

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals # 18

May 21, 2018

S. 144
A. 6735

By: Senator Kaminsky
By: M. of A. Zebrowski
Senate Committee: Agriculture
Assembly Committee: Agriculture
Effective Date: Immediately

AN ACT to amend the agriculture and markets law, in relation to requiring the commissioner of agriculture and markets to establish licensing and educational standards for individuals providing canine training for non-service and non-police dogs.

LAW & SECTION REFERRED TO: New Section 113-a of the Agriculture and Markets Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION and URGES STRENGTHENING THE BILL**

This bill would amend the Agriculture and Markets Law by adding a new Section 113-a, which provides for the Commissioner of Agriculture and Markets to establish licensing and educational standards for individuals who administer (i) basic obedience training to non-service and non-police dogs; and (ii) instruction to such dog owners for the purpose of reinforcing desired canine behaviors. Expressly excluded from this bill are trainers of guide dogs, police-work dogs, war dogs, hearing dogs, service dogs, working search dogs, therapy dogs and detection dogs, as defined in Section 108 of the Agriculture and Markets Law.

The bill requires that licensed trainers maintain practices and facilities that comply with standards for municipal pounds and shelters established under the animal control provisions of Article 7 of the Agriculture and Markets Law and humane societies and societies for the prevention of cruelty to animals that accept abandoned animals as provided in Article 25-b of the Agriculture and Markets Law; and that they comply with the humane treatment of animals as described in Article 26 of the Agriculture and Markets Law. The bill prohibits anyone convicted of a violation of New York State animal cruelty laws under Agriculture and Markets Law Sections 351, 353-a and 355 from becoming licensed to provide companion dog training services. The bill authorizes enforcement of its provisions by individuals who specialize in the detection of animal abuse, such as animal control officers and officers and agents of an incorporated society for the prevention of cruelty to animals (SPCA), in addition to police officers, constables and peace officers.

New York currently has no provisions in law that restrict persons without specific credentials, knowledge or expertise from opening a business as a self-proclaimed dog trainer. The lack of such regulation persists despite growing awareness nationwide of the physical abuse and harms perpetrated on dogs by unscrupulous or unskilled trainers, abuse that in some cases results in animal fatalities. In 2014, a Princeton, New Jersey, dog trainer was sentenced to five years in prison after “fatally” training a dog through the use of physical punishment, which included slamming the dog to the floor in a practice known as ‘Alpha Rolling’ and hitting the dog with a crop whip. In 2016, the owner of a dog training school in Oceanside, New York, was investigated for animal cruelty, which included allegations that dogs and puppies were beaten. In defense of his actions, the dog trainer asked, “why is it abuse to hit a dog?”

More concerning than the cases that make headlines are the countless cases that go unreported simply because consumers are unaware that a trainer’s advertised or employed methods may be inappropriate or harmful, or that the trainer lacks the skills necessary to properly teach animals the desired behaviors. A chilling example is the misuse of devices known as “shock collars¹,” which administer an electric shock at various trainer-controlled voltages to redirect an unwanted behavior. Used as intended, albeit controversially, a single collar is worn around the dog’s neck. Shockingly, some self-proclaimed experts recommend and use multiple shock collars simultaneously to intensify the painful stimuli for resistant dogs or suggest that the collars be strapped around a dog’s belly or genitals. Although there are no regulations against using the collars in the U.S., the collars are banned in Wales, parts of Australia, and Quebec.

Aside from causing physical harm, many common but outdated training techniques that use fear and pain to elicit a desired response may solicit the desired effect, but not without the development of severe maladaptive behaviors in the animal. Examples include, but are not limited to social withdrawal, anxiety, and fear-induced or defensive aggression. In some cases, an owner’s physical safety may be compromised as they attempt to employ outdated or inhumane practices as directed by the trainer and are bitten by the dog in the process.

Most consumers are unaware that there are no universally adopted education, knowledge or experience requirements for dog trainers in New York State or elsewhere. In their search for a humane-focused professional, consumers may encounter more than 24 established certificate or certification credentials for pet dog trainers, ranging from the highly respected CPDT (Certified Professional Dog Trainer) offered by the Certification Council for Professional Dog Trainers (CCPDT) to the more generalized CDT (Certified Dog Trainer) used by various programs and schools.

Further complicating the confusion over appropriate credentials is the subtle but critical distinction between a pet dog trainer, the focus of this bill, and a canine or dog behaviorist. Quite often the terms are used interchangeably by dog trainers advertising

¹ also referred to as “e-collars,” “electric collars,” and “remote collars”

their services. Yet most pet dog trainers with the minimum skills and knowledge needed to humanely teach basic dog obedience commands are not qualified to diagnose and humanely modify complex dog behaviors such as fear, aggression or anxiety. Section 123(2)(a) of the Agriculture and Markets Law, relating to dangerous dogs, recognizes the importance of the distinction between a dog trainer and an animal behaviorist by explicitly requiring that the evaluation of “dangerous dogs” be performed “by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field.” This bill will go far in reducing the ambiguity and inconsistency in the existing law by defining and licensing companion dog trainers.

While we support the critical intent of S.144/A.6735 to establish regulatory controls and educational standards for companion dog trainers, we express concern that the bill may not go far enough to achieve its goals. Although well-intentioned, the bill fails to meaningfully define the necessary licensing and educational standards it proposes, and does not provide the specifics of a licensing scheme. Model companion dog training standards supported by the Humane Society of the United States, the American Veterinary Medical Association and the Certification Council for Professional Dog Trainers (CCPDT) exist and could provide guidance.² Presently, the non-for-profit CCPDT is considered the gold-standard *independent* certification authority for companion dog trainers.

To address this deficiency, we recommend that the dog training licensing requirements be written into the language of the bill, and that those requirements be modeled after CCPDT guidelines and its Certified Professional Dog Trainers-Knowledge Assessed (CPDT-KA) exam. Addition of this language will help the bill to meet its stated intent to define educational standards as well as licensing and enforcement criteria for companion dog trainers in New York.

² AAHA releases new canine and feline behavior guidelines, (2015), <https://www.avma.org/News/JAVMANews/Pages/150915j.aspx> (last visited Apr 24, 2018); *see also* 2015 CANINE AND FELINE BEHAVIOR MANAGEMENT GUIDELINES, AAHA (2015), https://www.aaha.org/professional/resources/behavior_management_guidelines.aspx (last visited Apr 24, 2018), (“If the tools or techniques include prong collars, shock collars, or leash/collar jerks/yanks, or if the trainer explains behavior in terms of “dominance” or throws anything at a dog, advise clients to switch trainers.”); Examinations for Professional Dog Trainer Certification, THE CERTIFICATION COUNCIL OF PROFESSIONAL DOG TRAINERS <http://www.ccpdt.org/certification/dog-trainer-certification/about-the-examination>, last visited Apr 24, 2018). [The non-profit Certification Council of Professional Dog Trainers (CCPDT) was established in 2002 by a consortium of experts in the field of animal behavior and dog training, including the Delta Society (now Pet Partners), American Humane Association, Association of Behavior Analysis, Animal Behavior Society, Animal Behavior College, and Animal Behavior Systems. The CCPDT certification is independent of any school or training program. Dog trainers wishing to legitimately call themselves Certified Professional Dog Trainers must demonstrate mastery of basic humane dog training concepts and skills by passing a rigorous exam and meeting verified experience and other requirements.]; Dogs: Positive Reinforcement Training, THE HUMANE SOCIETY OF THE UNITED STATES, http://www.humanesociety.org/animals/dogs/tips/dog_training_positive_reinforcement.html?credit=web_id_83183814 (last visited Apr 24, 2018).

We also recommend that this bill take advantage of the established licensing process already in existence for thirty-five occupations in the General Business Law, administered by the Secretary of State, and designate the Department of State as the agency with licensing authority for dog trainers, granting the Secretary of State the authority to inspect dog training facilities and to provide civil penalties for licensing violations.

We further recommend that the bill explicitly prohibit training methods and practices which are inhumane: (1) helicoptering; (2) scruff pinning; (3) alpha rolling; (4) hanging; and (5) using training equipment in a manner inconsistent with humane practices or outside of the manufacturer's recommendations.

We commend the sponsors for furthering New York's fight against animal cruelty, and seeking to assist owners of companion dogs seeking a trustworthy source for training of their beloved pet. The bill will ensure that individuals cannot intentionally or otherwise mislead unsuspecting pet dog owners about their training services, resulting in a lack of any real training, or worse, permanent damage and/or abuse of the animal.

For the foregoing reasons and with these concerns in mind, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation and urges consideration of strengthening the bill by including the recommendations made herein.