

## Public Workshop for Proposed Animal Care Standards

### Dogs Workshop Minutes

February 23, 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 newer revised wording for shelter and environment, including sanitation. Approximately 25 people attended, including various animal shelter, animal control, and animal rescue representatives. Several comments were received via e-mail from dog mushers and veterinarians. Comments are from participants except where noted as from DEC.

#### 1. Open items from last month

- Shelter: various aspects of shelter requirements were discussed last month. See the discussion below:

DEC Comment: 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. Sanitation is necessarily linked to living space. 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.

The DEC has reviewed other state rules. Some specifically state that natural shelter can be utilized. None were found that expressly prohibited natural shelter. Generally, they require “adequate” protection from the elements without further definition. The rules regarding cage confinement situations tend to get into more specific detail about shelter, but they are focused on indoor cage rearing operations. Some states prescribe exercise allowances for dogs kept in close confinement.

Shelter Comments:

- Prefer more specific requirement for man-made shelter. Natural shelter may be inadequate.
- Prefer to see split set of rules, separating out sled dogs due to their different needs. Perhaps best to say what exceptions there could be for sled dogs.
- Need for basic shelter to be defined as “insulated”, and allowing for movement within the shelter.
- Opposed to allowing for natural elements as shelter.
- Airline travel crates are sometimes used as shelter for dogs and they are not adequate.
- Anchorage Municipal Code utilizes an endpoint requirement.
- Metal structures are not adequate, wood is generally OK. We should require straw or some other bedding. Sled dogs nowadays may be mixed breeds with shorter hair and less cold tolerance.
- Without acceptable/affordable veterinary care, this standard will cause problems. Overpopulation is a big problem.
- Dog houses end up flooded in water at break up. Pallets work well to elevate the living space. Need recommendations for structure to minimize.
- Participant #11: Opposed to such a structure requirement, pallets are not available in remote communities. We use legs on dog houses.
  - *DEC Comment:* The following statement is in the original first draft of the regulation: “(2) All shelters should be elevated or drained to disallow accumulation of water, urine, and fecal material.” Would this be an acceptable way to cover the issue in general?
  - Participant #11: Yes.
- The rule should not be too restrictive. Airline crates may work in some situations, i.e. Ketchikan.
- Dogs should be able to escape or get out and move around.

*DEC Comment:* The standards will provide for the minimum level of care. They will need to be broad enough to allow for varying dog living conditions and will still require the professional opinion of the veterinarian, as required by law.

- Sanitation: Sanitation was discussed at length last month. Pros and cons of various possible approaches were explored. 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. Also, it might be difficult to prove in court that excrement caused any skin disease, as was proposed initially.
  - The State Attorney General’s office was consulted on this issue. Their recommendation on “how much could be too much?” is that the DEC should consult other federal and state rules for possible approaches to wording. Regardless of the wording of the regulation, this issue is going to be a judgment call by the DEC or other veterinarian.
  - Other states’ rules were reviewed. Most have general statements about healthy environments, “excessive” buildup, not causing disease, clean and sanitary, etc. Some require daily cleaning. These are typically for dogs confined to cages. Two more slightly more specific approaches are listed below for participants to comment on:

#1. “Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material must be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests, or vermin infestation.”

#2. 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.

Sanitation Comments:

- Likes #1 in general.
- Likes #1 (and #2, although not as much). What about fecal disposal? The DEC should address waste. Feces should not be dumped within 100 feet of a well. Surface waters can also get contaminated. Recommendations for fecal disposal should be put out.
- Likes #1.

- What about defining a maximum percentage of fecal matter that covers a dog's living area, as was discussed at the previous meeting?  
*DEC Comment:* We have reviewed many other state regulations for ideas on this possible approach. None utilize such verbiage. It seems more practical to say that the animal has relief from its own excrement, although that may not allow for very much relief. There are advantages to having a more general rule and allowing the testimony of the investigator and veterinarian to simply describe filthy conditions.
  - Can we use the word "reasonable" in the regulation to define an acceptable level of sanitation? It is a commonly used word in laws.  
*DEC Comment:* We could use the word "reasonable" if appropriate. The Department of Law would help us determine if its use works best for the intended purpose or if another word might better.
  - What if a person has 70-100 dogs? How often would cleaning be required?  
*DEC Comment:* Other states do not typically use specified cleaning frequencies except in cage confinement situations. Alaska State Troopers have told us that they would have a difficult time enforcing such a rule. We believe that a general endpoint measured level of sanitation, such as those options above, or the original draft will work best for practicality and enforcement. Original draft: "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."
- **Body Condition Scoring:** The Purina Dog Body Condition Scoring System was discussed last month as a method for determination of starvation or malnutrition. The DEC has not found any alternative illustrations for dog body condition scoring, or any other similar systems. The Purina Company has been contacted to see if their chart may be utilized as a reference. In general, we like the idea of the chart. It gives dog owners, law enforcement, and veterinarians an objective criteria or idea of what is acceptable. We and the other vets who have participated do not feel that it would score any type of healthy dog as unacceptable. The chart itself would be utilized by the veterinarian, so they would still be able to utilize their professional judgment in any questionable situation.

**Body Condition Scoring Comments:**

- This is great for vets, but what about a large hairy dog? It may be difficult for the laymen to assess.
- Many sled dogs run very thin although they are in good health. We need a veterinarian familiar with working dogs to make the assessment. Handling a strange dog could be stressful on the dog and dangerous for the person.
- Agrees with previous comment. Sled dogs can look too thin.
- Mushing dogs might look thin but there is a distinct difference between a healthy, yet thin dog and a starving dog.
- The actual starving sled dogs are the problem. Active mushers should have no problem.

*DEC Comment:* Veterinarians who specialize in mushing dogs and all veterinarians who have commented in the past have stated that they do not believe any healthy sled dog would rate a “2” or unacceptable on the Purina Body Condition Scoring System. The system is referenced in the 2009 Mush with Pride Guidelines. If no BCS system is adopted, then any determination of starvation would be completely up to the veterinarian’s opinion. That vet would need to describe how thin the animal(s) may be. They would need to explain that in detail to a court, as happened recently in a trial in Alaska. The vet in that case referenced the BCS system as a standard reference of comparison. It would seem that a more objective system would be better than a completely subjective one. Starvation is perhaps the most serious type of animal cruelty commonly seen and warrants the best possible tools for investigation and enforcement.

- Temporary Shelters: Informational. Possible differences in living space minimums or specific sanitation requirements might be appropriate for temporary shelters. Temporary shelters are not defined. This item will be addressed in a future meeting. (OPEN)
- Tethering in open bed pick-up trucks. Previous participants asked about this issue. The State Attorney General opinion is that the state law against loose objects does not include animals. So, to prohibit dogs from riding loose in the back of trucks, it must be done through regulations.

Tethering in Open Bed Pick-Up Truck Comments:

- Fairbanks-North star Borough has an ordinance against it. Supports a state regulation against it. Human safety is a big factor. Loose dogs can bite people walking by.
    - *DEC Question:* Does the Fairbanks rule include boats or ATV’s?
    - The ordinance clause is stated as follows:  
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.
  - If tethering is allowed, there are different techniques, such as a dual tether so they can’t jump out.
  - Anchorage has such a double tether rule.
  - There should not be such a rule for boats.
  - The rule should be applied to ATV’s.
  - Supports the rule for trucks and cars, but not for boats and ATV’s. Sometimes when mushing dogs, they get tired, and the musher may need to lay the dog across his lap on an ATV to get it home.
2. Tethering: Proposals regarding tethering were presented by participants at the last meeting. They included:
- i. “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. “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%.”

Tethering Comments:

- Likes #1. Sees embedded collar problems.
- Likes other state rules on choke chains.
- Are there any time limitations for tethering? There should be specific time limits. Will research and provide DEC further information. (OPEN)
- Likes the idea of no choke collars. Supports a five foot minimum radius.
- A dog house would decrease the available space for a dog tethered outside as its normal confinement.
- Likes “tangle-free” verbiage.
- Also likes “tangle-free”.
- Wants five feet or five times the length of the dog as a minimum chain length.
- *DEC Comment:* The most common verbiage in other states on collars is as follows: “Restraints may not use a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog”. Such rules typically have exceptions for supervised activities, such as walking, hunting, etc.
- *DEC Comment:* Various states have differing tether length minimums, ranging from 4 to 10 feet and/or 4-5 times the length of the dog. There are disadvantages to too long of a chain, including more risk of tangling, and dragging feces around on the ground.
- *DEC Comment:* One commenter brought up the fact that they often use homemade leather or fabric collars that might not fit the description of a “flat dog collar”, but are safe and effective.

3. Open Forum Comments:

- Lack of affordable veterinary care is the biggest problem, that could raise animal care standards more than anything. The DEC should encourage and support low cost spay-neuter clinics. Fairbanks and remote areas don’t have it. Vets should do it at low cost.
- The SPCA does low cost spay-neuter in Anchorage. Mat-Su put one on. There was another similar effort in Fairbanks.

- SPCA representative: No state I know of drives such low cost clinics. They are run by charitable organizations.
- Public education is critical. People need convincing and peer pressure to spay and neuter their animals. Even when the services are offered at low cost, people do not necessarily utilize them. More vets in Fairbanks are doing these. People should take more responsibility for their pets.
- Tanana has no veterinary services available.
- The state used to sponsor a lay vaccinator program for rabies. The state should re-start the program. Animals in most villages are not current on their rabies vaccinations. This is a public health threat.
- The lay vaccinator program was cut from 20 villages in 2007.
- *DEC Comment:* We understand the public health concern. There have been human exposures to rabid and potentially rabid animals, but fortunately, no human cases of rabies. We will discuss the status of the lay vaccination program with the Department of Health, who manages it. Throughout the history of government efforts in public health it has always been a challenge to quantify prevention and secure funding for programs against competing priorities.
- House Bill 179, an addendum to the animal cruelty statutes is being considered. It increases the penalty for animal cruelty in cases of five or more animals die or suffer severe physical pain or prolonged suffering.
- Anchorage Code addresses animals in trucks:

An animal may be humanely attached in or to a vehicle in a public place, provided the animal may not:

- a. Be capable of removing or detaching itself from the vehicle;
  - b. Be attached so as to fall, jump, be thrown from or dragged by the vehicle;
  - c. Be exposed to prolonged inclement weather; or
  - d. Pose a threat to public health and safety or the safety of other animals.
- What about animals used for tourism concessions? There is an increased use of sled dogs for tourism. This activity seems to not be regulated in any way. The dogs may not get rest or be subject to any care standards. They may spend too much time on a glacier with no protection from the sun, overheating, etc. The operators may be from out of state. The dogs need a break from work. There should a standard for overworking.