter vs. non-confined shelter should be defined.
- When considering shelter and primary confinement, a minimum square footage might be a better rule than a chain radius. Specific guidelines were provided to DEC by participants. DEC will review and consider for further discussion. (OPEN)
- What are the goals of dog shelter?
- Shelter should include protection from heat injuries as well as cold.
- Certain breeds may need insulated shelter.
- Shelter (and restraint) Requirements for sled dogs and pets should be separated due to different needs.

*DEC Comment:* It became more apparent through the process of discussion that shelter can be difficult and tricky to define, because of the different types, such as pens, huts, kennels, fences, roofs, overhangs, lean-tos, and the possible function of tethers within the system. The draft regulation has initially approached shelter from a functional perspective. Rather than requiring specific types of shelter, we thought it more practical to define what the end results of inadequate shelter might be, i.e. hypothermia, etc. There are pros and cons to both approaches, and this topic will be further addressed at future meetings. The DEC will review information submitted by participants and may draft some alternative verbiage about shelter and restraint for consideration at next meeting. (OPEN)

### 2. Restraint and its relationship to shelter were discussed:

- Minimum square footage vs. tether or chain radius is a piece of both shelter and restraint, depending on whether the animal is temporarily tethered or spends its time primarily tethered/chained.
- Ketchikan Borough Animal Protection: issues citations for dogs chained without further shelter. Code states: [20.60.005 Humane Treatment, \(a\) Fail to provide an animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary services and with humane care and treatment as is necessary to maintain the good health of the animal.](#)
- How might the regulation address temporary restraint for non-sled dogs?
- How do “leash laws” fit into the picture?  
*DEC Comment:* We had not considered possible requirements for leashing animals as a method for improving animal welfare. It could improve their safety; however, the wide range of what dogs do outdoors makes it difficult to write a rule that would be all encompassing. Dogs that are recreating outdoors with their owners are always at some risk of injury, just like their owners, but we know they like to go. Leash laws are typically city or local ordinances, to best tailor them to the needs of the locality involved. Simple failure to adhere to a leash law does not seem like a criminal offense, although the consequences of such failure might be.
- Choke or cinch type collars are hazardous. They are not appropriate when the owner is not present. Their use should be limited.  
*DEC Comment:* We would like to see examples of functional wording for this issue for further discussion. (OPEN)
- What is the definition of restraint?  
*DEC Comment:* It has not yet been defined in the draft regulation. The word itself is not in the first draft. All regulations have a definitions section at the end, which clarifies selected terms within the document. The actual need to define the word “restraint” and the final definition (if formally defined) has yet to be determined. This also applies to the word “shelter”, which is used in the first draft. As we discuss restraint and shelter in future workshops, and as the regulation draft is refined, we will define as clearly as needed.
- What about dogs unsecured in the back of open bed pickup trucks? Should there be a rule against this? If they are in the bed of the truck, there may be acceptable and unacceptable ways to restrain them.
  - Fairbanks-North Star Borough (FNSB) has an ordinance stated as such: [“No vehicle operator shall fail to safely restrain an animal within the confines of an open motor vehicle or pick-up truck so as to prevent the animal from jumping, falling, or reaching out.”](#) This code carries a \$100-300 fine for

violation, and is enforced by Borough Animal Control. They have the discretion to issue warnings or simply provide education.

- It is illegal in the state to carry unsecured loads in the back of a truck or trailer.
- *DEC Comment:* We will consult with Dept of Law about this might apply to dogs. (OPEN)
- *DEC Comment:* We would like to see other examples of such codes within the state (or from other states) to get an idea of how such rules are worded, what level of penalty is involved, and who enforces them. How many other such codes exist within the state at this time? (OPEN)
- Dogs who hang their heads out the open window of a moving vehicle can injure their eyes.
- FNSB Animal Control: Dogs being left in parked vehicles with the windows wide open is a problem in warm months. They might jump out or bite people walking by.

3. Possible sanitation requirements were discussed for their use in ensuring a healthy environment for dogs.

- Musher: Most people shovel poop daily.
- There should be a rule mandating a minimum frequency of cleaning.
- Dog “facilities” in Anchorage must be cleaned twice weekly.
- Facilities should be cleaned as needed.
- Too much fecal matter build up attracts insects and is unsanitary, especially for tethered dogs that cannot get away from them.
- Some kennels have no means of disposal for their feces, and just pile it up somewhere on their property.
- We all know that one foot deep is too deep; perhaps a maximum percentage of ground covered by feces would be appropriate as a standard.
- AST: We should define a minimum standard that law enforcement can objectively measure. A rule stating frequency of cleaning is not measurable or enforceable. Also, an animal must be suffering in visible distress in order to be investigated.
- *DEC Comment:* The first draft approaches sanitation from an endpoint perspective, with visible skin (or hoof) disease being considered evidence of excessive build up of feces, urine, or water. Visible skin disease might be difficult for a peace officer to see upon initial or cursory examination, and we wonder, at what point in the investigation would he/she be legally allowed to put hands on the animal without a search warrant? A veterinarian should be able to decide if

there is skin disease and make a reasonable determination of whether it is likely that unsanitary conditions are the cause. In some cases the law officer may only be able to consult with a veterinarian by phone or by sending pictures, which could make diagnosis more difficult. How much excrement is too much is a subjective judgment, further complicated by the challenge of cleaning up after snow, ice, melting, freezing, etc. in a wide variety of living confines for dogs. We all think we know “it” when we see “it”. It may be better to try and further define “how much is too much” vs. just causing skin disease (or some other criteria...although we don’t know what that might be). It seems likely that in a case where there is way “too much”, there may also be other aspects of animal care that are substandard. Poor sanitation is a problem of gradual levels and could be suited for graduated levels of violations with a range of civil and/or criminal penalties, which we do not have available to us under statute. Nevertheless, Alaska Law says that failure to provide “an environment compatible with protecting the good health and safety of the animal” is a criminal act. The DEC has the responsibility to give veterinarians, the public, and courts of law the best guidance possible; whether in regulation, or ideas for local codes or state legislative actions. We would appreciate participants providing other examples of ordinances that exist on this topic. We will consult with the Department of Law and DEC attorneys on how this issue might play out in an actual criminal case. As we get more information we will share that in the workshops and then focus the discussion toward specific proposed verbiage. (OPEN)

#### 4. Medical care:

- “Reasonable medical care” needs a clear definition.
- Another participant believed that “reasonable” is typically decided by a judge and jury in a court of law.
- *DEC Comment:* The DEC will get a legal opinion on how “reasonable” is defined under statute and how its use might apply in animal cruelty cases. The word “reasonable” is used in the regulation as a nearly direct quote from the statute on animal care. (OPEN)
- Rural areas lack veterinary services.  
*DEC Comment:* The statute requires reasonable medical care to the extent available. We recognize that this does not fix the problem of lack of veterinary services, but it does serve to not make a criminal out of a person who cannot obtain veterinary services.
- Affordable veterinary care is a big need.

- There should be allowances in the regulation for animals under veterinary care for such things as fasting, poor body condition, etc.
- 24 hours seems too long to allow between feeding and watering.

#### 5. Body condition:

- There should be body condition scoring (BCS) standards for dogs, as there are in the draft for livestock. The Purina system adopted as a Mush with Pride guideline was proposed. The system has scores from 1 (too thin) to 9 (too heavy). A score of two or below should be unacceptable. A score of seven should be unacceptable.
- *DEC Comment:* We will consider the inclusion of BCS standards in the regulation. It seems that longer hair coats might make eyeball inspection of animals difficult, which is similar to the enforcement problem of seeing skin disease. The first draft contains provisions for shelter and other care topics taken from the 1993 Mush with Pride guidelines. A newer version (2009) has been submitted and its contents will be considered for possible incorporation. (OPEN)

#### 6. Other Concerns or Comments:

- Several participants thought that it would be good to have separate meetings for sled dogs; others felt it was not as practical.

*DEC Comment:* We understand the need to allow for different types of dogs and their lifestyles, but there are many issues that apply to all dogs. As we progress through the issues, we may schedule future meetings limited on specific topics.

- Regulations for border crossing and airlines should be looked at for consideration.
- When will we talk about cats and other pets?
- Second class boroughs do not have police powers to enforce the state animal cruelty laws or the regulations under such law. The Alaska State Troopers can't make animal investigations as high a priority as people would like.

*DEC Comment:* We understand that the enforcement issue is a significant challenge and will make it a topic for further discussion. AST is participating in the workshop process and wants to improve the overall enforcement also. The DEC does not have authority to change or elaborate on the enforcement of animal cruelty laws. We will discuss the enforcement piece and make every effort to clearly define the functionality of the laws and the regulations. We

need to fully comprehend the enforcement piece to make the best decisions about the content of the regulations. (OPEN)

- Several participants prefaced their remarks with statements such as, “We know these are only minimal standards...”

*DEC Comment:* It is apparent that many people wish for stronger standards than can be adopted under statute. It is also evident from discussions to date that many types of animal neglect or abuse may lend themselves to more specific rules enacted by local governments. This is related to the police powers issue noted above, and will be discussed at future meetings. (OPEN)