



**TESTIMONY ON MICHIGAN S.B. 239**  
**Presented by Vicki Deisner, Midwest Legislative Director**  
**Before the Michigan Senate Agriculture Committee**  
**Thursday, September 17, 2015**

Chairman Hune, Majority Vice-Chair Green, Minority Vice-Chair Johnson and distinguished members of the Senate Agriculture Committee, I am Vicki Deisner, the Midwest Legislative Director for the American Society for the Prevention of Cruelty to Animals (ASPCA). The ASPCA, founded in 1866, is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. The ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States. As part of our national effort to assist local anti-cruelty efforts on the ground the ASPCA provides grants to local communities. In fact, over the last several years we have awarded over \$600,000 to communities throughout Michigan. On behalf of our approximately 2.5 million members and supporters, including over 70,000 Michigan citizens, we **respectfully urge the Senate Agriculture Committee to vote YES on S.B. 239 – a bill that would eliminate breed discrimination in the state of Michigan.**

Breed discriminatory legislation has not only failed to improve public safety in regard to dog attacks, it has punished responsible pet owners. Laws that ban or place restrictions on particular breeds without reference to the behavior of the individual dogs, punish pet owners whose dogs are entirely friendly and well supervised. Placing the onus where it belongs – on the pet owner – by enforcing laws designed to ensure proper supervision of dogs (anti-tethering laws, dog licensing laws, leash laws, animal fighting laws, and well-crafted breed-neutral dangerous dog laws) will accomplish a good deal more than overbroad efforts to ban or discriminate against specific dog breeds without regard to the behavior or temperament of the individual dog.

Notably, jurisdictions that have enacted breed-specific laws have learned by experience that these laws do not make their communities safer. The laws, which are extremely costly to enforce stretch thin already scant dog control resources, and have not resulted in fewer dog attacks. Conversely, cities and towns that have invested in low-cost spay neuter and that have passed and aggressively enforced anti-tethering, dog licensing, breed-neutral dangerous dog, and leash laws have seen a reduction in dog attacks.

Local leash laws, as well as Michigan's animal fighting laws, are all powerful protections against dogs that are aggressive, truly dangerous or merely creating a nuisance. Yet, these laws are currently enforced more in the breach than as a routine function of law enforcement and animal control. In addition, the established association of dog aggression with chaining makes anti-tethering laws, as noted above, an extremely useful animal control tool. In fact, some localities have both created a successful deterrent and augmented their animal control budgets by enacting local breed-neutral dangerous dog and other associated laws and imposing steep fines for these offenses.

The ASPCA appreciates the substantial challenges faced by localities, particularly in the current fiscal climate, in addressing dangerous dog problems. However, extensive review of this problem across a variety of localities, states, and countries makes clear that breed-specific laws do not provide the panacea that communities seek]

For all of these reasons, **the ASPCA respectfully urges the Senate Agriculture Committee to support S.B. 239, a bill that would eliminate breed discrimination in the state of Michigan.**

Thank you for your time and consideration.

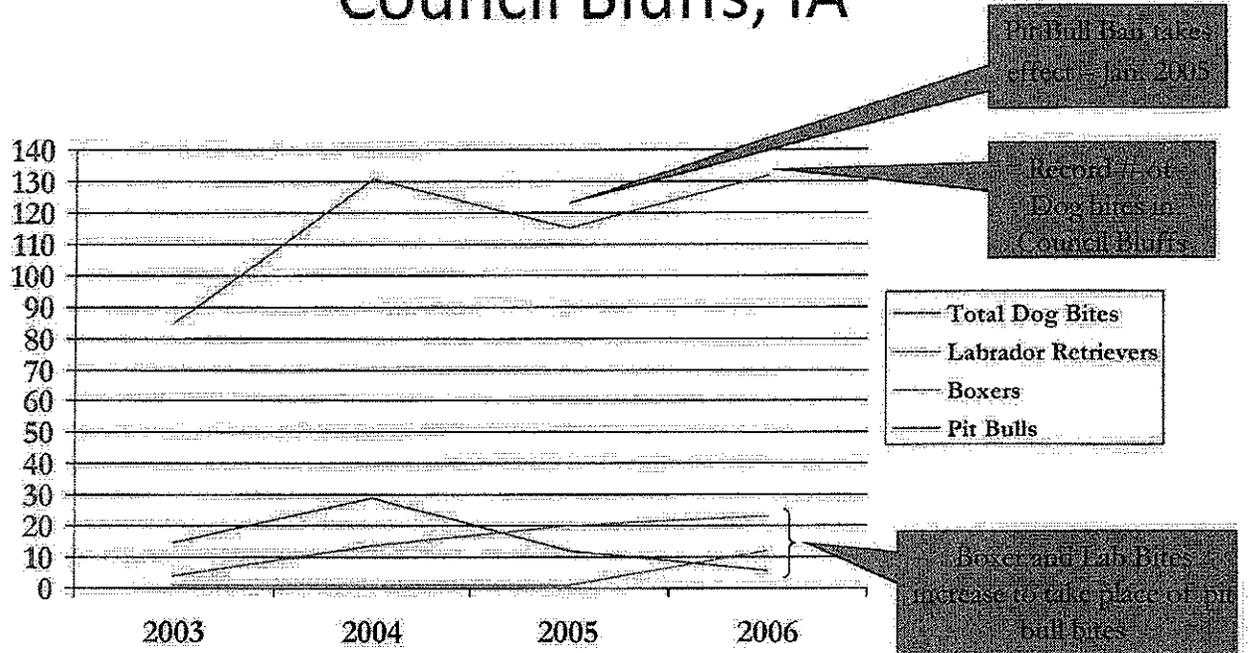
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WE ARE THEIR VOICE®

(1) Council Bluffs, IA

## Council Bluffs, IA

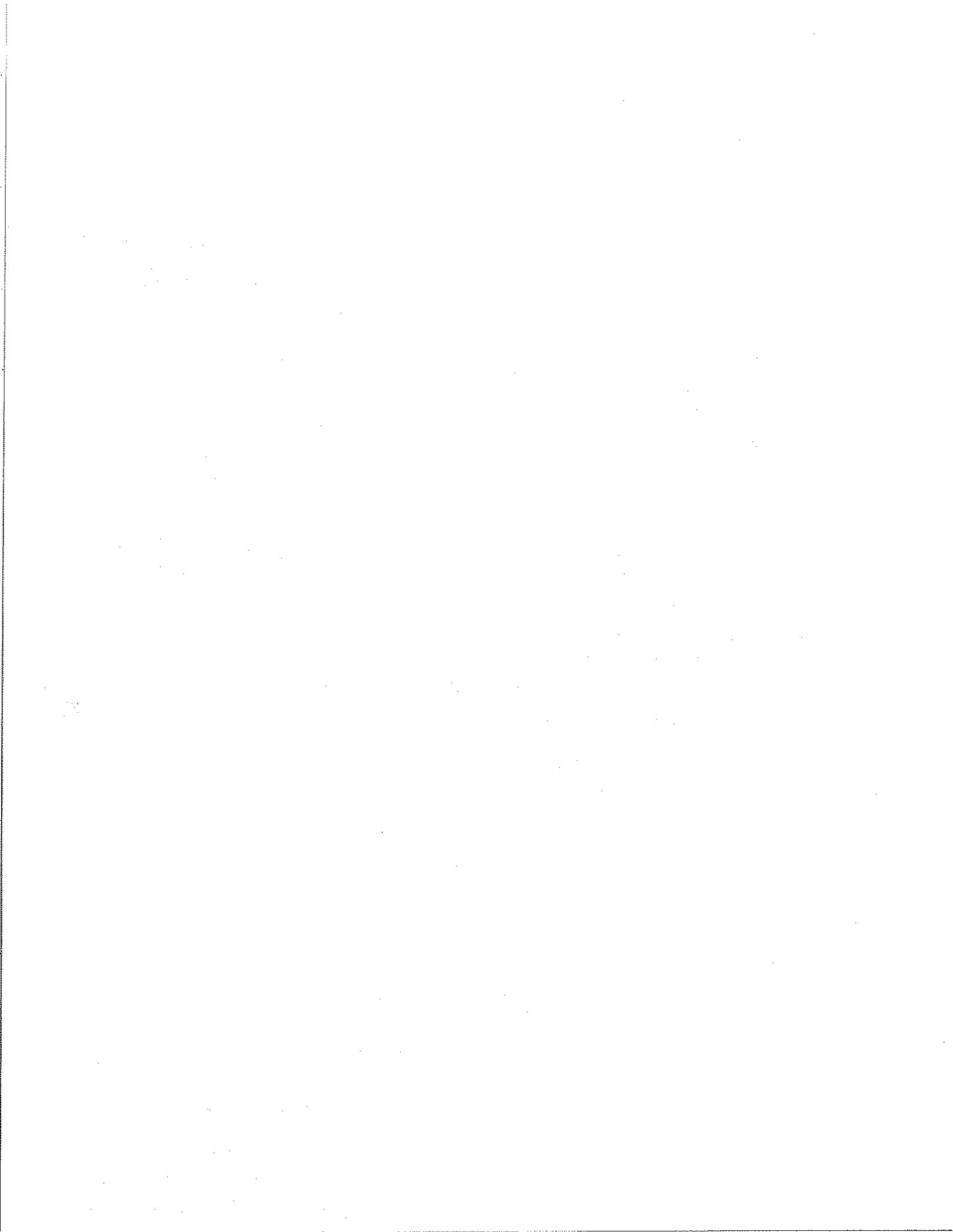


Second year after Council Bluffs enacted ban, they are above bite levels from the year prior to the ban and increased Animal Control

Boxer and Lab bites have grown to replace pit bulls as top-biting dogs

No increase in public safety for the citizens of Council Bluffs

Source: Email from Galen Barrett, Chief ACO Council Bluffs, 1/17/07



## DENVER'S BREED-SPECIFIC LEGISLATION: BRUTAL, COSTLY, AND INEFFECTIVE

In 1989, the City and County of Denver banned the keeping of "pit bull" dogs. Thousands of companion dogs have been seized and killed in the years since. Despite significant and costly legal challenges, and notwithstanding a Colorado state law that recommends that cities and counties not regulate dogs on the basis of breed or appearance, Denver has maintained its ban. Presumably, Denver's purpose, and the motive behind its ruthless enforcement, was to improve community safety.

Has Denver's result been worth the public resources that the County has expended? Has the result been worth the price paid by pet owners and their treasured family companions?

Does Denver have a lower rate of dog-bite hospitalizations than other counties? Has the ban eliminated dog bite-related fatalities in Denver?

The answer to these questions is: NO.

"Breed-discriminatory Denver County, with a population of about twice that of breed-neutral Larimer County, had more than *seven times* as many dog bite-related hospitalizations during the same seventeen-year period."

### DENVER CONTINUES TO HAVE SIGNIFICANTLY HIGHER DOG BITE-RELATED HOSPITALIZATION RATES THAN OTHER COUNTIES.

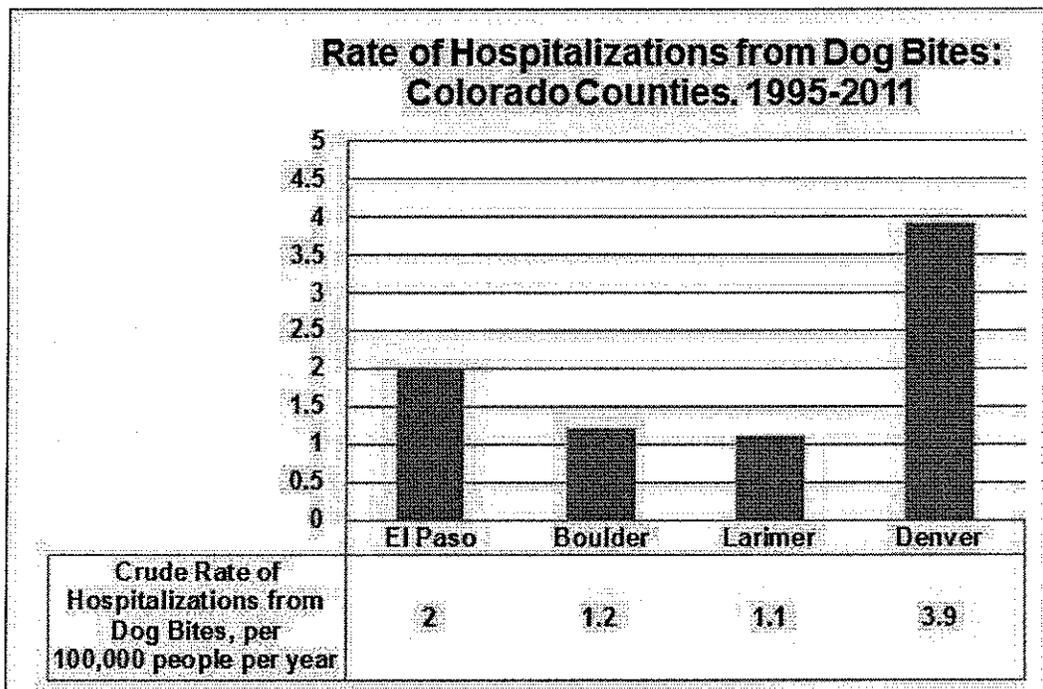
Dog bites are not a serious public health issue. Dog bite-related hospitalizations constitute less than 0.5% of the total hospitalizations/transfers on account of unintentional injuries in the United States.<sup>1</sup>

While dog bite-injury hospitalizations are infrequent, the breed-discriminatory County of Denver continues to have a *significantly higher rate* of dog bite-related hospitalizations than all counties in the state except for one, according to the Colorado Department of Public Health and Environment statistics. The Colorado Trauma Registry Database has classified Denver County with a rating of "H" - an injury rate significantly higher than the rate for the state - over a seventeen-year period (1995-2011). Denver is one of only two counties in the state designated "H". Denver's breed ban was enacted six years prior to the first year reported (1995).

Three counties (El Paso, Boulder, and Larimer) were designated "L," with significantly lower rates of dog bite-related hospitalizations than the state, during the same time period:

- El Paso County (2010 pop.: 622,263) - 189 dog bite hospitalizations (1995-2011)
- Boulder County (2010 pop.: 294,567) - 59 dog bite hospitalizations (1995-2011)
- Larimer County (2010 pop.: 299,630) - 50 dog bite hospitalizations (1995-2011)
- Denver County (2010 pop.: 600,158) - 367 dog bite hospitalizations (1995-2011)<sup>2</sup>

Breed-discriminatory Denver County, with a population of about twice that of breed-neutral Larimer County, had more than *seven times* as many dog bite-related hospitalizations during the same seventeen-year period.



A study of Denver dog bite-injury hospitalizations published in the *Journal of Pediatric Surgery* reported that, "because it is illegal to own a pitbull in the County of Denver, we rarely see injuries caused by this breed."<sup>3</sup>

**THE BAN HAS NOT ELIMINATED DOG BITE-RELATED FATALITIES IN DENVER.**

Dog bite-related fatalities remain exceedingly rare in Denver, and in Colorado, just as they are everywhere. In the last 46 years, there have been a total of 9 dog bite-related fatalities in Colorado.

One (1) of Colorado's fatalities occurred in Denver 7 years after enactment of the ban, and is attributed to a type of dog not subject to the ban.

## A TIME FOR CHANGE

In 2012, the AVMA published a report stating that there is no evidence from which to conclude that one kind of dog should be considered disproportionately dangerous. The report also stated that it has not been shown that breed-specific legislation has ever reduced the rate or severity of dog bite-related injuries anywhere.<sup>4</sup> The lack of results in Denver is another example of what has been a failure of breed-specific legislation on a worldwide basis.

The American Bar Association (ABA) House of Delegates passed a resolution in 2012 urging all towns and counties in the United States to repeal any breed-specific laws still in effect. The analysis supporting the resolution highlighted the many problems of breed-specific legislation: significant questions of due process; waste of government resources; failure to produce safer communities; inability to reliably identify dogs to be regulated or seized; and infringement of property rights.<sup>5</sup>

Consistent with the ABA recommendation, Massachusetts, Nevada, Connecticut, and Rhode Island have recently enacted laws that preempt towns and counties from regulating dogs on the basis of breed. From January 2012-May 2013 more than three times as many jurisdictions either rejected proposed breed-specific legislation or repealed an ordinance previously in effect as enacted breed-specific legislation of any kind. The message of this trend is clear: improved community safety results when we hold dog owners responsible for humane care, custody and control of their dogs, regardless of the dogs' presumed or actual breed.<sup>6</sup>

By every standard of responsible governance, Denver should acknowledge that its breed ban has been an unambiguous failure, and abide by the wisdom of the Colorado state legislature. Denver should repeal its costly, ineffective, and brutal breed-specific legislation.

Updated: 2 August 2013

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  - <sup>5</sup> American Bar Association. (2012). *100: Proposed Resolution and Report*. Retrieved from: <http://www.abanow.org/2012/06/2012am100/>
  - <sup>6</sup> National Canine Research Council. (2013). *A Community Model for Responsible Pet Ownership: Calgary Alberta*. Retrieved from: [http://www.nationalcanineresearchcouncil.com/uploaded\\_files/tiny\\_mce/Community%20Model%20for%20RPO\\_Calgary.pdf](http://www.nationalcanineresearchcouncil.com/uploaded_files/tiny_mce/Community%20Model%20for%20RPO_Calgary.pdf)
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## WINNIPEG, MANITOBA FAR BEHIND CALGARY IN COMMUNITY SAFETY

A paper published last week in the journal *Injury Prevention* attempted to make the case that "pit bull" bans in Manitoba may have been effective in reducing dog bite injury hospitalizations (DBIH, in the language of the paper).<sup>i</sup> In attempting to do so, however, the authors revealed that the bans, applicable to the overwhelming majority of Manitobans, including citizens of Winnipeg, had not resulted in improved community safety; and that the safety record of Manitoba lags far behind that of breed neutral, responsible pet ownership Calgary.

The before-and-after failure in Manitoba shown in the paper's data table has been apparent for years. The failure in Manitoba mirrors the failure in every other jurisdiction in Europe and North America where breed-specific regulation has been enacted.<sup>ii</sup>

"Manufacturing a mathematical analysis that obscures the available data does not promote community safety.

It is bad for dogs, and bad for science."

The authors nevertheless convinced themselves and, apparently *Injury Prevention*, that there was something instructive in the Manitoba experience other than the before-after elephant in the room shown in the data available from the Manitoba Centre for Health Policy. They divided Manitoba into two parts, employing what social scientists call a "non-equivalent groups design."<sup>iii</sup> One group consisted of the 16 jurisdictions that had enacted "pit bull" bans. The other group was composed of the rest of the province. The authors then compared the rate of DBIH per 100,000 person-years between the two groups.

A person-year is equal to one person living in an area under study for one year.

However, in order for such a design to produce a result that might conceivably trump (or "trunk") the before-after elephant, it is crucial that the two groups have only one difference between them. For the purposes of this study, either communities have "pit bull" bans, or they don't, so that it might be possible to measure the effect of the one - and only one - difference between them.

The authors' interest in this analysis may also have benefited from a lack of awareness that neither "pit bull" ban Winnipeg (2.93 DBIH/100,000 person-years before the ban, 2.81 DBIH/100,000 person-years after) nor breed-neutral Brandon (2.50 per 100,000 person-years for the entire study period), the only two urban areas in Manitoba, compare with the City of Calgary, Alberta. In the past 18 months, a total of six Calgary citizens were hospitalized because of a dog bite-related

injury. Since Calgary is a city of 1+ million people, that works out to a rate of 0.4 (that's right: 0.4 DBIH/100,000 people.<sup>iv</sup>

The dismal comparison of Manitoba's record with Calgary's notwithstanding, what most compromises the authors' analysis is that their two groups are not equivalent. Based upon the population data of sparsely populated Manitoba, we can infer that the two groups have far more differences between them than simply "pit bull" legislation -- in terms of demographics, density of human and canine population, dog keeping habits, etc. -- that conclusively invalidate any claims based upon this experimental design.

As of June, 2011, the entire population of Manitoba, a province whose land area encompasses 211,700 square miles, was 1.25 million, slightly less than the U.S. city of San Diego (372 square miles).<sup>v</sup> The population of the Winnipeg Regional Health Authority was 709,000, more than half that of the entire province.<sup>vi</sup> More importantly in terms of the paper under discussion, Winnipeg represents almost 90% of the total person-years listed in the study for "pit bull" ban communities. Statistically, the ban "group" consists of Winnipeg.

The only other Manitoba jurisdiction considered urban is Brandon, which has never enacted a "pit bull" ban. Population of the Brandon Regional Health Authority (RHA) is 56,000 - less than 10% of the RHA population of Winnipeg. As mentioned above, urban Brandon's rate of DBIH per 100,000 was approximately the same as urban Winnipeg's.

The rest of Manitoba's population is spread out over an area of more than 200,000 square miles of land.

In effect, the authors compared one large city, Winnipeg (population density of metropolitan area = 357 people per square mile), with the rural areas of the province (population density, excluding Brandon, 2.3 people per square mile). According to the data published in the paper, the "pit bull" ban group, which, for statistical purposes consisted mostly of Winnipeg, and non-ban Brandon always had lower rates of DBIH than Manitoba's rural areas. Given what we know from data compiled in the U.S. and Europe, this is not surprising.<sup>vii</sup>

But the only piece of data relevant to the question of effectiveness in advancing community safety is this: Winnipeg did not see any improvement in the rate of DBIH after enacting BSL. In fact, according to data that has been publicly available for years, Winnipeg did not see a reduction in bites of any kind!<sup>viii</sup>

The ineffectiveness of Winnipeg's 22-year-old breed ban has been a topic of heated controversy in that city for many years. In fact, the city's remarks about the ban now omit any claim of its being effective in terms of community safety.

It appears that these authors have taken up the cudgel that Winnipeg officials have set down. In order to find a justification for the breed ban, they created an analysis that ignored the most commonly accepted and easily understood scientific standard for measuring the effectiveness of a treatment, or change in public policy: was the outcome better after the treatment or

implementation of new policy, or not? That is the only useful question, one that has already been dealt with instructively in the scientific literature. <sup>x</sup>

Try as they might, the authors could not escape the truth that a "pit bull" ban has not made the people of Winnipeg safer.

Manufacturing a mathematical analysis that obscures the available data does not promote community safety. It is bad for dogs, and bad for science.

## SOURCES

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