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February 5, 2010

Mr. John R. Stulp, Commissioner
Department of Agriculture
700 Kipling St, Suite 4000
Lakewood, CO 80215

Dear Commissioner Stulp;

On behalf of our club membership, the Colorado Mountain Mushers Board of Directors would like to provide comment regarding the request for a formal rule change concerning the tethering rules in the Pet Animal Care Facilities Act as presented in a letter dated January 15, 2010 by State Representative Kathleen Curry. The proposed rule changes are to add a section 2-D within the Animal Enclosure Standards", sub-section "Dog Houses with Chains" stating:

"d) All dogs shall be provided with a minimum of 90 minutes of continuous exercise within a 24 hour period which may take the form of the following:

- Walk or run while restrained by a leash
- Pulling a wheeled cart or winter sled
- Placement in closed space enclosure with the opportunity for exercise under the following conditions: Enclosure size for the first dog must be at least 100 square feet. If additional dogs are placed in the enclosure an addition of 30 square feet per dog is required. As such 5 dogs would require 220 square feet. The fence shall be constructed of chain link or a similar type of material with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog(s) from escaping from such enclosure. Whether supervised or unsupervised, while in the enclosure there must be adequate shading to protect the dog from the sun and adequate water. Any dog exhibiting aggressive behavior shall be exercised separately in the enclosure. Supervision will be required in all cases where there are more than five dogs in such enclosure. It shall be the responsibility of the owner to ensure the dogs are monitored during exercise in such a manner that protects their health and safety.

Dogs shall be exempt from exercise requirements for any period of time a licensed veterinarian certifies that exercise would jeopardize the health of the dog or cause the dog pain and suffering. The veterinarian's certificate shall include the date of the examination, reason the dog should not exercise and the time period for the restriction."

This is a topic that affects many of our club members and mushers across the state. We are opposed to such a rule change, based on the following:

- 1) The proposed regulatory change is impractical and virtually impossible to enforce.

- 2) Walking on a leash provides little benefit to a well-conditioned dog (such as a working sled dog), while running or pulling a wheeled cart during hot weather conditions could put the animal at risk for heat stress, heat exhaustion and/or heat stroke.
- 3) The option of exercise in an enclosed pen of 100 square feet actually provides less space in which to exercise than a 6 foot chain on a post and swivel tether as required as a minimum by current PACFA rules. Thus the new rule would force the owner to place the dog into a confinement system that is less stimulating and less conducive to the expression of the full range of species typical behaviors than the primary confinement system.
- 4) There is no scientific evidence that sled dogs require more exercise than other dogs to maintain normal psychological health. If such a regulation is amended for one regulated group then it should be expanded to include all groups falling under PACFA regulation. Lack of exercise is widespread and not specific to tethered sled dogs.
- 5) The proposed change would not allow for the owner to make reasonable determination that a dog should not exercise without having a licensed veterinarian certify the dog should not be exercised. Dogs in estrus or with ailments requiring rest but not veterinary treatment (ie foot problem or sore muscles) would have to be certified by a veterinarian rather than the judgment of the human that knows the dog best. This could result in dogs potentially being “exercised” when they should not in order to avoid unnecessary expenses. This would also greatly impact the ability to determine appropriate run-rest schedules for working dogs in order to allow them adequate time to rest and recover from a series of strenuous training runs, but not for medical reasons.
- 6) There are no specifics as to how to ensure 90 minutes of “continuous exercise” occurs. If a dog is put in an exercise pen and chooses to sleep in the sun, does this mean someone has to chase it around to ensure it gets 90 minutes of running in? What about older dogs or puppies that may not be able to tolerate 90 minutes of continuous exercise?
- 7) A similar ordinance was proposed last year in the Town of Aspen, and it was defeated by city council members after extensive investigation and testimony.

Tethering done properly, it is actually a very healthy option (both mentally and physically) for managing a dog kennel. We would encourage you and the PACFA representatives to review the sled dog care guidelines available as a free download from the Mush with PRIDE (www.mushwithpride.org).

The focus of kennel legislation and requirements should not be on tethering vs. other containment systems; rather it should be about **daily interactions with your animal, proper dog care, and good kennel management**. There are certainly poor dog care examples for dogs in kennels, cages, crates, or yards, and in those cases it is not the confinement method that is in question, rather the kennel management and treatment of the dogs in question (as it should be). Sled dogs are, more often than not, some of the best cared-for dogs around; they are not obese, neglected, unhappy animals in someone’s back yard. Musher’s rely on having healthy working dogs, and if tethering systems were creating health or emotional problems that would be counter-productive to their goals, they would not be used in sled dog kennels.

Again, thank you for the opportunity to express some of our club members concerns in this matter. We would be happy to answer any questions you may have regarding sled dogs and tethering as an option. We would also strongly suggest that PACFA consider using the Mush with PRIDE guidelines to help refine or update the tethering options for Colorado, as it is important (as with any confinement system) to implement the method properly.

Sincerely,

Colorado Mountain Musher’s Board of Directors

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