

# Pound Seizure and Gas Chambers: What you can do

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- 1995-2003 = Assistant Prosecutor in Michigan
- 2003-2007 = Senior Attorney, National District Attorneys Association
- 2007-2010 = Vice President of Public Policy and Vice President of Human-Animal Strategic Initiatives, American Humane Association
- 2011 – present = National District Attorneys Association
- Vice President, No Paws Left Behind
- Council Member, Michigan State Bar Animal Law Section



- 2000-2003 = Co-Founder and past-President, Friends of Ingham County Animal Shelter
- 2004-present = King Street Cats
- 2011 = Co-founder of Michiganders for Shelter Pets
- Over 150 trainings and 45 publications
- Published book author
- Media commentator on animal issues



*Harry Potter's Crookshanks*

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# Citizen Advocate

- You are powerful
- Activist or Advocate?
- Animal rights or animal welfare?
- Action alerts
- Phone calls
- Meet with legislators
- Grassroots efforts
- Lobby Days



# Citizen Advocate

- Learn the issues and get your hands dirty
- Collaborate, network, community involvement
- Credibility
- Facts and emotions
- Learn the opposition
- Befriend the media
- Dealing with divisiveness
- Be patient
- Take care of yourself



Rin Tin Tin saved from a gassing shelter

# Pound Seizure

- Pound Seizure: Dealers and research facilities allowed to take shelter animals for purposes of experimentation
- USDA Class B dealers and investigations
  - Only 9 in the entire country
  - 3 in Michigan
  - 15 Class A (purpose bred) Dealers in Michigan
  - 29 Class B (random source) Dealers in Michigan



# Pound Seizure Laws

- Animal Welfare Act (7 USC 2131, et seq).
  - Section 2158: In the case of each dog or cat acquired by a [shelter], such entity shall hold and care for such dog or cat for a period of **not less than five days to enable such dog or cat to be recovered by its original owner or adopted by other individuals before such entity sells such dog or cat to a dealer.**
- USDA Trace back Protocol
- Investigations



# Michigan's Pound Seizure Law

- MCL 287.381 et seq
- Shelters may sell to dealers for no more than \$10 per animal
- Research facilities can accept animals from dealers, shelters, or breeders
- Violations = misdemeanor
- Shelters must keep animals 4 days (or 7 days with identification) before disposing



# Other State pound seizure laws

- 2 states require Pound Seizure: Minnesota and Oklahoma
- 18 states prohibit Pound Seizure:
  - California, Connecticut, District of Columbia, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia.



Soup, a victim of pound seizure



# Michigan shelters practicing pound seizure

- In 2003, 15 shelters practiced pound seizure
- Today, only 2 Michigan shelters practice pound seizure:
  - Gratiot County (Ithaca)
  - Mecosta County (Big Rapids)
  - Ceased practice: Ingham (2003), Jackson (2006), Eaton (2008), Montcalm (2009), Osceola (2009)



# Stats from MI Dept of Ag

- The number of random source dogs/cats provided for research have declined:

- 2004

- Dogs = 983
- Cats = 1361
- Total = 2344

- 2005

- Dogs = 958
- Cats = 1257
- Total = 2215

- 2006

- Dogs = 836
- Cats = 454
- Total = 1290

- 2007

- Dogs = 668
- Cats = 298
- Total = 966

- 2008

- Dogs = 492
- Cats = 229
- Total = 721

- 2009

- Dogs = 187
- Cats = 142
- Total = 329

# National: Animals in Research

- 2007: 9.2% of all research animals and 0.3% are Class B dealer animals
  - Dogs = 72,037
    - 2,863 Class B dealer dogs
  - Cats = 22,687
    - 276 Class B dealer cats
- 1977
  - Dogs = 176,430
  - Cats = 62,311



Victim of pound seizure

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# Congressional Findings

- National Academies of Science (May 2009)
  - The Scientific Committee on the Use of Random Source Dogs and Cats in Research concluded that Class B dealers are not needed for supplying random source animals for research and training.
- GAO Report (September 2010)
  - Found no cost data for USDA/APHIS enhanced oversight of B dealers
  - Found 13% incomplete tracebacks and concerns about repeat sellers and inspectors



# Legislative Efforts

- Pet Safety and Protection Act
- 2003 MI bill (by Sen. Valde Garcia)
- 2007 MI bill (by Rep. Coleman Young Jr.)
- 2009-10 MI bill (by Rep. John Espinoza)
  - Amendments
    - For first year, only animals where owners designate in writing
    - Thereafter, no B dealers allowed but research facilities can take animals



# 2009-10 Support

- Over 10,000 Michigan citizens
- 59,329 in online petition
- 120 Michigan animal shelters/organizations
- 116 Michigan businesses
- 42 Michigan veterinarians
- 17 Michigan attorneys
- 2 Michigan municipalities
- 10 national animal protection organizations
- 3 animal law organizations

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# Opposition

- Michigan Veterinary Medical Association
- Michigan Farm Bureau
- Michigan Department of Agriculture
- University of Michigan
- Class B Dealers

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# Why do we need a new law?

- Only 2 shelters practice pound seizure, but without notice any other shelter could reinstate the practice
- Some shelters are giving priority to the dealer over rescue and are blocking efforts at rescue
- Undermines effective animal sheltering practices and laws
- This is an embarrassment to Michigan

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# Conan's Story - Escaped

- Escaped from his yard in Hillsdale County in early 2006 while family on vacation
- Ended up at Jackson County AC
- Sold to a B Dealer after minimal hold
- Had rabies identification tags on him
- Undercover investigation by LCA
- Sold to a facility in NY where he did not survive
- No one contacted the family



Photo from Last Chance for Animals

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# Chance's Story - Neglect case

- Neighbors call in a neglect complaint to Jackson County AC in 2005
- JCAC seizes Chance and his 4 siblings
- Puppies held 5 days then sold to a B Dealer
- Adopters and rescue groups wanted to rescue the puppies
- Shelter and dealer could not agree on who could release the puppies
- All sold to a research facility



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# Mitten's Story - Relinquished

- Mittens adopted from Ionia and arrived at Montcalm AC in October 2007
- Ionia asked for return of Mittens per their contract
- 5 days later, Ionia showed up to claim Mittens and she had already been sold to the dealer
- Calls were made to the dealer which were not returned
- The USDA intervened and Mittens was returned and is now in a loving home



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# Rusty's Story - Stolen

- Rusty was stolen from her yard in Florida in 2005
- Ended up at Montcalm County Animal Control shelter in September 2008
- Sold to a Class B dealer in October 2008
- The dealer located a tattoo on Rusty and called Tattoo-A-Pet under a false name to get the owner's information
- Tattoo-A-Pet took over the case, located the owner and secured Rusty's safety
- Rusty was rescued by a Kalamazoo rescue group



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# Michigan's Euthanasia Law

- MCL 287.279a
- An animal control officer or other person killing a dog or other animal pursuant to the laws of this state shall not use a high altitude decompression chamber or electrocution for that killing
- Michigan Department of Community Health requires at least 8 hours of training by a veterinarian in order to perform euthanasia by sodium pentobarbital
  - Anyone can receive training



# Michigan's euthanizing practices

- Survey of all Michigan shelters:
  - 6 use carbon monoxide
    - Berrien County AC, Branch County AC, Cass County AC, St. Joseph City and County AC, Huron Twp, Van Buren AC
  - 2 use carbon dioxide
    - Gratiot County AC, Mecosta County AC
  - EBI backup or training
    - All except Mecosta and Huron
  - Remainder utilize injection



# Legislative Efforts

- 2009-2010
  - Rep. Rick Jones and Rep. Fred Miller
  - Bans the use of carbon monoxide and carbon dioxide gassing methods for shelters and B dealers
- 2011-2012
  - Sen. Rick Jones



Grant, a victim of gassing



# 2009-10 Support

- Over 10,000 Michigan citizens
- 86,093 in online petition
- 120 Michigan animal shelters/organizations
- 115 Michigan businesses
- 41 Michigan veterinarians
- 17 Michigan attorneys
- 2 Michigan municipalities
- 5 national animal protection organizations
- 3 animal law organizations

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# Opposition

- Michigan Veterinary Medical Association
- Michigan Farm Bureau
- Michigan Department of Agriculture
- Concerns about funding
  - American Humane grant (via a Michigan donor)

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# Why does Michigan need this bill?

- A majority of shelters have rejected gassing
- Michigan Department of Agriculture warns that carbon monoxide is dangerous to humans and can pose long term health problems
- Michigan has no training requirement for gassing animals
- Gassing is painful for animals
- EBI is less costly than gas



# What can you do?

- Join Michiganders for Shelter Pets
  - Support the bills
  - Educational material
  - Advocacy updates
- Be alert
- Help pound seizure and gassing shelters
- Facebook “You Can Do More for Animals”



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