

Thomas M. Susman
Director
Governmental Affairs Office

AMERICAN BAR ASSOCIATION
1050 Connecticut Avenue, NW - Suite 400
Washington, DC 20036
(202) 662-1760
FAX: (202) 662-1762

September 6, 2016

Martin Coiteux
Minister of Municipal Affairs and Public
Safety
2525, boulevard Laurier, 5e étage
Québec, Québec
G1V 2L2
Canada

Pierre Paradis
Minister of Agriculture, Fisheries and Food
200, chemin Sainte-Foy,
12e étage
Québec, Québec
G1R 4X6
Canada

Dennis Coderre
Mayor
City of Montreal
City Hall
275 rue NotreDame Est
Montréal, Quebec
H2Y 1C6
Canada

Anie Samson
Vice-Chair of the Executive Committee
City of Montreal
City Hall
275 rue NotreDame Est
Montréal, Quebec
H2Y 1C6
Canada

Dear Ministers Coiteux and Paradis, Mayor Coderre, and Vice-Chair Samson:

I am writing on behalf of the American Bar Association (ABA), a professional organization of nearly 400,000 lawyers, judges, academics, and law students, with members in both the United States and Canada, to express our concern over proposals by the provincial and municipal governments to regulate or ban ownership of certain dogs based solely on their breed or appearance.

In 2012, the ABA adopted a resolution urging all levels of government to adopt comprehensive breed-neutral dangerous dog/reckless owner laws that focus on the behavior of both dog owners and dogs. The resolution further recommends the rejection and repeal of any breed-discriminatory laws for the following reasons:

- **Breed discriminatory laws may violate due process protections.** Fundamental principles of due process require that laws provide adequate notice to the public and to the officers charged with their enforcement in order to prevent arbitrary and discriminatory application of the law. It is often impossible to accurately determine the breed of a dog based on its appearance alone, particularly in the case of mixed-breed dogs. A recent University of Florida study conducted a breed identification survey with participation by

more than 5,000 “dog experts” – including breeders, shelter staff, and veterinarians – and found that they correctly identified a prominent breed only 27% of the time.

- **Breed discriminatory laws are ineffective at improving public safety.** Many U.S. animal welfare and public health organizations, including the Centers for Disease Control and Prevention, promote breed-neutral approaches to reducing dog bites. Studies have shown the most effective way to reduce dog bites is to focus on the behavior of all dogs and dog owners. Targeting specific breeds or perceived breeds generally does not reduce the number of dog bite incidents. For example, in 2010, a survey by the Toronto Humane Society found no significant decrease in the number of dog bites five years after the implementation of breed-specific legislation in Ontario.

- **Breed discriminatory laws are expensive and difficult to enforce.** There is a significant fiscal impact to communities that enact these types of ineffective laws. In addition to the obvious costs, including animal control resources and sheltering/euthanasia expenses, there are hidden costs that accompany this approach, such as litigation, DNA testing, and disposing of dogs that have been seized. Moreover, it is difficult for law enforcement to accurately and consistently enforce these laws since it is often difficult or impossible to visually identify a dog’s breed.

- **Breed discriminatory laws infringe on the property rights of responsible dog owners and unfairly impact low-income families.** These laws not only fail to promote public safety, they have a negative impact on the lives of responsible pet owners. Families are often left with the choice of having to move to a nondiscriminatory community or having their pet taken from them. This burden will often fall hardest on low-income families that cannot afford to challenge the designation of their dog as a banned breed or to move to a location where they may keep their family pet.

A number of other prominent organizations in the United States, including the National Animal Care and Control Association, the American Veterinary Medical Association, the Best Friends Animal Society, and the Humane Society of the United States, have recognized that breed discriminatory laws are an ineffective solution to the dangerous dog problem.

Municipalities can safely and humanely regulate dogs in their community by focusing on the individual behavior of all dogs and the reckless behavior of dog owners. This policy approach has proven to be the most effective solution to improving public safety, and we encourage you to consider such an approach as an alternative to the pending proposals.

Thank you for the opportunity to share our views.

Sincerely,



Thomas M. Susman