

June 1, 2007

Re: AB 1634, "CA Healthy Pets Act" as amended April 30

Dear President Faoro and the CVMA Board of Governors,

As a past president of the California Veterinary Medical Association, founder of the California Council of Companion Animal Advocates that sponsored biannual Pet Overpopulation Symposia (now the Animal Care Conference), member of the American Veterinary Medical Association Animal Welfare Committee and the National Council on Pet Population Study and Policy, author of the CVMA and AVMA positions on early spay/neuter, past chairman of the Orange County Animal Shelter Advisory Board, and recipient of the Hill's Animal Welfare and Humane Ethics Award as well as being selected as an AAHA Regional Practitioner of the Year, I have devoted my professional life to trying to understand the many factors that contribute to the continuing problem of animal relinquishment and euthanasia. I, like most veterinarians, believe that spay/neuter is one of the most important parts of the solution to this national disgrace. Unfortunately, this divisive legislation will not help and may aggravate the situation for the following reasons:

- Most veterinarians are very conservative about government incursion into their private lives and businesses. It is naïve to invite the legislature into professional decision making. If they can tell us that we must perform a procedure then they can tell us we can not perform a procedure.
- It is inappropriate to mandate a controversial and possibly life threatening surgical procedure. As CVMA has argued in the past, decisions of this magnitude should be made after consultation between the owner and their veterinarian.
- As has been published in our journals, not all animals benefit from prepubertal gonadectomy before four months of age. Growth-related problems, urinary incontinence, and behavioral problems have all been reported in higher numbers in animals neutered at such an early age.
- It seems inappropriate for a profession to legislate a procedure that only they can provide. We all know that we lose money on spay/neuter procedures. However, several legislators see our defense of declawing and requirement for spay/neuter as nothing more than protecting our "turf" and stimulating income and several dog breeders wondered what would keep spay/neuter prices from going up. We must remember that "perception is reality." Our public image could be seriously damaged if there is exploitation of this unintended opportunity.
- The number of animals being euthanized in California shelters has dropped steadily for more than two decades despite the continuous population increase in

families with pets. Importantly, the numbers continue to drop **faster** in shelters that are in jurisdictions that do **not** have mandatory spay/neuter.

- The majority of animals euthanized (approximately 60-70 percent in most shelters) are unowned or unwanted, stray and feral cats. This bill will not impact this population in any way.
- There are so few puppies and small dogs in many shelters that they “import” them from other shelters in California, other states and/or **foreign countries**.
- A large percentage of the dogs counted as euthanized are DOA, old, ill, injured, or behaviorally unacceptable. The actual numbers of these animals are unknown due to incomplete record keeping by the sheltering community.
- The majority of dogs euthanized are medium to large mixed breed individuals (many of them pit bull crosses) belonging to irresponsible owners who are hard to identify and who will never comply with this law and are noncompliant with many other community laws.
- The number of young, healthy, well socialized, adoptable animals euthanized is much smaller than the humane and sheltering community has claimed.
- The number of animals euthanized continues to decline each year and varies greatly from area to area within the state. Why do we need a coercive, punitive and intrusive “broad brush” state law, when this is clearly a local issue?
- As it is agreed that breeders of pure bred dogs and cats are relatively small contributors to the shelter euthanasia numbers, why are they being required to fund the implementation of this law with fees (often quoted between \$100 and \$200 per year) to simply own an intact animal that may never be bred? Owners of intact animals are already paying a differential licensing fee. **Why impose increased taxation on this law abiding community?**
- It is elitist to only allow pure bred dogs an exemption. We all acknowledge that many of the greatest family pets are mixed breeds. Surely, it is not anyone’s desire that we only have pure bred dogs.
- If passed this law will be very unfair to the economically disadvantaged. They are, as a community, poorly educated about pet population control, often culturally averse to neutering their pets, have the least ability to afford this surgery, have little access to low cost clinics in most communities and often do not have transportation. Although this community contributes disproportionately to the numbers of animals impounded, I don’t think there is any political will to deprive them of their pets. In order to have the desired effect, the law would require fines, sterilization at the owner’s or the public’s expense, or impoundment. No one wants to deny these families the benefits of animal companionship. And yet, if we fail to address this segment of society; how will this bill reduce shelter euthanasia?
- If this bill is passed, it will fail to solve the euthanasia numbers because animal relinquishment is not a problem of too many dogs and cats but one of too few responsible owners. The steady decrease in animals being euthanized in shelters can be accelerated through cooperative effort among veterinarians, animal control agencies, humane activists and dog and cat breed clubs encouraging responsible ownership through enforcing regulations already in place, gathering more useful information in the shelters, designing more effective and better targeted

educational materials and delivery systems, differential licensing fees, vaccinating and licensing cats, encouraging owners to keep cats indoors, encouraging spay/neuter of cats allowed outside, microchipping, and providing mobile low cost spay/neuter.

- Even if it was possible to “turn of the faucet,” as Assemblyman Levine likes to say; there would be little reduction in the cost of shelter operation. As hospital owners know, most costs are **fixed** (facilities, administration, trucks, equipment, etc.) The shelter can’t even reduce staff as we can in private business. Unfortunately, a reduction in the numbers of animals entering the shelter will only effect a small reduction in the overall cost to the taxpayer. This is demonstrated by the steady **increase** in animal control budgets over the last two decades despite the number of animals entering the shelters and the number of animals euthanized **decreasing** significantly.
- The method of accounting, linking the overall cost of animal control to the number of animals euthanized, exploited by the sponsors of this bill is very misleading. Using this method, the cost of each euthanasia goes up as the number of euthanized animals goes down. The use of this tactic is dishonest, disingenuous or, at best, misinformed.
- Reducing the number of pet animals born in California will not reduce the demand for puppies and kittens. This reduction, particularly of well bred and socialized animals, will leave the people of California vulnerable to puppy millers from California and other states, unregulated internet sales, sellers of animals smuggled across the border and unscrupulous brokers of animals imported from Eastern Europe and Latin America. If these animals are poor representatives of their breeds, poorly socialized or unhealthy-and they usually are; many will end up in the shelter. Isn’t it better to buy animals from people you can question face to face, premises you can inspect, and breeding stock you can see?
- If low cost spay/neuter in the shelters is to be part of the solution, who will provide the service? The shelters have had difficulty filling their veterinary positions for years. If shelters decide, as has been suggested in San Diego, that technicians can bridge the short fall; we will, again, have to fight the battle about technicians being allowed to perform surgery. Do animals in the shelter deserve a lower standard of care than those taken to private veterinary hospitals?
- Although the bill allows local jurisdictions to issue an intact animal permit for guide dogs, service dogs, signal dogs, and dogs used in law enforcement and for rescue activities; it does not allow for intact animal permits for those animals that are bred to produce these dogs.
- An unfortunate result of mandatory spay/neuter in many jurisdictions in California and around the nation is an initial increase in shelter euthanasia rates and decreased licensure, as people try to drop out of the system. This will decrease shelter revenues and may cause fewer animals to be vaccinated against rabies, possibly contributing to a public health problem. This is, quite possibly, why the Peninsula Humane Society is not a supporter of this bill. As Hurricane Katrina and other disasters have demonstrated, it is important to know which families have pets. We need to encourage people to enter the system, not drive them away.

- Requiring veterinarians, as has been suggested in San Jose, to report the reproductive status of animals along with our rabies vaccinations reports, will result in some owners not seeking veterinary care for their animals. How will this serve animals or public health we are sworn to protect?
- An unforeseen consequence of passage of this bill will be denial of Maddie's Funds to any community in California. These funds, which are available for collaborative programs to achieve no kill status, are not available to any community with mandatory spay/neuter.
- CVMA has allied with AHA and HSUS, two animal rights organizations that have attacked our profession unceasingly and who will continue to do so. CVMA has simultaneously made opponents of the AKC and CFA. Both organizations are made up of our clients and have, historically, been our allies. The AKC Canine Health Foundation is the largest donor of money exclusively for canine research, over one million dollars each year. CFA, through the Winn Foundation, is among the largest donors of money for research for cats. A large percentage of this money is funding research at UC Davis.
- Political inconsistency is both frightening and ironic. CVMA sued for the right of people to decide with their veterinarian about the appropriateness of declawing their cat and now CVMA would legislate this more dangerous and invasive surgery. The other proponents of this bill are predominately "pro choice." Yet, paradoxically, they would deny animal owners "choice" about sterilizing their family pets and want to mandate this, possibly, life threatening surgery as they continue their efforts to legislate against ear cropping, tail docking, declawing, etc.

The CVMA has always been known as an organization that is science based, thorough, deliberate and open in its decision making. In this case the CVMA has let its membership, the people and the animals of California down. CVMA did not seek or ignored statistics about the problems associated with mandatory spay/neuter and seems unaware of readily available information about the factors contributing to animal relinquishment from sources like the National Council on Pet Population Study and Policy. To be successful in solving such a multifaceted problem, it is important to bring all contributing groups together. Instead of being the **rational** voice in this difficult arena, CVMA was swayed by the **emotional** cry, "we have to do something." More important, this decision was made without the input of CVMA's membership. CVMA has always used the governors, delegates and the California Veterinarian to poll its membership when making decisions of this magnitude. I know of no one in my district who was aware of your deliberations before this decision was made.

This proposal interferes with citizens' rights, fails to address the major sources of animals entering shelters, punishes the law abiding and the poor, reduces the availability of good quality pets, leaves California's citizens vulnerable in their search for family pets, and exacerbates the ill will among the groups that need to work

together to develop workable strategies to reduce the number of unwanted dogs and cats euthanized in our shelters each year.

Ultimately, as past experience has shown, this coercive, punitive, intrusive law will retard the progress that has been made in the past two decades. CVMA can and should do better than this. Abandon this bill and provide the leadership necessary to bring **everyone** (veterinarians, humane activists, animal control agencies, dog and cat breeders, feral cat caretakers and other knowledgeable interested parties) together to develop effective ways to reduce the number of unwanted dogs and cats entering our shelters.

Sincerely,

John A. Hamil, DVM
Past President, CVMA