CRISIS IN MA FOR ANIMALS AND ANIMAL SHELTERS/RESCUES

We wanted to put together a few examples of concerns with animal shelters/rescues and their relationship with the Mass. Dept. of Agriculture (MDAR) to show the need for change.

What is MDAR mission (according to their website):

The Department's mission is to cultivate a robust and equitable agricultural economy, promote a safe and resilient food system, and preserve a healthy environment for Massachusetts farmers, animals, and consumers.

How we feel MDAR is negatively impacting shelters and rescues and not supporting an equitable system for shelters/rescues in MA:

The Massachusetts Department of Agricultural Resources (MDAR) has a stated mission to promote and protect the agricultural industry within the state. However, when examining their policies and actions, it becomes evident that their mission is not consistent with the negative impact they have on shelters and rescues.

One major issue is MDAR's focus on shelters and rescues while ignoring commercial breeding operations, such as puppy mills, large-scale breeding operations and backyard poor breeding practices. These operations prioritize profit over animal welfare and often contribute to overpopulation and unhealthy conditions for animals. By endorsing and facilitating these practices by lack of oversight and their focus on shelters/rescues, MDAR indirectly promotes the very issues that shelters and rescues are working hard to combat.

Additionally, MDAR's regulations and licensing requirements can be overly burdensome for shelters and rescues. These organizations often operate on limited budgets and rely heavily on volunteers and donations. The strict regulations imposed by MDAR have created significant financial and administrative burdens, diverting resources away from the primary goal of rescuing and rehoming animals. This can result in fewer animals being saved and more animals being euthanized due to a lack of resources. Additionally, this can cause more animals to not receiving the resources available through shelters/rescues due to fear of MDAR and their treatment of shelters/rescues.

Furthermore, MDAR's failure to collaborate and lack of support and recognition for the valuable work done by shelters and rescues is significantly negatively impacting pets in the Commonwealth. These organizations play a vital role in addressing the issues of animal overpopulation, abuse, and neglect. They provide care, rehabilitation, and rehoming services to

countless animals in need. However, the MDAR's policies and actions tend to overshadow their efforts and undermine the recognition they deserve.
A more consistent approach would be for MDAR to actively support and collaborate with shelters and rescues. This could include fostering a collaborative relationship, streamlining regulations to reduce administrative burdens, and promoting the work done by shelters and rescues. We recognize the need for regulation and for handling rogue shelters/rescues. However, all should not be painted with a broad brush of negativity. By working together, MDAR and shelters/rescues can create a more comprehensive and effective approach to animal welfare in Massachusetts.
In conclusion, MDAR'smission is not consistent with the negative impact they have on shelters and rescues. Their burdensome regulations and lack of support for animal welfare organizations undermines the efforts of those working to save and protect animals. A more collaborative and supportive approach is needed to address these issues and promote the well-being of animals in the state.

Below are a few of the issues that shelters/rescues have faced, concerns and inconsistencies.

Recent Survey of shelters/rescues that have worked with MDAR and work to help pets in MA

See attachment A – survey presentation with statistical results
See attachment B – survey answers by participants

Examples of concerns with MDAR

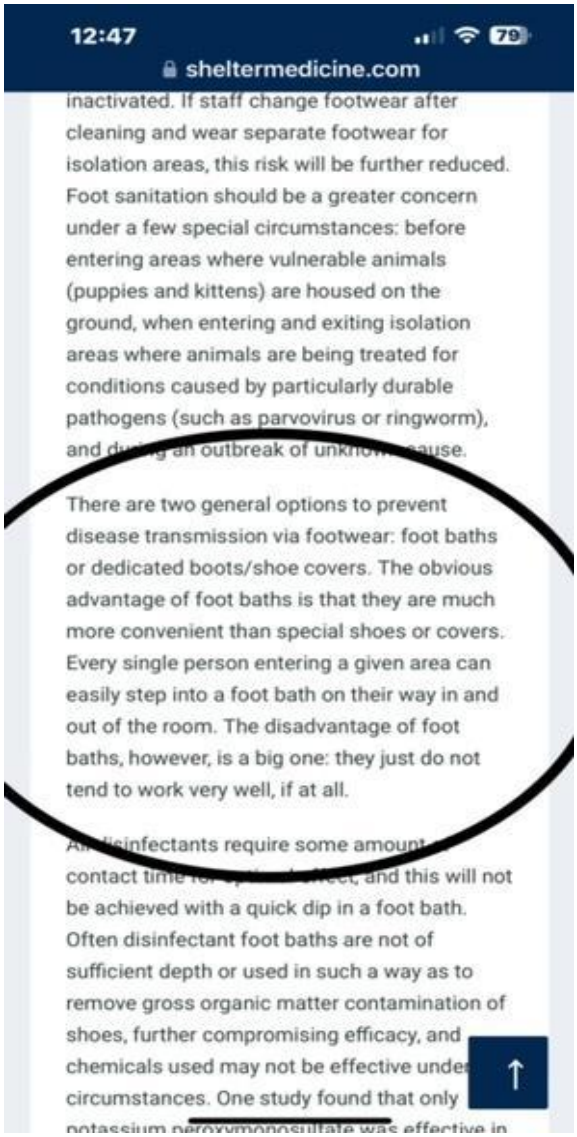
Exhibit #1 – Inspectors inadequately trained and inconsistently apply regulations

There is no requirement for training and/or experience to be an inspector for Town animal inspectors who are nominated by the City/Town but are appointed by MDAR and under MDAR control. In addition, MDAR inspectors also have been shown to lack understanding of animal laws, requirements and regulations. Examples outlines in these documents provide insight to some of the issues caused by this lack of training.

Exhibit #2 – MDAR and Inspection requirements that do not meet standards, laws and/or regulations

Case 1 – A shelter was advised during a routine inspection of a satellite adoption center within a pet supply store that all cats must wear a rabies tag and collar. A call was made by the CEO of that organization to Mr. Cahill, the Director of MDAR, who concurred that this was not necessary and the law did not require.

Case 2 – Inspectors often demand foot baths to be used as "disease control". However, UC Davis guidelines, a well-respected authority of such issues, state that footbaths do not work. This is evidenced by the UC Davis shelter medicine website (sheltermedicine.com)



Case 3 – During an inspection of a newly built isolation facility, the MDAR inspector attempted to use a tissue held up against a return grate to see if there was air flow. Since this was an open air system, the tissue did not suck into the system and the inspector attempted to fail the system and deny the license. The CEO of the organization had to call the Director of Animal Health, Mike Cahill, to advise that this was unacceptable and showed that the inspector did not understand what they were inspecting. Mr. Cahill allowed a temporary license with the caveat that the HVAC installer contact them. When the HVAC installer contacted them, they advised the Dept. that the use of a tissue was not only useless for this new system but could have seriously damaged the unit if the tissue had been sucked into the unit. The license was eventually fully issued.

Case 4 – Multiple rescues have been told they need a buffer zone in front of their quarantine rooms and have spent large amounts of money implementing the buffer zone, only to learn from Mike Cahill during a podcast that the buffer zone is a suggestion, not a requirement.

Exhibit #3 – MDAR's failure to maintain up to date and consistent records including critical data on disease

Case 1 – MDAR has failed to maintain the "approved rescue and shelter" listing with many listings out of date for over 10 years. Some of the ones listed on https://www.mass.gov/service-details/approved-shelter-and-rescue-organizations
*while we cannot verify exact dates, these groups appear to no longer work within MA or have gone out of business.

Becker College – closed in 2020
CarMah – 2022 (?)
Dakin Leverett – closed in 2022
Faces – more than 5 years ago (?)
Yellow Rose – closed 2020 or prior
Stray Love Found, Inc. – 2020 (?)
Underdog ResQ – moved out of MA
Odie's Place – moved out of MA
Petatet - moved out of MA
Second Chance Fund for Animal Welfare – over 10 years (?)
People for animals league (listed as Charlton MA but moved to Spencer MA over 10 years ago)

Case 2 – Failure to maintain proper disease records. Maintaining accurate and comprehensive records on canine parvovirus statistics is crucial for the MDAR and those working with dogs in

the Commonwealth for several reasons. First, these records provide valuable insights into the prevalence, spread, and impact of parvo within the state's community. By tracking the number of reported cases, affected species, geographic distribution, and demographic data, authorities can identify trends and patterns, enabling them to develop targeted prevention and control strategies. Second, these records aid in assessing the effectiveness of existing control measures and vaccination programs, allowing for adjustments or improvements where necessary. Additionally, accurate parvo statistics help inform stakeholders to facilitate proactive measures, early detection, and timely treatment. Last, these records contribute to the overall body of knowledge surrounding parvo, enhancing scientific research, and supporting evidence-based decision-making, which ultimately promotes the health and welfare of animals and the sustainability of a health community.

MDAR has failed to keep adequate records as noted in Addendum 3 (attached). These records have been compiled over the last 7 years from MDAR records requests. It should be noted that many key data indicators of the entries were often missing important data.

Below is a summary separated by source. MDAR's <u>own records</u> clearly indicate that shelters/rescues are not the leading source of disease in the state. Yet shelters/rescues have the most onerous regulations. It should further be noted that there has not been any local transmission (those happening within the community from a dog coming into contact with the virus in the community) noted on MDAR records obtained for nearly 4 years, which we know cannot be possible. However, the number of "unknown" was noted which does not provide viewers with adequate analysis of community spread.

Year	Total									Breeder	Local	Rescue	Pet Shops	Transport	Unknown
2013															
2014															
2015	189														
2016	119														
2017	96									17	48	21	9	1	0
2018	73									18	29	20	6	1	5
2019	75									14	33	21	4	3	0
2020	27									5	0	2	1	0	0
2021	70									27	0	18	2	0	23
2022	9									27	0	18	0	0	54
2023 to date	98									5	0	5	0	0	5

Exhibit #4 - Disinfection vs. surface requirements

Regulation 330 CMR 30.00 requires impervious surfaces. Focusing on the surface types instead of using proper disinfecting protocols is an example of MDAR's inability to understand modern day disinfection vs. what was previously done.

While impervious surfaces are the ideal situation, they are not a requirement for good disinfection protocols.

For example, Accel/Rescue (commonly used kennel disinfectant) has been shown to reliably decontaminate scratched plastic, unsealed concrete, wood and carpet. Also noteworthy is that this product notes that it works on soft surfaces to clean bacteria.

Accel disinfectants are designed to effectively disinfect various surfaces, including porous surfaces. While it is generally more challenging to disinfect porous materials compared to non-porous surfaces, Accel employs a combination of active ingredients that enhance its ability to penetrate and disinfect these types of materials. Enhanced penetration: Accel disinfectants are formulated to have excellent penetration properties, allowing the active ingredients to reach deep into porous surfaces. This helps to ensure that the disinfectant can come into contact with any pathogens present within the material. Broad-spectrum efficacy: Accel disinfectants have broad-spectrum antimicrobial activity, meaning they are effective against a wide range of microorganisms, including bacteria, viruses, fungi, and spores. This broad efficacy helps to ensure that a variety of pathogens, including those that may be present in porous materials, can be effectively targeted and eliminated.
Therefore, the regulations should have been that an adequate and effective product must be used to kill pathogens such as parvo, not to focus on the surface types since many kennels have a variety of surfaces. This failure of MDAR to adequately understand disinfection in animal kennels has caused undue and unnecessary expenses and fines for surfaces that <u>can</u> be disinfected properly.

Exhibit #5 – Need for oversight/advisory of MDAR due to lack of understanding of modern day sheltering

Currently there is a proposed bill (S#491) that was written to help with the issues shelters/rescues have had with MDAR. The written testimony of the shelter CEO highlights several concerns regarding the negative impact of MDAR on shelters and rescues. The main points raised in the testimony are as follows:

1. Inconsistent and vague regulations: The regulations implemented by MDAR do not align with national best practice guidelines. The interpretation of these regulations varies among MDAR

inspectors, leading to inconsistencies and unfair treatment. Some guidelines lack expert analysis, making them ineffective for animal welfare.

2. Lack of training for inspectors: Inspectors appointed by MDAR often lack sufficient training and understanding of animal care and equipment usage. The inconsistent interpretation of guidelines by inspectors has resulted in various issues. Although funding is available for inspectors, it is not effectively utilized.

3. Issues with the 48-hour isolation period: The use of a 48-hour isolation period has caused additional suffering for pets in shelters. For instance, if a dog requires medical attention during this period, taking the dog to a vet would reset the isolation clock, even for non-contagious conditions. This practice contradicts best practices and adds unnecessary burdens on shelters.

4. Extended emergency orders: Emergency orders issued during in 2005 were kept in place until 2020, despite their initial intent as temporary measures. These prolonged orders bypassed the requirement for legislative action and went against best practices.

5. Lack of appeal recourse: The current regulations offer no recourse for appeal outside of MDAR, except through expensive court intervention. This lack of accessible and affordable appeal options puts financial burdens on shelters and rescues.

To address these concerns, the testimony emphasizes the need for an advisory committee consisting of experts to provide insights and advise MDAR on proposed regulations. This committee would also offer an avenue for appeals, reducing the reliance on costly court processes. The testimony suggests that oversight from experts would benefit the community, shelters/rescues, and MDAR itself by ensuring regulations align with commonly accepted standards.

The testimony also provides additional information on best practice national standards, transport regulation issues, and the failure of MDAR to oversee local animal inspectors. It highlights specific instances of MDAR inspections and public records failures, as well as outdated information on the MDAR website regarding animal inspectors and registered shelters/rescues.

See addendum 4 – written testimony for Bill #491
*Note this addendum also contains important links to information, prior articles and other material important to these concerns.

Overall, the testimony emphasizes the need for reform and oversight to address the negative impact of MDAR regulations on shelters, rescues, and animal welfare in Massachusetts.

Exhibit #6 – Out of state transport and MDAR

Shelters and rescues play a vital role in Massachusetts by providing care and finding homes for countless animals in need. However, their significance extends beyond the state's borders as they often lend a helping hand to out-of-state shelters and rescues. This collaboration is crucial in addressing the overwhelming number of animals requiring assistance across the country. By assisting out-of-state organizations, Massachusetts shelters and rescues demonstrate their commitment to animal welfare and contribute to the larger effort of reducing animal homelessness nationwide.

One of the primary benefits of Massachusetts shelters and rescues helping out-of-state organizations is their ability to alleviate overcrowding. Animal shelters in some regions face extreme overpopulation due to various reasons such as limited resources, high abandonment rates, or natural disasters. By collaborating with these shelters, Massachusetts organizations can relieve the burden on them and provide temporary shelter and care for the animals. This not only ensures that these animals have a safe place to stay but also creates more space for incoming animals, increasing their chances of finding permanent homes.

Another important aspect of Massachusetts shelters and rescues assisting out-of-state organizations is the opportunity to save lives. Many animal shelters in states with high euthanasia rates struggle to find enough adoptive families, resulting in the tragic loss of innocent lives. Massachusetts, with its comparatively lower euthanasia rates and a more significant number of potential adopters, can help by taking in animals from overcrowded shelters. This collaborative effort helps in giving these animals a second chance at life by finding them loving homes in Massachusetts or other states where there is a higher demand for adoption.

Despite the invaluable role played by shelters and rescues in facilitating interstate collaborations, the \MDAR has been justifiably criticized for hindering these efforts. MDAR imposes strict regulations and requirements on out-of-state organizations, making it challenging for them to transfer animals to Massachusetts for adoption. These barriers create unnecessary hurdles and delays in the process, preventing the swift and efficient transfer of animals to shelters that can provide the necessary care and find suitable homes. This bureaucratic red tape has a negative impact on animal welfare and impedes the life-saving work that shelters and rescues strive to accomplish.

In addition to the challenges faced by shelters and rescues assisting out-of-state organizations, it is important to address the disparity between the regulations imposed on them compared to breeders. While shelters and rescues often encounter obstacles when transferring animals across state lines, breeders are not subject to the same restrictions. This inconsistency in regulations creates an unfair advantage for breeders, further complicating the efforts of shelters and rescues to provide aid to animals in need.

Shelters and rescues prioritize animal welfare and work tirelessly to find loving homes for abandoned or homeless animals. They adhere to rigorous standards of care, ensuring that animals are properly vaccinated, spayed or neutered, and receive necessary medical attention before adoption. However, the same level of scrutiny and oversight is often not applied to breeders who sell animals across state lines. This disparity raises concerns about the welfare of animals bred and sold, as they may not receive the same level of care, health checks, or socialization as animals rescued from shelters.

By subjecting shelters and rescues to stringent regulations while exempting breeders, the Massachusetts Department of Agricultural Resources (MDAR) inadvertently creates an environment that disadvantages the very organizations committed to animal welfare. It is essential to promote fairness and consistency in regulations across the board, ensuring that all entities involved in the sale or transfer of animals are held to the same standards. By doing so, the focus can be shifted to prioritizing the well-being of animals and creating a more equitable landscape for shelters, rescues, and breeders alike.

In summary, while shelters and rescues face challenges assisting out-of-state organizations, the disparity in regulations between them and breeders exacerbates these difficulties. It is crucial for policymakers and regulatory bodies, including the MDAR, to recognize and address this inconsistency. By creating a level playing field for all entities involved in the sale or transfer of animals, Massachusetts can foster a more compassionate and effective approach to animal welfare, ensuring the well-being of animals is at the forefront of decision-making.

Please read how Euthanasia is increasing despite open kennels in MA. This is causing great stress for https://www.shelteranimalscount.org/newly-released-animal-sheltering-data-shows-shelters-urgently-need-community-support-dog-euthanasia-increasing-as-more-dogs-enter-shelters-than-leave/those organizations that have missions that go beyond MA borders.

Please read this article from 10 years ago showing that issues within MDAR have been going on for some time:
http://valleypatriot.com/will-rogue-state-agency-close-animal-shelters/

Exhibit # 7– MDAR regulations vs. ASV best practice guidelines

The negative impacts of MDAR shelter and rescue regulations versus the Association of Shelter Veterinarians (ASV) shelter best practice guidelines can be understood by examining the potential consequences of each approach.

1. Overregulation and bureaucracy: MDAR regulations may lead to excessive bureaucracy and red tape, resulting in administrative burdens for shelters and rescues. Strict regulations can be time-consuming and costly to implement, diverting resources away from animal care and welfare.

2. One-size-fits-all approach: Government regulations often take a generalized approach, attempting to regulate all shelters and rescues uniformly. However, this approach may not account for the unique circumstances and variations among different facilities. Shelters in rural areas, for example, may have different challenges and needs compared to those in urban environments. A rigid regulatory framework may hinder shelters from adapting to their specific situations.

3. Lack of flexibility and innovation: Strict regulations may stifle innovation and creativity within shelters and rescues. When organizations are bound by inflexible rules, they may be hesitant to explore new methods and technologies that could improve animal welfare and increase successful adoptions. This can impede progress and limit the effectiveness of these organizations.

4. Resource strain on shelters: If regulations require extensive documentation, reporting, and compliance measures, it can divert limited resources from providing direct care to animals. Shelters and rescues may need to allocate significant time, money, and staff to fulfill regulatory requirements, leaving fewer resources available for critical functions like medical care, enrichment, and adoption efforts.

In contrast, the Association of Shelter Veterinarians' shelter best practice guidelines offer several advantages:

1. Expert knowledge and input: The ASV guidelines are developed by a professional association of shelter veterinarians who have extensive experience and expertise in the field. These guidelines are often based on evidence-based practices and the latest research, ensuring they reflect the most current knowledge in animal welfare.

2. Tailored guidance: The ASV guidelines recognize the diverse nature of shelters and rescues, providing flexible recommendations that can be adapted to the specific circumstances of each organization. This allows for individualized approaches to animal care while still adhering to best practices.

3. Encourages innovation and improvement: The ASV guidelines promote a culture of continuous improvement and innovation within shelters and rescues. They provide a framework for organizations to evaluate their practices and identify areas for enhancement, encouraging shelters to stay abreast of emerging techniques and technologies to improve animal welfare.

4. Focus on animal well-being: The ASV guidelines prioritize the well-being of animals in shelters and rescues. By following these guidelines, organizations can ensure that animals are provided with appropriate medical care, socialization, enrichment, and behavior assessment. This focus on animal welfare can increase adoption rates and overall success in finding permanent homes for animals.

It's important to note that while regulations can play a role in ensuring accountability and minimum standards, striking a balance between necessary oversight and allowing shelters to operate effectively is crucial. The ASV guidelines offer a more flexible and adaptable framework that can foster innovation, animal welfare, and improved outcomes within the sheltering community.

Example – MDAR imposes detrimental consequences on the well-being of pets, evident in the distressing situations it creates for shelters/rescues when a pet develops a seemingly harmless yet painful condition like an ear infection during the mandatory 48-hour isolation period. Should the shelter/rescue opt to seek veterinary care for the pet, they are compelled to restart the entire 48-hour period upon returning the dog to the isolation facility. Alternatively, if they delay medical attention to avoid this setback, they subject the pet to discomfort despite the condition being easily treatable. Moreover, despite the fact that ear infections are not contagious, MDAR insists on considering the pet infectious and contagious, thereby needlessly prolonging its confinement. This policy, irrespective of its lack of scientific basis, aims to prolong the pet's isolation unnecessarily.

Exhibit # 8 – MDAR 48 isolation vs. 48 hold periods

MDAR is the only known state that requires a 48-hour strict isolation. While some other states do have a 48 hold period, or a requirement for isolation **IF** a shelter/rescue is not registered in the state, MA imposes a strict isolation for shelter/rescue pets.

The 48-hour isolation requirement imposed by MDAR for out-of-state pets is significantly worse than a simple 48-hour hold period prior to adoption. While a standard 48-hour hold period serves the purpose of ensuring the health and safety of the pet and potential adopters, MDAR's isolation requirement introduces additional hardships and negative implications.

First, MDAR's policy places shelters and rescues in a challenging position when a pet develops even a minor yet painful condition such as an ear infection during the isolation period. Under this requirement, if the shelter or rescue seeks veterinary care for the pet, they are forced to restart the entire 48-hour period once the pet returns to the isolation facility. This creates unnecessary delays and prolongs the pet's confinement, resulting in additional stress and discomfort for the animal.

Furthermore, MDAR's insistence on considering pets with non-contagious conditions, like ear infections, as infectious and contagious is scientifically unfounded. By doing so, they unjustifiably extend the isolation period for these pets, needlessly prolonging their confinement without any valid public health rationale. This not only increases the pet's suffering but also hinders their chances of finding a loving home within a reasonable timeframe.

In contrast, a simple 48-hour hold period prior to adoption focuses primarily on assessing the pet's behavior, health, and compatibility with potential adopters. It allows time for necessary examinations and screenings without subjecting the pet to extended isolation or impeding its chances of finding a permanent home.

Therefore, when comparing MDAR's 48-hour isolation requirement to a standard 48-hour hold period, it becomes evident that the former is excessively burdensome, scientifically unjustified, and ultimately detrimental to the best interests of the pet.

Here is one story to share:

To Whom It May Concern:
It is my understanding that the state is considering updating its policies regarding the import of rescue animals from other states, specifically around the use of the required state quarantine facilities.

I am a lifelong resident of Massachusetts, and a two-time adopter from Save a Lab Rescue. Both of my dogs, Labrador mixes, were rescued in the south, fully vetted, and transported up to Rhode Island to find their forever homes. Save a Lab has the dogs in foster for at least 14-21 days in the South, usually more, and in RI for at least a week, to allow the dog to decompress from stressful transport. SAL will not allow Massachusetts residents to volunteer as fosters, due to the requirement of the state quarantine facilities.

My family adopted a dog when I was in college, from a rescue that used the MA quarantine facilities. When we picked up the dog, he had eaten through sheet rock near his crate, because he was so stressed out from transport, and then being in the facility. My most recent adoption from Save a Lab, Melvin, was so scared on transport that he refused to come out of his crate even once during the transport. When he got to his foster home in Rhode Island, it took a few days for him to relax enough to eat a full meal and start to show his goofy, loving personality. When I adopted him a week later, he was still adjusting, but much, much more relaxed. Imagine if he had to spend 48 more hours in a crate at a quarantine facility?

Transport is stressful enough for animals, it's cruel to require another stressful situation when there are other valid options.

Allowing responsible rescue organizations to utilize MA fosters to ensure the health and safety of the animals is paramount to rescues being able to rescue more animals, especially from the south. The use of MA quarantine facilities puts an undue stress on the animals, when there are other options available. It is my hope that the state/MDAR will reconsider its quarantine policies and allow for the use of in-home fosters for animals transported up from other states.

Sincerely,
Jenna Glazer

Exhibit # 8 – MDAR Lack of Understanding of changing landscape and inflexibility during emergency situations

Often situations arise that require a "big picture" view and maybe a limited relief from certain regulations.

Example #1: MDAR would never allow shelters/rescues to be able to move pets into homes quickly and wait months for spay/neuter due to backlogs and concerns for pets being euthanized while shelters have to hold pets simply for spay/neuter surgeries that they cannot get quickly due to veterinarian shortages. Here is an example of how some are handling the concerns of these issues:
https://chewonthis.maddiesfund.org/2023/06/petsmart-makes-bold-change-to-spay-neuter-policy/?utm_medium=email&utm_source=Blog-post&utm_campaign=regular-blogpost&utm_content=petsmart-makes-bold-change-to-spay-neuter-policy

Example #2: During the Florida hurricane that wiped out Sanibel Island. There were only hours to move many pets out of harm's way prior to the closure of airports. While some groups were able to move pets to places that relaxed transport requirements, MDAR did not. There were many pets that had been recently checked over by a vet and deemed healthy. However, to transport pets there is usually a requirement for an OCVI (Health Certificate). Since these often take about 15 minutes per pet at minimum, there simply was not enough time to get pets and people out of there before airports closed and safe travel window was gone. MDAR refused to allow these pets to get on a waiting plane and get to MA where there was space to take them. The plane was forced to leave only 1/3 full and leave these pets behind in the path of the disaster. There was no excuse that MDAR couldn't have allowed these pets in due to an emergency situation. The pets would have had to have a 48-hour isolation time and another vet exam before being released, in addition to the fact they had recently been checked over by a vet. This caused the unnecessary possible loss of life for the animals and undue stress on shelter workers.

In conclusion, there needs to be change. There needs to be a more collaborative working relationship with MDAR, rules and regulations that are in the best interest of pets and a level playing field for all in MA that work with pets.