

PE1555/D

Electronic Collar Manufacturer's Association Letter of 26 May 2015

1. In response to the content of PE1555 on electric shock and vibration collars for animals, it is submitted that there is significant public and political benefit, and scientific evidence to support the continued lawful use of the e-collar as a dog training device.

ANTISOCIAL DOG BEHAVIORS

2. Antisocial dog behaviours affect the owners, neighbours and wider communities, as well as the dogs themselves. The behaviours range from being a general nuisance (e.g. barking, fouling, wandering) through to more dangerous behaviours including chasing, fighting and aggression to other animals and/or people.
3. Inappropriate animal behaviour is a significant issue in terms of public nuisance and public safety. While all dogs have the same set of innate behaviours they differ as to the threshold at which different behaviours are exhibited. Genetics, socialisation, training, neutering and levels of supervision are all factors which contribute to the manner in which a dog will behave.

Training methods, realities and equipment

4. There are a range of training doctrines and training aids to assist owners in training and modifying dog behaviour so that the dogs behave in a socially acceptable and safe manner.
5. It is a widely accepted philosophy that, wherever possible, reward based training methods will be used. However; there are instances when negative response methodologies (i.e. providing *unpleasant* and/or only *necessary* unpleasant stimuli) are indicated. This is consistent with the opinion of Veterinary Behavioral Specialist Prof. Daniel Mills who states: 'there is no such thing as reward-only training'.

POLITICS AND POLICY: Promoting animal health and welfare, responsible dog ownership, and safer communities with the e-collar

Electronic training collars have significant benefits dog owners, the community, and the dog

6. The petition notes that almost 50,000 people in the UK per year purchase electronic training collars. These represent people who are spending money in attempts to train, contain and look after the well-being of their dogs by utilising electronic training devices so that the animals are not just well-behaved at home, but also socially acceptable in the community.

7. Retaining a valuable training aid to address the antisocial behaviours of problematic dogs obviously has enormous benefits not just for the dog owner and promotion of safe and enjoyable communities through responsible dog ownership, but also for the dog. The e-collar training devices fill an important role in enabling dogs to learn social behaviours which not only provides greater safety for the dog (e.g. containment on the owner's property rather than wandering) but also avoids the necessity of more drastic options of the dog being re-homed, put in a dog shelter, or euthanased due to unresolved antisocial behaviours.
8. From a pragmatic perspective, it is relevant that the circumstances of the owner, and not just a dog, commonly create concerns which – without the electronic training devices – create significant additional problems for the dog, the owner and the community.
 - 8.1. For example, in respect of containment systems, it is not always practical to construct physical barriers around a property that will reliably contain a dog due to the reality is that fences to contain some dogs would need to be very high, planning permission may be required from local authorities, and secure fencing can be expensive.
 - 8.2. Tethers have been used to restrain dogs as an alternative to a physical perimeter barrier. However there are many potential hazards associated with tethers and it is recommended that they should only be used for short periods where dogs are observed. Tethers are clearly not appropriate for cats. E-collar training devices provide a practical and much safer alternative to tethers.
 - 8.3. There are additional hazards and circumstances of importance which may understandably be overlooked when initially considering the application of the electronic training devices. Electronic collar based containment systems have been used to create a within a containment system order to exclude dogs from specific areas. This has commonly been used, for example, to keep dogs away from areas where there are identifiable hazards e.g. swimming pools thereby reducing the risk of the dogs drowning.
9. It is relevant that the practical applications of training devices extend beyond simply dogs. For example, the training devices have been used to contain cats with a view to protecting them from being exposed to hazards associated with busy roads, predators and neighbourhood dogs. Naturally, cats are agile and traditional containment systems therefore require creation of a covered cage or a roofed shelter. The electronic training devices have been used as a practical and affordable alternative. The RSPCA estimates that upwards of 300,000 cats are killed by cars on UK roadways every year.
10. Electronic training collars can be very effective to manage unwanted behaviours of dogs, and for the purposes of perspective it is notable that the voiced opinions of the 200 signatories to the petition must be put in context of the significantly larger individual and community problems that would ensue if 50,000 dog owners per year were prohibited in having access to a valuable training tool.

11. The qualification to the statement that electronic training collars can be very effective to manage unwanted behaviours of dogs is that the reference to electronic training collars refers to those products that are manufactured to a high quality to ensure that they are safe (e.g. with reliable maximum pulse intensity delivery settings) and used in conditions with appropriately qualified supervision.
12. The collars are popular because they are successful. However it is critical for regulators and advocates alike, to recognise that it is the use of inferior products and/or their misuse that has given rise to incidents which have raised concerns for all animal welfare stakeholders including reputable collar manufacturers and retailers.
13. Awareness of these facts highlights the key issues associated with questions regarding the continued use of the collars:
 - 13.1. If quality e-collar products are used properly, is the dog's / animal's welfare unnecessarily compromised?
 - 13.2. If the dog's / animal's welfare is not unnecessarily compromised with the use of the e-collar, then how does the regulator ensure the use of quality products under qualified supervision?

SCIENTIFIC RESEARCH RESULTS (DEFRA): “No long term harm to dog welfare...”

14. The question regarding the dog's / animal's welfare was conclusively addressed in the results published by the English Government in 2012. In 2012, the results of two scientific studies conducted by Defra were published (Defra project code AW1402 and DEFRA project code AW1402A). The research specifically addressed concerns and allegations associated with the effects of using the collar in training domestic dogs.
15. The Defra research has provided evidence-based empirical results which were quality assured and independently peer reviewed. Consequently Defra stated that:
 - 15.1. “...research showed no evidence that e-collars cause long-term harm to dog welfare when used appropriately and,
 - 15.2. “A ban on e-collars could not be justified because the research provided no evidence that e-collars pose a significant risk to dog welfare. For a ban to be introduced there would have to be evidence showing they were harmful to the long-term welfare of dogs”.
16. The Defra research has, in turn, being taken into consideration by overseas regulators addressing questions associated with the e-collar, and having comparable animal welfare law to Scotland's Animal Health and Welfare (Scotland) Act 2006. Those jurisdictions have concluded that a ban was unnecessary, that appropriate use of quality products complied with relevant animal welfare law, and that the secondary legislation implemented in overseas jurisdictions provided further additional clarity and guidance regarding the products quality and proper use of electronic training devices.

E-COLLARS ARE LAWFUL: Animal Health and Welfare (Scotland) Act 2006 – Secondary legislation promoting quality products and qualified supervision

Animal Health and Welfare (Scotland) Act 2006

17. The use of the electronic training collar is consistent with the Animal Health and Welfare (Scotland) Act 2006.

17.1. While individual opinions may vary in respect of what is necessary, or not, section 19 of the Animal Health and Welfare (Scotland) Act 2006 specifically addresses the issue of “unnecessary suffering”.

17.2. Subsection (4)(c)(i-ii) states that “The considerations to which regard is to be had in determining...whether suffering is unnecessary include: (c) whether the conduct concerned was for a legitimate purpose, for example (i) the purpose of benefiting the animal, or (ii) the purpose of protecting a person, property or another animal,

17.3. As demonstrated (above) the e-collar fulfils an important role in resolving the antisocial behaviours of dogs which would otherwise result in significant potential detriment to the animal/dog (e.g. overly restrictive containment and/or control systems, re-homing, euthanasia), to “persons” such as the dog owner and the community, “property” and “(an) other animal” (e.g. wandering, aggression, fouling).

18. For the purposes of completeness and understanding, an appropriately broad interpretation of “property or another animal” set out in section 19 (4) (c)(i-ii), significantly widens the breadth of considerations to be considered by the regulator and other stakeholders.

18.1. For example, in 2013 the National Sheep Association (NSA) recorded 12 months of data regarding sheep worrying incidents¹. NSA says that although the exact number of dog attacks on sheep per year in the UK is naturally impossible to determine because many attacks are unreported, the data nonetheless demonstrates that problems associated with uncontrolled dogs is likely to involve thousands of incidents.

18.2. The NSA compiled information on 100 of those attacks to gain a better insight into what is happening. The data showed more than half (57%) of attacks happened in private, enclosed fields with no footpath and, therefore, no permitted access to dog walkers. Up to 72 sheep were injured in one attack and 30 killed in another with an average across the dataset of 3.2 sheep injured and 4.0 sheep killed per attack. Costs ranged from £60 to £17,000, providing (what NSA considers to be a very conservative) average of £1,580 per incident.

Secondary legislation promoting quality products and qualified supervision

19. Overseas, political interests have taken into account evidence-based scientific research in their decision not to ban electronic training devices. An increasing number of jurisdictions which have animal welfare legislation that is comparable to Scotland’s, have implemented robust secondary legislation that addresses the key issues associated with the collars, i.e. the product quality and its use/supervision.

¹ <http://www.nationalsheep.org.uk/news-detail.php?NewsID=141>

and

<http://www.nationalsheep.org.uk/news-detail.php?NewsID=142>

20. New Zealand and Australia (Victoria) are examples of legal jurisdictions who have already implemented secondary legislation which prohibits the use of inferior products and/or misuse.
21. Following the results of the science-based research, England made the decision in 2014 not to ban electronic training devices and is in the process of examining the law from international counterparts to put on its own effective secondary legislation.
22. Similarly, Holland addressed the question of banning the e-collar and following consideration of the results of England's scientific research, Holland has made a decision not to ban the product. Holland is currently in the process of consultation and drafting with a view to implementing secondary legislation and Welfare Codes of Recommendation for the Responsible use of Electronic Collars.
23. The Welsh Assembly Government ("WAG") banned the use of electronic collars in 2010. However correspondence from the Chief Veterinary Officer of the Welsh Assembly the Government stated that Welsh Ministers were committed to reviewing policy when new relevant research or other relevant factors become available. As at the date of these submissions, and in consideration of the results of England's scientific research, a meeting is currently scheduled with the Welsh Assembly Government ("WAG") for 22 June 2015 to discuss withdrawing the ban on electronic training products, and implementing secondary legislation similar to that already implemented in other leading animal welfare jurisdictions.

ECMA COMMITMENTS, LEADERSHIP, AND COLLABORATION

24. The ECMA are committed to assisting people in responsibly caring for all domesticated dogs and cats in a manner that is consistent with obligations set out under relevant and wider public safety responsibilities. Through significant innovation and research the ECMA members have developed superior quality training collars that are easy for people to use, and safe for the dogs and cats wearing them.
25. In addition to manufacturing a notably quality product, ECMA also has a demonstrated commitment to responsible use through provision of animal training materials and programs. The published materials have been developed in conjunction with experts outlining when it is appropriate to use the products, and how to use the collars in a way that is safe, supervised and effective. The materials include:
 - 25.1. A Charter setting out the ECMA's commitment to regularly review its technical requirements and code of practice based on the latest scientific evidence; and
 - 25.2. A Technical Requirement which specifies maximum output characteristics and minimum standards of construction; and
 - 25.3. A published Code of Practice in respect of the electronic training collar for members to use as format to provide consistent training advise; and
 - 25.4. A training manual and DVD to instruct owners and supervisors in appropriate training protocols assist experts in their role as supervisors; and
 - 25.5. Product specific operating guides.

25.6. ECMA have also engaged experts to assist in drafting regulations for regulatory consideration that is consistent with the secondary legislation implemented from comparable overseas jurisdictions.

26. In addition to the scientific research, library of publications and legal assistance provided by ECMA, ECMA provides the opportunity for all parties, including regulators and advocates alike, to view accounts and results of instances where the use of quality/safe products and qualified supervision has been critically important to dog owners, their dogs, and the communities they live in. Those testimonials can be viewed at:

<http://www.rewardingdogs.com/testimonials.html>

And

<http://www.ecma.eu.com/testimonialsen.html>

27. Additionally, ECMA participates in an ongoing collaborative relationship with governments, which includes the invitation to fund and arrange for relevant experts to address any continuing concerns and / or alleged issues of decision-makers regarding the quality and/or use of electronic training devices. Relevant experts include, for example, animal welfare legal experts and dog behaviourists.

28. Further information on product distinctions and the materials listed (above) are available upon request or by visiting the website of ECMA:
<http://www.ecma.eu.com/charteen.html>

CONCLUSION

29. It is submitted that the continued use of quality products with qualified supervision is consistent with the law, evidence-based scientific knowledge, and the best interests of both the public and the dog.