

# THE ANIMAL COUNCIL

P.O. Box 168, Millbrae CA 94030

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Via Facsimile 916-319-3306

June 20, 2006

The Honorable Gloria Negrete McLeod  
Chair, California State Assembly  
Committee on Business and Professions  
1020 N Street, Room 124  
Sacramento CA 95814

Attention: Committee Bill Consultant

**Re: SB 1578, Dogs: tethering prohibition. As amended**  
**May 26, 2006 OPPOSE**

Dear Ms. Negrete-McLeod and Committee Members:

THE ANIMAL COUNCIL (TAC) a California nonprofit, public benefit, tax-exempt [§501(c)(4)] corporation was founded in 1991 to seek positive, humane solutions to animal public policy issues through study, analysis and application of animal husbandry, statistic, economics and law, and at the same time preserve humane benefit from all species, breeds and registries. We oppose SB 1578, as amended May 26, prohibiting dog tethering with limited exceptions

In short, a blanket, statewide prohibition on tethering any dog to any stationary object as this bill appears to do, with narrow exceptions, is impractical and unrealistic given the need to control and restrain dogs under many temporary facts and circumstances in locations where there are no other available options to ensure safety of dogs, people and other animals.

**ADEQUATE EXISTING LAW:** Anti-tethering laws have become popular based on the fiction that tethering is abusive and creates dangerously aggressive dogs. Inappropriate or inhumane instances are already addressed by existing law including local tethering laws in urban areas and Penal Code 597t at the state level and other cruelty provisions

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when applicable. These other local and state laws apply when tethering is associated with instances of harmful or injurious equipment, lack of care or shelter or dangerous dog behavior. In fact, some of these laws have been far more narrowly drafted than SB 1578 to address only inappropriate equipment use such as heavy metal *chains* of size, length and/or weight disproportionate to the individual dog. Improperly done in combination with other uncontrolled and/or unrecognized stimuli to dogs' natural drives to defend themselves within confined in a limited area, tethering can set up dangerous defensive behavior in *some* dogs but does not cause "aggressive" behavior per se. For example, a fearful tethered dog is unable to escape a provocative person or other animal and may bite in a defensive rather than aggressive manner. However, some dogs may require tethering in addition to fencing in for safe containment in some circumstances. These other existing local and state laws apply when tethering is associated with instances of harmful or injurious equipment, lack of care or shelter or dangerous dog behavior and are adequate.

**TETHERING IS SAFE, PRACTICAL AND REASONABLE:** Fencing and other means of containing dogs, including permanently installed trolley equipment, are not always available, feasible or safe. Tethering may be the best and safest option given individual facts and circumstances. In cities where fences are the norm and unsupervised small children more likely to find access to tethered dogs, either their own or neighbors', ordinances have been enacted to regulate tethering. SB 1578 would require use of a tether timer and log to document each situation of tethering by anyone needing to tether a dog for any ordinary purpose throughout California – an impractical and unreasonable standard for the public.

**UNCERTAIN, VAGUE STANDARDS:** This bill would also create uncertainty in anyone's mind as to what methods and conditions would be approved or disapproved by local animal control authorities.

**DISCRIMINATORY ENFORCEMENT:** It will also instigate another round of local ordinance changes with additional variations as well as unwritten local policies that invite discriminatory enforcement in ways that may be based on dogs' breeds, owners' race, social class or location.

**TRAVEL, PICKUP TRUCKS AND UNFORSEEABLE CIRCUMSTANCES:** Owners and others are responsible for controlling dogs in a variety of circumstances, both foreseeable and not, including emergencies and disasters, at home and away and in travel. In fact, this bill appears to prohibit tethering a dog in an open truck bed as required by law. Dogs transported this way must remain on their tether when the truck is parked until they can be moved to a place of safe containment. SB 1578 would also prohibit or infringe on this necessity.

**NEED FOR FLEXIBILITY: Dog owners and others responsible for their management should be able to use their own judgment as to whatever means are available and necessary to control and protect dogs without harming the dog, endangering others or uncertainty about criminal standards and liability.**

**In short, a blanket, statewide prohibition on tethering ordinary dogs to any stationary object by ordinary people as this bill appears to do is impractical and unrealistic given the need to control and restrain dogs under many temporary facts and circumstances in locations where there are no other available options to ensure safety of dogs, people and other animals.**

**Accordingly, we respectfully ask that SB 1578 be either withdrawn or defeated.**

**Very truly yours,**

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**Sharon A. Coleman, President**

**Cc: Committee Members, Author**