

# Opposition to Mandatory Spay/Neuter & Breeder Licensing Legislation

Mandatory spay/neuter or “Pay or Spay” legislation does not correct problems in the community. This type of legislation also includes breeder licensing which again does nothing except hurt responsible breeders. Mandatory spay/neuter legislation is nothing more than an animal rights tactic to do away with not only breeding but also eventually pet ownership. This report documents how and why mandatory spay/neuter laws are a failure. It also discusses what does work and what should be done instead of enacting restrictive breeding ordinances.

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## **Summary Points:**

- Mandatory spay/neuter laws and breeder licensing are tactics of the animal rights movement to end breeding of animals and pet ownership
- There is no “overpopulation crisis” of animals. Numbers of animals euthanized at shelters is at an all time low and the animals that make up the majority of euthanized animals are older less adoptable animals and feral cats. A significant number of owner requested euthanasia’s are also added to total figures by shelters artificially inflating numbers.
- Animal abandonment is the result of the severance of the owner animal bond and not because people are breeding animals, based on scientific studies
- This type of legislation does not reduce the number of animals entering shelters or animals being euthanized
- From the CFA 6 studies show 87% of owned cats are already spayed/neutered
- Excess cats in shelters are due to reproduction of unowned/free roaming/feral cats<sup>1</sup>

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<sup>1</sup> Opposition to Breeder/Cattery Licensing CFA website

- Areas which have passed this type of legislation have failed to see success in lessening animal abandonment
- Costs for animal control have greatly increased in areas that pass this type of legislation
- This legislation punishes responsible pet owners and breeders while ignoring irresponsible animal owners
- Negatively impacts those trying to care for feral or stray cats
- Breeding Restriction legislation hurts almost everyone in the community
- This legislation negatively impacts the quality of the dog and cat supply
- This type of legislation is considered an unfair business practice, which allows the animal shelter to become a monopoly. Note according to HSUS<sup>2</sup> the public acquires 14% of their pets from shelters while 38% acquire them from breeders or pet stores. With so many shelters operating more like a pet store it is easy to see why they would like to eliminate the competition
- Breeding Restriction legislation is an inefficient use of government resources
- This legislation will have little or no impact on claims of public health and safety problems caused by unwanted animals which can be better dealt with by enforcing existing laws
- Mandatory s/n laws punish low-income families who can't afford spay/neuter to begin with. This is a reason why low cost spay/neuter programs are much more effective
- Those violating animal control laws tend to be unowned animals or animals whose owners cannot afford the fees
- There exist better methods to reduce animal abandonment and euthanasia

### **Position Statements from Various Organizations:**

#### **National Animal Interest Alliance**

[www.naiaonline.org](http://www.naiaonline.org)

PO Box 66579 / Portland, OR 97290-6579

503-761-1139 Voice or 503-761-1289 Fax or email: [naia@involved.com](mailto:naia@involved.com)

NAIA opposes laws that target these problems by attempting to restrict or ban breeding or penalize responsible owners of intact dogs and cats. Instead NAIA recommends that those who would like to further reduce the number of shelter deaths urge community leaders to study local pet population dynamics to identify where the problems lie, mobilize shelters and dog and cat fanciers to devise and implement solutions, and insist on strict enforcement of animal control and nuisance laws.

#### **The American Dog Owners Association**

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<sup>2</sup> Spay/Neuter Fact Sheet March 1999 Coalition for NYC Animals Inc

The American Dog owners Association is opposed to laws that require breeding licenses or breeders' permits, that would severely limit the rights of the vast majority of breeders and owners who take their responsibilities seriously.

### American Kennel Club (AKC)

The American Kennel Club strongly supports and promotes programs to educate the public about responsible breeding practices and the responsibilities of dog ownership. The AKC encourages reasonable and enforceable laws that protect the welfare, health, and well being of dogs. The AKC does not approve of the concept of breeding permits, impact fees, breeding bans, or mandatory spay/neuter of purebred dogs.

### Cat Fanciers Association

CFA opposes governmental mandates to require licenses or permits or other regulation for individuals who breed and show pedigreed cats and sell these animals directly to the public.

### **The National Pet Alliance supports and defends the following principles:**

- Dogs and cats add to the quality of our lives and should be treated at all times with love, understanding and respect.
- Dog and cat owners should be allowed to keep their pets without having narrow restrictions imposed, provided the animals are well cared for, kept responsibly, and do not disturb or cause harm to others.
- Most dogs and cats not designated for a responsible breeding program should be spayed or neutered. The enactment of spay/neuter programs should be accomplished on a voluntary basis through public education, not through coercive legislation.
- All animal shelters and humane societies should enact a program to ensure that every dog and cat they place for adoption is spayed or neutered, either prior to adoption, or through a legally enforceable contract.

### Coalition of Responsible Animal Owners of Texas Inc,

The Coalition is AGAINST:

- The use of distorted and misleading statistics to sway public perception against responsible animal enthusiasts.
- The concept of animal rights as promoted by PETA, HSUS, Fund for Animals, and others.
- Laws and ordinances which unduly restrict the responsible breeding/exhibiting of pedigreed animals
- Mandatory spay/neuter laws
- Breeder permits
- High license differentials
- Privatization of city animal shelters
- Discriminatory laws against unconventional pets, such as ferrets, potbellied pigs, and miniature horses.

### Rabbit Education Society

The RES opposes legislation that is designed to restrict the rights of responsible breeders, such legislation includes breeding licenses or permits,

bans on breeding, number limits, mandatory spay/neuter laws, livestock classification for zoning, and licensing or differential fees. This sort of legislation has been proven to be ineffective in preventing pet abandonment and therefore unnecessary.

## **The True Agenda Behind Mandatory Spay/neuter Laws**

Groups who claim it will end euthanasia of animals promote mandatory spay/neuter laws. These groups claim that breeders and pet shops are to blame for animal abandonment. And these groups promote animal rights. The goal of animal rights is to end all use of animals. The Animal Rights Agenda was published in Animal Agenda magazine and point #10 is *"We strongly discourage any further breeding of companion animals, including pedigreed or purebred dogs and cats. Spay and state and municipal governments should subsidize neuter clinics. Commerce in domestic and exotic animals for the pet trade should be abolished."* It is pretty obvious that placing high fees on intact animals and/or fees for breeding licenses will hurt responsible breeders and thereby work towards the goal of animal rights.

Please consider the following quotes from animal rights activists; they reveal that their goal is to end breeding and is not about animal welfare.

"Our goal is to make [the public think of] breeding [dogs and cats] like drunk driving and smoking." Kim Sturla, former director of the Peninsula Humane Society and Western Director of Fund for Animals, stated during Kill the Crisis, not the Animals campaign and workshops, 1991

" But it is also important to stop manufacturing "pets," thereby perpetuating a class of animals forced to rely on humans to survive." PETA pamphlet, Companion Animals: Pets or Prisoners?

"Our goal: to convince people to rescue and adopt instead of buying or selling animals, to disavow the language and concept of animal ownership." Eliot Katz, President In Defense of Animals, In Defense of Animals website, 2001

"It is time we demand an end to the misguided and abusive concept of animal ownership. The first step on this long, but just, road would be ending the concept of pet ownership." Elliot Katz, President "In Defense of Animals," Spring 1997

"I don't use the word "pet." I think it's speciesist language. I prefer "companion animal." For one thing, we would no longer allow breeding. People could not create different breeds. There would be no pet shops. If people had companion animals in their homes, those animals would have to be refugees from the animal shelters and the streets. You would have a protective relationship with them just as you would with an orphaned child. But as the surplus of cats and dogs (artificially engineered by centuries of forced breeding) declined, eventually companion animals would be phased out, and we would return to a more symbiotic relationship - enjoyment at a distance." Ingrid Newkirk, PETA vice-president, quoted in The Harper's Forum Book, Jack Hitt, ed., 1989, p.223.

"Pet ownership is an absolutely abysmal situation brought about by human manipulation." Ingrid Newkirk, national director, People for the Ethical Treatment of Animals (PETA), Just Like Us? Harper's, August 1988, p. 50.

"Breeders must be eliminated! As long as there is a surplus of companion animals in the concentration camps referred to as "shelters", and they are killing them because they are homeless, one should not be allowed to produce more for their own amusement and profit. If you know of a breeder in the Los Angeles area, whether commercial or private, legal or illegal, let us know and we will post their name, location, phone number so people can write them letters telling them 'Don't Breed or Buy, While Others DIE.'" "Breeders! Let's get rid of them too!" Campaign on Animal Defense League's website, September 2, 2003.

"Liberating our language by eliminating the word 'pet' is the first step... In an ideal society where all exploitation and oppression has been eliminated, it will be NJARA's policy to oppose the keeping of animals as 'pets.'" New Jersey Animal Rights Alliance, "Should Dogs Be Kept As Pets? NO!" Good Dog! February 1991, p. 20.

"The cat, like the dog, must disappear... We should cut the domestic cat free from our dominance by neutering, neutering, and more neutering, until our pathetic version of the cat ceases to exist." John Bryant, *Fettered Kingdoms: An Examination of A Changing Ethic* (Washington, DC: People for the Ethical Treatment of Animals (PETA), 1982, p. 15.

"You don't have to own squirrels and starlings to get enjoyment from them ... One day, we would like an end to pet shops and the breeding of animals. [Dogs] would pursue their natural lives in the wild ... they would have full lives, not wasting at home for someone to come home in the evening and pet them and then sit there and watch TV," Ingrid Newkirk, national director, People for the Ethical Treatment of Animals (PETA), *Chicago Daily Herald*, March 1, 1990.

"We have no ethical obligation to preserve the different breeds of livestock produced through selective breeding. ... One generation and out. We have no problem with the extinction of domestic animals. They are creations of human selective breeding." Wayne Pacelle, Senior VP of Humane Society of the US, formerly of Friends of Animals and Fund for Animals, *Animal People*, May, 1993

"[A]s the surplus of cats and dogs {artificially engineered by centuries of forced breeding} declined, eventually companion animals would be phased out, and we would return to a more symbiotic relationship--enjoyment at a distance." Ingrid Newkirk, "Just Like Us? Toward a Notion of Animal Rights", *Harper's*, August 1988, p. 50.

"My goal is the abolition of all animal agriculture." JP Goodwin, employed at the Humane Society of the US, formerly at Coalition to Abolish the Fur Trade, as quoted on AR-Views, an animal rights Internet discussion group in 1996.

*"Dog owners and fanciers are facing an onslaught of restrictive laws at state and local levels throughout the country. Animal rights activists promote breeder restrictions in the guise of consumer protection laws and solutions to shelter euthanasia; their emotional and distorted campaigns make it difficult to distinguish between reasonable laws and those that trade on compassion, fear, guilt, or political agendas." A tale of two dog laws--- By Norma Bennett Woolf  
Dog fanciers outfox anti-breeding advocates in New Jersey  
<http://naiaonline.org/body/articles/archives/njwa2bil.htm>*

The following quote was made concerning proposed mandatory spay/neuter laws for NJ. It is pretty obvious that again the goal of the activists is to hurt responsible animal breeders.

*“NOTE that this bill would NOT mean that authorities should go looking for people with intact dogs or cats. **The intent is to only affect people who want to breed, sell, or give away animals, or those animals who impact the community by running at large or entering or leaving animal shelters**”.*<sup>3</sup>

It is unfair to place blame on breeders and then enact prohibitive laws to in essence punish people who are doing nothing wrong. Logical thinking leads to one conclusion about abandoned animals; they are abandoned because their owner decides to get rid of them, not because someone somewhere bred the animal. Animal rights activists always place blame on the breeder. Most place a greater amount of blame on the breeder instead of the owner who is doing the abandoning. This is one of the key reasons we haven't eliminated abandonment, activists are targeting the wrong person.

*“Animal Rights groups routinely use false and unsubstantiated allegations of animal abuse to raise funds, attract media attention, and bring supporters into the movement.”*<sup>4</sup>

### **Is there really an overpopulation crisis?**

The real truth about animal abandonment is that it has dramatically decreased since 1973 and only a small portion of the total owned animal population are abandoned and/or euthanized.

Year	Total Pet Population	# Euthanized in Shelters***	% of the pet population
1973*	65 million	13.5 million	21%
1982*	92 million	8-10 million	9%-11%
1992*	110 million	5-6 million	5%
2000*	120 million	4-6 million	3%-5%
2001**	141 million	4.4 million	3.26%
2003****		4.2 million	

\*From HSUS State of the Animals 2001

\*\*American Pet Products Manufacturers Assoc. National Pet Owners Survey & Animal People Shelter Survey

\*\*\*Shelters include owner requested euthanasia in their statistics, which is not a part of abandoned animals euthanized. Studies have found 16%-24% of reported euthanasia is owner requested.<sup>5</sup>

\*\*\*\*Animal People magazine 2003

The reason inflating abandonment figures are popular is because the animal rights organizations can make more money through donations by claiming there exists a “crisis”. In addition to increasing their coffers they can better lobby for

<sup>3</sup> <http://advance8.tripod.com/share/id22.html> MANDATORY SPAY/NEUTER IN NJ

<sup>4</sup> Animal Rights the Inhumane Crusade by Daniel T Oliver Research Associate Capital Research [www.capitalresearch.org](http://www.capitalresearch.org)

<sup>5</sup> Understanding Animal Companion Surplus in the US: Relinquishment of Nonadoptables to Animal Shelters for Euthanasia, Kass, New Jr, Scarlett, Salman JAAWS 4(4), 237-248 2001

anti-breeding legislation and pull more people into shelters to “adopt” vs. going to a breeder or pet store.

*“The number of dogs entering shelters has declined dramatically in the past 15 years. However, the number of cats, specifically feral cats entering shelters, is on the rise. Anti-breeding campaigners obscure the progress made in reducing the number of dogs killed in shelters by combining dog and cat numbers and by implying that they are all former pets that are now dumped and dying because no one wants them. They neglect to note that a large number of these animals are either surrendered by their owners for euthanasia because they are old and sick, seriously injured, or dangerously aggressive; that many of the dogs euthanized are unidentified, unclaimed strays that are too old, sick, injured or aggressive to be placed in new homes; and many of the cats euthanized are feral animals that were never owned but were trapped and impounded because they have become nuisances.*

*Many cats entering shelters have been trapped as feral animals. Although feral kittens can adjust to life as house pets if caught young enough, adult feral cats do not adjust to living indoors as pets, so it is misleading to include these cats in any estimate of the numbers of pets dying in shelters. Instead of incarceration and death, a number of communities have instituted programs in which the cats are trapped, vaccinated, and sterilized, then released back into the environment where they often aid in rodent control on farms and urban areas.”* NAIA website position statements

*“Twenty-five years of intensive spay/neuter campaigns and educational efforts have finally paid off—the numbers of puppies and kittens ending up at animal shelters has dropped dramatically in many communities.”* Says HSUS senior VP Martha Armstrong, who started at the Memphis Humane Society in 1977. *“For many organizations the focus has changed: behavior-related relinquishments have taken the place of endless litters of baby animals.”*<sup>6</sup>

*“In fact, Patronek told an audience of purebred dog rescuers in Ann Arbor, Michigan, in September, **if we continue to push spay and neuter laws as the answer to a problem he categorizes as “the disease of euthanasia,” not “pet overpopulation,” there may not be enough puppies to satisfy future demand.** “We’re almost a victim of our own success in getting the message out about spay and neuter,” Patronek said. “We may be facing a problem in animal welfare community that no one anticipated. People want animals. If we don’t want people to get animals from sources we think are inhumane, we should make sure they can get animals from sources we approve of.”*

California bill charges \$250 for breeder permit

--- By Norma Bennett Woolf

Sell a dog, pay \$250. No exceptions

<http://naiaonline.org/body/articles/archives/casb621.htm>

*“There are more dogs than ever in homes in the US according to a survey done by the American Association of Pet Product Manufacturers in 1994, and there are*

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<sup>6</sup> HSUS Animal Sheltering Jan/Feb 2002

*fewer dogs and cats than ever dying in shelters according to the latest study done by Tufts University. In 1992, APPMA showed 53.1 million dogs in US households; in 1994, the number jumped to 54.2 million dogs in 34 million households. And the Tufts study showed 1.8-2.1 million dogs euthanized in shelters, a far cry from the six or eight or more million claimed by animal rights activists.” Are There Too Many Dogs and Cats? By Norma Bennett Wolf NAIA website*

The key point to the activist push for legislators to enact mandatory spay/neuter laws is that it is necessary to solve the “overpopulation crisis”. What they fail to notify both the legislators and public is that there is no “overpopulation crisis”. Even the HSUS admits that “overpopulation” is no longer an accurate term to use.

*“There was, however, general consensus among most animal related organizations that the term pet overpopulation was not only difficult to define, but that it was also probably no longer an accurate catchphrase to describe the reasons for animals leaving their original homes, especially for dogs.” State of the Animals 2001 HSUS*

The top 10 reasons for relinquishment of dogs and cats were: (source: *A letter to Tennessee legislators Donna Malone, President, Responsible Animal Owners of Tennessee*)

1. Euthanasia due to illness;
2. Moving;
3. found animal (of unknown origin);
4. Landlords will not allow pets;
5. Owner has too many animals;
6. Euthanasia due to age;
7. Cost of maintenance of pet;
8. Animal is ill;
9. allergies within the family;
10. House soiling

*“per the National Council on Pet Population Study and Policy. The NCPPSP is a coalition comprised of the American Animal Hospital Association, American Humane Association, American Kennel Club, American Society for the Prevention of Cruelty to Animals, American Veterinary Medical Association, Association of Teachers of Veterinary Public Health and Preventive Medicine, Cat Fanciers Association, The Humane Society of the US, Massachusetts Society for the Prevention of Cruelty to Animals, National Animal Control Association, and Society of Animal Welfare Administrators. A contributing factor to the number of animals in our shelters is that humane societies and animal protection associations give John Q. Public the idea resources are available to take and place unwanted animals in new homes. This causes some owners to believe that not only do they not have to be responsible, when they are irresponsible, humane societies and animal protection agencies will take up their slack and save their pets. Hence they no longer have to take responsibility for finding the animal another home when they no longer want it or deal with the guilt associated with the surrender and probable euthanasia of their pet; the pets become disposable and they are guilt-free. The premise that “overpopulation” is why animals are in shelters bends the laws of logic.”*

*“There is no evidence to show that the breeding of pedigreed cats has any relationship to the numbers of surplus cats in shelters. Less than 1% of cats handled by animal agencies in the United States are identified as pedigreed.”<sup>7</sup>*

## **Examples of the Failure of Mandatory Spay/Neuter Legislation**

*“Camden NJ, Montgomery County MD, and Ft Worth TX are communities that have abolished the so-called “spay or pay” laws-those that require a substantially higher license fee for pets not neutered or spayed. It is becoming more apparent to local governments that these laws do not stop indiscriminant matings yet they unfairly tax responsible hobby breeders of pedigreed cats/purebred dogs. Positive incentive offering programs, which assist the public to alter their pets, show more successful results.”<sup>8</sup>*

Mandatory spay/neuter laws fail because they target and punish responsible and caring breeders, pet owners, and feral/stray cat caretakers. These do not impact the people who are the problem, irresponsible pet owners. If a pet owner fails to spay or neuter their dog or cat and then fail to prevent accidental pregnancies does anyone really believe these people would be aware of breeder licensing and obtain one? One cannot legislate responsibility.

Mandatory spay/neuter laws drastically increase the fees for animal control services. These laws do not achieve reductions in shelter euthanasia or animal abuse cases. Breeder licensing laws can also be expensive to administer (set-up expense, forms, public education, record keeping, personnel, inspections, compliance follow up, canvassing expenses cost of appeals process, and potential for legal action against the municipality).<sup>9</sup>

### **San Mateo CA**

San Mateo has the dubious distinction of being the first community that mandatory spay/neuter and breeder licensing was passed. The Peninsula Humane Society was behind the legislation and has embraced the animal rights philosophy.<sup>10</sup> Originally the legislation included a breeding ban but was removed. During the campaign by activists to get it passed the PHS claimed 10,000 animals were euthanized yearly. However this was not accurate, in 1989-1990 the whole county euthanized 9,038 dogs and cats.<sup>11</sup> However that figure also represents a 16% decline for dogs and 1% decline for cats over the previous year. In fact before the ordinance was passed the period between 1970-1991 there was a 92% decline in dogs euthanized and 67% decline in cats.<sup>12</sup>

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<sup>7</sup> Opposition to Breeder/Cattery Licensing CFA website

<sup>8</sup> Trends in Animal Legislation: The Year 2001 In Review CFA web site

<sup>9</sup> Opposition to Breeder/Cattery Licensing CFA website

<sup>10</sup> Animal Rights the Inhumane Crusade Daniel T Oliver 1999 Merril Press

<sup>11</sup> San Mateo ordinance fails test of time Euthanasia up in first year reversing prior trend. July/August 1995

<sup>12</sup> Opposition to Breeder/Cattery Licensing CFA website

Animal rights activists have claimed that the ordinance was a success but they have used misleading figures.<sup>13 14</sup>The ordinance only covered the non-incorporated areas of the county. In the areas covered by the ordinance dog deaths increased 126% and cats 86% while licenses declined by 35%. (For the county as a whole dog deaths decreased 5% and cats 16% in 1993 and 1994 dogs declined 12% and cats 17%.)<sup>15</sup> Thus proving that the restrictive breeding ordinance not only accomplished none of what it promised but it actually caused an increase in euthanasia.

From 1991-1994 there were no cat breeder permits and 50 permits for dog breeders, only 8 were renewals. In addition licenses dropped dramatically.<sup>16</sup>

*“Coleman, an attorney specializing in animal law, said that the San Mateo license figures were apparently inflated; instead of the 50,000 licenses reported to the state’s Department of Public Health Services for 1997, the actual count was 40,285. For 1998-99, the number dropped to 36,023, a dramatic decline from the 48-51 thousand range of the past two decades.”<sup>17</sup>*

### **Kings County WA:**

*“The activists came in with their legislation at a time when the problem was already under control and had, in fact, almost reached the point of being solved in many areas of the country. Their use of statistics showing many thousands of animals being killed never mentioned that 60-70 percent of those euthanasia’s were unadoptable animals — animals euthanized at owner’s request (usually because of the pet’s age); animals too sick or injured to be adopted; and animals unadoptable because of temperament or behavior problems.”<sup>18</sup>*

Kings County was the second locale to implement the mandatory spay/neuter legislation failure. 1980-1990 the euthanasia rate declined by 85% without restrictive legislation.<sup>19</sup> Increasing adoption was the key to decreasing euthanasia. Instead of allowing a good thing to continue animal rights activists pushed for restrictive breeding ordinances and the result was:

Animal control expenses increased 56.8% (revenue only 43.2%)

Pre-ordinance 1990 animal control costs \$1,662,776

Post-ordinance animal control costs \$3,087,350

Taxpayers paid \$1,896,722 over and above the revenue generated by licensing-this came out of the general fund hurting other non-animal community funded programs

Net cost over the life of the ordinance \$8,397,096

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<sup>13</sup> Opposition to Breeder/Cattery Licensing CFA website

<sup>14</sup> Los Angeles Dog & Cat Breeder Battle \$300 Fee Norma Bennett Wolf NAIA website

<sup>15</sup> Opposition to Breeder/Cattery Licensing CFA website

<sup>16</sup> Opposition to Breeder/Cattery Licensing CFA website

<sup>17</sup> Los Angeles dog and cat breeders battle \$300 fees Norma Bennett Wolf NAIA website

<sup>18</sup> A performance analysis of King County Animal Control Ordinance 10423 enacted in 1992 Lee Wallot May/June 1998 NAIA

<sup>19</sup> A performance analysis of King County Animal Control Ordinance 10423 enacted in 1992 Lee Wallot May/June 1998 NAIA

Cost to handle an animal pre-ordinance was \$105.36 (1991) and post ordinance it rose to \$215.10 (1997)<sup>20</sup>

License compliance also decreased<sup>21</sup>:

	1990-92 (pre-ordinance)	1995-97 (post ordinance)
<b>Dogs</b>		
Altered	5742	2997
Unaltered	3715	287
<b>Cats</b>		
Altered	3190	2830
Unaltered	1369	3

**Los Angeles:**

Animal shelters were exempted from the spay/neuter requirements in the LA legislation.<sup>22</sup> What is very interesting is that in most anti-breeding legislation shelters are exempt from any regulation. Consider the following statement from Tammy Kirkpatrick at the No Kill Conference in Tucson AZ in 2000: *“Other humane organizations are not our competition. They are our allies. The puppy mills, the backyard breeds, and the pet stores-there’s my competition. That’s the people I want shut down. The only way to do that is to make sure animal shelters all over the country are the number one resources for the communities to get their next beloved pet.”*

Activists use LA CA as an example of “successful” mandatory spay/neuter laws yet they fail to tell you the whole story. In 1971 the first spay/neuter municipal clinic in the US was opened. By 1987 the number of animals euthanized had dropped by 58.1%. These clinics were considered a success but were closed in 1992 due to problems in the city including financial problems and natural disasters.<sup>23</sup>

Prior to the 2001 law dog owners paid \$10 to license spayed or neutered dogs and \$40 for intact dogs and cats were not required to be licensed. According to a Times article the city of LA euthanized 55,000 dogs in 1996 (city says that total included cats). So the number of animals euthanized went from 145,000 in 1971 to 55,000 in 1996.

Year	# of Animals	Comments
Pre-1971	145,000	

<sup>20</sup> A performance analysis of King County Animal Control Ordinance 10423 enacted in 1992 Lee Wallot May/June 1998 NAIA

<sup>21</sup> A performance analysis of King County Animal Control Ordinance 10423 enacted in 1992 Lee Wallot May/June 1998 NAIA

<sup>22</sup> Los Angeles Dog & Cat Breeder Battle \$300 Fee Norma Bennett Wolf NAIA website

<sup>23</sup> Spay/Neuter Fact Sheet March 1999 Coalition for NYC Animals Inc

1971 first spay neuter clinic in the US opens	
1981	81,000 <sup>24</sup>
1987	60,755
Spay neuter clinics closed down	
1996	55,000
1997	30,650 <sup>25</sup>
2001 Restrictive breeder ordinance enacted	

*“Unfortunately, it was animal people (so called) who initiated lobby efforts and worked behind the scenes to get this anti-breeding law enacted. This was done despite historical evidence that indicates anti-breeding laws are ineffective at reducing euthanasia in shelters.”* The LA Catastrophe by Bob Christiansen

The 2001 proposal was supported by Animal Issues Movement, a local animal rights group.:

*“Director Phyllis Daugherty told the Times: “This is a good step in the right direction, but it lacks any specific prohibition on breeding. We are also concerned that the (responsible owner license) excludes too many people.”*

*Daugherty also said that those who want to keep intact animals “are breeding and creating the pet-overpopulation problem that results in the euthanizing of (tens) of thousands of animals in this county alone each year. However, I believe that it would be more appropriate to have a \$100 license fee . . . rather than starting out at \$500, thinking that it will get lowered in the legislative process . . . This (ordinance) will be impossible to enforce.”*

*Barrett told the Times that she hoped they never had to collect a \$500 fee. “I want everyone to either neuter their dogs or get involved in programs that prove they are responsible,” she said.*  
*Opposition*

*We believe the people of will be sold a high-priced ticket to the back of a bus to failure unless the “Provide Spay or Pay” proposal is trashed,” wrote Sharon Coleman of The Animal Council to the Los Angeles Daily News. “The proposal is based on false assumptions that intact pets so negatively impact public resources that only a favored class of persons may own them and avoid a criminalized \$500 tax.”*

*The Animal Council is a nonprofit working on reasonable solutions to animal issues. Coleman is president of the organization.”* LA Dog Owners Face \$500 Fee to Keep Intact Pets Norma Bennett Wolf NAIA website

An early look at the new 2001 LA spays or pay ordinance shows dog licensing compliance is falling.<sup>26</sup>

Pre-ordinance 1997 animal control budget \$6.7 million
Post-ordinance 2001 proposed budget \$18 million an increase of 269% <sup>27</sup>

<sup>24</sup> Pet Overpopulation Fact Sheet HSUS on City of Tallahassee web site

<sup>25</sup> Spay/Neuter Fact Sheet March 1999 Coalition for NYC Animals Inc

<sup>26</sup> Back to Basics for Animal Ordinances Part II CFA Fanc-e-Mews Nov/Dec 2002

The city of Los Angeles Animal Services director admits that the cost to administer the new ordinance will rise 35%.<sup>28</sup> The problems in LA Animal Services department are due to poor shelter management for over 10 years.<sup>29</sup> Some factors, which have hurt LA, are a lack of adoption outreach, shut down of spay/neuter low cost clinics, low enforcement of existing laws, and little attention given to the feral cat problem.<sup>30</sup>

“When animals are transferred, new buyer's names and addresses must be submitted to the city. We have no idea exactly how this ordinance can be enforced but 5 new animal control officers have been hired with vehicles and equipment worth over \$300,000 specifically to enforce the ordinance. Because of existing limits on the numbers of animals allowed without a kennel permit and the fact that LA zoning laws do not allow catteries/kennels in residential areas it is unlikely that any cat breeder with a breeding program would be able to comply with this ordinance even if they wanted to. It has become clear that the intention was not to permit breeding, but instead to force dog and cat breeders to discontinue their breeding activity all together. Much of the support for the ordinance came from national organizations with local members who saw their chance to advance the message of the "immorality" of breeding companion animals. The climate in LA was ripe.” *A Lesson in Political Reality - The City of Los Angeles Passage of LA's mandatory spay/neuter "Pet Overpopulation Ordinance" CFA website*

If there is any doubt about why there was a push for legislation in Los Angeles despite already falling rates of euthanasia take a look at the following off an activists group's website:

"Breeders must be eliminated! As long as there is a surplus of companion animals in the concentration camps referred to as "shelters", and they are killing them because they are homeless, one should not be allowed to produce more for their own amusement and profit. If you know of a breeder in the Los Angeles area, whether commercial or private, legal or illegal, let us know and we will post their name, location, phone number so people can write them letters telling them 'Don't Breed or Buy, While Others DIE.'" "Breeders! Let's get rid of them too!" Campaign on Animal Defense League's website, September 2, 2003.

**Montgomery County MD** *“rescinded it's breeding licensing ordinance after the Office of Legislative Oversight pronounced it a failure in the stated objective of increasing spay/neuter procedures and blamed it as a direct cause of a 50% drop in licensing compliance.”*<sup>31</sup>

“At the same time, the low number of breeder permits issued, the lack of an increase in spay/neuter procedures, and the significant drop in the number of pet licenses, suggest that the legislative strategy of higher fees and stiffer penalties for unaltered licenses did not encourage owners to alter their pets. In fact, the significantly higher fees for unaltered licenses appear to have created a disincentive for owners to license their pets.”<sup>32</sup>

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<sup>27</sup> article by Bob Christiansen

<sup>28</sup> A Lesson in Political Reality The City of Los Angeles CFA website

<sup>29</sup> A Lesson in Political Reality The City of Los Angeles CFA website

<sup>30</sup> A Lesson in Political Reality The City of Los Angeles CFA website

<sup>31</sup> Back to Basics for Animal Ordinances Part II CFA Fanc-e-Mews Nov/Dec 2002

<sup>32</sup> Office of Legislative Oversight MD Report Evaluation of Bill 54-91 Revisions to the County's Animal Control Law 6/24/97

Shelter euthanasia in Montgomery County was already dropping prior to passage of their mandatory spay/neuter law. The Montgomery County Humane Society said euthanasia rates had dropped every year due to their successful adoption program. After the legislation was passed their license compliance rate dropped from 30% to 14% and the number of licensed pets decreased from 49,000 to 23,000.<sup>33</sup> The Office of Legislative Oversight recommended in their 1997 report that the county eliminate the new breeder permit system and return to their former license fee structure.

Although the euthanasia rate declined 21.5% after the legislation was passed the euthanasia decline had been 34% prior to enactment of the mandatory spay/neuter law.<sup>34</sup> Again proving that mandatory spay/neuter laws actually cause an increase in euthanasia when enacted.

When the law was enacted it was estimated that 550 breeding permits would be issued per year. In reality only an average of 30 permits per year were issued.<sup>35</sup> It was also reported that the animal control department was not consistently enforcing parts of the law.<sup>36</sup>

**Forth Worth TX** also ended its spay/neuter differential program for similar reasons and because there was a reduction in rabies vaccinations which lead to an increase in rabies in the city.

### **Camden NJ:**

*"The Camden ordinance has gone through several amendments, cuts, is still perhaps the worst in the country. When passed in 1996 it had a \$500 permit fee to even possess an intact dog or cat. In 2000 it was changed to \$10, because, according to the Municipal Clerk, it had so few requests that the high fee was "self-defeating." But then again in 2001 the permit fee was again raised to \$100, where it still is. There are other particularly awful provisions to this ordinance."* Anna Sadler CFA Legislative Information Liaison

I contacted the animal rights group that was responsible for drafting and lobbying for passage of the Camden NJ ordinance. I was told that it is not being enforced.

They referred me to the PAWSNJ report online about animal abandonment in NJ. The website commented *"An analysis of these statistics shows the Humane Society of Southern NJ which operates the Camden County Animal Shelter, to be consistently one of the leading, if not the leading killers of animals in the state of*

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<sup>33</sup> <sup>33</sup> Office of Legislative Oversight MD Report Evaluation of Bill 54-91 Revisions to the County's Animal Control Law 6/24/97

<sup>34</sup> <sup>34</sup> Office of Legislative Oversight MD Report Evaluation of Bill 54-91 Revisions to the County's Animal Control Law 6/24/97

<sup>35</sup> <sup>35</sup> Office of Legislative Oversight MD Report Evaluation of Bill 54-91 Revisions to the County's Animal Control Law 6/24/97

<sup>36</sup> <sup>36</sup> Office of Legislative Oversight MD Report Evaluation of Bill 54-91 Revisions to the County's Animal Control Law 6/24/97

New Jersey.” The report covers 1998-2001 well into the period that the mandatory spay neuter ordinance was in effect. The site’s report on the top 50 NJ animal shelters sorted by percentage of animals euthanized shows the 5 Camden county shelters in 1<sup>st</sup>, 21<sup>st</sup>, 24<sup>th</sup>, 47<sup>th</sup>, and 29<sup>th</sup> places. For 2001 the Camden county shelters are 4<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, and 33<sup>rd</sup>. Again the mandatory spay neuter ordinance is proven to be a failure.

### **Aurora CO:**

Breeder permits since 1994, in 1997 there were only 42 dog breeder permits and 1 cat breeder<sup>37</sup>

### **Pinellas County FL**

Breeder licensing in 1992 by 1998 the budget increased 75% with revenue increasing only 13%.<sup>38</sup>

*Through aggressive and expensive animal control officer enforcement to ‘catch’ breeders, the county believes breeders have been reduced by 50%, yet the shelter impoundment and euthanasia figures continue to rise dramatically.”<sup>39</sup>*

### **Santa Cruz County CA**

1991	8841 licensed dogs
1997	6751 licensed dogs post mandatory spay/neuter ordinance

### **Animal kind Inc, Animal Rights or Welfare???**

*“Animal kind Inc. is a not-for-profit welfare, protection, rescue, **rights organization** dedicated to the compassionate care and humane population control of abandoned, feral and stray cats in Hudson, New York (Columbia County) and the surrounding area.”* Off their Website Nov 2003

Also off Animalkind Inc website is their opposition to the animal terrorist bill, a bill which would have only affected those animal rightists who commit acts of terrorism upon those who are involved in legal animal use. However they then noted support for a bill that would give veterinarians immunity if they turn someone in for suspected animal abuse. This bill was opposed by many animal welfare groups because of the possible abuse of the system.

*Action Urgently Needed: Bill to Criminalize Animal Welfare Advocacy Moves to Senate Floor*

*A bill that would make you an "animal or ecological terrorist" if you make a donation to an organization that promotes animal welfare or that brings suit against an industry alleged to have violated animal cruelty laws, has moved to the Senate floor where it can be voted on at any time.*

*Click here <http://www.aspca.org/site/R?i=Run1LfcycloXSXLRAGHJvQ> to urge your Senator, Senate Majority Leader Joseph Bruno and Assembly Agriculture Chair Bill Magee to oppose this bill. You can also send a "letter to the editor" from the Advocacy Center.*

*Veterinary Reporting Bill Moves out of Senate Committee: Push needed for Passage in Senate*

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<sup>37</sup> CFA website CFA Legislative Guidance on Issues

<sup>38</sup> CFA website CFA Legislative Guidance on Issues

<sup>39</sup> CFA website CFA Legislative Guidance on Issues

Please contact your Senator and Senate Majority Leader Joe Bruno and urge them to pass this important animal welfare measure this year. Also, please consider writing a letter to the editor of your local newspaper voicing your support for this legislation.

Click here [http://www.asPCA.org/site/R?i=0Zu\\_ydZOTZkXSXLRAGHJvQ](http://www.asPCA.org/site/R?i=0Zu_ydZOTZkXSXLRAGHJvQ) to have a letter sent on your behalf free of charge to your representatives and for sample talking points for a "letter to the editor".

## Better Solutions

History has shown us that mandatory spay/neuter and breeder licensing laws do not work. What does work is education, better shelter policies, low cost and spay/neuter programs.

For every dollar invested in municipally operated spay/neuter clinics, taxpayers would save \$18.72 in future animal control costs over a ten-year period Animal Population Control Study Commission Minnesota Legislature 1989

Charlotte NC 7,814 dogs euthanized in 1980 after a spay/neuter clinic opened there was a 40% drop in euthanasia numbers to 4,658 dogs and saved the city 39%<sup>40</sup>

Santa Barbara CA subsidized spay/neuter clinic opened in 1975 within a decade euthanized animals fell 80%<sup>41</sup>

San Francisco CA SFSPCA began subsidized spay/neuter in 1976 and by 1991 euthanasia of adoptable dogs and cats ceased<sup>42</sup>

Huron Valley MI Humane Society opens subsidized spay/neuter clinic in 1975 by 1984 shelter had a 50% drop in euthanasia<sup>43</sup>

Orange County FL teamed with people working with feral cats with Trap-Neuter-Return and have reduced complaints, impoundments, and euthanasia.<sup>44</sup>

## More Population Information

*A study printed in the Journal of the American Veterinary Medical Association determined that the following factors increase the chances that a dog will be surrendered to a shelter:*

- \* lack of veterinary care,*
- \* dog obtained at little or no cost,*
- \* dog lives mostly outside,*
- \* dog needs more care and attention than expected,*
- \* family is divorcing or moving,*
- \* family has changed financial circumstances, and*
- \* dog is noisy, destructive, or soils the house.*

*Dogs that stayed in their homes were more expensive to purchase, attended obedience classes, had regular veterinary care, spent part of the day inside, were neutered or spayed, and were housetrained and relatively quiet. Purebred dogs were more likely to remain in their homes, leaving shelter populations at 75-80 percent mixed breeds. Save Our Strays a Review by Norma Bennett Wolf*

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<sup>40</sup> Spay/neuter Fact Sheet March 1999 Coalition for New York City Animals Inc.

<sup>41</sup> Spay/neuter Fact Sheet March 1999 Coalition for New York City Animals Inc.

<sup>42</sup> Spay/neuter Fact Sheet March 1999 Coalition for New York City Animals Inc.

<sup>43</sup> Spay/neuter Fact Sheet March 1999 Coalition for New York City Animals Inc.

<sup>44</sup> Back to Basics for Animal Ordinances Part II CFA Fanc-e-Mews Nov/Dec 2002

*“A misconception among those who believe that sterilization alone would decrease euthanasia rates was that ‘unwanted’ births resulted in pups and kittens flooding into shelters. Most animals in shelters are not, in fact, young pups and kittens, but rather ‘adolescents,’ approximately six to 18 months old, which have outgrown their cuteness and are manifesting minor behavioral problems their owners have neither the skills nor the patience to resolve,” Christiansen wrote. Save Our Strays*

An alarming new trend among animal shelters is importing strays from other countries. That’s right folks even though they tell us all breeding must end because there is an “overpopulation crisis” in the US our shelters are buying dogs for resale from other countries. *“Animal shelters in the USA are casting a wide net—from Puerto Rico to as far as Taiwan—to fill kennels.”*<sup>45</sup>

According to USA Today one organization alone in Puerto Rica has exported more than 14,000 strays to the US for “adoption”. “Critics say many shelters have solved the stray problem in their own area—but rather than shut down, they have become de facto pet stores. Some charge more than \$200 per adoption for imported dogs.”<sup>46</sup>

*“Rowan and Patronek report that about 52 million dogs live in 35 million US households. About 6.2 million dogs die each year, 3.8 million in homes, veterinary hospitals and under the wheels of a vehicle, and an additional 2.4 million in shelters. Each year, owners acquire about 7.3 million dogs, including 5.8 million puppies from pet stores and breeders, one million dogs from animal shelters, and 500,000 as adult strays or previously owned pets.*

*Puppies come from 3.3 percent of dog-owning households as follows:*

- \* Show breeders, 1.8 million (31 percent);*
- \* Amateur breeders, 1.3 million (23 percent);*
- \* Mixed breeds, 2.6 million (46 percent).*
- \* Pet stores, 500,000(7 percent)*

#### *Shelters*

*About four million dogs enter shelters each year:*

- \* 400,000 puppies from households that produce litters but do not place the pups in new homes.*
- \* Strays, about 2.2 million*
- \* Reclaimed by their owners, about 600,000, (leaving 1.6 million strays available for adoption).*
- \* Owner surrenders, About 1.8 million (300,000 for euthanasia and 1.5 million for adoption).*

*One million of the 3.1 million dogs available for adoption do get new homes, leaving 2.1 million additional dogs euthanized. However, this number is not broken down by health or temperament, leaving a gap in understanding of just how many healthy dogs die for lack of a home.” Are There Too Many Dogs and Cats? Norma Bennett Wolf NAIA website*

It is important to note however that it is very difficult to assess what is going on in animal shelters because few are willing to report their data regarding intake, adoption, and euthanasia.

#### Reasons why shelters won’t divulge figures<sup>47</sup>

- No consensus on definition of a shelter
- Lack of uniform record keeping

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<sup>45</sup> Animal Shelters in USA send away for more strays many cities pounds go overseas for homeless dogs  
Tom Vanden Brook USA Today 1/31/03

<sup>46</sup> see #20

<sup>47</sup> State of the Animals 2001 HSUS publication [www.hsus.org/ace/13167](http://www.hsus.org/ace/13167)

- Lack of any record keeping
- Shelter distrustful of anyone asking for data
- Some felt their numbers weren't high enough to make abandonment appear to be a problem

### What We Know About Animal Abandonment:

"For dog owners, almost half (46.8%) of the animals abandoned to the shelter were obtained from friends or neighbors while only 5.7% came from professional breeders and 4.7% came from pet shops."<sup>48</sup>

Studies have found that animal relinquishment was associated with physical and behavioral characteristics of animals and knowledge of their owners. The factors associated with pet abandonment include: the animal was intact and a mixed breed. Owners relinquishing animals were likely to be men younger than 35 years. The reasons given include moving, behavioral problems with the animal (house soiling, barking, biting, etc), no time for, got tired of.<sup>49</sup>

"In an extensive study of animals abandoned by people to shelters, Salman et al. (1998) found that the most common reasons for relinquishing dogs were Housing Issues (29.1%), followed by Behavior-other (28.8%), Human Lifestyle (25.4%), Requests for Euthanasia (16.0%), and Human Preparation-Expectation (14.6%). The authors found that the average purchase price of dogs abandoned to shelters was \$48.75 (6.5% were free) and \$9.67 for cats (15% were free). Forty-six percent of dogs surrendered had been owned for less than a year."<sup>50</sup>

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