

HB2724,

HD1

LATE



THE HUMANE SOCIETY
OF THE UNITED STATES

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**Testimony in SUPPORT WITH AMENDMENTS
HB 2724; Relating to Offenses Against Public Order
HB 2725; Relating to Animals
Senate Judiciary and Government Operations Committee
March 12, 2010, 935am**

**Submitted by: Inga Gibson
Hawaii State Director
The Humane Society of the United States**

Dear Honorable Chair Taniguchi Vice-Chair Takamine and Committee Members:

On behalf of our 49,315 members and supporters of the Humane Society of the United States in Hawaii, I would like to thank you for this opportunity to speak in **strong support of HB 2724**; permitting dog tethering if only meeting certain specifications. We also appreciate the opportunity to provide the below, critical suggested amendment:

- Section 1 (g) (iv) When the dog is under the age of two months. Should be changed to (iv) When the dog is under the age of six months

Even the largest breed of dog is still too small and too young, physically and developmentally, to be tethered to a stationary object at the age of only 8 weeks. The most common provision, found in similar dog tethering laws across the country, requires that a dog must be at least 6 months of age.

The introduction of this measure could not be more timely. More than 100 ordinances across 30 states have recently been enacted to prohibit certain types of chaining. In addition, local media has recently reported a number of dog bites and a proposal to prohibit certain breeds of dog. The most effective, efficient and affordable way to reduce dog bites is to prohibit the inhumane practice of chaining, coupled with strong dangerous dog and anti-dogfighting laws.

Tethering Causes Aggression - a Threat to Public Safety

The practice of chaining or tethering leads to aggression in dogs—even in dogs who start out friendly and docile. Continuously tethered dogs become lonely, bored, territorial, and aggressive. Like many animals, dogs react to perceived threats with a “fight or flight” response. Because tethered dogs do not have a “flight” option, they are more likely to respond aggressively to perceived threats—whether it’s another animal or an unlucky child who happens to enter their territory.

Chaining is a known risk factor for dog bites. Health and Public Safety professionals have long recognized a connection between chained dogs and dog bites. For example, in a 1994 edition of the journal *Pediatrics*, researchers found that chained dogs are nearly three (2.8) times more likely to bite than unchained dogs and over five (5.4) times more likely to bite children than unchained dogs.¹

¹ K.A. Gershman, Jeffrey J. Sacks, and J.C. Wright, “Which dogs bite? A case-control study of risk factors,” *Pediatrics* 93 (1994), 913-917.

Numerous attacks on people by tethered dogs have been documented. For example, a study published in 1985 in *Public Health Reports* showed that half of the dogs involved in severe attacks on humans were chained during the attack or broke free from their chains to attack.² Tragically, the victims of such attacks are often children.

The United States Department of Agriculture and American Veterinary Medical Association also note the negative effects of chained dogs:

USDA – United States Department of Agriculture

From the Federal Register Vol. 1, No. 68 (July 2, 1996): “Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts the dog’s movement. A tether can also become tangled around or hooked on the dog’s shelter structure or other objects, further restricting the dog’s movement and potentially causing injury.”

AVMA – American Veterinary Medical Association

From press releases dated May 17, 2002 and May 5, 2003 for National Dog Bite Prevention Week: “Never tether or chain your dog because this can contribute to aggressive behavior.”

Scientific study

From the study *Which Dogs Bite? A Case Control Study of Risk Factors*: “Our finding that being chained in the yard may be a risk factor for biting is in agreement with prior studies which have demonstrated that chained dogs account for a substantial portion of serious and fatal bites.”

Constant Tethering is Inhumane

Dogs are pack animals and are naturally social. Chained dogs live an isolated existence that is contrary to their own instincts. This lack of socialization is part of what makes chained dogs more dangerous.

Chained dogs are at risk of getting hurt. Aside from the psychological harm endured by chained dogs, they are at risk from a number of other dangers. Weather conditions such as extreme heat or flooding can adversely affect a chained dog’s health. Plus, chained dogs cannot escape attacks from people or other animals. Also, it is not uncommon for chained dogs to strangle themselves if their tether gets tangled or caught on another object. In many cases, the necks of chained dogs become rubbed raw and covered with sores, the result of poorly fitted collars and the dogs’ constant yanking and straining in desperate attempts to escape confinement. Dogs have been found with collars embedded in their necks, the result of years of neglect at the end of a chain.

We again appreciate the opportunity to support this important measure with the above amendment.

Please contact me at (808)922-9910 or igibson@humanesociety.org if I may provide additional information.

² John C. Wright, PhD, “Severe Attacks by Dogs: Characteristics of the Dogs, the Victims, and the Attack Settings,” *Public Health Reports* Vol. 100, No. 1 (January-February 1985), <http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1424716>.

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March 11, 2010

Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice Chair
Senate Committee on Judiciary and Government Operations
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Testimony on HB 2724 HD1

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

On behalf of the Kauai Humane Society, we appreciate the opportunity to comment on HB 2724 HD1, Relating to Offenses Against Public Order.

As the animal control contractor for the County of Kauai and as the Humane Society dedicated to protecting Kauai's animals since 1952, we strongly support the intent of this bill to establish minimum requirements for tethering a dog. We work very closely with the agriculture community and their working dogs here on Kauai. This bill was not intended to prohibit supervised or attended tethering of dogs such as when they are learning to work cattle on a ranch or tied to a car while out for a family gathering. This bill is intended to protect the welfare of those dogs who live their life on the end of a chain or a tether unsupervised or unattended.

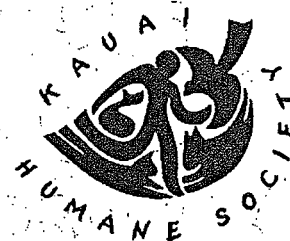
We strongly recommend the following language be added back into this bill:

- Tethered dog cannot reach within five feet of property line
- The minimum age of a dog allowed to be tethered is six months
- The tether be required to be at least five times the length of the dog and at least ten feet long.

Thank you for the opportunity to voice our support of this bill.


Rebecca H. Rhoades, D.V.M.,
Executive Director

3-825 Kaunualii Hwy.
P.O. Box 3330
Lihue, Hawaii 96766
phone: 808-632-0610
fax: 808-632-0727
www.kauaihumane.org



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2343 Rose Street, Honolulu, HI 96819
Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272
Fax: (808) 848-1921; e-mail: info@hfbf.org

TESTIMONY

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

March 12, 2010
9:30 AM
Room 16

HB 2724 HD1 RELATING TO OFFENSES AGAINST PUBLIC ORDER

Chair Taniguchi, Vice Chair Takamine, and Members of the Committee:

The Hawaii Farm Bureau Federation (HFBF), on behalf of our farm and ranch families and organizations, offers the following comments on HB 2724, Relating to Offenses Against Public Order.

We understand that the intent of this bill is to prevent harm to pet dogs and the public by not allowing dogs to be tethered except under certain limited circumstances. It is believed that tethering causes aggression in dogs and that, along with frustration, boredom, and loneliness, makes them more likely to jeopardize the safety of the community by biting people around them.

HFBF was concerned with the original language of HB 2724 because it did not take into account the traditional practices of Hawaii's farm and ranch families to use working dogs to move livestock from one pasture to another or gather them towards and into a corral where they can be cared for. The House amended the bill and this **House Draft 1 has taken our concerns into consideration and appears to allow the use of tethers to keep working dogs safe while they are learning their trade.**

The amendments are justified because the tethering of working dogs does not instill aggression in the dogs and they would therefore not present a threat to public safety. Working dogs love their job, but especially while they are young and in training, they do require periodic tethering to keep them out of harms' way. We presented very detailed testimony in the previous hearing explaining some of the ranch practices requiring dog tethering.

This is a summary of working dog practices and why they require tethering:

A well-trained cattle dog is a valuable part of the ranching team. He can take the place of at least three men driving livestock in open pastures. Livestock working

dogs typically begin training at twelve weeks of age and although the work periods are brief, the pup must learn basic field work commands at a very early age or he is unlikely to become a successful livestock working dog.

Younger “trainee” dogs especially, have so much enthusiasm that they find it difficult to lay about and just watch the ranchers do their work. They are tethered near the older dogs to learn how to sit or lay patiently and watch, but not enter, the corral where it is chaotic and potentially dangerous for them to be.

The young dogs are restrained by short chains in a shady spot next to the corral during the work, which could take several hours depending on the size of the herd and the job. Because this activity often occurs in very remote locations with no vehicles around to hold a transport crate or similar enclosure, there is no alternative way to ensure the immature dogs’ safety and training.

Even if available, crates and trailers heat up in the sun and can become uncomfortably or even dangerously hot for the working dog. Additionally, use of a crate or trailer “disconnects” the dog from the livestock (they lose contact and interest) and this connection is a major part of the training.

We believe that under the circumstances outlined above, tethering is not cruel, it is responsible animal stewardship.

Thank you for considering the concerns of Hawaii’s farm and ranch families.

We appreciate that our needs have been addressed by the specific language incorporated into HB 2724 HD1.

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**Late Testimony of the Office of the Public Defender, State of Hawaii,
to the Senate Committee on Judiciary and Government Operations**

March 12, 2010

H.B. No. 2724 HD1: RELATING TO OFFENSES AGAINST PUBLIC ORDER

Chair Taniguchi and Members of the Committee:

We oppose the amendments to H.B. No. 2724 HD1 suggested by the Hawaiian Humane Society. This bill in its current form is sufficient to prevent the improper tethering of pet animals. However the suggested proposals that a tether be not less than 10 feet long and that a tethered animal not be allow to roam within 5 feet of the owner's property line are problematic.

These suggested provisions completely ignore the small residential property lots which are common in this state. Many pet owners do not have a ten foot distance between the sides of their homes and the neighboring properties. Even if they do, they would not be able to comply with the requirement that the tether be at least 10 feet long while still having space for a five feet distance to the property line. Furthermore, oftentimes a pet owner must place a dog on a tether less than 10 feet long to prevent the dog from getting into areas that the animal should not enter for its own protection.

Finally, the provisions of the bill would be largely unenforceable because animal care officials would not have access to pet owner's properties to assess the safety of the enclosures. These provisions are mostly likely to be used by feuding neighbors who will enlist the help of the restictions to file complaints against their adversaries.

Thank for the opportunity to comment on this measure.