

19.05.16

New Zealand Kennel Club Submission on Animal Welfare Regulations

Care and Conduct Regulatory Proposals

10.4. Dogs – Pinch and prong collars

The NZKC does not support the proposal to prohibit the use of pinch and prong collars.

NZKC STATEMENT (component of NZKC policy on use of Behavioural Modification Aids)

NZKC recognises that the use of pinch or prong collars can inflict a degree of pain and be dangerous to dog welfare when used by people not skilled in the use of these devices. However, NZKC also recognises the value of these devices as a behavioural modification aid of last resort when used by suitably skilled and experienced dog trainers. NZKC considers that pinch and prong collars should not be available for purchase or use by the general public.

Explanation

NZKC is the largest provider of domestic dog training services in New Zealand. 46 of NZKC's member clubs, spread throughout the country, provide dog training services for the public. This training includes delivery of the internationally recognised Canine Good Citizen programme and is targeted at improving the level of responsible dog ownership and dog behaviour in New Zealand. The techniques taught are positive methods focusing on reward for good behaviour.

There are also training programmes delivered by highly skilled trainers (both NZKC and other providers) for difficult dogs, not suited for domestic dog training classes, where the use of pinch and prong collars is the only effective behavioural modification option. Such programmes may include those provided by law enforcement and defence forces.

One of the NZKC's main concerns is that removal of these specific behavioural modification tools as an option for skilled dog trainers will severely limit the extent to which difficult dogs can be trained and will lead to an increase in the need for more dogs to be euthanized as a consequence.

Recommendation:

We consider that it would be appropriate to develop a register of dog trainers permitted to use pinch and prong collars as a means to limit and manage the use of these behavioural management devices. Permission to use pinch and prong collars does not exempt those personnel from any penalty associated with their misuse.



10.5. Dogs – Injuries from collars or tethers

The NZKC supports the proposed regulation as written.

10.6. Dogs – Muzzling a dog

The NZKC supports the proposed regulation in principle but believes a distinction needs to be made for muzzles designed for different purposes e.g. those used for veterinary use, racing muzzles, barking muzzles and those for general use.

The NZKC believe there is justification for using muzzle types which prevent the dog from opening its mouth in short-term, supervised situations such as veterinary examination and grooming.

10.7. Dogs – Dry and shaded shelter

The NZKC supports the proposed regulation in principle but believes there needs to be consideration of sanitation to include the ability for the dog to be able to urinate and defecate away from the area designated for resting and sleeping.

10.8. Dogs – Dogs left in vehicles

The NZKC supports the proposed regulation in principle but believes there needs to be definition in relation to the dog being “clearly in distress”.

The NZKC has concerns that this regulation would create unintended consequences when people have dogs in cars which are not physiologically in heat stress, but may exhibit some of the behaviours listed in the regulation.

The NZKC believe there should be consideration of supervised dogs in cars such as at dog events versus leaving a dog unsupervised in a car while at a car park.

In relation to the penalties, the NZKC believes consideration needs to be given to situations of frequent and/or lesser offending as opposed to one leading to death or near death.

10.9. Dogs – Secured on moving vehicles

The NZKC supports the proposed regulation as written.

10.10. Dogs (and Cats) – Drowning dogs (and cats)

The NZKC believe that this should be kept as part of the Animal Welfare Act 1999 and not be downgraded to a regulation due to the severity of the offence. The NZKC agree with the NZVA view that the definition in the Animal Welfare Act be extended outside of “drowning” only.

Surgical and Painful Procedures Regulatory Proposals

12.57. Companion animals – De-sexing (including stray/feral cats, dogs, and other species)

The NZKC supports the proposed regulation as written.

12.58. Dogs – Freeze branding

The NZKC supports the proposed regulation as written.

12.59. Dogs – Dog debarking (and devoicing of other species)

The NZKC supports the proposed regulation but would like further clarity as follows:

P 84 “For the purpose of this regulatory proposal it is proposed that the term “best interests of the animal” will mean that this procedure should only be ~~contemplated~~ performed after other suitable means of treating inappropriate barking have been attempted and have failed and euthanasia is the only alternative.”

The change in wording is to give the dog owner some certainty that, after other suitable means of treating inappropriate barking have been attempted and have failed and euthanasia is the only alternative, the debarking will be undertaken as described i.e. it has gone past a “contemplation” stage.

12.60. Dogs – Cropping the ears

The NZKC supports the proposed regulation as written but, for the sake of clarity, does not wish to see a ban placed on the importation of dogs with cropped ears which may be used within breeding programmes. This matter is already covered within the NZKC Show Regulations as follows:

19.12 Cropped Ears

19.12.1 No dogs with cropped ears may be shown at any Recognised Show in New Zealand.

19.12.2 The importation of dogs with cropped ears into New Zealand for breeding purposes is permitted. These dogs and their progeny are eligible to be registered with New Zealand Kennel Club and the progeny may be shown at Recognised Shows.

61. Dogs – Dew claws

The NZKC does not support the proposed regulation as written.

NZKC POLICY

To prevent the potential for serious injury, NZKC allows the practice of removing front and rear dew claws from neo-natal puppies less than 4 days old or before the eyes open, whichever is first. NZKC considers that any short term discomfort is outweighed by the long term welfare advantages. The procedure should only be undertaken by suitably experienced members, vets or vet students under supervision.

Explanation

Background

Dewclaw is the name commonly given to non-weight bearing digits of animals. It is considered by many, to be a vestigial feature of the dog (having lost all or most of their original function through evolution).

Commonly, the front limb dewclaw is attached to the carpus (wrist) by a separate small metacarpal bone which forms a joint. These dewclaws have their own nerves, blood supply, muscles and tendons. As with all dogs claws, the dew claw grows in a C shape so if not maintained can either tear or grow right around to penetrate or abrade the skin. Not all front dew claws are articulated (jointed), there are no studies to show proportions of articulated verses non-articulated dew claws in dogs. There is also some breed variation. There is some anecdotal evidence to suggest the articulated dew claws provide carpal stability and assist dogs to perform in physically strenuous activities such as agility (Veterinary Information Network VIN search). No published studies are available to demonstrate a dew claws function.

Hind limb dewclaws are different in that attachment is often by way of soft tissue only, lacking direct bony connection to the hock (ankle) joint. The bony structure of the digit is the same as in the forelimb (two small bones), as is its position on the foot. The small metatarsal bone is reduced to a very small size and so often, does not articulate. The claw is most often suspended from and held in place by skin and subcutaneous tissue of the hind foot. The nerves and blood vessels are the same as that of the front leg, but the muscles and tendons are vestigial.

Maturation of the brain occurs very rapidly in dogs, especially when there is sensory input from the eyes. Minor procedures such as dew claw removal should be performed before the eyes open and this rapid maturation begins, and pain pathways develop.

To date there is no known research on the impact of dewclaw removal on the welfare of dogs (Mills et al, 2016)

NZKC Position

NZKC *does not* support the removal of dew claws for cosmetic purposes, or in puppies greater than or equal to 4 days of age unless performed by a vet or vet student under supervision and with the use of pain relief at the time of the procedure.

NZKC *does* support the removal of dew claws when undertaken to prevent future compromise to animal or human welfare. As the claw develops and lengthens, injury and/or infection can result in certain situations (long coated breeds, malformed claws, incorrect maintenance). In larger breeds there is potential for owners, members of the public, and particularly children to be injured by dogs jumping up on them if dew claws are not removed. Because dewclaws do not contact the ground, unless they are trimmed regularly, they can become caught and cause painful injuries and/or infections.

The NZKC supports removal of dew claws when done before 4 days of age, or before the eyes are open whichever is first. It is a very quick procedure with the primary intention of removing the toenail and its bed. There is no need to remove bony tissue apart from the first section up to the end of the distal phalanx that has the nail bed. Bones at this stage are still largely cartilaginous and so when the transection is made across the first phalanx, or the distal interphalangeal joint, then any discomfort is minimal. Studies to date have been equivocal in evidence of the pain response in puppies of this age. There is no need to disarticulate the joint at this age. By removing only the distal (end) portion of the digit, the risk of haemorrhage and pain is minimal when proper technique is used.

NZKC is concerned that regulating removal of dew claws to require that it can only be performed through a veterinary practise risks curtailment of the procedure with subsequent risk of serious injury to the dog and/or dog owner.

The proposed changes seem unnecessary when no evidence has been provided to suggest that there are issues associated with the status quo. To the author's knowledge, no other country in the world bans the removal of dew claws in dogs.

Breed Standards

Dew claws are mentioned in 73 of the NZKC's 218 breed standards. In reference to dew claw removal the four options outlined range from must stay on, may stay on, must be removed and may be removed. There are some breeds, e.g. the Pyrenean Mountain Dog which requires the dew claws to remain and it is thought that this is a reflection of their original "fit for purpose" function of locomotion on mountainous terrain and perceived usefulness of the dew claw. The "fit for purpose" function is also believed to apply where the breed standard requires dew claws to be removed. One example is for companion dogs such as the Papillion.

Dew Claw Removal Techniques

Figure 1 below, the image to the left, demonstrates the location of transection (cutting) to remove a dew claw on a puppy 4 days of age or younger. The right side image shows the surgical incision required prior to disarticulation of the carpometacarpal or tasto metatarsal joint which is necessary when removing articulated dew claws in adult dogs. Done in adult life, this is a significant surgical procedure.

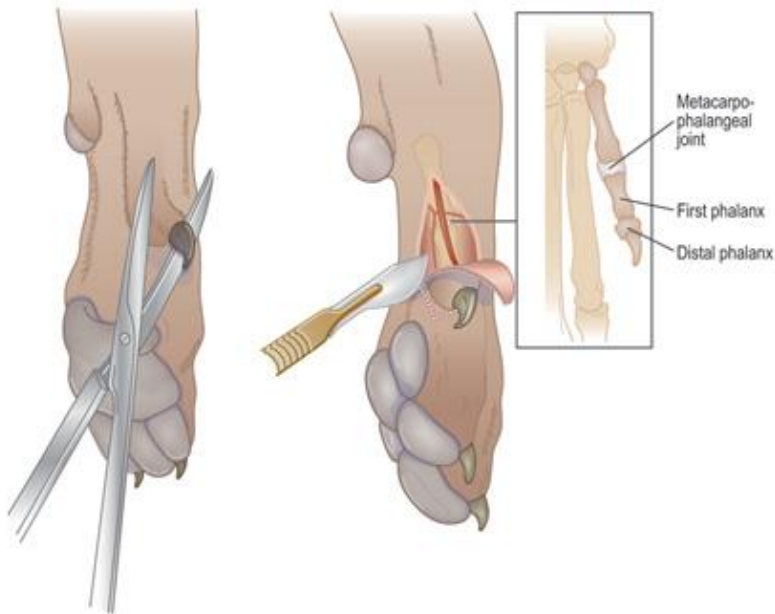


Figure 1

Figure 2 below is another demonstration of surgical amputation of dew claws in older dogs. It is a significant surgical procedure when carried out in older dogs.

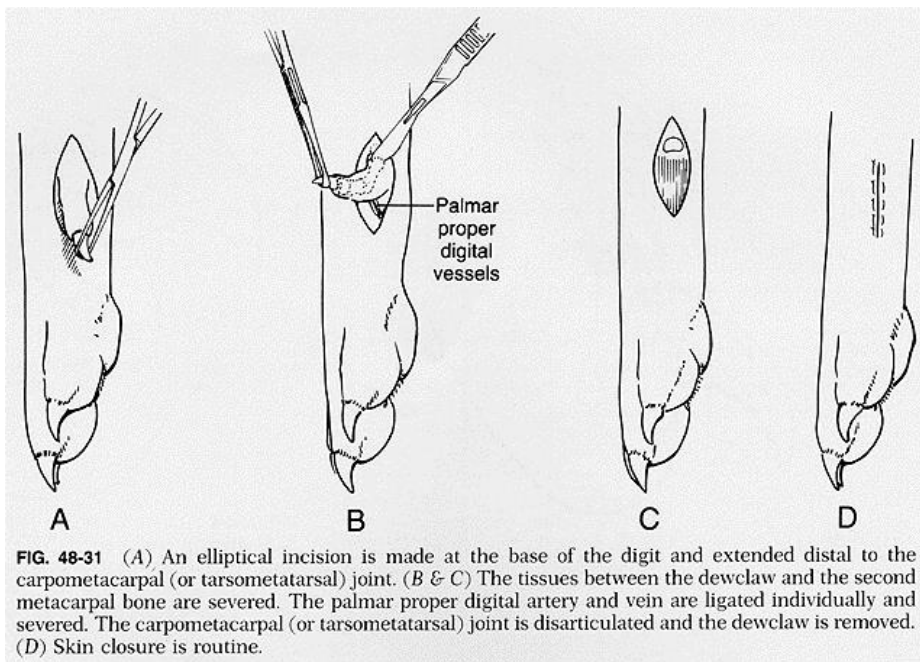


FIG. 48-31 (A) An elliptical incision is made at the base of the digit and extended distal to the carpometacarpal (or tarsometatarsal) joint. (B & C) The tissues between the dewclaw and the second metacarpal bone are severed. The palmar proper digital artery and vein are ligated individually and severed. The carpometacarpal (or tarsometatarsal) joint is disarticulated and the dewclaw is removed. (D) Skin closure is routine.

Figure 2

Figure 3 below demonstrates dew claw removal being performed too close to the carpus of the dog. Scissors are being used at the proximal portion of the digit and will most probably involve removal of the entire digit at its articulation. This extent of removal is unnecessary and may risk creating haemorrhage and discomfort.



Figure 3

The following is a series of images demonstrating a method the NZKC would approve and endorse for dew claw removal.

Figure 4 below demonstrates placement of mosquito forceps to isolate the distal portion of the digit. Correct preparation of the site, materials, and person performing the procedure is necessary to reduce the risk of infection.



Figure 4

Figure 5 below shows that the distal portion of the digit can then be removed by pushing with a fingertip or transection with scissors. The clamp then remains in place for 30-60 seconds to control any bleeding.



Figure 5

Figure 6 below shows silver nitrate being used to control any bleeding that may present.



Figure 6

Figure 7 below shows puppy post-dew claw removal.



Figure 7

In response to "Key Questions"

1. Should this area be regulated?

The NZKC believe that this procedure should be limited to individuals with sufficient training and knowledge. It is acknowledged that there is a risk of pain, haemorrhage and infection if performed incorrectly.

2. What would be the positive impacts of this regulation?

It may prevent an unknown (but likely insignificant) number of dew claw removal injuries. The NZKC believe that a quality assurance program accrediting only people with training and knowledge would address this concern.

3. What would be the negative impacts of this regulation, including costs of complying?

By not allowing removal of front, or articulated dew claws in puppies less than 4 days old by suitably trained people, there is the potential for injury and/or infection to the dog later in life. There is also a potential for injury to humans who come into contact with dew claws, particularly when considering large breeds.

This regulation is too broad and does not consider that some front dew claws are non-articulated. It does not consider that with the appropriate method of removal of the distal phalanx only, results in minimal bleeding. It does not recognise that pain perception in puppies of this age has not been sufficiently determined. There is no conclusive published evidence on the welfare of the dog when removing dewclaws to the author's knowledge. There is no published evidence to confirm function of dew claws.

The costs of compliance would be in treatment of potential dew claw injuries. In older dogs, removal of dew claws is commonly done at time of de-sexing and is a significant surgical procedure. This cost adds approximately \$150-300 to the cost of de-sexing dependant on veterinary clinic. For traumatic dew claw injury requiring amputation, costs can vary between \$300-1000 depending on the size of the dog and veterinary clinic.

There would also be costs associated with monitoring compliance. It would be difficult for compliance officers to determine if removal of front or articulated dew claws has been performed on young puppies less than four days old, unless they observe the practice, or the puppies themselves within days of the procedure. Neonatal puppies grow, and heal very quickly and so monitoring compliance would be difficult. Some dogs are born with no dew claws and so there is a potential for those in charge of the puppies to claim this as the case when in fact removal has been undertaken.

4. Would a transitional or phase in period be required to manage these impacts? If so, how long would be appropriate?

The NZKC believe that the next step is a regulated quality assurance scheme similar to the NZKC Accredited Tail Banders Scheme. This is in recognition of the potential for welfare concerns if not performed properly.

5. Are there any unintended consequence?

This proposal could lead to untrained people performing this procedure if veterinarians are unable/unwilling to do it. This would increase the potential for post procedure trauma and the likelihood that these pups would then not be presented for treatment as it resulted from an illegal procedure

6. Do you think the regulation will achieve its aim?

No, due to difficulty proving the difference between illegal (?) removal of dew claws, and true absence from birth, the NZKC believe many people will continue performing the procedure claiming the latter, but without guidance and regulation. It is likely animal welfare would be compromised significantly.

There is also the concern that retaining dew claws creates the potential for injury/infection which is greater than the potential risks associated with neonatal removal.

7. Is the current issue being managed adequately by codes of welfare or other instruments under this Act?

Yes. The Animal Welfare (Dogs) Code of Welfare 2010 provides a minimum standard which address the NZKCs concerns.

Minimum Standard No. 16 (b) says that "where dew claws are removed by a person other than a veterinarian, that person must possess the knowledge, training and competence, in relation to that procedure, that is necessary to maintain the health and welfare of the pup.

The NZKC believe this statement has the potential to translate into the requirement of membership of a Quality Assurance Scheme to perform the procedure.

8. Are there any non-regulatory options that would be more effective?

Yes. Training, accreditation and auditing non-veterinarians in Best Practice removal of dew claws where training would include:

- Indications for removal (risk of injury, infection)
- Correct technique
 - Age, on or before 3 days old
 - Distal phalanx only removed
 - Sterilisation of area, aseptic technique
 - Method of removal
- Risks of the procedure (pain, infection, haemorrhage)
- Benefits of the procedure
- Benefits and reasons for retaining dew claws in different situations

9. Has the right conduct been targeted?

No. Dew claw removal is not regulated to this extent in any other country to the author's knowledge.

A survey of stakeholders' opinions on the priority issues affecting the welfare of companion dogs in Great Britain, showed that dew claw removal was amongst those issues thought to be of least urgent welfare concern. Issues of most concern included inherited disease, puppy farming, exaggerated physical features, obesity and inappropriate socialisation (Buckland et al 2013).

10. Is the right person being held responsible?

The NZKC believe this regulation would target its member breeders as they are the only registered group. If there are problems with the procedure it is more likely to come from those in the general public who do not have as in depth animal experience and guidance, this could include back-yard breeders.

11. Are there any exemptions or defences that should apply?

As discussed previously, some puppies are born with no dew claws and so the NZKC believe people will claim this to be the case if an offence was accused. The NZKC believe this procedure should be open to all neonatal puppies, but only performed by those accredited to do so.

12. Are the penalties appropriate to the severity of the offence?

The penalties are significantly higher than any of the other proposals, and the corporate body penalty is only targeting the NZKC.

13. Is the right type of offence (regulatory or infringement) proposed?

No. The NZKC believe that there could be regulation on who can perform the procedure, with anyone else who performs it receiving an infringement.

14. Religious or cultural.

Not applicable.

Key Question for Surgical and Painful Procedures

1. What is the purpose of the procedure?

To remove the distal phalanx of the dew claw to remove the nail and its bed, on front and rear legs of dogs before 4 days old, to prevent potential for injury and/or infection to the dog and/or humans later in the dog's life. The procedure should NOT be performed for cosmetic purposes.

2. What does good practice look like?

The NZKC supports removal of dew claws when done before 4 days of age, or before the eyes are open whichever is first. It is a very quick procedure with the primary intention of removing the toenail and its bed. There is no need to remove bony tissue apart from the first section up to the end of the distal phalanx that **has the nail bed. Bones at this stage are still largely cartilaginous and so when the transection is made across** the first phalanx, or the distal interphalangeal joint, then any discomfort is minimal. Studies to date have been equivocal in evidence of the pain response in puppies of this age. There is no need to disarticulate the joint at this age. By removing only the distal (end) portion of the digit, the risk of haemorrhage and pain is minimal when proper technique is used.

3. How widespread is the procedure in New Zealand. In what situation(s) does it occur?

This procedure is very common among the NZKC membership. A significant number of submissions received from the membership on this issue relate to concerns about animal welfare should this regulation be put in place. Dew claw removal occurs in situations where there is a view by those performing the procedure, that animal or human welfare may be compromised later in the dog's life if the dew claws were to remain on.

4. Who currently performs this procedure and under what circumstances?

Veterinarians and dog owners currently perform this procedure where there is a perceived risk of compromise to animal or human welfare later in the dog's life.

Should the procedure only be performed by a veterinarian, if so, why?

No. There is risk to puppies and bitch if they are brought to a veterinary clinic before the puppies are 4 days old, with no significant benefits. This procedure can be carried out safely, with minimal risk, by non-veterinarians who have been trained, accredited and audited.

The risks of removing neonatal puppies from their home environment include hypothermia, hypoglycaemia from lack of feeding, rejection by the mother due to stress and nosocomial infection.

Should a non-veterinarian be able to perform this procedure, if so, under what circumstances?

Yes, non-veterinarians who are have appropriate training and knowledge should be able to perform this procedure in neonatal puppies less than four days of age, or before their eyes open.

5. Where there is a new requirement for a veterinarian to be involved or additional pain relief, are there any additional implications (including cost) associated with these new requirements?

There will be costs involved with veterinarians removing front or articulated dew claws in puppies where therapeutic rationale is determined. It is thought these costs would be marginal when done in neonatal puppies, but would vary depending on clinic and location.

6. Are there alternatives to the current practice that are less harmful?

Removal of dew claws in puppies under four days old must be done by transection of the distal phalanx or distal interphalangeal joint. There are no known alternatives to transection.

References

- Mills KE, Keyserlingk MAG, Neil, L. A review of medically unnecessary surgeries in dogs and cats. *Journal of the American Veterinary Medical Association* 2016;248:162-171
- Buckland EL, Whiting MC, Abeyesinghe SM, Asher L, Corr S, Wathes CM. A survey of stakeholders' opinions on the priority issues affecting the welfare of companion dogs in Great Britain. *Universities Federation for Animal Welfare* 2013, 22:239-253

12.62. Dogs – Tail docking

The NZKC will not oppose the proposed regulation as written.

NZKC POLICY (current)

NZKC does not require the tail of any dog shown or entered in competitions to be shortened but recognises that breeders who choose to have their dogs' tails shortened may do so provided the process is performed by an accredited bander under the NZKC quality assurance scheme (recognised under the Dogs Welfare Code 2010). The recognised procedure involves the placement of a ligature on the neonatal puppy's tail within 72 hours of birth by a suitably trained person.

Any breach of this policy or the associated procedures may result in disciplinary action being taken under NZKC Discipline and Settlement of Disputes Regulation 2 (iii).

Explanation

There is a wide range of opinion within the NZKC membership on tail docking which has created some tensions for NZKC as it looks to represent the interests of its members. Approximately 30% of our members own docked breeds and strongly support the procedure; the remainder hold views ranging from strongly opposed to conditional support.

As per the policy statement above, NZKC requires that if tail docking is to be performed, the procedure must be performed by an accredited bander under the NZKC quality assurance scheme, as recognised in the Dogs Welfare Code (2010). NZKC currently delegates to the NZ Council of Docked Breeds (NZCDB) responsibility for the accreditation process involved whilst NZKC remains responsible for the auditing of this process and the procedures associated with the practice of tail banding.

If tail docking were to be retained for other than therapeutic reasons, NZKC would remain supportive of the Accredited Banding Scheme. Our support for the quality of the scheme reflects the fact that some 10,500 tail bandings have been conducted over the past 5 years, without mishap.

As previously requested, if there is to be regulatory change around tail docking, we would expect this to be accompanied by a rationale that can be well understood by those dog owners likely to be affected. The expectation remains that this rationale will include science based justification, particularly in relation to pain and function. NZKC is disappointed that such justification has not been forthcoming to date.

In not opposing the proposed regulation on tail docking, NZKC has considered the wide range of opinion within its membership, broader public opinion, international trends and the impact on New Zealand's reputation as a global leader in animal welfare matters. Change to NZKC breed standards to align with international standards has been underway for over 13 years, to the point where at the current time, none of NZKC's 218 breed standards require the tail of any dog shown or entered in competitions to be shortened.