

**TESTIMONY OF  
JOSEPH E. FITZGERALD, JR**

before the

HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE  
STATE OF MARYLAND

Re: House Bill 406

“Crimes – Unattended Dogs in Extreme Weather Conditions”

February 27, 2020

I am a 40 year resident of Frederick County (Jefferson), who is a long-time breeder of Siberian Huskies and an avid sled dog musher. I am a vice-president of the national Siberian Husky Club of America and my wife is president of the regional Chesapeake Siberian Husky Club for the tri-state area (Maryland, Virginia and DC). My sled dogs have been featured in the Frederick News-Post and Washington Post. We train on wheeled rigs here in the County during the winter months and race in the snow-belt near Canada in January and February.

I testified last year before this Committee regarding my concerns about the prior version of this Bill, HB 501, which proposed what could be considered arbitrary temperature limits for dogs being outside regardless of breed type, weather conditions, and the actual context of their activity. HB 406, like its predecessor, does not reflect that certain breeds, like my Siberian Huskies, thrive outside in temperatures below the lower threshold this Bill would define. The Bill also fails to consider that some breeds do not do well even at the warmer temperatures allowed by this Bill, particularly if humidity is high and air circulation is restricted. The American Kennel Club (AKC) has published a fact sheet entitled “Dogs and Temperatures: One-Size Does Not Fit all” (enclosed), which provides a good perspective on this.

The type of dog activity matters. HB 406 makes no exceptions or qualifications for outside activities such as my sled dog running, sport hunting, or field trials. While such dogs in such activities are normally “attended” by their owners, they would not necessarily have ready access to shelters as defined by this bill.

If the bill's intent is to protect the broadest range of dogs from the extremes of weather, an amendment to HB 406 could provide that, "during any period in which a hazardous weather advisory or warning has been issued by the National Weather Service for the local area, no dog shall be left in conditions where the health and safety of the dog is at risk." We believe such wording would better consider the needs of various breeds, ages, and the general health of individual dogs. It would also avoid imposing arbitrary and misleading temperature limits that are overly broad and potentially dangerous.

If government is to define and enforce building codes for dog houses/shelters, it is incumbent on legislators to ensure that such an unprecedented move would be practical (e.g., how is the public to be educated?), not prove to be a burden to municipalities to police and enforce, and provide pet owners a reasonable remedy if so charged with a violation under the criminal code. It would be an unfortunate outcome if unknowing residential pet owners are charged for out-of-code dog houses during a cold spell and find their dogs impounded at a high cost in the process.

HB 406's provision requiring access by all dogs to continuous suitable shelter also raises questions as to its applicability to the activity of dogs in service and in the field – service dogs for the handicap or disabled; hunting, guardian and herding dogs; sled dogs that many of us enjoy; and a wide variety of other sporting dogs – all of whom may be suited to handle more extreme conditions based on their breed, age, and general health. It is recommended that HB 406 be amended to not only allow an explicit exemption for dogs that are with the owner (“attended”), but also include exemptions for service animals, and those being used in either training or sporting events, in conditions that are suitable for the breed, age, and general health of the dog.

Absent such an exemption, I may no longer be able to run my sled dogs during the winter, and hunters would not be able to take their dogs into the field. Absent such an exemption, dogs that work as service animals, and to protect public health and safety, may be unable to perform the many important functions they are trained to provide should HB 406 be enacted as currently written.

As a long-time owner and sportsman with my dogs, I share the premise and intent of this Bill to protect the welfare of all dogs, but am concerned that the State of Maryland regulates this domain carefully so as not to harm the ability of its residents to enjoy their pets in a reasoned and compassionate manner.

## Dogs and Temperatures: One-Size Does Not Fit All

2019-11-19 | AKC Government Relations Department\*



Dogs come in all shapes and sizes, with characteristics that make them unique. From furry arctic breeds with dense undercoats to sleek single-coated breeds and even hairless breeds, each breed has certain traits that allow them to thrive in different climates and environments.

For example, sled dog breeds have a unique circulatory system that allows them to conserve heat and energy when outside in cold temperatures. This is in addition to a dense undercoat that acts as insulation. For many of these breeds, a well-adapted circulatory system also protects their paws from frostbite when outside in the winter. In the same way, their thick double coats also act as insulation against heat in the summer to keep them cool.

Studies demonstrate that each breed is different when it comes to the temperatures it can tolerate. A study of sled dogs at Denali National Park found that a Siberian Husky easily tolerates temperatures well below freezing. Similarly, a Purdue University study of some smaller, short-haired breeds determined that some breeds become uncomfortable under 60 degrees.<sup>3</sup> Other research has found that many smaller breeds prefer and can tolerate warmer temperatures better than some larger breeds.

When it comes to regulations, one-size-fits-all temperature requirements often fail to recognize best practices for canine care and can have harmful unintended consequences. What is ideal for

one dog may prove dangerous for another. Breed, age, nutrition, health, conditioning, and coat density are all factors that determine temperatures and conditions most appropriate for a dog. When considering regulations on keeping dogs outdoors, there is no set of temperatures or weather parameters that will address every dog and every situation.

No dog should ever be left in conditions that jeopardize its health and safety. However, it's important to also remember that many breeds by their very nature can thrive in temperatures outside ranges humans may consider comfortable.

When considering legislative or regulatory policy options, the American Kennel Club urges policymakers to consider a broader approach that expressly prohibits dogs from being left in conditions where their health and safety are at risk. In this way, all dogs can be protected -- and still allowed to play, run, and enjoy the weather they love best.

<sup>1</sup> "The Science of Sled Dogs: Denali National Park and Preserve Teacher Guide", National Park Service.

<sup>2</sup> "Temperature Requirements for Dogs", Purdue University Extension, October 2016. -

<sup>3</sup> "Body size and the daily rhythm of body temperature in dogs", Journal of Thermal Biology, Vol. 34, Issue 4, May 2009.

\* Photo of sleddog team substituted for purposes of testimony; photo courtesy of author