

THE ANIMAL COUNCIL

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March 20, 2006

Via Facsimile: 916-324-0917

Senator Liz Figueroa

Chair, Senate Committee on Business, Professions & Economic Development

State Capitol, Room 2053

Sacramento CA 94814

Attention: Laura Metune, Committee Consultant

Re: SB 1578, Dogs: tethering prohibition. OPPOSE

Dear Ms. Figueroa and Committee Members:

We oppose SB 1578 prohibiting dog tethering with limited exceptions and request inclusion in the listed opposition for the Bill Analysis in your committee.

THE ANIMAL COUNCIL (TAC) a California nonprofit, public benefit, tax-exempt [§501(c)(4)] corporation was founded in 1991 to seek positive, humane solutions to animal public policy issues through study, analysis and application of animal husbandry, statistic, economics and law, and at the same time preserve humane benefit from all species, breeds and registries.

ADEQUATE EXISTING LAW

Anti-tethering laws have become popular based on the fiction that tethering is abusive and creates dangerously aggressive dogs. Improperly done, these can happen but such instances are already addressed by existing law including local tethering laws in urban areas and Penal Code 597t at the state level. There are also other applicable local and state laws applicable when tethering is associated with instances of harmful or injurious equipment, lack of care or shelter or dangerous dog behavior.

TETHERING IS SAFE, PRACTICAL AND REASONABLE

Fencing and other means of containing dogs are not always available, feasible or safe. Tethering may be the best and safest option given individual facts and circumstances.

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In cities where fences are the norm and unsupervised small children more likely to find access to tethered dogs, either their own or neighbors', ordinances have been enacted to regulate tethering. SB 1578 would require use of a tether timer and log to document each situation of tethering by anyone needing to tether a dog for any purpose throughout California – an impractical and unreasonable standard for the public.

UNCERTAIN, VAGUE STANDARDS

This bill would also create uncertainty in anyone's mind as to what methods and conditions would be approved or disapproved by local animal control authorities.

DISCRIMINATORY ENFORCEMENT

It will also instigate another round of local ordinance changes with additional variations as well as unwritten local policies that invite discriminatory enforcement in ways that may be based on dogs' breeds, owners' race, social class or location.

TRAVEL, PICKUP TRUCKS AND UNFORSEEABLE CIRCUMSTANCES

Owners and others are responsible for controlling dogs in a variety of circumstances, both foreseeable and not, including emergencies and disasters, at home and away and in travel. In fact, this bill appears to prohibit tethering a dog in an open truck bed as required by law. Dogs transported this way must remain on their tether when the truck is parked until they can be moved to a place of safe containment. SB 1578 would also prohibit or infringe on this necessity.

NEED FOR FLEXIBILITY

Dog owners and others responsible for their management should be able to use their own judgment as to whatever means are available and necessary to control and protect dogs without harming the dog, endangering others or uncertainty about criminal standards and liability.

Accordingly, we respectfully ask that SB 1578 be either withdrawn or defeated.

Very truly yours,

Sharon A. Coleman, President

Cc: Committee Members, Author