

# Public Workshop for Proposed Animal Care Standards

## Workshop Minutes

January 5, 2012, 3:30 – 5 PM

### Scope of Workshop:

The purpose of the workshop was to discuss specific animal care standards for dogs, including household pets and sled dogs. The goal of the meeting was to gather public comments on the most current draft of the care standards for dogs, specifically the revised wording for shelter and environment, including sanitation. Proposed body condition scoring standards were also included for participants to consider.

Attendance: Approximately 25 people, dog owners, veterinarians, animal control agencies, Straw for Dogs, mushers. Comments are from participants unless noted as from DEC. Items marked as “(OPEN)” are for further research or discussion at future workshops.

1. Environment/shelter: DEC proposed new draft language to clarify that a dog on a tether does not need a hut big enough to stand up in. We also added minimum living space requirements for discussion. This is in addition to a required a minimum 5 foot chain with a 360 degree radius (78 square foot area) for dogs kept tethered. Further topics discussed were how to define confinement space and shelter and what constitutes each, as well as drainage requirements for just the shelter vs. the confinement area or living area.

### Comments:

- “Confined space” should be the same as “shelter”
- Shelter = element protection; shelter needs drainage; confinement area should be the area protected from the elements
- Shelter should be specifically required to be provided by the caretaker, not just natural environmental elements. Tying a dog to a tree is not adequate, but might be interpreted as allowable under current draft verbiage.
- The State should not prescribe how people shelter their animals.
- Musher: I feel that “confinement” and “shelter” should be addressed as two different issues, as each has a separate purpose. Confinement is a pen, run, kennel, cage, tether or other means used to prevent the dog from straying or running at large. Shelter is natural or human constructed structure that provides protection from environmental conditions.

- Musher: Defining “primary living space” as a space in which the animal spends 50% or more of his or her time should be sufficient for law enforcement purposes.
- Shelter needs better definition, with more specifics, i.e. roof & walls or 3 sides and a top
- Natural environmental elements does not provide enough detail
- Likes the concept of square footage minimum and the chart size minimums
- Should there be any mention of growing puppies in the minimum size requirements? Should the size be based on eventual adult size?
- What about shelter during “outdoor time” for an animal. (i.e. How do we allow for access to adequate shelter at all times?) Shelter standards should be the same for all dogs (allowing for breed characteristics, etc).
- “At all times” is not a good idea. There should not be minimum size standards. This is too much detail for enforcement.
- The proposed size standards would be for a general living area, not a doghouse, correct?

*DEC Comment: Correct*

- Cannot envision how natural barriers would protect adequately.
- A goal oriented approach to adequate shelter might be best because the methods of providing adequate shelter could vary widely depending on weather conditions.
- Drainage should be provided for the living or confinement area as well as the shelter.
- Many community members want to see specific requirements so that an adequate shelter must be provided by the caretaker. A real dog house, insulated or not, is a must for Alaskan weather. We feel that in our climate considering a tree or overhang, shelter is not humane and every caretaker should be tasked with providing real shelter. It is a minimal requirement that is reasonable and enforceable. We ask that such wording be considered:

*Ketchikan Borough Animal Protection code 20.60.005 Humane Treatment states: It shall be unlawful for a person to: (a) Fail to provide an animal owned or in the custody of such person with adequate food or water, proper shelter, veterinary services and with humane care and treatment as is necessary to maintain the good health of the animal.*

*DEC Comment:* We will continue to review other laws for possible functional verbiage on this issue. We welcome further inputs from the public on this topic. There are two possible directions to take with shelter.

#1. General verbiage that leaves the decision strictly up to the veterinarian as to whether the animal has adequate living conditions. The problem with this approach is that vets may have differing opinions on the matter, or be unsure. The complexity of the discussion on shelter and confinement shows the challenge of defining what is adequate but also points out the difficulties in applying verbiage that is specific enough yet flexible enough to minimize confusion. Most other states and localities tend to have such general descriptions of an adequate environment; however, they do not necessarily have the veterinarian's opinion clause as is required by Alaska statute.

#2. More specific verbiage that defines objective criteria to assist in decision making. The challenge with this approach is to make it fit as many situations as possible, yet still be understandable and clear for the investigators. It is simply inhumane to keep an animal in too small of an area for the majority of its life. In general, we believe that a minimum living area requirement is needed to establish a threshold, so that people know what the limit is, rather than have that be decided by the subjective determination of any one veterinarian. Without any specific rule, a citizen could be in trouble and not even have any way to know it. Dimensions of a pen or length of a tether can easily be measured for enforcement. A larger area of confinement provides the animal a better opportunity to get out of its own excrement. Defining adequate shelter is a more complex issue, and may lend itself to a more "end point measured" approach, such as evidence of hypothermia. Unfortunately, this approach might not be as effective at preventing animals from abuse, because they would have to be suffering, or worse, dead for the owner to be in violation.

2. Sanitation: DEC posed the following questions for discussion:

Is the endpoint of skin disease the best measure, or should there be a practical "eyeball" method that can be defined and would it be general enough to fit many situations?

Can specific frequency of cleaning be defined and practically applied?

For both questions, why or why not and in what situations?

Comments:

- Musher: A maximum of 25% of the dog's living area should be the limit of fecal matter build up. This assumes another 25% is covered in urine, and any more than this would lead to "dirty dog syndrome".

*DEC Note:* Dirty Dog Syndrome is a condition in which a dog grows up in an environment where it has no place to defecate and urinate other than where it lays. Normal dog behavior is to avoid its own excrement. When a dog has no other option, it eventually no longer cares about whether it lays in its own excrement. This condition can be difficult to reverse once an animal is affected.

- 25% is too much to allow. Scooping once a day should result in much lower than 25% coverage.
- 25% is way too much. Recommend verbiage such as:

*An animal owner or custodian shall maintain all areas, where an animal is kept and to which it has access, in a clean and sanitary condition and free from objectionable odor.*

- Judging whether manure build up is excessive could be tricky because an investigator might catch the caretaker right as they are about to clean up on a regular schedule.
- An alternative might be that fecal material is removed at intervals that are healthy. Frozen stuff is not as bad. Small living areas are more problematic.
- 25% is too high. Maybe a better approach would be allowing access to clean areas.
- Defining a percentage of livable area that is free of excrement could be a better option.
- Regarding sanitation, we believe that a percentage point might actually be hard to enforce, especially in a large area or when snow covers the ground. If a large yard was to get 50% full of feces, it would be a big problem for the neighbors, and of course the dogs and the family living in such conditions, long before it would hit the 50% mark.
- Poop covered by snow is not a clean area.

*DEC Comment:* Reminder that the Alaska State Troopers stated that a cleaning frequency is not very enforceable. They need something more measurable.

*DEC Comment:* Regarding sanitation, if we adopt a rule that is general, as has been drafted already or something like one of the other proposed wordings, then the burden of the decision of what is "too much excrement" rests strictly on the veterinarian's subjective judgment, without any further guidance. The complexity of the discussion points out the distinct possibility of an accused individual using another vet's opinion to argue successfully in court that they in fact were not failing to maintain the good health

and safety of the animal. The high burden of proof of “beyond a reasonable doubt” makes it seem less likely that a prosecutor might actually take on such a case. A more objective measurement might help define for a vet and a court what is the limit. It might even be difficult to prove that excrement caused skin disease in court, as was proposed initially. DEC will continue to research this issue and is awaiting a legal opinion on some of these types of questions. (OPEN)

3. Body Condition Scoring (BCS): See chart below. Pros and cons of using this BCS chart to assess adequate feeding were discussed. A score of two or lower would be defined as inadequate feeding. This is consistent with other 1-9 scoring systems such as that used for horses. Comments:
- A healthy working sled dog would score a “4”.
  - An animal with a score of “2” should be obvious enough to an investigator and would leave no doubt about the animal being starved.
  - Musher: Difficulty in ‘eye-balling’ body condition of long coated dogs. Long coated dogs do need to be assessed by palpation rather than visually. Any long coated dog that appears too thin provides probable cause (reasonable grounds to believe that a crime has been committed and that fruits of the crime will be found...). That probable cause can be used by a trooper or Animal Control Officer to secure a warrant or (depending upon circumstances) place hands on the dog for proper and more thorough assessment. We may have to accept that some skinny and emaciated dogs may be missed, but enforcement is never a 100% proposition, even in ideal circumstances. This nonetheless provides the troopers / ACOs with a tool they can use to articulate either the reasonable suspicion or probable cause necessary to more closely investigate cases of suspected neglect. Let’s remember than any dog seized under these regulations will need to be examined by a licensed veterinarian, who may determine the dog is OK (prompting return to the owner with apologies) or not OK, prompting formal criminal charges. A BCS of 2 or lower would be definitive evidence of neglect in the absence of disease. I would submit that most working sled dogs would score a 4, and a few that are nonetheless healthy and performing well might even rate only a 3.
  - A score of “2” is too low a threshold. Even a “3” is too skinny to be healthy.
  - Some working dogs could appear to be too skinny (a “2” or “3”) but might still be healthy. The chart might be difficult to enforce.
  - Mat-Su Animal Control: Would healthy sled dogs possibly be a “2”?
  - Iditarod Veterinarian: Supports the BCS scale. Does not feel that healthy sled dogs should rate a “2”. Re-iterated the importance of veterinary palpation as the true examination, not just judging by the pictures.
  - Healthy Italian greyhounds may appear too skinny according to the chart.

- Condition score of “2” is not healthy. Pictures may not be the best measuring tool.
- Will we address overweight dogs? There should be rules for those as well.
- What about obese cats?
- *DEC Comment:* We recognize that overweight animals are less healthy, and that owners should limit their feed intake. It would seem likely that anybody with an overweight animal could say that the animal was on a weight reduction diet and that would basically satisfy the draft language about allowing for reasonable time to improve. By law, when adopting regulations, the DEC must give substantial weight to typical practices and standards in the United States. We know of no other such rules anywhere; therefore, it would be quite far apart from standards around the country to adopt such a rule.
  - Significant muscle loss is indicative of severe underlying metabolic disease.
  - Should the chart be “definitive for” or “indicative of” inadequate care?

*DEC Comment:* Because dogs come in various shapes and sizes and with different thicknesses of hair coats, a general picture of a dog in various body conditions may not perfectly depict the condition of any particular animal being examined. Like the other BCS systems proposed for livestock, a true assessment is described in writing and requires palpation to fully assess. The use of a BCS system combined with the veterinarian’s judgment of allowances for any possible breed specific idiosyncrasies makes a stronger and more objective assessment possible. It would seem that this should make for stronger court cases in cases of cruelty. The reality is that getting such cases investigated and prosecuted is very difficult. The likelihood of somebody being prosecuted for a borderline case of neglect is very small. We have not heard of it happening. Having clearer standards further lowers the chances of that happening. In starvation cases, there will likely be other failures to provide minimal care, which would add up in the total decision of whether to file charges against the animal owner. DEC will research for other picture examples that might be useful. (OPEN)

#### 4. Open Forum/New Topics

Comments:

- Are the standards applicable to shelters and rescue operations?
  - i. We should differentiate between long term and short term housing
  - ii. Fairbanks Animal Control: Two weeks is a usual stay for an animal there.
  - iii. Animals’ living conditions might be grouped into four categories: permanent, temporary, short-term, and long-term
  - iv. There should be no special exceptions for long term situations

- v. How long would the animal have to have been living at a shelter before it might be considered long term or permanent?
  - vi. *DEC Comment:* We recognize that temporary living situations may need different rules or some sort of exemption from a minimum size requirement for living space. Certainly, many boarding kennels, including veterinarians who board animals may not routinely keep animals in such large spaces. It could cause undue costs to renovate established facilities for animals that are kept short term. We would need to define how long an animal can be kept in a smaller living space, and how to word such an exemption for facilities without a veterinarian. (OPEN)
- Will there be rules about what types of tethering systems can be used for dogs?
    - i. One proposal was: “No person may cause an animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the animal’s neck or to a choke collar. “
    - ii. Another was: “tethers used to confine dogs must incorporate a separate, non-constrictive, flat collar of durable, ¾ inch or wider material.”
    - iii. The actual restraint around an animal’s neck should not be metal chain. It causes nasty skin infections, especially in the summer time. It should be leather or fabric construction.
    - iv. Regarding dogs kept on chains, I would HIGHLY recommend either adopting the same square footage requirement as for dogs kept in pens, or specifying that tethers for dogs must consist of a central tether point offering a full circle (360 degrees) of motion. Otherwise, people WILL attach chains to the sides of buildings, barns, junked cars, fences or other structure that cuts the space available to the dog by 50%.
  - v. *DEC Comment:* We need to hear more about what types of systems people are using and why and how they work. Simple slip knot systems directly around the neck can strangulate dogs. (OPEN)

Draft language that was discussed at meeting:

**Dogs.**

(a) The dog’s environment must provide relief from the elements such as excessive wind, excessive temperature and excessive precipitation that result in hyperthermia, hypothermia, or be detrimental to the dog’s health.

(1) Relief can be accomplished with natural environmental elements including but not limited to trees, land, windbreaks, overhangs, or other natural weather barriers or constructed shelters.

(2) All shelters should be elevated or drained to disallow accumulation of water, urine, and fecal material.

(b) Any area in which a dog is confined as its primary living space must be of sufficient size to allow the dog to stand up on its hind legs without touching the roof, turn around, and stretch out. It must provide at least the square footage listed in the following table:

Body Weight kg (lb.) of Dog	Minimum Floor Area m <sup>2</sup> (ft. <sup>2</sup> ) per Dog		Minimum Height cm (in.)
	Housed Singly	Housed in Groups*	
less than 5 (11)	4.5 (48.4)	1.0 (10.8)	150 (59.1)
5-10 (11-22)	4.5 (48.4)	1.9 (20.5)	150 (59.1)
10-25 (22-45)	4.5 (48.4)	2.25 (24.2)	200 (78.7)
25-35 (45-77)	6.5 (70.0)	3.25 (35.0)	200 (78.7)
more than 35 (77)	8.0 (86.1)	4.0 (43.1)	200 (78.7)

*DEC Note: Primary living space might be defined as where the animal spends over 50% of its time confined to that area.*

(c) Dogs kept on chains shall be provided at least a 5 foot tangle-free chain with 360 degree radius (78 square feet of living area).

(d) A hut, dog house, or similar type shelter used in conjunction with a pen or chain system does not have to meet the minimum size requirements listed above. Smaller shelters with insulation as needed may provide more warmth during cold weather.

(e) Animals must be transported or housed in an area with adequate drainage and sanitation to prevent excessive build up of feces, urine, or water. “Excessive” is defined as adequate to cause visible skin or hoof disease.

# CANINE HEALTH BODY CONDITION SYSTEM™

This is the Body Condition System™ that was developed and tested at the Purina Pet Care Center.

1. **EMACIATED** Ribs, lumbar vertebrae, pelvic bones and all bony prominences evident from a distance. No discernible body fat. Obvious loss of muscle mass.

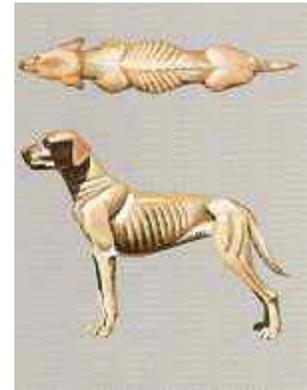
2. **VERY THIN** Ribs, lumbar vertebrae and pelvic bones easily visible. No palpable fat. Some evidence of other bony prominence. Minimal loss of muscle mass.

**DEC Comment:** A “2” or lower would be definitive for inadequate care.

3. **THIN** Ribs easily palpated and may be visible with no palpable fat. Tops of lumbar vertebrae visible. Pelvic bones becoming prominent. Obvious waist and abdominal tuck.

4. **UNDERWEIGHT** Ribs easily palpable, with minimal fat covering. Waist easily noted, viewed from above. Abdominal tuck evident.

5. **IDEAL** ribs palpable without excess fat covering. Waist observed behind ribs when viewed from above. Abdomen tucked up when viewed from side.



6. **OVERWEIGHT** Ribs palpable with slight excess fat covering. Waist is discernable viewed from above but is not prominent. Abdominal tuck apparent.

7. **HEAVY** Ribs palpable with difficulty, heavy fat cover. Noticeable fat deposits over lumbar area and base of tail. Waist absent or barely visible.

8. **OBESE** Ribs not palpable under very heavy fat cover, or palpable only with significant pressure. Heavy fat deposits over lumbar area and base of tail. Waist absent. No abdominal tuck. Obvious abdominal distention may be present.

9. **GROSSLY OBESSE** Massive fat deposits over thorax, spine and base of tail. Waist and abdominal tuck absent. Fat deposits on neck and limbs. Obvious abdominal distention.

