



**NEW YORK
CITY BAR**

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**REPORT ON LEGISLATION BY THE
ANIMAL LAW COMMITTEE**

**A.524
S.712**

**M. of A. Englebright
Sen. Grisanti**

AN ACT to amend the environmental conservation law, in relation to signage at entry points to municipally owned property where trapping is allowed.

THIS LEGISLATION IS APPROVED

SUMMARY OF THE PROPOSED LEGISLATION

The proposed legislation would amend section 11-1101 of the New York State Environmental Conservation Law (“ECL”) to require that “on all publicly accessible municipally owned property where hunting, fishing, or trapping is allowed, posted signage at all recognized entry points must inform readers that the property is a multi-use area and, if allowed, that hunting fishing or trapping is allowed in season and to take appropriate precautions.” As noted in justification memo of the proposed legislation, the purpose of the proposed legislation is to protect people and companion animals from tragic encounters with traps in municipal multi-use areas - a problem that has persisted in recent years.¹

THE COMMITTEE SUPPORTS THE PROPOSED LEGISLATION

This Committee has previously supported proposed legislation that would provide counties the authority to enact local legislation setting trapping restrictions appropriate to each county.² For similar reasons, this Committee approves the proposed legislation, which would help reduce the inherent danger posed by hidden traps to domestic animals and humans. The bill would do so by requiring the posting of signage around public locations where hunting, fishing or trapping may be occurring; the signage would warn people of the potential dangers associated with such practices, including the existence of concealed traps, so that people may take necessary precautions to protect themselves and others, including children and pets. The benefit to public safety that would come from such a requirement would outweigh the “negligible” costs associated with the creation and posting of such signs.³

¹ See A.524/S.712, at Memo section, <http://open.nysenate.gov/legislation/bill/S712-201> (last visited March 31, 2014)

² See Report on A.1756/S.1038 by the Animal Law Committee, New York City Bar Association, Reissued February 2013, <http://www.nycbar.org/pdf/report/uploads/20071747-CommentonNYSECLreTrapping.pdf> (last visited March 31, 2014).

³ *Supra* n. 1 (noting that fiscal implications are “none.”)

Many traps pose an inherent danger to children, companion animals and non-target wildlife, including endangered species. In particular, domestic animals are often caught in body traps or leg hold traps, frequently resulting in painful injuries or death.⁴ Numerous instances have been reported of animals, primarily cats, being caught in leg-hold traps for days before being discovered, often with fatal injuries.⁵ Dogs are frequently reported being caught in Conibear traps while the dogs are being walked by owners who are unable to remove the trap.⁶ In numerous states, including New York, public attention has been focused on the dangers that hidden traps pose, particularly to domestic animals. For example, last year, two Minnesota lawmakers introduced legislation to restrict the use of traps, after six dogs were caught in body-gripping traps between fall and mid-winter.⁷ Dogs, especially, may be attracted to scent lures disguised by leaves.⁸ The types of traps used in New York State include box traps, steel foothold traps, and body-gripping traps such as Conibear traps.⁹

As the population density of many New York State counties continues to grow, public safety concerns surrounding trapping have similarly increased. For example, in 2003, after the death of a local dog caught in a “snapping trap,” which had been set to kill beavers on privately owned land, over 100 signatures were gathered from residents in support of a ban on the use of certain types of traps in New Paltz.¹⁰ Similarly, in 2005 the death of Sag Harbor dog, Zephyr, generated significant public outcry. While being walked by his owner in a Sag Harbor park, Zephyr’s head was caught in a spring loaded grab trap. Zephyr’s owner was unable to free him from the trap’s metal jaws, and the 75 pound rescue dog choked to death within two minutes. In

⁴ “Non-Target Trapping Incidents”, Born Free USA, http://www.bornfreeusa.org/database/trapping_incidents.php (last visited March 31, 2014).

⁵ It should be noted that the American Veterinary Medical Association (“AVMA”) considers the steel-jaw leg-hold trap to be inhumane. *See* American Veterinary Medical Association, position statement, JAVMA, Vol 203, NO. 3, August 1, 1993); *See also* Welfare Implications of Leghold Trap Use in Conservation and Research, April 30, 2008, <https://www.avma.org/KB/Resources/LiteratureReviews/Pages/Welfare-Implications-of-Leghold-Trap-Use-in-Conservation-and-Research.aspx> (last visited May 15, 2014). Specifically, the AVMA more recently states that trapping, if and when necessary is better done with a newer type of leg-hold trap, which reduces risk to non-target animals. These newer traps are padded with plastic and do not completely close on the animal’s leg, thus minimizing serious injuries and amputations occurring in non-target animals caught in the traps.

⁶ Conibear traps are body-gripping traps designed to kill. The traps are intended to strike at the back of the neck or behind the shoulders, and generally kill an animal over approximately one to two minutes. *See* “Exposing the Myths: The Truth about Trapping,” Born Free USA, <http://www.bornfreeusa.org/facts.php?p=53&more=1> (last visited March 31, 2014).

⁷ *See* Doug Smith, “Concerns About Dogs Prompt Trapping Bill,” Star Tribune, February 6, 2012, <http://www.startribune.com/sports/outdoors/138685894.html?refer=y> (last visited March 31, 2014).

⁸ *Id.*

⁹ *See* Department of Environmental Conservation, “An Introduction to Responsible Trapping – Student Manual,” http://www.dec.ny.gov/docs/wildlife_pdf/nytrapedmanual.pdf (last visited March 31, 2014).

¹⁰ *See* “Animal trapping ban on hold,” New Paltz Daily Freeman, September 13, 2003, <http://www.dailyfreeman.com/general-news/20030913/animal-trapping-ban-on-hold> (last visited March 31, 2014).

many communities, such instances spark a groundswell of public support in favor of restricting or banning trapping. However, in light of the *State v. County of Suffolk* ruling and subsequent Appellate Division decisions, municipalities have struggled to reconcile their citizens' demands for trapping bans and restrictions with current state law. Given that current law prevents municipalities from enacting local regulations restricting or banning trapping within their localities, the need to require clear labeling of public areas where trapping may be occurring is paramount. As noted in the bill's justification memo, the fiscal impact of requiring posting of adequate warning signs would be negligible. Furthermore, more restrictive trapping regulations are not a failsafe, as there is an element of inherent danger anywhere traps are set on public land.¹¹

CONCLUSION

For the foregoing reasons, the Committee supports the proposed legislation.

June 2014

¹¹ See Dave Orrick, "Weekend dog death highlights dangers of small traps too," Pioneer Press, October 25, 2012, http://www.twincities.com/localnews/ci_21854559/weekend-dog-death-highlights-dangers-small-traps-too (last visited March 31, 2014) (noting that Wisconsin, Michigan, and New York have already adopted stricter regulations than Minnesota on the largest size of Conibear/full-body traps, and highlighting that dangers, nonetheless remain present, for people, dogs generally, and particularly for smaller dogs).

¹¹See Doug Smith, *supra* (noting that, more stringent regulations are not a panacea), <http://www.startribune.com/sports/outdoors/138685894.html?refer=y> (last visited March 31, 2014).