



COUNTY OF SANTA CRUZ

SUSAN A. MAURIELLO, J.D., COUNTY ADMINISTRATIVE OFFICER

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April 20, 1998

AGENDA: April 28, 1998

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

Animal Control

Dear Members of the Board:

On January 27, 1998, your Board adopted an ordinance amending various sections in Title 6 of the County Code relating to animals and directed the County Administrative Officer to return today with a report concerning an amendment to the County Code related to treatment of biomedical and research animals. Your Board also directed this office to return today with clarifying language on the control of animals on private property and to meet with the Animal Control Working Group regarding final recommendation on the definition of Kennels and Pet Shops.

HUMANE TREATMENT OF BIOMEDICAL AND RESEARCH ANIMALS

As your Board will recall, during considerations of the ordinance amending the County Code sections related to the raising of livestock for biomedical purposes, your Board directed staff to address the issues raised regarding the humane treatment of animals as a part of the Animal Control Ordinance.

This office, County Counsel, the SPCA, and the Agricultural Commissioner have evaluated the existing standards and agencies which are empowered with enforcing regulations related to the humane treatment of livestock used in biomedical research and production. Additional information was provided by Jess Brown of the Farm Bureau, Suzanne Ness of the California Biomedical Research Association (Attachment A), and David R. Casper D.V.M., veterinarian for the Long Marine Laboratory at the University of California at Santa Cruz (Attachment B).

After extensive discussion and review, it is the recommendation of this office and the Agricultural Commissioner that sufficient regulations are in place to ensure the humane treatment of biomedical animals and that no further action is needed by your Board. County Counsel has reviewed and concurs with this recommendation. The basis for this recommendation is provided below.

RECOMMENDED PROCEDURAL GUIDELINES

The SPCA has proposed that no person involved in biomedical production or research utilizing animals shall use any procedure for animal care or treatment unless it is consistent with the provisions of the Federal Animal Welfare Act, the National Research Council's "Guide for the Care and Use of Laboratory Animals," and the American Veterinary Medical Association Euthanasia Guidelines. This office concurs with the recommendation that these standards be utilized in the care of biomedical research and production animals, however these standards are already in place and to restate their applicability would be redundant.

Biomedical operations are covered by the Federal Animal Welfare Act (AWA). The Federal Animal Welfare Act was adopted to protect animals from inhumane treatment and neglect. The USDA's Division of Animal and Plant Health Inspection (API-IIS) administers the AWA, its standards, and its regulations. The AWA requires that minimum standards of care and treatment be provided for certain animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Individuals who operate facilities in these categories must provide their animals with adequate care and treatment in the areas of housing, handling, sanitation, nutrition, water, veterinary care, and protection from extreme weather and temperatures. A Fact Sheet outlining the Animal Welfare Act is provided as Attachment C.

All facilities registered under the AWA must appoint an Institutional Animal Care and Use Committee (IACUC), composed of at least three members. One member must be a Doctor of Veterinary Medicine with training or experience in laboratory animal science and medicine who has direct or delegated program responsibility for activities involving animals at the facility. At least one member shall not be affiliated in any way with the facility other than as a member of the Committee. The AWA states that this person is to provide representation for general community interests in the proper care and treatment of animals. The IACUC is responsible for reviewing the facility's program for humane care and use of animals in accordance with the Animal Welfare Act, reviewing and investigating concerns involving the care and use of animals at the facility resulting from public complaints, and otherwise monitoring the care of the animals.

Biomedical livestock operations, such as Santa Cruz Biotechnology, Inc, are regulated by the Federal Animal Welfare Act and are required to register with APHIS. Santa Cruz Biotechnology, Inc is currently registered with APHIS (A copy of the most recent Animal Care Inspection Report is provided as Attachment D). Under the terms of the Animal Welfare Act, APHIS conducts unannounced inspections at least once annually. Information on the Compliance Inspections conducted by APHIS is provided as Attachment E. If an inspection reveals deficiencies in meeting the AWA standards and regulations, further steps are taken to ensure that the problems are corrected within a given time frame. APHIS also investigates alleged violations and will perform inspections in response to public input about the conditions of regulated facilities. Under the AWA, APHIS utilizes both the "Guide for the Care and Use of Laboratory Animals" and the American Veterinary Medical Association Euthanasia Guidelines in monitoring veterinary care provided to animals in biomedical research. We believe that it would be an unnecessary redundancy to require biomedical operations to adhere to these standards, which are used by APHIS in monitoring adequate veterinary care.

PAIN CAUSING PROCEDURES

The SPCA has proposed that no person involved in biomedical production or research utilizing animals shall perform a pain causing procedure on an animal such as dehorning, disbudding, or castration without the benefit of local or general anesthetic. This office and the Agricultural Commissioner do not recommend that your Board adopt this language, for the following reasons.

The Federal Animal Welfare Act defines a painful procedure as one which would reasonably be expected to cause more than slight or momentary pain or distress in a human being to which that procedure was applied, that is, pain in excess of that caused by injections or other minor procedures. The AWA requires that procedures involving animals will avoid or minimize discomfort, distress, and pain to the animals. It is the responsibility of the Institutional Animal Care and Use Committee (IACUC) to ensure that any painful procedure will be performed with appropriate sedatives, analgesics, or anesthetics, unless withholding such agents is justified in writing for scientific reasons.

The Animal Welfare Act does not **specifically** address the use of anesthesia in dehorning, disbudding, or castration. However, the National Research Council's "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching" states that "when a surgical method of castration is used, lambs and kids should be less than two months of age, or anesthesia should be used and special care taken to minimize hemorrhage and infection. The most appropriate method of castration depends on prevailing conditions." The Guide recommends that dehorning should be performed at less than one month of age, and that removal of horns of an adult animal should be done under general anesthetic or sedation and local anesthetic.

Dr. Robert Gibbens, the head of the Western Regional Office of the USDA's Division of Animal and Plant Health Inspection (APHIS) informed CAO staff that his office does monitor castration and the other procedures to ensure the animals are not caused pain or distress beyond the limit established in the Animal Welfare Act. His office evaluates the appropriate use of anesthesia in castration, dehorning, and disbudding according to established veterinary standards, using the "Guide for the Care and Use of Laboratory Animals" and the "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching."

According to Pam Hullinger, D.V.M., Animal Care Section, Division of Animal Industry, California Department of Food and Agriculture, the imposition of a requirement to use anesthetic for castrations or dehorning would be precedent setting. She is not aware of any jurisdiction which specifically makes a local anesthetic mandatory for these procedures. Dr. Hullinger also stated that scientific research in this area is ambivalent. She does not recommend the imposition of such a requirement.

Based upon these findings, both this office and the Agriculture Commissioner believe that it is not appropriate for the County to require procedures that exceed those established by the USDA or the Department of Food and Agriculture, the experts in the field.

EUTHANASIA

The SPCA recommended that the County require that euthanasia of biomedical production or research animals shall be performed by a licensed veterinarian or a Euthanasia Technician trained and certified as prescribed by the California Veterinary Medical Association.

The Animal Welfare Act defines euthanasia as the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death. The AWA states that methods of euthanasia used must be in accordance with this definition.

The AWA requires that a licensed veterinarian be a member of the Institutional Animal Care and Use Committee. This professional must have direct or delegated. program responsibility for activities involving animals at the facility. The AWA also requires each facility to have an attending veterinarian who shall provide adequate veterinary care. The AWA also requires the facility to ensure that all scientists, research technicians, animal technicians, and other personnel involved in animal care, treatment, and use are qualified to perform their duties. This specifically includes the provision of training in methods that minimize animal distress. The attending veterinarian is also responsible for providing guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia.

Based on these findings, this office and the Agricultural Commissioner do not believe that it would be appropriate for your Board to require that euthanasia of biomedical production or research animals shall be performed by a licensed veterinarian or a Euthanasia Technician. We believe that the requirements of the Federal Animal Welfare Act are sufficient to ensure that persons administering euthanasia are properly trained and qualified.

ALTERNATIVE APPROACHES

It would be possible for your Board to take action to adopt the Federal Animal Welfare Act, the National Research Council's "Guide for the Care and Use of Laboratory Animals," the National Research Council's "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching," and the American Veterinary Medical Association Euthanasia Guidelines. Should your Board decide to take such an action, it is recommended that any language adopted by your Board in this context be clearly restricted in application only to biomedical livestock operations which are required to obtain development permits pursuant to Section 13.10.347 of the County Code. This would alleviate concerns that these standards would subsequently be applied to other livestock operations in the County, which was not intended and is not recommended. However, the Federal Animal Welfare Act, which covers biomedical research and production operations, encompasses these guidelines as explained above. In addition, it is already the responsibility of the USDA to monitor, review, and enforce the Federal Animal Welfare Act. This office does not recommend the adoption of requirements and restrictions which would result in monitoring and enforcement costs when such monitoring is already be provided by the Federal Government.

Existing County regulations and the Animal Control contract authorize the County's Director of Animal Control Services to monitor the humane treatment of animals used in biomedical research and production, just as the Director is authorized to monitor the humane treatment of other animals in the County. Should the Director determine that the care of these animals does not comply with the standards identified earlier, the Director is already authorized to take appropriate action, including the submission of complaints to the USDA Division of Animal and Plant Health and Inspection (APHIS). Should the Director of Animal Control Services believe that federal enforcement of these standards is inadequate, the Director will return to your Board with recommendations for further actions to ensure humane treatment.

A C K N O W L E D G M E N T

We would like to thank the representatives of the SPCA for working with my office, the Agriculture Commissioner, and with County Counsel to review these issues. Their expertise was both helpful and welcome in dealing with the humane care of animals used in biomedical research or production.

CONTROL OF ANIMALS ON PRIVATE PROPERTY

During the consideration of recently approved changes to County Code sections related to Animal Control, your Board directed this office to return with clarifying language on the control of animals on private property.

County Code Section 6.04.020 defines animal at large. Within that definition, the current code states that "Any dog which is not within both sight and range of verbal command of its owner, while on the owner's premises, shall be presumed to be outside of the immediate custody and control of its owner, and shall be presumed to be "at large." At the Board meeting, confusion was raised with regard to the interpretation of this provision.

Staff has reviewed these concerns and believes that the SPCA's procedures regarding animals at large are appropriate. However, the County Code itself could be construed as overly broad. We believe that the proposed ordinance clarifies those situations in which an Animal Control officer is authorized to take action by allowing an officer to act if an animal has caused or threatened to cause harm to persons or property located off its owner's premises, even though the animal remained on or subsequently returned to the owner's premises. This change in the ordinance will still allow an Animal Control Officer to impound an animal which has caused or threatened to cause harm to persons or property, but will not authorize the officer to enter private property to impound an animal solely because it is not confined.

The SPCA has expressed concern regarding the proposed ordinance because they believe that it will restrict their ability to prevent attacks of humans and other animals by dogs which are not confined to the owners' property. Attachment G is a letter from Lt. Jim Boeckl, the Field Services Manager for the SPCA, in which he outlines the reasons for their concern about this modification.

The SPCA has also requested that your Board eliminate the exception that allows dogs kept on ranches and similar undeveloped property to remain unconfined. The letter from Lt. Boeckl also explains the SPCA's reasons for this request.

DEFINITION OF KENNELS AND PET SHOPS

On January 27, 1998, your Board adopted the recommended changes to various sections of Title 6 of the County Code relating to animals. At that time, you also directed this office to meet with the Animal Control Working Group regarding final recommendation on the definition of **Kennels** and **Pet Shops**. As your Board will recall, the members of the Animal Control Working Group who represented GRACCE (Group for Responsible Animal Control and Care through Education) did not support the recommended and subsequently adopted definitions of **Pet Shops** and **Kennels**. The members of the Animal Control Working Group have met once again to discuss this issue and unanimously make the following recommendations.

The Animal Control Working Group recommends that your Board adopt the attached Ordinance Amending Subsection R. of Section 6.04.020 and Subsections A. and B. of Section 6.16.010 of the Santa Cruz County Code relating to the definitions of **Pet Shop** and **Kennel**. The group believes that this change in language clarifies the kind of operations which are subject to review under this section.

In addition, the Animal Control Working Group also recommends that your Board direct the Planning Department to add the review and possible revision of the definition of **Kennel** in Section 13.10.700-K of the Zoning Ordinance to their annual work plan. Section 13.10.700-K defines **Kennel** as "any lot, building structure, enclosure or premises whereupon or wherein are kept five or more dogs, cats, or similar small animals over the age of four months in any combination for more than five days, whether such keeping is for pleasure, profit, breeding, or exhibiting and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale or kept for hire." The Animal Control Working Group believes that this language lacks clarity and does not differentiate between commercial and non-commercial operations. Members of the Animal Control Working Group are willing to provide input and assistance to the Planning Department in reviewing this section.

Once again, I would like to thank the members of the Animal Control Working Group for their thoughtful assistance and expertise. I believe that we have made great progress in many areas of joint concern.

IT IS THEREFORE RECOMMENDED THAT YOUR BOARD

1. Accept and file this report on the humane treatment of livestock used in biomedical research and production,
2. Accept and file this report the meeting with the Animal Control Working Group on the definition of **Kennel** and **Pet Shop**, and

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3. Adopt in concept the Ordinance Repealing and then Re-enacting Subsection C of Section 6.04.020 of the Santa Cruz County Code Relating to the Definition of Animal at Large.
4. Adopt in concept the Ordinance Amending Subsection R. of Section 6.04.020 and Subsections A. and B. of Section 6.16.010 of the Santa Cruz County Code relating to the definitions of **Pet Shop** and **Kennel**, and
5. Direct the Planning Department to schedule the review and possible revision of the definition of **Kennel** in Section 13.10.700-K of the Zoning Ordinance as part of the Department's work plan at a time determined to be appropriate by the Department and your Board.

Very truly yours,



Susan A. Mauriello
County Administrative Officer

cc: Kat Brown, Acting Executive Director, SPCA
Dave Moeller, Agricultural Commissioner
Rahn Garcia, County Counsel
Jess Brown, Farm Bureau
Alvin James, Planning Director
Suzanne Ness, California Biomedical Research Association
David R. Casper D.V.M., Long Marine Laboratory
Dr. Robert Gibbens, USDA APHIS
Naomi Kirschenbaum D.V.M.

Attachment A: Letter from Suzanne Ness, President of California Biomedical Research Association

Attachment B: Letter from David R. Caspar D.V.M., Long Marine Laboratory, University of California, Santa Cruz

Attachment C: Animal Welfare Act Fact Sheet (APHIS)

Attachment D: 7/1/97 Animal Care Inspection Report, Santa Cruz Biotechnology

Attachment E: APHIS Fact Sheet on Compliance Inspections

Attachment F: Ordinance Repealing and then Re-enacting Subsection C of Section 6.04.020 of the Santa Cruz County Code Relating to the Definition of Animal at Large

Attachment G: Letter from Lt. Jim Boeckl, the Field Services Manager for the SPCA

Attachment H: Ordinance Amending Subsection R. of Section 6.04.020 and Subsections A. and B. of Section 6.16.010 of the Santa Cruz County Code relating to the definitions of **Pet Shop** and **Kennel**

Board of Directors

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Office of the Chancellor
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University of California,
Berkeley
Suzanne Ness
President

January 7, 1998

Susan Mauriello
Administrative Officer
Santa Cruz County
Santa Cruz, CA

JAN - 9 1998

Dear Ms. Mauriello,

On behalf of the members of the California Biomedical Research Association (CBRA), I am writing to offer comment on the "draft amendments to Animal Control Ordinance concerning treatment of biomedical and research animals" issued November 14, 1997. CBRA is a coalition of over 65 universities, medical centers and institutes, companies and voluntary health organizations throughout California which rely upon the use of animals in medical research.

The care and use of animals used in biomedical research and education is regulated under the federal Animal Welfare Act of 1966 (P.L. 89-544), as amended in 1970 (P.L. 91-579), 1976 (P.L. 94-279), 1985 (P.L. 99-198), and 1990 (P.L. 101-624). There are two federal agencies which enforce these regulations -- the National Institutes of Health and the U.S. Department of Agriculture. Rules and regulations pertaining to USDA oversight are published in the Code of Federal Regulations, Title 9 (Animals and Animal Products), Chapter 1, Subchapter A (Animal Welfare). Research activities funded by the National Institutes of Health are regulated by the NIH Office of Protection from Research Risks using the national Guide for the Care and Use of Laboratory Animals. It is a violation of federal law to conduct research using animals protected under the Animal Welfare Act without being subject to regulation by one or both of the agencies listed above.

Both agencies require and review extensive annual reports, make annual unscheduled regulatory site visits and have the legal authority to apply significant penalties or to stop research altogether in cases of noncompliance. These federal statutes and regulations govern the care of animals used in biomedical research and education, whether conducted by private or public entities. Animal care standards require appropriate veterinary care at all times.

The language proposed for amendment to Chapter 6.04 of the County Code would attempt to regulate activity already comprehensively addressed by


federal statutes. Applicable federal regulations require multiple levels of oversight and evaluation of all research activities. This oversight includes assessment of physical facilities, as well as all aspects of the research program, including research protocols, animal husbandry and animal medical records. The items referred to in the proposed amendment address only limited portions of the overall effort involved in effectively regulating the use of animals in biomedical research and education.

Thus, in adopting the proposed language, the County may increase its regulatory burden and personnel costs while duplicating existing enforcement of federal law.

May we suggest that the County simply indicate its intent that the Animal Welfare Act and its amendments be enforced in the county where indicated by federal law to insure humane care and use of animals in research and education. Enclosed is a copy of the federal Animal Welfare Act and the Guide for the Care and Use of Laboratory Animals.

We are available to assist you in any way.

Sincerely,



Suzanne Ness
President

Members

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Allergan
Alliance Pharmaceutical
ALZA Corporation
American Association for Laboratory Animal Science Northern, Orange County,
San Diego, Southern and Palms to Pines Branches
American Cancer Society, California Division, Inc.
American Diabetes Association, California Affiliate
American Heart Association (Western States Affiliate and Greater L.A. Affiliate)
American Lung Association of California
Amgen
Bayer Corporation
Berlex Bio Sciences
BioDevices
Buck Center for Research in Aging
California Institute of Technology
California Medical Association
California State University,
Long Beach
Pomona
Office of the Chancellor
California Veterinary Medical Association
Cedars-Sinai Medical Center
Charles River Laboratories
Children's Hospital Oakland Research Institute
Children's Hospital of Orange County
Chiron Corporation
City of Hope
Genentech
J. David Gladstone Institutes
Good Samaritan Hospital
Harbor UCLA Medical Center, Research and Education Institute, Inc.
Heartport
Huntington Medical Research Institutes
Isis Pharmaceuticals
Lawrence Berkeley Laboratory
Loma Linda University
NASA Ames Research Center
Palo Alto Medical Foundation
Roche Biosciences
Salk Institute for Biological Studies
San Diego State University
San Jose State University
Scripps Research Institute
Stanford University
The Parkinson's Institute
University of California,
Berkeley
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Irvine
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Riverside
San Diego
San Francisco
Santa Barbara
Santa Cruz
Office of the President
University of Southern California
Veterans Administration Medical Centers at:
Loma Linda
Long Beach
Palo Alto
San Diego
San Francisco
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West Los Angeles

(Partial List)

 BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO



 SANTA BARBARA · SANTA CRUZ

David R Casper DVM
 Long Marine Laboratory
 University of California, Santa Cruz
 100 Shaffer Rd.
 Santa Cruz, CA 95060

April 16, 1998

Dear Ms. Phillips;

Thank you for your update memo of March 31, 1998 concerning the variations on the wording of the proposed amendment to the County animal control ordinance, and the invitation to comment.

My first comment is to reiterate the opinion that County oversight of biotechnology operations is redundant and unnecessary. The federal government through the US Department of Agriculture and the National Institutes of Health already has in place both rules and regulations concerning the use of animals in biotechnology as well as an active inspection program for biotechnology sites that utilize animals. Should the County pursue its own regulations regarding the use of animals in biotechnology, it risks creating a situation where federal law and County regulation differ, potentially creating confusion and raising issues of federal preemption. In addition, the essentially redundant County ordinance and enforcement will be costly in financial terms to the County. These costs include the cost of enforcement as well as potential lost tax revenue from discouragement of potential future biotechnology operations.

The county agricultural commissioner, Dave Moeller had previously suggested adopting as a reference for animal care and treatment the "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching" by the Guide Development Committee of the National Research Council. The SPCA has suggested an alternative reference, the "Guide for the Care and Use of Laboratory Animals" by the same organization. The "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching" is currently a **draft** document that is circulating. It is very close to final form. When it is final it will constitute an equivalent to the "Guide for the Care and Use of Laboratory Animals", tailored to large animals.

The USDA plans to use the "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching" in the same way it currently uses the "Guide for the Care and Use of Laboratory Animals". They function as reference guidelines for USDA federal inspectors and Institutional Animal care and Use Committees. Every biotechnology operation by federal law must have a duly constituted Institutional Animal Care and Use Committee (IACUC). The "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching" will be available as the reference for USDA inspectors to use in inspecting Santa Cruz Biotech and all other biotechnology operations.

Therefore my second comment is to suggest that the County delay discussion of the proposed amendment to the animal control ordinance until the final form of the "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching" is published and can be reviewed. If the County decides

to pursue regulation of biotechnology, it should, at the very least, wait until these new guidelines are published so as to utilize the latest and most authoritative information.

Finally, if the County chooses to proceed in the adoption of one of the two versions presented to me in your letter of March 3 1, 1998, then the adoption of the broader version that refers to federal guidelines is more appropriate. The broader version will require modification however:

- As previously discussed it should, in all probability, reference the “Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching” rather than the “Guide for the Care and Use of Laboratory Animals”.
- Under “A. No person involved in biomedical production or research utilizing animals shall perform a pain causing procedure..” is unnecessary. USDA inspectors would not countenance such practices in a biotechnology setting. There is a dual standard that allows such practices in agriculture, but agriculture was specifically excluded under the Animal Welfare Act. Biotechnology was not. Federal inspectors already enforce this standard of pain relief in biotechnology settings.
- Under “B. Euthanasia of biomedical production or research animals shall be performed by a licensed veterinarian or a Euthanasia Technician trained and certified as prescribed by the California Veterinary Medical Association..”, is inappropriate.
 1. The correct reference should be to the California Veterinary Medical Board, not the California Veterinary Medical Association
 2. Under the proposed wording registered veterinary technicians are excluded from performing euthanasia (which they are currently licensed in California to perform under veterinary supervision).
 3. There are not currently in effect any rules governing the classification “Euthanasia Technician,” which is contained in recent legislation. Rules are anticipated that will provide for required training and testing, but as yet they do not exist. Moreover, the legislation referring to Euthanasia Technicians is directed to animal control shelters and humane societies, not biotechnology operations. It is designed to allow such organizations, most of which do not have a veterinarian on **staff**, to have someone who is legally entitled to purchase euthanasia solution, a controlled substance. Currently, a veterinarian must be personally responsible for the purchase and utilization of controlled substances at shelters..
 4. The issue of euthanasia of animals is already addressed by state law. See sections 4827(d) and 4840 of the California Business and Professions Code, which provide as follows:

4827. Nothing in this chapter prohibits any person from:. . .

(d) Administering sodium pentobarbital for euthanasia of sick, injured, homeless, or unwanted domestic pets or animals, without the presence of a veterinarian when the person is an employee of an animal control shelter and its agencies or humane society and has received proper training in the administration of sodium pentobarbital for these purposes.

4840. (a) Registered veterinary technicians and unregistered assistants are approved to perform those animal health care services prescribed by law under the supervision of a veterinarian licensed or authorized to practice in this state.

(b) Registered veterinary technicians may perform animal health care services on those animals impounded by a state, county, city, or city and county agency pursuant to the

direct order, written order or telephonic order of a veterinarian licensed or authorized to practice in this state.

(c) Registered veterinary technicians may apply for registration from the federal Drug Enforcement Administration that authorizes the direct purchase of sodium pentobarbital for the performance of euthanasia as provided for in of subdivision (d) of Section 4827 without the supervision or authorization of a licensed veterinarian.

5.) Conclusion: It is much more appropriate for Santa Cruz County to refer to state and federal law rather than to attempt to create their own ordinance.

In conclusion, I urge the County not to amend the animal control ordinance. Should the County pursue amendment to the animal control ordinance, I strongly support the wording proposed by the County Agricultural Commissioner. It was succinct and referred to appropriate reference guidelines,

I would certainly appreciate the opportunity to address the Board or to provide additional written input to the Board following your submission of one or both options to the Board for decision.

Thank you,


David R. Casper DVM

FACTSHEET***Regulatory Enforcement
and Animal Care***United States
Department of
AgricultureAnimal and
Plant Health
Inspection
Service

March 1995

**The Animal Welfare Act**

For more than a quarter of this century, the U.S. Department of Agriculture (USDA) has enforced the Animal Welfare Act (AWA) to protect certain animals from inhumane treatment and neglect. Congress passed the AWA in 1966 and strengthened the law through amendments in 1970, 1976, 1985, and 1990. The USDA's Animal and Plant Health Inspection Service (APHIS) administers the AWA, its standards, and its regulations.

The Law

The AWA requires that minimum standards of care and treatment be provided for certain animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Individuals who operate facilities in these categories must provide their animals with adequate care and treatment in the areas of housing, handling, sanitation, nutrition, water, veterinary care, and protection from extreme weather and temperatures. Although Federal requirements establish acceptable standards, they are not ideal. Regulated businesses are encouraged to exceed the specified minimum standards.

Exemptions

The AWA regulates the care and treatment of warm-blooded animals, except those, such as farm animals, used for food, fiber, or other agricultural purposes.

Currently, coldblooded animals, such as snakes and alligators, are exempt from coverage under the Act. Retail pet shops are not covered under the Act unless the shop sells exotic or zoo animals or sells animals to regulated businesses. Animal shelters and pounds are regulated if they sell dogs or cats to dealers. Pets owned by private citizens are not regulated.

Pet Protection

To help prevent trade in lost or stolen animals, regulated businesses are required to keep accurate records of acquisition and disposition and a description of the animals

that come into their possession. Animal dealers also must hold the animals that they acquire for a period of 5 to 10 days to verify their origin and allow pet owners an opportunity to locate a missing pet.

Animal Fighting

The AWA prohibits staged dogfights, bear or raccoon baiting, and similar animal fighting ventures.

Licensing and Registration

The AWA also requires that all individuals or businesses dealing with animals covered under the law must be licensed or registered with APHIS.

Research Facilities

In addition to providing the required standards of veterinary care and animal husbandry, regulated research facilities must provide dogs with the opportunity for exercise and promote the psychological well-being of primates used in laboratories. Researchers must also give regulated animals anesthesia or pain-relieving medication to minimize the pain or distress caused by research if the experiment allows. The AWA also forbids the unnecessary duplication of a specific experiment using regulated animals.

Research facilities must establish an institutional animal care and use committee to oversee the use of animals in experiments. This committee is responsible for ensuring that the facility remains in compliance with the AWA and for providing documentation of all areas of compliance to APHIS. The committee must be composed of at least three members, including one veterinarian and one person who is not affiliated with the facility in any way.

The AWA also does not permit APHIS to interfere with research procedures or experimentation. Regulated research facilities include hospitals, colleges and universities, diagnostic laboratories, and many private firms in the pharmaceutical and biotechnology industries.

AWA Enforcement

APHIS ensures that all regulated commercial animal breeders, dealers, brokers, transportation companies, exhibitors, and research facilities are licensed or registered. APHIS also searches for unlicensed or unregistered facilities.

Before APHIS will issue a license or registration, the applicant must be in compliance with all standards and regulations under the AWA. To ensure that all registered facilities continue to comply with the Act, APHIS inspectors make unannounced inspections at least once annually.

If an inspection reveals deficiencies in meeting the AWA standards and regulations, the inspector instructs the facility to correct the problems within a given timeframe. If deficiencies remain uncorrected at the unannounced followup inspection, APHIS documents the facility's deficiencies and considers possible legal action.

APHIS also conducts reviews and investigates alleged violations. Some cases are resolved with Official Notices of Warning or agency stipulation letters, which set civil penalties for the infractions. Civil penalties include **cease-and-desist** orders, fines, and license suspensions or revocations. If APHIS officials determine that an alleged AWA violation warrants additional action, APHIS submits all evidence to the USDA for further legal review.

Cooperation

In addition to conducting regular inspections, APHIS will perform inspections in response to public input about the conditions of regulated facilities. Concerned individuals also are encouraged to inform APHIS about facilities that should be licensed or registered.

Many State and local governments have passed additional animal welfare legislation. The public is encouraged to work with Federal, State, and local officials as well as local humane organizations to help eliminate inhumane treatment of animals.

For more information about the Animal Welfare Act, write to:

Regulatory Enforcement and Animal Care
APHIS, USDA
Unit 84
4700 River Road
Riverdale, MD 20737

ANIMAL CARE INSPECTION REPORT

☒ Routine ☐ Reinspection ☐ Pre-license ☐ Attempted ☐ Other

7. NAME AND MAILING ADDRESS OF LICENSEE OR REGISTRANT
Santa Cruz Biotechnology
2151 Delaware Avenue

Santa Cruz

CA

95050

Santa Cruz

GA

ATTACHMENT D

95061

STANDARDS AND REGULATIONS		DOGS	CATS	GUINEA PIGS	HAMSTERS	RABBITS	PRIMATES	MAMMALS	OTHER	CA	STATE	
9. NO. OF ANIMALS INSPECTED		A	B	C	D	E	F	1,255 GOATS				
"X" if in compliance; "O" if Non-compliant items (explain on APHS FORM 7100, Continuation Sheet); NA if not applicable; NS if not seen												
FACILITIES	GENERAL	10. Structure and Construction	3.1	3.1	3.25	3.25	3.50	3.75	3.101	3.125	O	
		11. Condition and Site	3.1	3.1				3.75	3.101			
		12. Surfaces & Cleaning	3.1	3.1				3.75	3.101			
		13. Utilities/Washrooms/Storage	3.1	3.1	3.25	3.25	3.50	3.75	3.101	3.125	X	
		14. Drainage and Waste Disposal	3.1	3.1	3.25	3.25	3.50	3.75	3.101	3.125	X	
	INDOOR	15. Temperature/Ventilation/Lighting	3.2	3.2	3.26	3.26	3.51	3.76	3.102	3.126	NA	
		16. Interior Surfaces	3.2	3.2	3.26	3.26	3.51		3.101			
		17. Drainage							3.101	3.126	NA	
	SHELTERED	18. Temperature/Ventilation/Lighting	3.3	3.3				3.77				
		19. Shelter from elements	3.3	3.3				3.77				
		20. Surfaces	3.3	3.3								
		21. Capacity/Perimeter fence/Barrier						3.77				
	OUTDOOR	22. Restrictions or Acclimation	3.4	3.4	3.27	3.27		3.78	3.103			
		23. Shelter from elements	3.4	3.4	3.27		3.52	3.78	3.103	3.127	X	
		24. Drainage			3.27		3.52			3.127	X	
		25. Construction	3.4	3.4	3.27			3.78	3.101			
		26. Capacity/Perimeter fence/Barrier						3.78	3.101	3.125	X	
		27. Temperature/Ventilation/Lighting	3.5	3.5				3.79				
		28. Public Barrier						3.79				
	PRIMARY ENCLOSURE	29. General Requirements	3.6	3.6	3.28	3.28	3.53	3.80	3.104	3.125	O	
30. Space & Additional Requirements		3.6	3.6	3.28	3.28	3.53	3.80	3.104	3.128	X		
31. Protection from Predators		3.6	3.6	3.25	3.25	3.52	3.80	3.101	3.125	X		
WELFARE	32. Exercise and Socialization	3.8										
	33. Environment Enhancement						3.81					
	34. Feeding	3.9	3.9	3.29	3.29	3.54	3.82	3.105	3.129	X		
	35. Watering	3.10	3.10	3.30	3.30	3.55	3.83	3.106	3.130	X		
	36. Cleaning and Sanitation	3.11	3.11	3.31	3.31	3.56	3.84	3.107	3.131	X		
	37. Housekeeping and Pest Control	3.11	3.11	3.31	3.31	3.56	3.84	3.107	3.131	X		
	38. Employees	3.12	3.12	3.32	3.32	3.57	3.85	3.108	3.132	X		
TRANSPORTATION	39. Social Grouping and Separation	3.7	3.7	3.33	3.33	3.58		3.109	3.133	X		
	40. Primary Enclosure	3.14	3.14	3.36	3.36	3.61	3.87	3.113	3.137	NA		
	41. Primary Conveyance	3.15	3.15	3.37	3.37	3.62	3.88	3.114	3.138	NA		
	42. Food and Water	3.16	3.16	3.38	3.38	3.63	3.89	3.115	3.139	NA		
	43. Care in Transit	3.17	3.17	3.39	3.39	3.64	3.90	3.116	3.140	NA		
	44. Handling during Transportation	3.19	3.19	3.41	3.41	3.65	3.92	3.118	3.142	NA		

45. Identification	2.38	NA	2.50	NA								
46. Records & Holding Period	2.35	X	2.38	NA	2.75-2.78	NA	2.101	NA	2.132	NA	2.133	NA
47. Handling	2.38	X	2.131	NA								
48. Veterinary Care	2.33	X	2.40	NA	3.110	NA						
49. IACUC	2.31	X										
50. Personnel Qualifications	2.32	X										
51. Other items?	YES (If yes, see continuation sheet)						✓ NO					

52. PREPARED BY (Signature and title) Michael Dink VMD Veterinary Medical Officer	53. DATE 7-1-97
54. COPY RECEIVED BY (Signature and title) Felicia Earley	55. DATE 7/1/97
56. REVIEWED BY (Signature and title) Ch. Delaney VMD	57. DATE 7/1/97

CONTINUATION SHEET FOR ANIMAL CARE INSPECTION REPORT (S)

(APHIS Forms 7004 and 7008)

1. LICENSE OR REGISTRATION AND NUMBER Santa Cruz Biotechnology	2. UC. OR REG. NO. 93-R-0380	3. DATE 7/1/97	4. PAGE 2
5. LOCATION OR SITE 5332 Coast Rd. #1, Santa Cruz, CA		6. WAYBILL NUMBER AND DATE (If Applicable)	

7. NARRATIVE: I. Non-compliant item(s) previously identified that have been corrected; II. Non-compliant item(s) previously identified for which time remains for correction; III. Non-compliant item(s) identified this inspection; IV. Non-compliant item(s) previously identified that have not been corrected;

Category I:

Non-compliant items previously identified that have been corrected,

Item 23. ~~Shelter from~~ the elements 3.127(b)- Methods for increase ~~in~~ shelter have been **established** for **periods** when **rainfall** or other inclement weather exist.

Item 30. Space Requirements **3.128- Corrected**

Item 34. Feeding 3.29(b), Watering **3.130-** Methods have been established to prevent a reoccurrence of this condition **in** rainy weather. Although, I was unable to evaluate completely, methods are **in** place that meet are requirements.

Item 39. social Grouping **3.133- Corrected**

Category III:

Non-compliant items identified this inspection.

Item IO. Construction 3.125(a)

Item 29. General Requirements 3.125(a)

--- - There was a **pallet** in one of the **pens with nail heads** protruding upwards, These **pallets** are usually **in** the area **we** have **feeding** containers. AU **pallets should** be checked for protruding **nails** of any type. This **will** prevent injuries to **true** animals feet. Correct by July 3, 1997.

Corrected during inspection

8. PREPARED BY (Signature) <i>Michael G. H. DVM</i>	9. TITLE VMO	10. DATE 7/1/97
8. COPY RECEIVED BY (Signature) <i>Isabella J. Eason</i>	9. TITLE vet manager	10. DATE 7/1/97
14. REVIEWED BY (Signature) <i>Isis Johnson - Brown</i>	15. TITLE VMO	X6. DATE 7/17/97

FACTSHEET

Regulatory Enforcement and Animal Care

United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

March 1995

Compliance Inspections

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) administers the Animal Welfare Act (AWA): This law provides for the humane care and treatment of animals bred for commercial sale, transported in commerce, used in biomedical research, and exhibited to the public.

APHIS' Regulatory Enforcement and Animal Care (REAC) program enforces the AWA primarily through inspections of regulated facilities. To ensure that compliance with the AWA is continually maintained, all facilities that keep animals regulated under the Act must be licensed or registered with APHIS. REAC personnel conduct unannounced inspections of every licensed or registered facility in the country.

When inspecting a facility, animal care inspectors thoroughly observe and document in inspection reports all areas of care and treatment covered by the AWA. APHIS requires all owners and managers of licensed and registered facilities to comply with the following standards:



Housing-Animals must be housed in a structurally sound facility in good repair. The facility must contain the animals and protect them from other animals or extreme weather and temperatures. Drainage systems must **also be in good repair**.

Ventilation-Animals must be provided with cool air or increased ventilation if the ambient temperature is above 95°F or heat if the temperature falls below 45°F.

Lighting-Facilities must be lit well enough to allow safe and easy access for feeding, cleaning, and complete inspection.

Interior Surfaces-The interior of a facility must be substantially impervious to moisture and be able to be easily cleaned and sanitized.

Primary Enclosures-Animals must be housed in structurally sound enclosures that are in good repair, and meet APHIS' minimum space requirements. The floors must protect the animals from injury. The cages must be dry and clean and allow animals easy access to food and water.

Sanitation-Animal waste must be removed and disposed of regularly and as necessary. Primary cages or enclosures should be sanitized at least once every 2 weeks. Facilities must not allow trash to accumulate.

Pest Control-Facility managers must have an effective program to control insects, ectoparasites, and avian and mammalian pests.

Feeding and Watering-Animals must be provided with nutritious, palatable food that is free from contamination, properly stored, and served in a clean receptacle. Potable water must be made available twice daily for 1 hour if it is not available all the time.

Outdoor Shelter-Animals must be protected from sunlight, precipitation, and extreme temperatures.

Compatibility-**Female** animals in heat must be separated from male animals except for breeding purposes. Animals with vicious dispositions should be housed apart from other animals. **Puppies and kittens** should be separated from adult animals other than their mothers. Different species of animals should not be housed together unless compatible.

Recordkeeping-Facility managers must maintain accurate and complete records of the sources of all animals that come into their possession. Managers also are required to keep records of the dates and acquisition, disposition, and proper identification of the animals on the premises and make these records available for inspection whenever necessary.

Adequate Veterinary Care-Programs of disease control and prevention, euthanasia, and veterinary care must be established and maintained under the supervision and assistance of a veterinarian. A caretaker also must observe the animals daily.

Handling-Every licensee is required to handle animals properly at all times whether he or she is petting, working, feeding, crating, performing, or transferring them.

Transportation-Licensees and registrants are required to provide animals with adequate space, ventilation, and shipping containers during transportation. Most animals transported must be weaned and at least 8 weeks old.

Inspection Procedures

When an animal care inspector arrives at a facility, the owner manager must give the inspector full access to all areas where regulated animals are kept. All animals regulated under the Act must be shown to the inspector, who may examine any animals that appears to be in poor health. The inspector also observes how the animals are handled by their caretakers. Dealers, exhibitors, breeders, caretakers, or researchers who interfere with the inspector's duties are in violation of the Animal Welfare Act.

Generally the owner or manager of a facility accompanies the animal care inspector during inspection. If the inspector observes that the facility is not in full compliance with the AWA requirements, he or she will explain to the owner or manager all deficiencies noted during the inspection. The inspector will then give the owner a deadline for correcting these deficiencies. The owner or manager and the inspector both sign the completed compliance inspection form.

If deficiencies are noted, the animal care inspector will return to reinspect the facility. If a facility has not corrected the deficiencies during the given timeframe, all uncorrected problems are carefully documented for possible legal action. The inspector will return to facilities that have problems as needed to encourage compliance with the AWA. When a facility fails to correct deficiencies or if the health of the animals at the facility is in jeopardy, the inspector will forward the documented case for possible legal action.

The Animal Care Inspector

APHIS' animal care inspectors are veterinarians or animal health technicians dedicated to providing proper care for animals by bringing people dealing with them into compliance with the AWA. Inspectors are trained to evaluate the health of regulated animals and to detect noncompliance in areas such as structures, housekeeping, and recordkeeping.

Animal care inspectors receive special training in the proper care of marine mammals, exotic animals, and animals used in research. Inspectors also receive extensive training in how to conduct inspections at airport terminals, zoos, and commercial animal breeding facilities, among others.

APHIS currently has more than 80 animal care inspectors in the United States who are strategically placed where regulated facilities are located.

Regulatory Enforcement and Animal Care
USDA, APHIS
4700 River Road, Unit 84
Riverdale, MD 20737

496

ORDINANCE NO.

ORDINANCE REPEALING AND THEN REENACTING SUBSECTION C
OF SECTION 6.04.020 OF THE SANTA CRUZ COUNTY CODE
RELATING TO THE DEFINITION OF ANIMAL AT LARGE

The Board of Supervisors of the County of Santa Cruz ordains
as follows:

SECTION I

Subsection C of Section 6.04.020 of the Santa Cruz County
Code is hereby repealed.

SECTION II

Section 6.04.020 of the Santa Cruz County Code is hereby
amended by adding Subsection C to read as follows:

C. "Animal at large" means:

1. Any animal found off the owner's premises, that is not
under actual physical restraint or control, such as a leash,
tether, or in the grasp of a competent person.

2. Any animal while on the owner's premises, or the
premises of a third party with the permission of that party, that
is not:

a. Confined to the premises either by a leash,
tether, adequate fencing, or other adequate physical
custody or control. An animal shall be considered
under the physical custody or control of its owner if
it has not actually caused, or threatened to cause,
harm to persons or property located off its owner's
premises, even though the animal remained on or
subsequently returned to the owner's premises.

3. A dog shall not be considered at large if it meets the
exception set forth in Section 6.12.010 of this code.

SECTION III

This ordinance shall take effect on the 31st day after the
date of final passage.

PASSED AND ADOPTED this _____ day of _____, 1998, by
the Board of Supervisors of the County of Santa Cruz by the

following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

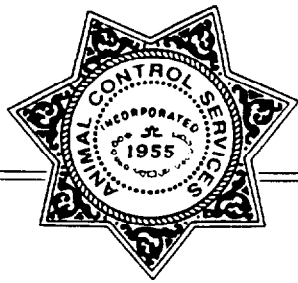
Chairperson of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM


Assistant County Counsel

cc: Director of Animal Control Services
CAO



Santa Cruz SPCA • Department of Animal Control Services

498

Board of Supervisors
Santa Cruz County
701 Ocean Street
Santa Cruz, CA 95060

March 26, 1998

Dear Members of the Board:

I am the Field Services Manager at the SPCA and I would like to respond to your recent request to modify the animal at-large definition.

It is estimated that there are more than 50,000 dogs throughout Santa Cruz County. The majority of these dogs are well cared for and are not a problem to anyone. But a large number of dogs do create a variety of problems. SPCA statistics for the past year include the following facts:

* There were 276 bites to people involving dogs that were not physically confined to their property (County, SC & SV). Children and the elderly are frequent victims of dog bites and their injuries are often more severe because of limited ability to defend themselves. Postal workers and other delivery people are also common bite victims. Approximately one third of all homeowner's insurance claims are the result of dog bites.

* More than 350 dogs were picked up injured or dead as a direct result of running loose (County, SC & SV). These incidents often occur at times when an on-call officer must respond which requires the payment of overtime. It is particularly frustrating to see a dog in pain or dead because the owner had the ridiculous idea that his pet understood the physics of moving cars. It is also not uncommon for loose dogs to cause traffic accidents.

* In the past six months more than 100 animals (107 livestock, 1 pet and 2 wildlife) have been reported killed by loose dogs (County only). Several of these kinds of attacks go unreported when the victim does not know who to call or does not think reporting it will do any good. Dogs often strike at night and many attacks on livestock remain unresolved because of a lack of evidence and witnesses. An important consideration in these incidents is that they are incredibly violent for the animals being attacked. Dogs chase their prey to exhaustion and then literally tear the animals to pieces while they are alive and conscious.

I have spent considerable time working with County Counsel to draft a definition of “animal at-large” that addresses your concerns, but we have come to an impasse. As the person responsible for animal control throughout most of the county; and as a long-time dog owner, trainer and competitor, I am convinced that every dog in this county should either be:

- a. within the absolute control and supervision of its owner or caretaker
- or
- b. confined to its property by physical means (by a fence, a runner, indoors, etc.,)

If the animal at-large definition is modified to permit a dog to remain unconfined (unless it has caused or **threatens** to cause **harm** to persons or property) it will greatly undermine our ability to prevent dog bites; attacks **on** people and other animals; dogs being hit by cars; and nuisance complaints such as dogs dumping garbage, defecating on the property of others and breeding indiscriminately.

If animal control officers **cannot** insist, under the penalty of **impoundment** or citation, that a dog be physically confined to its property, even of the owners that claim “Shane never leaves the property,” “Chopper doesn’t bite,” or “**Porsche** never goes in the street,” then I guarantee that there will be a significant increase in number of problems caused by dogs. This conclusion is based **on my** experience with and understanding of, not only dog behavior, but of dog **owner** behavior.

One of the biggest obstacles to overcome **in** animal control work is the denial on the part of the dog owner that his or her animal could cause a problem. Most people see their dogs as sweet, loving companions that are incapable of causing harming or a problem.

Last November I **came** across a typical example of an owner in denial about his dog. I was riding with a new **officer**, driving down Seventh Avenue when we saw a loose dog **sniffing** the bushes at the edge of the busy street. We stopped and the dog went to the house next-door. I knocked on the door and the owner came out **after** getting out of bed. I told him his dog was in **front** of the **neighbor’s** house, very close to **traffic**. He looked at his old, overweight dog which was **now** lying **on** the porch and began to argue that it never **left** the property. He **refused** to confine the animal to the property so he received a citation for dog at-large. As we were about to leave two people walked up and thanked us for doing something about the dog. They said the dog **often** roamed the area and that they had nearly run it over the night before as it stood in the middle of the street.

Unfortunately, very few dog owners really understand canine behavior, nor are they willing to **consider** what their dog is capable of doing. All too **frequently** a dog that seems to be playing peacefully with a group of children suddenly turns and mauls one of them for what most perceive as **no** apparent reason. A dog that **may** get along well with the cat in its own home **may** tear one to shreds down the street. The bottom line is that dogs can be hard for their **owners** to predict. If dogs have the opportunity to leave their property there

is no question that many will. and the result will be an increase in the number of problems that they cause.

I understand that one of the Board's biggest concerns is the fear that SPCA officers will come onto private property without cause and take dogs left unconfined. I want to point out that in the many hours of review of the ordinances by the animal control working group this was not an issue. I can assure each of you that the SPCA has absolutely no intention of, or desire to impound a dog from its own property if the dog has not done anything or left the property. We already have an overwhelming load of cases in which dogs have caused very real problems.

Our current policy on dogs we find loose is to catch or follow them home in the hopes of contacting the owner. At that time a warning or citation may be issued. If the dog leads the officer home and no one is there to accept responsibility for and secure the dog, the officer is expected to secure or impound the animal, if possible. This is consistent with animal control policy in neighboring counties. Impounding a loose dog that goes home guarantees that the dog and the public will be safe, at least until the owner reclaims it.

When a dog is discovered unconfined on its own property and there is no indication of it causing a problem, officers are instructed to leave it alone, unless there is some mitigating factor, such as the dog being dangerously close to traffic or acting aggressively.

The owner of a dog who feels his or her animal has been unjustly impounded has the right to an unlawful impound hearing process to address their concerns and hold animal control officers accountable for their decisions, just as there is the court process for contesting citations. It is important to note that in the past year there have been no unlawful impound hearings.

There is another issue about the dog at-large ordinance that needs to be addressed. That is the exception that allows dogs kept on "ranches and similar undeveloped property" to remain unconfined - section 6.12.01 OA. This exemption provides the opportunity for a dog loose on its own "ranch" to wander over to the neighbor's ranch and kill chickens, rabbits, goats, sheep, cattle, pigs, llamas, cats, other dogs and even horses; and, as long as there isn't any evidence to implicate the dog, there is nothing to compel the owner to keep it confined. This exception should be removed from the ordinance because this is exactly what has been happening in the Green Valley/Pioneer Road area of Watsonville.

Since October, more than 80 livestock have been mauled to death within a few-mile radius. One rancher lost 48 sheep in this time period and said he has been put out of business. Only two dogs have been linked to the killings and while they were being held at the SPCA eight more sheep were killed. The owner of the two dogs admitted that he allowed his dogs to be loose. His response when told his dogs were involved in the mutilation of 30 lambs and ewes within two days was that the sheep rancher should have shot the dogs, not that he, as a responsible dog owner, should have made sure they could not leave the property. If we had not found physical evidence that linked the dogs to the

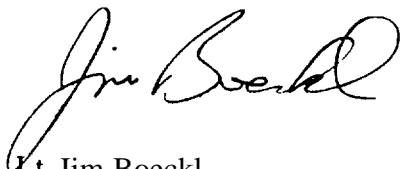
attack (fibers of wool in their stool) we would have had to return the dogs to the owner and hoped that someone would witness them attacking livestock in the future.

Another common, but inhumane method people employ in dealing with loose dogs is to put out poison. Besides the fact that poison provides a tortured and grueling death, there is the likelihood that innocent pets or wildlife will become victims of it.

If the intent of the exception for ranch dogs to be loose was so they could protect the animals on their own property, it is flawed. Since livestock are required to be physically confined to the property, it is reasonable to ask that a dog intended to protect those livestock also be confined. Some ranchers argue that the cost of fencing is too high to confine their dog to a large piece of property. My response is that part of the cost of owning a dog is the cost of keeping it at home. In the case of loose dogs, perhaps we should take Robert Frost's sardonic statement literally in that, "good fences make good neighbours."

I ask that you keep the animal control ordinance effective by requiring that all dogs be kept confined to their property by tangible, physical means, under penalty of a citation or impoundment; and that you eliminate the exception for dogs on ranches. Thank you for your consideration in this matter. Acting SPCA Executive Director, Kat Brown and I will be contacting each of you within the next few weeks to follow-up on these issues.

Sincerely,



Lt. Jim Boeckl
Field Services Manager

cc: Dinah Phillips, County Administrative Officer
Rahn Garcia, County Counsel
David Moeller, County Agricultural Commissioner
Jess Brown, Farm Bureau
Richard Parker, Animal Nuisance Abatement Commission
Naomi Kirschenbaum, GRACCE

Agents Warn of Dog Liabilities 502

The following article appeared in the September 1997 issue of *Property & Casualty Risk & Benefits Management*. Insurance agents are warning dog owners of the liabilities involved with pet ownership.

Beware of uninsured dog owners they are at risk of claims against them as incidents of dog bites and fatal dog attacks increase, the Michigan Association of Insurance Agents has warned.

Independent Insurance Agents of America in Alexandria, Virginia, along with its Michigan affiliate in Lansing, has issued a warning to agents and consumers, citing statistics from a number of outside sources.

For example, one-third of all homeowners insurance liability claims are related to dog attacks, according to the New York-based Insurance Information Institute.

Last year in the United States, insurance companies paid out more than \$1 billion in dog-related claims, the Institute added.

In Michigan, insurance companies now routinely ask in their application forms

whether a home-owner owns a dog, and can deny coverage if the liability risk is considered too high, according to the MAIA.

During 1995-96, at least 25 persons died as the result of dog attacks in the United States, the Center for Disease and Prevention reported — and the majority of people attacked are children under the age of 14. Tragically, 11 children under the age of 10 were killed in these attacks (three were under 30 days old).

About 70 percent of all attacks occur on the owners' property, according to an article on dog attacks in the June 23 issue of *Time*. Since children are most often the victims, MAIA agents warn that all dog owners — even owners of well-behaved pets — should be especially cautious around children.

The number of people who required medical treatment as a result of a dog bite increased from 585,000 in 1986 to 830,000 in 1996, a 41 percent increase, according to the National Center for Injury Prevention and

Control.

In Detroit, the number of dog bites last year totaled 1,138, the MAIA reported.

The rise in dog bites appears to be a growing national trend. The National Center for Injury Prevention and Control reports that between 1986-94, the number of dog bites increased 37 percent during a period in which the dog population rose less than 2 percent. The Humane Society of the U. S. pegs the number of reported dog bites as high as 3 million a year.

The National Center also reported that from 1979-1996, fatal dog attacks occurred in 45 states, resulting in 304 deaths. Michigan reported 13 fatal dog attacks; only three states reported higher numbers: California (30), Texas (26), and Florida (14).

Gary Mitchell, an MAIA representative, said it is surprising that Michigan is number four in dog attack fatalities when the state is ranked about eight in population.

Incidents of dog attacks are on the rise "because more crime-cautious consumers

are using aggressive dogs for protection—and innocent victims are suing," said Robert Pierce, chief executive officer of Lansing, Michigan-based MAIA, in a statement.

"Homeowners and renters who own dogs and go without liability insurance (part of a standard homeowners or renters insurance policy) risk losing everything in a liability lawsuit," he added.

Although a dog attack claim "sounds like a trivial issue, [it's] critical," according to Mr. Mitchell, because "it's costing society a lot of money in litigation claims," in addition to the "human safety" aspect.

"This is not an anti-dog report," Mr. Mitchell maintained, but in fact an alert to "encourage consumers to practice responsible pet ownership."

He noted that in Michigan, "some companies have a right to deny coverage because of the type of breed," adding that the MAIA sees "fundamental problems with buying aggressive dogs."

The MAIA cited outside data showing that 60 dog-bite-related fatalities between 1979 and 1996 were caused by the "Pit Bull" breed, followed by 29 fatalities by the Rottweiler and 19 fatalities by the German Shepherd.

Although other breeds of dogs do bite more than these breeds, Mr. Mitchell said "it's the severity of the injuries that drives the claims," so Pit Bull dog owners need to be very cautious.

In addition, he said the U.S. Postal Service reported that 2,795 postal workers were bitten in 1996.

"Homeowners and renters who own dogs should never go without liability insurance...or they may be in for a rude awakening if sued," said Madelyn Flannagan, IIAA's consumer affairs advocate.

Many home-based business owners and renters are at particular financial risk when their dogs bite, IIAA said.

"Because homeowners policies exclude coverage for business-related losses, an in-home entrepreneur without business insurance may not be covered if sued by a customer who was bitten by the entrepreneur's family dog," Ms. Flannagan said.

Reuters are also subject to higher risk because many people who rent are still uninsured for personal property losses and liability claims, and moreover, some mistakenly believe that their landlord's insurance will cover their losses, the IIAA added.

The MAIA recommends the following precautions for pet owners to avoid dog bites and possible litigation:

- Familiarize oneself with local ordinances and statutes governing dog ownership.

- Never allow a dog to run freely through the neighborhood.

- Always walk a dog on a leash.

- Muzzle aggressive dogs when walking them where people may come in contact.

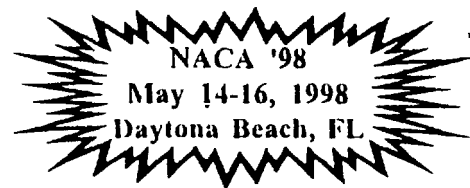
- Post approved "Beware of Dog" warning signs around home and yard, especially if the dog shows aggressive tendencies.

- Avoid having the dog in the postal worker's delivery path.

- Make sure a pet dog is up-to-date with required vaccinations.

- Spay or neuter a pet dog—unsterilized dogs are far more likely to bite.

- Report all dog bites to the local animal control shelter.



ORDINANCE NO.

ORDINANCE AMENDING SUBSECTION R. OF
SECTION 6.04.020, AND SUBSECTIONS A. AND
B. OF SECTION 6.16.010 OF THE SANTA CRUZ
COUNTY CODE RELATING TO THE DEFINITIONS
OF PET SHOP AND KENNEL

The Board of Supervisors of the County of Santa Cruz ordains
as follows:

SECTION I

Subsection R of Section 6.04.020 of the Santa Cruz County
Code is hereby amended to read as follows:

R. "Pet shop" means any person, firm or corporation
engaged in a commercial business where small animals are kept for
the purpose of either wholesale or retail sale. "Pet shop" does
not include any place or premises not operated as a commercial
business and where pet animals are only occasionally sold.

SECTION II

--- Subsection B. of Section 6.16.010 of the Santa Cruz County
Code is hereby amended to read as follows:

A. "Kennel" means any site meeting the definition of
a kennel under Section 13.10.700-K of this code. For the
purposes of this Chapter, "Kennel" shall not include any place or
premises not operated as a commercial business and where pet
animals are only occasionally sold, boarded, groomed or trained.

B. "Pet shop" means any person, firm or corporation
engaged in a commercial business where small animals are kept for
the purpose of either wholesale or retail sale. "Pet shop" does
not include any place or premises not operated as a commercial
business and where pet animals are only occasionally sold.

SECTION III

This ordinance shall take effect on the 31st day after the
date of final passage.

PASSED AND ADOPTED this _____ day of _____, 1998, by
the Board of Supervisors of the County of Santa Cruz by the
following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

Assistant County Counsel

cc: Director of Animal Control Services
CAO

California Biomedical Research Association

1008 Tenth Street, Suite 328, Sacramento, California 95814

(916) 558-1515 Fax (916) 558-1523

April 22, 1998

Dinah Phillips
Senior Administrative Analyst
Santa Cruz County
701 Ocean Street, #520
Santa Cruz, CA 95060

Dear Ms. Phillips,

In response to you/ memo of March 31 st, CBRA would like to comment on the proposed amendments to the animal control ordinance concerning treatment of livestock used in biomedical research.

After reviewing the language with the US Department of Agriculture - Animal and Plant Health Inspection Service, and with the National Institutes of Health (NIH) Office of Protection from Research Risks, the Association recommends that the County adopt that version which demands consistency with the provisions of the federal Animal Welfare Act (AWA) and the "Guide for the Care and Use of Laboratory Animals."

Federal law takes precedence over local provisions in setting standards and monitoring the health of animal species which are covered by the AWA and used in biomedical research. The federal agency responsible for such oversight and compliance review is the US Department of Agriculture. If biomedical livestock animals are used in research supported by federal funds granted under the Public Health Service, review by USDA is required and an assurance which details compliance with the "Guide for the Care and Use of Laboratory Animals" must be filed with the NIH.

We strongly recommend that the County simply reiterate its preference that any facility in Santa Cruz County using livestock in biomedical research comply with existing federal law.

Specifically, requirements that any painful procedure be performed with local or general anesthetic, and that euthanasia be performed by a licensed veterinarian or technician are consistent with USDA regulations. Again, we suggest that any guidelines developed by the American Veterinary Medical Association are simply that, and would have no force of law aside from this particular County statute. Compliance with regulations promulgated by the USDA have the force of law.

Please let us know if we can be of further assistance.

Sincerely,



Suzanne Ness
President

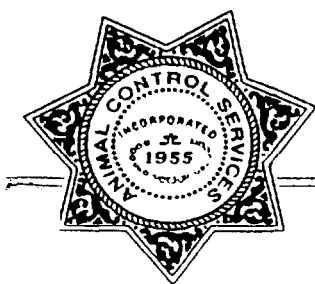
C: Dave Casper, UC Santa Cruz
Dave Moeller, Agricultural Commissioner
County of Santa Cruz

Allogan
ALZA Corporation
American Association for
Laboratory Animal Science:
Northern, Southern and
Palm to Palm Branches
American Cancer Society,
California Division, Inc.
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California Affiliate
American Heart Association
(California Affiliate and
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Santa Cruz SPCA • Department of Animal Control Services

ANIMAL AT-LARGE ISSUE

4/23/98

6.04.020 C. Definition: "Animal at-large" means:

1. Any animal found off the owner's premises, that is not under actual physical restraint or control, such as a leash, tether, or in the grasp a competent person.
2. Any animal while on the owner's premises, or the premises of a third party with the permission of that party, that is not confined to the premises either by a leash, tether, adequate fencing, or other adequate physical custody or control. An animal shall not be considered at-large if it has not left the property of its owner or caretaker.

6.12.010 Dogs at-large prohibited.

It is unlawful for the owner or caretaker of any dog, licensed or not, to permit or allow such dog to be at-large anywhere in the unincorporated area of Santa Cruz County when there is reason to believe that the dog has caused or is likely to cause harm to persons or property, or other nuisances such as urinating, defecating, dumping garbage, digging or making noise on the property of others.

The owner or caretaker of any dog found in violation as described above may be contacted by an animal control officer or peace officer and issued a citation for the violation. If the owner or caretaker is not present and there is no reasonable way to secure the dog to the owner's or caretaker's property to prevent subsequent violations it may be impounded. If a dog is impounded from the property where the owner or caretaker is not present a notice of such impound will be left with information about the nature of the impound, the name and address of the impounding agency, and an indication of the ultimate disposition of the dog if it is not reclaimed within a specified period of time.

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HUMANITARIAN
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202/543-7780 Fax 202/546-3266

April 27, 1998

Ms. Jan Bentz
Santa Cruz county Board of Supervisors
701 ocean Street
Santa Cruz, California 95060

Dear Madam Chair:

I am writing to you as the Director of the Washington, D.C. Office of the American Humane Association. The American Humane Association was founded in 1877 for the protection of Children and Animals. Our membership in both the Children's and Animal Division is comprised of professional agencies nationwide (such as the Santa Cruz SPCA) and individual members,

We understand that you will be hearing arguments about a proposed amendment to the local animal control ordinances dealing with the treatment of livestock used for biomedical research and production,

Having worked on laboratory animal issues here in Washington for the last 11 years, and as a member of the AVMA Animal Welfare Committee, I find it impressive and encouraging that the Santa Cruz SPCA and the Santa Cruz Biotechnology, Inc. were able to agree on the following 4 basic, universally held guidelines for the humane treatment of those animals:

(1) The animals won't be subjected to intracardiac injections for clinical treatment, production or euthanasia;

(2) No animal will be allowed to bleed to death (exsanguinized) as part of the production of blood collection;

(3) No painful procedures will be performed on the animal without the benefit of anesthesia and;

(4) Euthanasia be done using the humane AVMA recommended methods.

Protecting Children and Animals Since 1677

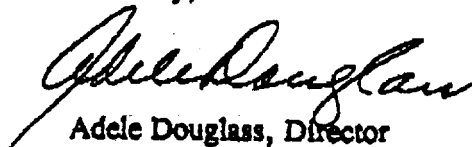
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from 2025463266 + SANTA CRUZ SPCA COC
AHA WA OFFICE

page 2
2002

Since there is agreement on the part of this biotech company and the local humane organization we urge you to add your voice of support to these humane amendments.

Sincerely,



Adele Douglass, Director
Washington, D.C. Office



♥ *Special people caring about animals*

DRAFT AMENDMENTS TO ANIMAL CONTROL ORDINANCE CONCERNING
TREATMENT OF BIOMEDICAL AND RESEARCH ANIMALS

(March 1998)

Amend Chapter 6.04 of the County Code to add the following:

6.04.130 Treatment of biomedical and research animals.

No person involved in biomedical production or research utilizing animals shall use any procedure for animal care or treatment **unless** it is consistent with the provisions of the **Federal** Animal Welfare Act, the National Research Council's 'The Guide for the Care and Use of Laboratory **Animals**," and the American Veterinary Medical Association Euthanasia Guidelines which are herein adopted by reference as the standards for treatment of animals used for biomedical production or research activities. In order to clarify areas that may be in conflict, the following shall apply:

A No person involved in biomedical production or research utilizing animals shall perform a pain causing procedure on an animal such as dehorning, disbudding, or castration without the benefit of local or general anesthetic.

B. Euthanasia of biomedical production or research animals shall be performed by a licensed veterinarian or a Euthanasia Technician trained and **certified** as prescribed by the California Veterinary Medical Association. If and when there is conflict among the above referenced documents regarding euthanasia method, then the AVMA Euthanasia Guidelines shall apply.



1934 - 1994 **60 Years** of Compassion in Santa Cruz County

April 28, 1998

Board of Supervisors
County of Santa Cruz
701 ocean street
Santa Cruz, CA 95060

Dear Members of the Board:

We would like to take this opportunity to respond to the report by the County Administrative Office regarding the treatment of animals in biomedical livestock operations. On January 27, 1998, your Board adopted an ordinance amending the County Code and directed the County Administrative Officer to provide specific language to address the welfare of animals involved in such operations. The SPCA has worked in concert with that office to create language that is consistent with federal guidelines and industry standards.

The CAO's office asserts that the standards of care for biomedical research and production animals as provided for in the Federal Animal Welfare Act (AWA), the National Research Council's (NRC's) "Guide for the Care and Use of Laboratory Animals," and the American Veterinary Medical Association (AVMA) Euthanasia Guidelines are **sufficient and** "to restate their applicability would be redundant."

It is the position of the SPCA that these three sets of guidelines are, in fact, not sufficient especially when, upon reading the guidelines, it becomes obvious that they do not necessarily address the same issues in the same way. The **AWA** was written in 1966 and covers, in the broadest possible strokes, the humane care of animals, excluding "birds, rats and mice, and horses and other farm animals used for food or fiber." The NRC's and **AVMA's** guidelines were **further** refinements written to address specific situations and conditions found in biomedical laboratories.

For example, the AWA says does not deal adequately with the issue of use of anesthesia for pain-inducing operations such as castration or dehorning. If the NRC felt that the AWA covered the needs of laboratory animals it would not have come up **with** its own "Guide for the Care and Use of Laboratory Animals" in which it requires that no person shall perform a pain causing procedure on an animal without the benefit of local or general anesthetic. Yet, **if the** Board of Supervisors follows the **CAO's** recommendation to allow all three sets of guidelines to serve as "the law" on **this issue, a biomedical** researcher could castrate an animal without anesthesia, stating correctly that he or she was simply following the Federal guidelines of the AWA

4/28/98

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Another example of conflicting guidelines is in the issue of euthanasia. The AWA says nothing about the use of veterinarians or certified euthanasia technicians for euthanasia of animals. If the AVMA had felt that the AWA addressed the issue of euthanasia adequately it would not have needed to come up with its own language in 1993.

The Board of Supervisors did not feel that following Federal guidelines alone was sufficient in its recent passage of the anti-discrimination ordinance concerning housing and jobs. Apparently the Board sees a benefit, rather than mere redundancy, in tightening and **clarifying** language in moving from the Federal law to local ordinance.

We would like to see the Board adopt the attached language as proposed. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Koebemick' with a stylized flourish at the end.

Karla Koebemick
Director of Community Relations, for
Santa Cruz SPCA