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## **How the Centers for Disease Control and Prevention has harmed our cause in the past, continues to harm it, and ideas to reduce or eliminate this harm.**

*By Colleen Lynn, founder and president of DogsBite.org.*

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## Introduction

DogsBite.org is a 501(c)(3) organization dedicated to reducing serious dog attacks. We are the only nonprofit committed to putting the safety of humans before dogs, as we are the only source of information on this topic that is not owned, controlled, or funded by dog breeders, owners, veterinarian or animal welfare groups.

My organization did not write to President Obama after the White House politicized breed-specific legislation in a response to a 2013 *We the People* petition (“Breed-Specific Legislation is a Bad Idea”). The White House response was a clever dodge given that these laws are a local matter. The administration then gratuitously added an “opinion” of the effectiveness of breed-specific laws by referring to an outdated study jointly authored by the American Veterinary Medical Association (AVMA) and CDC that did not even investigate this effectiveness.<sup>1</sup>

Instead, my organization sent a letter to the Director of the CDC, Thomas Frieden (attached), calling to his attention “two vital modern sources of information pertaining to the epidemic of serious and fatal dog maulings in our country today.” Specifically, a 2011 study published in the *Annals of Surgery*, (Mortality, Mauling and Maiming by Vicious Dogs) concluding that “attacks by pit bulls are associated with higher morbidity rates” and a 2012 decision by the highest court in Maryland, *Tracey v. Solesky*, the seminal decision declaring, “pit bulls are inherently dangerous.”

This document details the hurdles faced by advocacy groups and municipalities and law enforcement agencies seeking to prevent grievous and fatal injuries inflicted by a handful of well-documented dog breeds since the joint study was published. It also details the most important actions the CDC can take to remove these hurdles, allowing meaningful progress in the prevention of these injuries and deaths. At the very least, these barriers must be reduced, which involves the CDC making written clarifications about the outdated study.

Briefly, the joint study, and the last issued by the CDC on this subject, “Special Report: Breeds of Dogs Involved in Fatal Human Attacks in the United States Between 1979 and 1998,” was published in September 2000. The study was comprised of two human medical doctors and three animal “experts,” specifically, two veterinarians from the AVMA and one animal behaviorist.

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<sup>1</sup> The White House responded to the petition after it reached the lowest threshold, 30,000 signatures. Breed-Specific Legislation Is a Bad Idea, (30,189 signatures) White House (<https://petitions.whitehouse.gov/petition/ban-and-outlaw-breed-specific-legislation-bsl-united-states-america-federal-level/d1WR0qcl>)

The 2000 study was a culmination of three studies before it, which added 27 new deaths (from 1997 and 1998) to human fatalities examined in previous studies (from 1979 to 1996). The focal point of the 2000 study is clearly identified in its conclusions, which issued a policy statement unfavorable to breed-specific laws, despite no investigation of its effectiveness, along with using misleading vernacular about the purpose of breed-specific ordinances, which was and still is to dramatically reduce serious injuries and to eliminate mauling and maiming injuries and deaths.

Our other primary concern is the heavily weighted role of the AVMA in a United States government study examining human fatalities. Not only did the AVMA manage to ensure animal “experts” were represented on a study about health and human safety, they managed to ensure they were the majority of the study authors.

Additionally, when the study was released in 2000, it was not directly released to the American public. Instead, it was published in an AVMA journal (JAVMA), a private technical journal for veterinarians. This confused the U.S. media at that time, which initially called the study, “by the American Veterinary Medical Association.” The AVMA even had to release a statement, along with a copyright notice to press members who requested a copy (attached). The “Special Report” to the American people could not even be freely distributed due to the AVMA copyright.

Now 14-years later, the AVMA/CDC study has been abruptly elevated into the public eye once again, this time by the White House, for political purposes or simply lack of knowledge. It is possible that the White House is even unaware that all three military divisions, the U.S. Army, U.S. Marine Corps and U.S. Air Force, have adopted uniform pet policies that ban this same handful of dog breeds from all privatized housing, domestic and abroad. Col. Richard P. Flatau Jr., commanding officer of Marine Corps Base Camp Lejeune, stated the reason why most aptly in April 2009 following Camp Lejeune’s policy shift:

*“These specific breeds present an unreasonable risk to the health and safety of our residents and are therefore prohibited.”*

The following document spells out specifically how the government’s fundamental agency dedicated to “Saving Lives. Protecting People,” the CDC, has not only failed in this mission, but has also created a near impossible barrier for public health and safety advocacy groups to have a meaningful debate about this issue when concerning local matters.

## Summary of Top Requested Remedies

This page summarizes the essential actions the CDC can take to provide relief to our cause. The subsequent pages provide a richer narrative about these actions. It is the role of the federal government to protect its citizens by providing accurate safety information. The CDC should be helping this cause; currently it is hampering it.

### Five Actions by the CDC That Would Help This Cause:

1. At the very minimum, the CDC — without interference from powerful veterinarian groups — should be tracking human dog bite fatalities in the same “spirit” as it tracks human rabies fatalities (Section I).
2. The CDC must make an admission or clarification in writing that the purpose of a breed-specific ordinance was never to “prevent all dog bites,” as stated in the 2000 study. Such laws are designed to significantly reduce the 5% (serious injuries) and eliminate the 2% (mauling and maiming injuries and deaths) inflicted by well-documented dangerous dog breeds (Section II).
3. The CDC must make an admission or clarification in writing that breed-specific ordinances were never a replacement for existing dangerous dog laws. Such laws are always added in addition to existing dangerous dog ordinances to further crack down on devastating injuries (Section II).
4. The CDC must make an admission or clarification in writing that no jurisdiction with breed-specific laws was ever examined by the CDC to see if there was a reduction in mauling and maiming injuries and deaths after adopting the ordinance. This is especially important due to the White House petition response, which poorly paraphrased the CDC (Section II).
5. The CDC must remove the dated, inaccurate and biased AVMA guide, “A Community Approach to Dog Bite Prevention,” from the Dog Bites web page.<sup>2</sup> It promotes out-of-date policies that financially benefit veterinarians and reflect their viewpoint. Human health and safety officials should be the “primary” authors on all CDC recommended dog bite prevention models (Section IV).

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<sup>2</sup> Dog Bites, CDC (<http://www.cdc.gov/homeandrecreationalafety/dog-bites/index.html>)

## I. The “Spirit” of Tracking Rabies — It is Fatal

The spirit of tracking rabies by the CDC and other public health agencies is to avert certain death. Rabies vaccinations for dogs are required by law in all 50 states, as well as a 10-day quarantine period after a bite, also after a scratch or believed “exposure” in some cases (no bite or scratch is necessary to transmit).

Contracting rabies from dogs is rare today. The CDC states that 1 or 2 people per year die of rabies. Today, wild animals are the cause of over 90% of these transmissions.<sup>3</sup> Still, there is an enormous health and safety and law enforcement apparatus in place to avoid even one death by rabies infection from a dog in the U.S. This apparatus works; human rabies deaths have been reduced from about 100 annually at the turn of the 20th century to the current level.

Consider how massive this safety apparatus is and the relatively few number of human deaths annually, 100, even back when rabies was a serious threat. This is what you always have to remember about public health and the mission of the CDC: small death numbers are still extremely relevant.

The newer deadlier cancer — horrific dog mauling injuries and deaths — is far more prolific than rabies has ever been in modern times. On average, about 32 citizens are killed by a handful of the same predictable dog breeds each year. It is in this same spirit of tracking and monitoring rabies that the CDC should be tracking the breeds of dogs involved in killing humans. Coroners commonly describe fatal injuries inflicted by pit bulls and their derivative fighting breeds as, “completely severed carotid artery and jugular vein and fracture to the back of the neck.”<sup>4</sup> This degree of severity warrants tracking and examination.

The CDC will tell you that they already did examine this issue. They will point you to the “policy” results of the dated 2000 study.

Yet, in the 2000 study, the CDC made the following statement, which diametrically opposes their rabies initiative of a large-scale apparatus to “prevent just one death,” as well as the very foundation of public health.

*“Fatal attacks represent a small proportion of dog bite injuries to humans and, therefore, should not be the primary factor driving public policy concerning dangerous dogs. Many practical alternatives to breed-specific ordinances exist and hold promise for prevention of dog bites.”*

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<sup>3</sup> Rabies in the U.S., CDC (<http://www.cdc.gov/rabies/location/usa/index.html>)

<sup>4</sup> Phrase used by doctors at the Southwest Texas Forensic Center (Conroe, TX) when describing the cause of death of a 41-year old man killed by a pit bull in 2006. Detectives also noted that he was bitten over 90% of his body.

The Consumer Product Safety Commission (CPSC) follows this same “small portion” principal for the preventable deaths of children. For instance, after 3 child deaths due to mini blind strangulations, the organization recalled 5.5 million mini blinds.<sup>5</sup> In 2011, after 26 child deaths in 26-years (1985 through 2011), the CPSC approved a new federal safety rule for drawstrings in children’s outerwear.<sup>6</sup> The drawstrings (on sweat shirts, etc.) were getting caught on car doors and playground equipment, strangling the child. I also believe the CPSC primarily operates on “reports” sent into it. It is unknown how deeply these reports are investigated.<sup>7</sup>

The point is, “child safety” and “small portions” are tantamount and set federal policy, particularly when concerning preventable child deaths. If pit bulls were a manufactured product (which they technically are through selective breeding), the CPSC would have ordered these dogs abolished decades ago.

Speaking of the CPSC, there is also the Children’s Safety Network, which operates under the U.S. Department of Health and Human Services. Notably, none of their “injury topics” cover dog bites, a leading cause of injury to children<sup>8</sup> (<http://www.childrenssafetynetwork.org/injurytopic>). This may be another area to investigate.

## REMEDY:

1.) At the very minimum, the CDC — without interference from powerful veterinarian groups — should be tracking human dog bite fatalities in the same “spirit” as it tracks human rabies fatalities. Part of the data collected should be dog breed and other data points, including trends that DogsBite.org has identified in our 6-years of research. In 2013, nearly 40% of all fatal dog attack victims were visiting the home of the dog owner when the attack occurred; 83% of these victims were children 7-years and younger; 100% of these child deaths were inflicted by pit bulls.

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<sup>5</sup> Leah Zerbe, “Deaths Prompt 5.5 Million-Unit Window Blind Recall,” Rodale News, Aug. 29, 2009

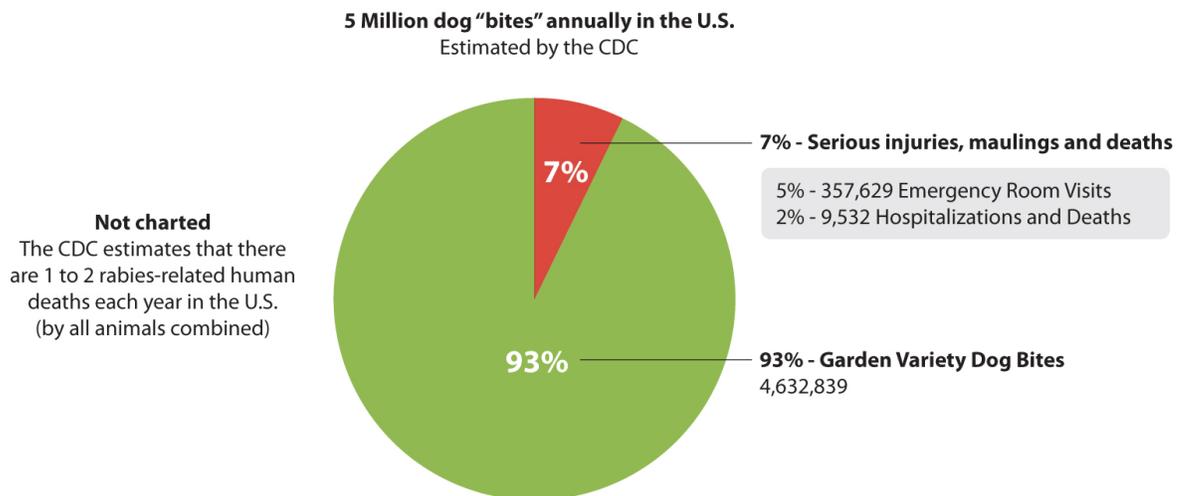
<sup>6</sup> CPSC Issues New Drawstring Safety Rule for Children’s Outerwear Drawstrings at Neck and Waist Present Strangulation Hazard and Other Dangers, U.S. Consumer Product Safety Commission, July 1, 2011 (<http://www.cpsc.gov/en/newsroom/news-releases/2011/cpsc-issues-new-drawstring-safety-rule-for-childrens-outerwear-drawstrings-at-neck-and-waist-present-strangulation-hazard-and-other-dangers-/>)

<sup>7</sup> Only after the July 2011 federal safety rule announcement was a study published in *Archives of Pediatrics & Adolescent Medicine* by CPSC staff members (Safety Effects of Drawstring Requirements for Children’s Upper Outerwear Garments, July 2012) that more closely examined these reports, carried out follow up investigations — to prevent double counting — and identified more deaths, 29, from 1985 through 2009.

<sup>8</sup> A WISQARS query on the CDC website shows that from 2008 to 2012, “Unintentional Other Bite/Sting” for children 9-years and younger, ranked as the number 3 leading cause of nonfatal injury (<http://webappa.cdc.gov>)

With about 32 human deaths annually (over half of these victims are children), it seems reasonable that the CDC, or other government agency,<sup>9</sup> can make this an agenda item. The growing advocacy movement needs an unbiased government body collecting this information and making it available to the public.

## II. The CDC Obscures “Bites” with Mauling and Maiming Injuries and Deaths.



The second portion of this same statement (underlined) by the authors of the 2000 study is the other critical aspect of this issue, which must be amended by the CDC if advocacy groups and municipal agencies seeking to prevent grievous and fatal injuries inflicted by a handful of dog breeds hope to see progress:

*“Fatal attacks represent a small proportion of dog bite injuries to humans and, therefore, should not be the primary factor driving public policy concerning dangerous dogs. Many practical alternatives to breed-specific ordinances exist and hold promise for prevention of dog bites.”*

The CDC controls the vernacular of this conversation by obfuscating severe and catastrophic dog mauling injuries with garden variety dog “bites,” bites that inflict minor injuries that can be treated with topical antibiotics, of which many are never reported in the first place.

<sup>9</sup> This issue, however, may always fall under the CDC due to the infectious nature of a dog bite.

The breakdown is the following: 93% (4.6 million) of all dog bites per year are garden variety, and 7% (367,161) fall into the groups of our concern: serious injuries, maulings and maimings and fatalities.

This 7% group can be segmented further with 5% (357,629) involving serious injuries (emergency room visits), 2% (9,500) involving severe and disfiguring injuries (hospitalizations) — otherwise referred to in this document as “mauling and maiming injuries” — and about 32 involving death.

The purpose of a breed-specific ordinance, nearly always targeting pit bulls, was never to “prevent all dog bites,” as the AVMA/CDC states in the 2000 study. Such laws are designed to significantly reduce the 5% (serious injuries) and eliminate the 2% (mauling and maiming injuries and deaths) inflicted by well-documented dangerous dog breeds.

What should the CDC have written instead?

**A pit bull ordinance holds promise for the prevention of maulings, maimings and mortality disproportionately inflicted by pit bulls.**

In the conclusions of the 2011 Texas study (Mortality, Mauling, and Maiming by Vicious Dogs), note how different and specific the vernacular? The Texas doctors carve out the 2% distinction — the mortality, mauling and maiming by vicious dogs — no “bite” obfuscations are present.

*“Conclusions: Attacks by pit bulls are associated with higher morbidity rates, higher hospital charges, and a higher risk of death than are attacks by other breeds of dogs. Strict regulation of pit bulls may substantially reduce the US mortality rates related to dog bites.”*

Another “bite” obfuscation made by the AVMA/CDC in the 2000 study:

*“Studies indicate that pit bull-type dogs were involved in approximately a third of human DBRF reported during the 12-year period from 1981 through 1992, and Rottweilers were responsible for about half of human DBRF reported during the 4 years from 1993 through 1996. These data have caused some individuals to infer that certain breeds of dogs are more likely to bite than others and should, therefore, be banned or regulated more stringently.”*

**Correction: Not more likely to “bite,” more likely to kill.**

Another “bite” obfuscation made by the AVMA/CDC in the 2000 study:

*“Several interacting factors affect a dog’s propensity to bite, including heredity, sex, early experience, socialization and training, health (medical and behavioral), reproductive status, quality of ownership and supervision, and victim behavior.”*

Such “interacting factors” are irrelevant in human rabies tracking or in product recalls due to 3 child deaths. The below are absurd ideas in the field of public health and would never be proposed to reduce preventable injuries and deaths.

1. We must fully examine the “early experience” and socialization of the dog and the “quality of ownership” to better understand the dog’s propensity of contracting rabies.
2. We must fully examine why a 3-year old child would wander into household mini blinds. Understanding this “victim behavior” will help reduce mini blind strangulation deaths.

That sentence is one of many throughout the dated 2000 study that illustrates the corrosive influence animal “experts” had on the 2000 study. Such a statement would not ever otherwise naturally occur in “any” public health research or discussion. I have corrected the AVMA/CDC’s statement below:

**Correction: Several genetic factors affect a dog’s propensity to kill, including its bite style, “hold and shake,” and attack style, “relentless, renewed attacks”...**

Another “bite” obfuscation made by the AVMA/CDC in the 2000 study:

*“To decrease the risk of dog bites, several communities have enacted breed-specific restrictions or bans. In general, these have focused on pit bull-type dogs and Rottweilers.”*

**Correction: Not to decrease the risk of dog bites, but to decrease the risk of mauling, maiming and mortality disproportionately caused by these dog breeds.**

And finally, yet another “bite” obfuscation by the AVMA/CDC:

*“Only with numerator and denominator data and with formal evaluations of the impacts of strategies tried by various communities will we be able to make science-based recommendations for decreasing the number of dog bites.”*

In 2000, when this study was published, hundreds of cities had breed-specific pit bull ordinances, the two largest and most famous being Denver and Miami. By 2000, both bans had been in place for 10-years. Neither jurisdiction was ever contacted by the AVMA/CDC to see if a reduction in pit bull mauling and maiming injuries and deaths had occurred since their bans. Today, about 23-years after having their bans in place, no known fatalities by pit bulls have occurred in these jurisdictions. In 2009, Denver officials stated that no pit bull mauling injuries had occurred either.<sup>10</sup>

The lacking “numerator and denominator data” statement is nonsense. The 2000 study undermines the very process of researching this area by essentially stating, that since we cannot measure the “exact” number of dogs within a dog breed (as if scientific statistical estimations are non existent), we therefore cannot calculate “breed-specific bite rates.” And there is that word again, “bites.”

There is no progress as long as the CDC fails to properly acknowledge the 2% and 5% groups by obfuscating these severe injuries with garden variety dog bites. The solutions for preventing both public health problems are not the same and cannot be solved through a simple leash law, “responsible owners,” or basic dog bite safety programs. They are two separate and distinct problems and must be addressed accordingly.

Further, the “bite” obfuscation vernacular used by the CDC in the 2000 study was then disseminated and repeated *ad nauseam* by veterinarian groups (for years), and today we live with even greater obfuscations of the issue: “all dogs bite” and “any dog can bite” and “dog bite prevention.”<sup>11</sup>

## **REMEDY:**

1.) The CDC must make a vernacular distinction between mauling and maiming injuries and deaths (2%) by dogs and garden variety dog bites (93%). Call them what they are: “mauling and maiming injuries.”

Once this vernacular distinction is made by the CDC, more research can go forward in this area (about the 2%), research that we believe will allow families to make better decisions. The “breed debate” will never go away, but we must at the

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<sup>10</sup> Kathryn Richert, “Pit bull ban debate getting hairy,” Yourhub.com, August 12, 2009 (yourhub.com)

<sup>11</sup> National Dog Bite Prevention Week is sponsored by the AVMA (<https://www.avma.org/public/pages/Dog-Bite-Prevention.aspx>). In the section, “For veterinarians, legislators and animal control officers,” is a predictable link, “Article: Why breed-specific legislation is not the answer.”

very least have assistance from the CDC about where the parameters of the debate lie. The debate must lie in the 2%, not within garden variety dog bites.

To reiterate this point, a closer look at modern CDC language is needed. Currently, the below is on the CDC's Dog Bites page that was updated in 2013.<sup>2</sup> The "bite" vernacular is a lingering result of the 2000 study.

***"How can dog bites be prevented?"***

*Any dog of any breed has the potential to bite. Dog bites are a largely preventable public health problem, see the below suggestions..."*

2.) The CDC must make an admission or clarification in writing that the purpose of a breed-specific ordinance is to reduce mauling and maiming injuries and deaths inflicted by well-documented dangerous dog breeds. Such laws were never designed to reduce garden variety dog bites as the 2000 study claims.

3.) The CDC must make an admission or clarification in writing that breed-specific ordinances were never a replacement for existing dangerous dog laws. Such laws are always added in addition to existing dangerous dog ordinances (Denver, Miami, etc.) to further crack down on devastating injuries. **This is extremely important.** The fabricated function of breed-specific ordinances by the AVMA/CDC in the 2000 study, always sets up the failure of breed-specific laws: "but not all dog bites were reduced," so, "breed-specific laws do not work."

4.) Lastly, the solutions to reducing mauling and maiming injuries and garden variety dog bites are two separate solutions. Certainly parameters overlap, but consider again the language of the Texas study that directly targets a solution to reducing the 2%: "*Strict regulation of pit bulls may substantially reduce the US mortality rates related to dog bites.*"

Also, consider that a normal household fence was never designed to be a barrier between life and death. Many jurisdictions with pit bull ordinances mandate special containment requirements. For instance, the Leflore County, Miss., pit bull ordinance requires a "four-sided pen, 6-feet high with a top and concrete floors."<sup>12</sup>

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<sup>12</sup> Leflore County Passes Pit Bull Ordinance, DogsBite.org (<http://blog.dogsbite.org/2008/07/lefllore-county-passes-pit-bull.html>)

### III. Broaden Tracking to Include Hospitalizations (Mauling and Maiming Injuries)

Ultimately, the CDC should be tracking dog breed information for fatal injuries and hospitalizations — 2% of all dog attacks. Hospitalizations include mauling and maiming injuries by all dog breeds.

The CDC has the power to require this, just like they mandate the reporting of diseases, such as H1N1, by hospitals across the country. Note the opening of the CDC's web page regarding the Influenza Surveillance in the United States:<sup>13</sup>

*“The U.S. influenza surveillance system is a collaborative effort between CDC and its many partners in state, local, and territorial health departments, public health and clinical laboratories, vital statistics offices, healthcare providers, clinics, and emergency departments. Information in five categories is collected from eight different data sources that allow CDC to...”*

The CDC already has a surveillance system. If the tracking of mauling and maiming injuries by dogs — and capturing breed data among other data points — is ever to occur, it would be under the hood of the CDC's existing surveillance system.

The CDC states in the 2000 report that there is a need for “improved surveillance for fatal and nonfatal dog bites.” Yet, the CDC is likely the only organization that has the power to “improve” and employ this surveillance system.

In 2008 (the last year data is available), the Agency for Healthcare Research and Quality<sup>14</sup> reported there were 9,500 hospital stays for dog bite-related injuries. From 1993 to 2008, there was an 86.3% increase in these hospitalizations. While forming policy based on 32 deaths annually might be a stretch, forming policy based on the information gained from 9,500 hospitalizations is not. I have specifically left out the emergency room visits (357,629) because of the near impossible feasibility of ever gaining dog breed information in those instances. When a patient is hospitalized, it allows hospitals to gain much more tracking information about the patient.

Requiring a copy of the police or animal control “bite” report for hospitalized dog mauling victims, which should include breed information, is hardly excessive.

From the AVMA/CDC 2000 study:

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<sup>13</sup> Overview of Influenza Surveillance in the United States, CDC (<http://www.cdc.gov/flu/weekly/overview.htm>)

<sup>14</sup> Another agency that falls under the U.S. Department of Health and Human Services (<http://www.ahrq.gov/>)

*“Because (1) fatal bites constitute less than 0.00001% of all dog bites annually, (2) fatal bites have remained relatively constant over time, whereas nonfatal bites have been increasing, and (3) fatal bites are rare at the usual political level where bite regulations are pro-mulgated and enforced, we believe that fatal bites should not be the primary factor driving public policy regarding dog bite prevention.”*

Shouldn't the CDC be investigating this increase?

#### **REMEDY:**

1.) The CDC should use its current surveillance system to track dog bite fatalities and hospitalizations (the 2%) by breed and other data points so that a much broader scope of information can help drive public policy regarding the prevention of mauling and maiming injuries and deaths inflicted by dogs.

The handful of dog breeds that kill are the same ones that are producing over 80% of the hospitalizations, according to Merritt Clifton's report, which tracks serious bodily injuries, maimings and deaths by dog breed in media reports (Dog Attack Deaths and Maimings, U.S. & Canada, September 1982 to December 31, 2013). We need this information coming from a government body so that it cannot be ignored or denied.

**The U.S. will once and for all overcome this problem when breed data of the 2% (hospitalizations) is collected and analyzed by an unbiased body.**

#### **IV. This Epidemic Will Not Go Away on its Own**

Under the influence of the AVMA, the CDC set forth policy guidelines in the 2000 study: We do not recommend breed-specific laws. What solution did they recommend, and still recommend today? A Community Approach to Dog Bite Prevention (2001), by the AVMA,<sup>15</sup> which promotes out-of-date policies that financially serve the interest of veterinarians, reinforces biased and inaccurate AVMA talking points (“can't identify breed,” etc.) and further condemns breed-specific ordinances.<sup>16</sup>

On the CDC's current Dog Bites page, they point to the AVMA's guide:

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<sup>15</sup> A Community Approach to Dog Bite Prevention. American Veterinary Medical Association, *JAVMA*, Vol 218, No. 11, June 1, 2001 (<https://www.avma.org/public/pages/Dog-Bite-Prevention.aspx>)

<sup>16</sup> Notably it is this document the White House linked to in their petition response, not the AVMA/CDC study.

*“In addition, the American Veterinary Medical Association task force has outlined recommended strategies that communities can undertake for the prevention of dog bites.”<sup>2</sup>*

The 18-page paper contains a “litany” of biases, inaccuracies and scare tactics; it is enough just to look at the first page: “Following a severe attack, there is usually an outcry to do something ... a knee-jerk response” (breed-specific law implied) and “media-driven portrayals of a specific breed as ‘dangerous’” and “singling out 1 or 2 breeds for control can result in a false sense of accomplishment” and “dog bite statistics are not really statistics” and “small breeds also bite.”

The scare tactics are particularly evident in the paper’s flawed language regarding constitutional challenges to breed-specific ordinances. Every constitutional point stated in the AVMA guide has been nullified by appellate and federal courts, including: procedural due process, substantive due process, equal protection, under inclusive, and void for vagueness. Even the United States Supreme Court weighed in on this by rejecting the appeal from the Ohio Supreme Court’s decision in *City of Toledo v. Tellings*, 871 N.E.2d 1152 (Ohio, August 1, 2007).

Despite the AVMA’s “appeal to fear,” well-written breed-specific laws have a 100% success rate in the courts. Since the guide’s publication in 2001, at least 12 additional federal and appellate state courts have upheld these laws, one as recently as 2013.<sup>17</sup> The only constitutional issue that exists today revolves around “service dogs” within communities that regulate pit bulls. For instance, Denver had to marginally adjust their pit bull ban ordinance, allowing pit bulls as service dogs, after the revised Americans with Disabilities Act (ADA) rules were issued in 2010.

Given the “litany” of biases and out dated policies in the AVMA guide, the CDC must discontinue recommending it to communities on its website. All future recommended dog bite prevention models should have human health and safety officials as the “primary” authors, as well, not veterinarians.

#### **REMEDY:**

1.) The CDC must remove the dated, inaccurate and biased AVMA guide from its website. It promotes out-of-date policies that financially benefit veterinarians and reflect their viewpoint. Human health and safety officials should be the “primary”

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<sup>17</sup> Constitutionality of breed-specific laws, DogsBite.org (<http://www.dogsbite.org/legislating-dangerous-dogs-constitutionality.php>)

authors on all CDC recommended dog bite prevention models. Specifically, the guide is linked to twice on this page.<sup>2</sup> Both links need to be removed.

2.) Though a peer-reviewed study examining the effectiveness of breed-specific laws has not yet been done in the U.S., the CDC should review important studies and research done in other countries, including Canada and Spain:

- Effectiveness of Breed-Specific Legislation in Decreasing the Incidence of Dog-Bite Injury Hospitalisations in People in the Canadian Province of Manitoba, by Malathi Raghavan, Patricia J Martens, Dan Chateau, and Charles Burchill, *Injury Prevention*, Published Online First, June 30, 2012.
- Decline in Hospitalisations Due to Dog Bite Injuries in Catalonia, 1997–2008. An Effect of Government Regulation?, by Joan R Villalbi, Montse Cleries, Susana Bouis, Víctor Peracho, Julia Duran and Conrad Casas, *Injury Prevention*, 2010;16:408-410.

### **Conclusion**

After reviewing this document, along with the outdated AVMA/CDC study published in 2000 and the adjoining AVMA guide, A Community Approach to Dog Bite Prevention, published in 2001, there will be no mistake that the CDC relinquished all control of the study pertaining to human fatalities by dog breeds to the AVMA. This private professional association’s “research” and “positioning” was dictated to the CDC, which then set public policy. Since the release of the 2000 study, 277 Americans have been mauled to death by pit bulls (226) and rottweilers (51).<sup>18</sup>

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<sup>18</sup> Fatal Pit Bull Attacks – The Archival Record (<http://www.fatalpitbullattacks.com/>) Fatal Rottweiler Attacks – The Archival Record, DogsBite.org (<http://blog.dogsbite.org/2012/03/fatal-rottweiler-attacks-archival.html>)



the WHITE HOUSE PRESIDENT BARACK OBAMA

Helpful Hints

Creating a duplicate or similar pet make it harder for you to get an o response. Instead, sign and help the one that has already been cre

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**OFFICIAL THE WHITE HOUSE RESPONSE TO**  
**Ban and outlaw Breed Specific Legislation (BSL) in the United States of America on a Federal level!**

## Breed-Specific Legislation Is a Bad Idea

Thanks for your petition.

We don't support breed-specific legislation -- research shows that bans on certain types of dogs are largely ineffective and often a waste of public resources.

In 2000, the Centers for Disease Control and Prevention looked at twenty years of data about dog bites and human fatalities in the United States. They found that fatal attacks represent a very small proportion of dog bite injuries to people and that it's virtually impossible to calculate bite rates for specific breeds.

The CDC also noted that the types of people who look to exploit dogs aren't deterred by breed regulations -- when their communities establish a ban, these people just seek out new, unregulated breeds. And the simple fact is that dogs of any breed can become dangerous when they're intentionally or unintentionally raised to be aggressive.

For all those reasons, the CDC officially recommends against breed-specific legislation -- which they call inappropriate. [You can read more from them here.](#)

As an alternative to breed-specific policies, the CDC recommends a community-based approach to prevent dog bites. And ultimately, we think that's a much more promising way to build stronger communities of pets and pet owners.

[Tell us what you think about this response and We the People.](#)

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The above response applies to the following 1 petition

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**DogsBite.org**

P.O. Box 12443  
Austin, TX 78711

Dr. Thomas Frieden  
Director of the CDC  
Centers for Disease Control and Prevention  
1600 Clifton Rd  
Atlanta, GA 30333

September 23, 2013

CC: Beth P. Bell, MD, MPH

Dear Dr. Thomas Frieden,

You may be aware that the White House recently responded to a petition denouncing breed-specific legislation as a means to reducing severe and fatal dog maulings, reiterating a position from a study conducted by the CDC published in 2000. Arguably, the CDC was only a partner in the study given that three of the five authors were from private animal welfare or veterinary medical groups. The study was also published in the *Journal of the American Veterinary Medical Association*, a journal about "animal" health.

Since the Centers for Disease Control and Prevention stopped tracking dog bite-related fatalities by breed, pit bulls alone have killed 222 American citizens.<sup>1</sup>

DogsBite.org is the only nonprofit organization in the United States that advocates on behalf of victims of serious and fatal dog maulings of which 60% are attributed to pit bulls. Disfiguring attacks, maimings and deaths by dogs did not stop after the 2000 study was published. Such attacks just by pit bulls have increased a four-fold since 2002, according to the only organization that tracks serious bodily injuries and deaths by dog breeds.<sup>2</sup>

I wanted to provide you with two vital modern sources of information pertaining to the epidemic of serious and fatal dog maulings in our country today.

1. A 2011 study published in the *Annals of Surgery*, Mortality, Mauling and Maiming by Vicious Dogs. The conclusion is clear: "Attacks by pit bulls are associated with higher morbidity rates, higher hospital charges, and a higher risk of death than are attacks by other breeds of dogs. Strict regulation of pit bulls may substantially reduce the US mortality rates related to dog bites."

DogsBite.org statistical data is cited in this peer-reviewed scientific study.

2. The *Tracey v. Solesky* ruling by the Maryland Court of Appeals (April 2012). It is the seminal decision declaring, "pit bulls are inherently dangerous." The high court did not stop there; it also addressed the grievous and "everyday" reality of

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<sup>1</sup> Fatal Pit Bull Attacks, A growing archive of U.S. fatal pit bull attacks dating back to 1858 (Accessed Sept. 22, 2013 [www.fatalpitbullattacks.com](http://www.fatalpitbullattacks.com))

<sup>2</sup> 31-Year Summary, Dog attack deaths and maimings, U.S. & Canada, September 1982 to September 13, 2013 - Summary of Pit Bull Incidents by Merritt Clifton, editor *Animal People*.

judgment proof dog owners (renters, no assets). The Court attached strict liability to all landlords when a tenant's pit bull attacks.

DogsBite.org provided the amicus brief in *Solesky*; the high court agreed with our brief.

Animal welfare and veterinary organizations refuse to speak out against any one breed of dog despite the overwhelming evidence that only a few dog breeds have a lethal bite style, "hold and shake," and attack method, "will attack repeatedly and relentlessly." Due to this failure, an epidemic of serious and fatal dog maulings has unfolded. This is a situation that ought to be viewed as a zoonotic disease, not vague issues of individual freedoms or dog ownership responsibility.

Entrusting this issue to animal welfare organizations instead of human welfare organizations is quite literally costing the limbs and lives of innocent people.

The results of the White House's response to the petition opposing breed-specific legislation will have long-term devastating effects on communities across the U.S., as will the CDC's continued stance against this type of legislation that was never formally evaluated in the 2000 study. Both the City and County of Denver and Miami-Dade County had pit bull bans in place for 10 years leading up to the study; the authors of the CDC study did not contact either jurisdiction about post-ban results.

Since 1989, when both jurisdictions adopted pit bull bans, neither has experienced a fatal pit bull mauling. Many U.S. and Canadian jurisdictions since have reported successful results after enacting laws targeting pit bulls. It's untrue that dog owners will "go out a get a different dangerous dog breed," in the wake of regulation. There is one powerful reason why: Only pit bulls have been selectively bred first, for bull-baiting then dogfighting, which developed their damaging "hold and shake" bite style.

We urge you to review the included materials so that the government's fundamental agency dedicated to "Saving Lives. Protecting People." is more informed about today's dog mauling epidemic, which we roughly estimate requires Life Flight transportation of victims to Level I and Level II trauma centers across the United States every few days.

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**DogsBite.org**

DogsBite.org is a national dog bite victims' group dedicated to reducing serious dog attacks. Through our work, we hope to protect both people and pets from future attacks. Our website contains a wide collection of data to help policymakers and citizens learn about dangerous dogs. Our research focuses on pit bull type dogs. Due to selective breeding practices that emphasize aggression and tenacity, this class of dogs negatively impacts communities the most.

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To Whom It May Concern:

Attached, as requested, please find a copy of the report titled “Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998” and published in the September 15, 2000 issue of the *Journal of the American Veterinary Medical Association*.

In your review of this report, please be cognizant of the following:

- This study was NOT conducted by the American Veterinary Medical Association, but by individual investigators from the Centers for Disease Control and Prevention, the Humane Society of the United States, and the American Veterinary Medical Association. The report underwent the standard review process required for publication of scientific reports published in the *Journal of the AVMA*.
- In contrast to what has been reported in the news media, the data contained within this report **CANNOT be used to infer any breed-specific risk** for dog bite fatalities (e.g., neither pit bull-type dogs nor Rottweilers can be said to be more “dangerous” than any other breed based on the contents of this report). To obtain such risk information it would be necessary to know the numbers of each breed currently residing in the United States. Such information is not available.
- Data in this report indicate that the number of dogs of a given breed associated with fatal human attacks varies over time, further suggesting that such data should not be used to support the inherent “dangerousness” of any particular breed. More than 25 breeds have been involved in fatal human attacks over the 20-year period summarized in this report.
- Fatal attacks represent a small proportion of dog bite injuries to humans and, therefore, should not be the primary factor driving public policy concerning dangerous dogs.
- Strategies that can be used in an effort to prevent dog bites include enforcement of generic, non-breed-specific dangerous dog laws, with an emphasis on chronically irresponsible owners; enforcement of animal control ordinances such as leash laws; prohibition of dog fighting; encouraging neutering; and school-based and adult education programs that teach pet selection strategies, pet care and responsibility, and bite prevention.

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# Special Report

## Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998

Jeffrey J. Sacks, MD, MPH; Leslie Sinclair, DVM; Julie Gilchrist, MD;  
Gail C. Golab, PhD, DVM; Randall Lockwood, PhD

**Objective**—To summarize breeds of dogs involved in fatal human attacks during a 20-year period and to assess policy implications.

**Animals**—Dogs for which breed was reported involved in attacks on humans between 1979 and 1998 that resulted in human dog bite-related fatalities (DBRF).

**Procedure**—Data for human DBRF identified previously for the period of 1979 through 1996 were combined with human DBRF newly identified for 1997 and 1998. Human DBRF were identified by searching news accounts and by use of The Humane Society of the United States' registry databank.

**Results**—During 1997 and 1998, at least 27 people died of dog bite attacks (18 in 1997 and 9 in 1998). At least 25 breeds of dogs have been involved in 238 human DBRF during the past 20 years. Pit bull-type dogs and Rottweilers were involved in more than half of these deaths. Of 227 reports with relevant data, 55 (24%) human deaths involved unrestrained dogs off their owners' property, 133 (58%) involved unrestrained dogs on their owners' property, 38 (17%) involved restrained dogs on their owners' property, and 1 (< 1%) involved a restrained dog off its owner's property.

**Conclusions**—Although fatal attacks on humans appear to be a breed-specific problem (pit bull-type dogs and Rottweilers), other breeds may bite and cause fatalities at higher rates. Because of difficulties inherent in determining a dog's breed with certainty, enforcement of breed-specific ordinances raises constitutional and practical issues. Fatal attacks represent a small proportion of dog bite injuries to humans and, therefore, should not be the primary factor driving public policy concerning dangerous dogs. Many practical alternatives to breed-specific ordinances exist and hold promise for prevention of dog bites. (*J Am Vet Med Assoc* 2000;217:836–840)

**F**rom 1979 through 1996, dog attacks resulted in more than 300 human dog bite-related fatalities

(DBRF) in the United States.<sup>1-3</sup> Most victims were children. Studies indicate that pit bull-type dogs were involved in approximately a third of human DBRF reported during the 12-year period from 1981 through 1992, and Rottweilers were responsible for about half of human DBRF reported during the 4 years from 1993 through 1996. These data have caused some individuals to infer that certain breeds of dogs are more likely to bite than others and should, therefore, be banned or regulated more stringently.<sup>4,5</sup> The purposes of the study reported here were to summarize breeds associated with reported human DBRF during a 20-year period and assess policy implications.

### Procedure

We collected data from The Humane Society of the United States (HSUS) and media accounts related to dog bite attacks and fatalities, using methods from previous studies.<sup>1-3</sup> The HSUS maintains a registry of human DBRF, including date of death, age and sex of decedent, city and state of attack, number and breeds of dogs involved, and circumstances relating to the attack. To supplement HSUS reports, as in the past, a database<sup>6</sup> was searched for accounts of human DBRF that occurred in 1997 and 1998. Our search strategy involved scanning the text of newspapers and periodicals for certain words and word combinations likely to represent human DBRF followed by a review of articles containing those terms. Data obtained from HSUS and news accounts were merged to maximize detection of human DBRF and avoid duplicate reports. One new human DBRF from 1996 was identified in the 1997 and 1998 reports and was added to the existing data for 1996.

A human DBRF was defined as a human death caused by trauma from a dog bite. In addition to excluding 9 human deaths, as described in previous reports (eg, dying of rabies from a dog bite, strangling on a leash or scarf pulled by a dog, dying from fire ant

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The authors thank Dr. Suzanne Binder for technical assistance.

bites after being pushed on a mound by a dog, or dying from a motor vehicle or bicycle crash while being chased by a dog), for 1997 and 1998, we excluded 3 additional deaths: death resulting from infection secondary to a dog bite, death attributable to trauma from being knocked over but not bitten, and death resulting from myocardial infarction, which was caused by an individual being chased but not bitten. For the 20-year study, we excluded 4 human deaths from attacks by guard or police dogs "at work" and approximately 90 deaths when breed information for the attacking dog was unavailable; thus, this study included approximately 72% of cases of human DBRF and is not exhaustive.

We tallied data in 2 ways to provide alternatives for breed data interpretation. First, we used a human death-based approach in which we counted whether a particular breed was involved in a death. When multiple dogs of the same breed were involved in the same fatal episode, that breed was counted only once (eg, if 10 Akitas attacked and killed a person, that breed was counted once rather than 10 times). When crossbred dogs were involved in a fatality, each suspected breed in the dog's lineage was counted once for that episode. Second, we tallied data by dog. When multiple dogs of the same breed were involved in a single incident, each dog was counted individually. We allocated crossbred dogs into separate breeds and counted them similarly (eg, if 3 Great Dane-Rottweiler crossbreeds attacked a person, Great Dane was counted 3 times under crossbred, and Rottweiler was counted 3 times under crossbred). Data are presented separately for dogs identified as pure- and crossbred. Lastly, dogs were classified as to whether they were on or off the owners' property and restrained (eg, chained or leashed) or unrestrained at the time of the attack.

## Results

**Fatalities during 1997 and 1998**—During 1997 and 1998, at least 27 people died as the result of dog bite attacks (18 people in 1997 and 9 in 1998). Of 27 human DBRF, 19 (70%) were children (1 was ≤ 30 days old, 3 were between 7 and 11 months old, 9 were between 1 and 4 years old, and 6 were between 5 and 11 years old), and 8 were adults (ages 17, 44, 64, 70, 73, 75, 75, and 87). Approximately half (n = 15 [56%]) of the human DBRF were male.

Five (19%) deaths involved unrestrained dogs off the owners' property, 18 (67%) involved unrestrained dogs on the owners' property, 3 (11%) involved restrained dogs on the owners' property, and 1 (4%) involved a restrained dog off the owner's property. Eighteen (67%) deaths involved 1 dog, 5 (19%) involved 2 dogs, and 4 (15%) involved 3 dogs. Sixty percent of attacks by unrestrained dogs off the owners' property involved more than 1 dog.

Fatal attacks were reported from 17 states (California [4 deaths]; Georgia and North Carolina [3 each]; Kansas, Texas, and Wisconsin [2 each]; and Alaska, Arkansas, Colorado, Florida, Kentucky, Massachusetts, Michigan, Missouri, New York, South Dakota, and Tennessee [1 each]).

Some breed information was reported for all 27 attacks. As in recent years, Rottweilers were the most commonly reported breed involved in fatal attacks, followed by pit bull-type dogs (Table 1). Together, these 2 breeds were involved in approximately 60% of human deaths.

**Twenty-year data**—Some breed information was available for 238 human DBRF. More than 25 breeds of dogs were involved in DBRF during the past 20 years (Table 2). Of 227 human DBRF for which data were

Table 1—Breeds of dogs involved in human dog bite-related fatalities (DBRF) in the United States, by 2-year period, between 1979 and 1998. Death-based approach of counting most frequent purebreds and crossbreds involved in 7 or more human DBRF

Breed	1979–1980	1981–1982	1983–1984	1985–1986	1987–1988	1989–1990	1991–1992	1993–1994	1995–1996	1997–1998	Total
<b>Purebred</b>											
Pit bull-type	2	5	10	9	11*	8	6	5	4*	6	66
Rottweiler	0	0	1	1	3	1	3	10	10	10	39
German Shepherd Dog	2	1	4*	1	1	4*	2	0	2	0	17
Husky-type	2	1	2	2	0	2	2	1	2	1	15
Malamute	2	0	3	1	0	2	3	1	0	0	12
Doberman Pinscher	0	1	0	2	2	2	1	0	0	1	9
Chow Chow	0	1	0	0	0	2	3	0	2	0	8
Great Dane	3	1	0	0	0	0	0	1	1	1	7
Saint Bernard	1	2	1	0	0	0	0	0	0	3	7
<b>Crossbred</b>											
Wolf-dog hybrid	0	1	1	2	1	4	1	2	2	0	14
Mixed-breed	0	3	1	2	1	2	0	1	1	1	12
German Shepherd Dog	0	2	0	2	2	2†	0	1	2	0	10†
Pit bull-type	0	1	0	3	2†	3	1	1	0	0	10†
Husky-type	0	1	1	2	1	1	0	0	0	0	6
Rottweiler	0	0	0	0	1†	1	0	1	1	2	5†
Alaskan Malamute	0	0	0	0	0	2	1	0	0	0	3
Chow Chow	0	0	0	0	0	1	0	1	1	0	3
Doberman Pinscher	0	0	0	0	1	0	0	0	0	1	0
Saint Bernard	0	0	0	0	0	0	1	0	0	0	1
Great Dane	0	0	0	0	0	0	0	0	0	1†	0†
No. deaths for which breed was known	10	20	26*	24	22	34*	24	25	26*	27	238

\*Numbers differ from previous reports because police/guard dogs "at work" were excluded, and 1 new DBRF was identified as occurring in 1996. †A purebred dog and a crossbred dog of this breed were involved in a single fatality; therefore, that breed is counted only once in the total column.

Table 2—Breeds of dogs involved in human dog bite-related fatalities between 1979 and 1998, using death-based and dog-based approaches

Breed	Death-based approach			Dog-based approach		
	Purebred	Crossbred	Total	Purebred	Crossbred	Total
Pit bull-type	66	11*	76*	98	20	118
Rottweiler	39	6*	44*	60	7	67
German Shepherd Dog	17	11*	27*	24	17	41
Husky-type (includes at least 2 Siberian)	15	6	21	15	6	21
Malamute	12	3	15	13	3	16
Wolf-dog hybrid	0	14	14	0	15	15
Mixed-breed (NOS)	0	12	12	0	47	47
Chow Chow	8	3	11	8	13	21
Doberman	9	1	10	12	1	13
Saint Bernard	7	1	8	7	1	8
Great Dane	7	1*	7*	11	2	13
Labrador Retriever	1	4	5	1	7	8
Akita	4	0	4	4	0	4
Sled-type (NOS)	3	0	3	12	0	12
Bulldog	2	1	3	2	1	3
Mastiff	2	1	3	4	1	5
Boxer	2	1	3	4	1	5
Collie	0	3	3	0	6	6
Bullmastiff	1	1	2	1	1	2
Hound-type (NOS)	1	1	2	1	1	2
Retriever-type (NOS)	1	0	1	1	0	1
Chesapeake Bay Retriever	1	0	1	1	0	1
West Highland Terrier (NOS)	1	0	1	1	0	1
Terrier-type (NOS)	1	0	1	1	0	1
Japanese Hunting Dog (NOS)	1	0	1	1	0	1
Newfoundland	1	0	1	1	0	1
Coonhound	1	0	1	1	0	1
Sheepdog (NOS)	1	0	1	1	0	1
Australian Shepherd	0	1	1	0	3	3
Rhodesian Ridgeback	1	0	1	1	0	1
Cocker Spaniel	1	0	1	1	0	1

\*A purebred dog and a crossbred dog of this breed were involved in a single fatality; therefore, that breed is counted only once in the total column.  
NOS = Not otherwise specified.

available, 55 (24%) deaths involved unrestrained dogs off the owners' property, 133 (58%) involved unrestrained dogs on the owners' property, 38 (17%) involved restrained dogs on the owners' property, and 1 (< 1%) involved a restrained dog off the owner's property.

Four hundred three dogs were responsible for these attacks. There were almost twice as many dogs involved in off-owner-property attacks, compared with attacks occurring on the owners' properties. In 160 human deaths, only 1 dog was involved; in 49 deaths, 2 dogs were involved; and in 15 deaths, 3 dogs were involved. Four and 7 dogs were involved in 3 deaths each; 5, 6, and 10 dogs were involved in 2 deaths each; and 11 and 14 dogs were responsible for 1 death each.

## Discussion

Ideally, breed-specific bite rates would be calculated to compare breeds and quantify the relative dangerousness of each breed. For example, 10 fatal attacks by Breed X relative to a population of 10,000 Xs (1/1,000) implies a greater risk than 100 attacks by Breed Y relative to a population of 1,000,000 Ys (0.1/1,000). Without consideration of the population sizes, Breed Y would be perceived to be the more dangerous breed on the basis of the number of fatalities.

Considering only bites that resulted in fatalities, because they are more easily ascertained than nonfatal bites, the numerator of a dog breed-specific human DBRF rate requires a complete accounting of human

DBRF as well as an accurate determination of the breeds involved. Numerator data may be biased for 4 reasons. First, the human DBRF reported here are likely underestimated; prior work suggests the approach we used identifies only 74% of actual cases.<sup>1,2</sup> Second, to the extent that attacks by 1 breed are more newsworthy than those by other breeds, our methods may have resulted in differential ascertainment of fatalities by breed. Third, because identification of a dog's breed may be subjective (even experts may disagree on the breed of a particular dog), DBRF may be differentially ascribed to breeds with a reputation for aggression. Fourth, it is not clear how to count attacks by crossbred dogs. Ignoring these data underestimates breed involvement (29% of attacking dogs were crossbred dogs), whereas including them permits a single dog to be counted more than once. Therefore, we have elected to present data separately for purebred and crossbred dogs to demonstrate at least 2 alternative counting methods. Relative rankings do not differ greatly whether one focuses only on purebred dogs or includes crossbred dogs. The crossbreed issue is also problematic when estimating denominators (ie, breed-specific population sizes).

The denominator of a dog breed-specific human DBRF rate requires reliable breed-specific population data. Unfortunately, such data are not currently available. Considering American Kennel Club registration data<sup>7</sup> for Rottweilers in parallel with fatality data for that breed indicates that as the breed has soared in pop-

ularity, so have Rottweiler-related deaths (24,195 registrations from 1979 through 1982 and 0 deaths; 272,273 registrations from 1983 through 1990 and 6 deaths; and 692,799 registrations from 1991 through 1998 and 33 deaths). However, official registration or licensing data are likely to be biased, as owners of certain dog breeds may be less likely than those owning other breeds to register or license their dogs<sup>4</sup> and, thus, should not be used to calculate these rates. Finally, it is imperative to keep in mind that even if breed-specific bite rates could be accurately calculated, they do not factor in owner-related issues. For example, less responsible owners or owners who want to foster aggression in their dogs may be drawn differentially to certain breeds.

Despite these limitations and concerns, the data indicate that Rottweilers and pit bull-type dogs accounted for 67% of human DBRF in the United States between 1997 and 1998. It is extremely unlikely that they accounted for anywhere near 60% of dogs in the United States during that same period and, thus, there appears to be a breed-specific problem with fatalities.

Although the fatality data are concerning, one must broaden the context to consider both fatal and nonfatal bites when deciding on a course of action. Nonfatal dog bites continue to be a public health problem in the United States. Although this and prior reports<sup>1-3</sup> document more than 330 DBRF during a 20-year period, these tragedies represent only the most severe manifestation of the problem. In 1986, nonfatal dog bites resulted in an estimated 585,000 injuries that required medical attention or restricted activity.<sup>8</sup> By 1994, an estimated 4.7 million people (1.8% of the US population) sustained a dog bite; of these, approximately 800,000 (0.3% of the US population) sought medical care for the bite (332,000 in emergency departments), and 6,000 were hospitalized.<sup>9-11</sup> This 36% increase in medically attended bites from 1986 to 1994 draws attention to the need for an effective response, including dog bite prevention programs. Because (1) fatal bites constitute less than 0.00001% of all dog bites annually, (2) fatal bites have remained relatively constant over time, whereas nonfatal bites have been increasing, and (3) fatal bites are rare at the usual political level where bite regulations are promulgated and enforced, we believe that fatal bites should not be the primary factor driving public policy regarding dog bite prevention.

Several interacting factors affect a dog's propensity to bite, including heredity, sex, early experience, socialization and training, health (medical and behavioral), reproductive status, quality of ownership and supervision, and victim behavior. For example, a study in Denver of medically-attended dog bites in 1991 suggested that male dogs are 6.2 times more likely to bite than female dogs, sexually intact dogs are 2.6 times more likely to bite than neutered dogs, and chained dogs are 2.8 times more likely to bite than unchained dogs.<sup>12</sup> Communities have tried to address the dog bite problem by focusing on different factors related to biting behavior.

To decrease the risk of dog bites, several communities have enacted breed-specific restrictions or bans. In general, these have focused on pit bull-type dogs and Rottweilers. However, breeds responsible for human

DBRF have varied over time. Pinckney and Kennedy<sup>13</sup> studied human DBRF from May 1975 through April 1980 and listed the following breeds as responsible for the indicated number of deaths: German Shepherd Dog (n = 16); Husky-type dog (9); Saint Bernard (8); Bull Terrier (6); Great Dane (6); Malamute (5); Golden Retriever (3); Boxer (2); Dachshund (2); Doberman Pinscher (2); Collie (2); Rottweiler (1); Basenji (1); Chow Chow (1); Labrador Retriever (1); Yorkshire Terrier (1); and mixed and unknown breed (15). As ascertained from our data, between 1979 and 1980, Great Danes caused the most reported human DBRF; between 1997 and 1998, Rottweilers and pit bull-type dogs were responsible for about 60% of human DBRF. Indeed, since 1975, dogs belonging to more than 30 breeds have been responsible for fatal attacks on people, including Dachshunds, a Yorkshire Terrier, and a Labrador Retriever.

In addition to issues surrounding which breeds to regulate, breed-specific ordinances raise several practical issues. For optimal enforcement, there would need to be an objective method of determining the breed of a particular dog. Pedigree analysis (a potentially time-consuming and complicated effort) combined with DNA testing (also time-consuming and expensive) is the closest to an objective standard for conclusively identifying a dog's breed. Owners of mixed-breed or unregistered (ie, by a kennel club) dogs have no way of knowing whether their dog is one of the types identified and whether they are required to comply with breed-specific ordinances. Thus, law enforcement personnel have few means for positively determining a dog's breed and deciding whether owners are in compliance or violation of laws.

Some municipalities have attempted to address this classification issue of unregistered and mixed-breed dogs by including within their ordinances a description of the breed at which the ordinance is directed. Unfortunately, such descriptions are usually vague, rely on subjective visual observation, and result in many more dogs than those of the specified breed being subject to the restrictions of the ordinance.

When a specific breed of dog has been selected for stringent control, 2 constitutional questions concerning dog owners' fourteenth amendment rights have been raised: first, because all types of dogs may inflict injury to people and property, ordinances addressing only 1 breed of dog are argued to be underinclusive and, therefore, violate owners' equal protection rights; and second, because identification of a dog's breed with the certainty necessary to impose sanctions on the dog's owner is prohibitively difficult, such ordinances have been argued as unconstitutionally vague, and, therefore, violate due process. Despite such concerns, a number of breed-specific ordinances have been upheld by the courts.<sup>14-16</sup>

Another concern is that a ban on a specific breed might cause people who want a dangerous dog to simply turn to another breed for the same qualities they sought in the original dog (eg, large size, aggression easily fostered). Breed-specific legislation does not address the fact that a dog of any breed can become dangerous when bred or trained to be aggressive. From a scientific point of view, we are unaware of any formal

evaluation of the effectiveness of breed-specific legislation in preventing fatal or nonfatal dog bites.

An alternative to breed-specific legislation is to regulate individual dogs and owners on the basis of their behavior. Although, it is not systematically reported, our reading of the fatal bite reports indicates that problem behaviors (of dogs and owners) have preceded attacks in a great many cases and should be sufficient evidence for preemptive action. Approaches to decreasing dangerous dog and owner behaviors are numerous. The potential importance of strong animal control programs is illustrated by our data; from 1979 through 1998, 24% of human DBRF were caused by owned dogs (typically more than 1) that were roaming off the owners' property. Some deaths might have been averted through more stringent animal control laws and enforcement (eg, leash laws, fencing requirements). Although the bite prevention effectiveness of such animal control ordinances and programs has not been systematically evaluated, free-roaming dogs and dogs with menacing behavior are problems that need to be addressed even if they do not bite (eg, causing bicycle or car crashes).

Generic non-breed-specific, dangerous dog laws can be enacted that place primary responsibility for a dog's behavior on the owner, regardless of the dog's breed.<sup>17</sup> In particular, targeting chronically irresponsible dog owners may be effective.<sup>18</sup> If dog owners are required to assume legal liability for the behavior and actions of their pets, they may be encouraged to seek professional help in training and socializing their pets. Other options include enforcing leash laws and laws against dog fighting. We noticed in the fatal cases, that less than one half of 1% of DBRF were caused by leashed animals off the owners' property. Subdivisions and municipalities that outlaw fences or limit fences to heights insufficient for controlling large dogs may be increasing the probability of children interacting with unsupervised dogs. Scientific evaluations of the effects of such regulations are important.

Education of dog owners can address several issues: (1) understanding breed profiles<sup>19,20</sup> may assist owners in selecting the appropriate dog for their lifestyle and training abilities, (2) convincing owners to seriously consider the sex and reproductive status of their dogs is important because male and sexually intact dogs are more likely to bite than are female and neutered dogs,<sup>12</sup> and (3) teaching owners about the importance of socialization and training may decrease their likelihood of owning a dog that will eventually bite.

Veterinarians play a key role in educating pet owners, but because many dogs that bite may not be seen by a veterinarian prior to the bite incident, programs that encourage responsible ownership must also be presented through other venues. Public education strategies should include school-based and adult educational programs addressing bite prevention and basic canine behavior, care, and management. Programs should strive to ensure that dogs receive proper socialization, exercise, and attention; that they are given adequate food, water, shelter, and veterinary care; that they are neutered if they are not maintained for legitimate and responsible breeding purposes; and that they are trained humanely and confined safely. However,

like breed-specific legislation, all these approaches appear formally unevaluated for effectiveness.

Targeting and evaluation of prevention efforts requires improved surveillance for fatal and nonfatal dog bites. Dog bites should be reported as required by local or state ordinances, and reports of such incidents should include information about the circumstances of the bite, ownership, breed, sex, reproductive status of the dog, history of prior aggression, and the nature of restraint prior to the bite incident. Collection of data on the entire dog population (eg, breed, age, sex) would help resolve comparative risk issues and may be accomplished by combining paperwork on mandatory rabies immunizations with registration of breed and sex. Only with numerator and denominator data and with formal evaluations of the impacts of strategies tried by various communities will we be able to make science-based recommendations for decreasing the number of dog bites. In the interim, adequate funding for animal control agencies, enforcement of existing animal control laws, and educational and policy strategies to reduce inappropriate dog and owner behaviors will likely result in benefits to communities and may well decrease the number of dog bites that occur.

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## Constitutionality of breed-specific laws ::

Both state and federal courts consistently uphold the constitutionality of breed-specific pit bull laws. The [United States Supreme Court](#) has weighed in favorably as well.

### Federal courts

[Tarquinio v. City of Lakewood, Ohio](#)

**No. 1:11 CV 325 (September 23, 2011)**

United States District Court, N.D. Ohio, upholds the Lakewood pit bull ban.

[American Canine Foundation; and Florence Vianzon v. City of Aurora, CO](#)

**No. 06-cv-01510-WYD-BNB (May 8, 2009)**

United States District Court, District of Colorado, upholds the Aurora Fighting Breed ban.

[Toledo, Ohio v. Paul Tellings](#) 

**No. 07-8545 (April 14, 2008)**

United States Supreme Court denies cert petition; upholds the Toledo pit bull ordinance.

[Sonya Dias v. City and County of Denver](#) 

**No. 07-cv-00722-WDM-MJW (March 20, 2008)**

United States District Court, District of Colorado, upholds the Denver pit bull ban.

[CHAKO v. City and County of San Francisco](#) 

**No. C-06-1887 MMC (Feb. 27, 2007)**

United States District Court, N.D. California, upholds the San Francisco pit bull ordinance.

[Robert McNeely v. United States](#) 

**No. 98-CF-924 (2005)**

District of Columbia Court of Appeals upholds the emergency "Pit Bull Act" of 1996.

[American Dog Owners Association v. Dade County, Florida](#)

**No. 89-771-CIV (November 30, 1989)**

United States District Court, S.D. Florida, upholds the Miami-Dade pit bull ban.

[Robert Vanater v. Village of South Point](#)

**No. C-1-87-708 (June 29, 1989)**

United States District Court, S.D. Ohio, upholds the Village of South Point pit bull ban.

[Starkey v. Township of Chester](#)

**No. 86-0865 (February 25, 1986)**

United States District Court, E.D. Pennsylvania, upholds the Chester pit bull ordinance.

### State supreme courts

[Steve Hardwick and Sharon Nalley v. Town of Ceredo](#) 

**No. 11-1048 (January 14, 2013)**

West Virginia Supreme Court of Appeals upholds the Town of Ceredo pit bull ordinance.

[Toledo, Ohio v. Paul Tellings](#)

**No. 2006-0690 (August 1, 2007)**

Supreme Court of Ohio reverses appellate court; upholds the Toledo pit bull ordinance.

[Colorado Dog Fanciers v. City and County of Denver](#)

**No. 90SA342 (November 12, 1991)**

Supreme Court of Colorado upholds the Denver pit bull ban.

[Holt v. City of Maumelle](#)

**No. 90-352 (October 28, 1991)**

Supreme Court of Arkansas upholds the City of Maumelle pit bull ban.

[Greenwood v. City of North Salt Lake](#)

**No. 890355 (September 10, 1991)**

Supreme Court of Utah upholds the North Salt Lake pit bull ordinance.

[Roger Anderson v. City of Des Moines](#)

**No. 89-1725 (May 15, 1991)**

Supreme Court of Iowa upholds the Des Moines pit bull ordinance.

[The State of Ohio v. Anderson](#)

**No. 89-2113 (February 13, 1991)**

Supreme Court of Ohio reverses appellate court; upholds the State of Ohio pit bull law.

[American Dog Owners v. Yakima](#)

**No. 56122-2 (August 24, 1989)**

Supreme Court of Washington upholds the Yakima pit bull ban.

[Hearn v. City of Overland Park](#)

**772 P.2d 758 (April 14, 1989)**

Supreme Court of Kansas upholds the Overland Park pit bull ordinance.

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## State appeals courts

[State of Kansas v. Lee](#) 

**No. 102,004 (June 10, 2011)**

Court of Appeals of Kansas upholds the Kansas City/Wyandotte County pit bull ordinance.

[State of Ohio v. Smith](#) 

**No. 1-07-67 (April 21, 2008)**

Court of Appeals of Ohio affirms lower court; upholds the State of Ohio pit bull law.

[Bess v. Bracken County Fiscal Court](#)

**No. 2005-CA-000541-MR (December 1, 2006)**

Court of Appeals of Kentucky affirms lower court; upholds the Bracken County pit bull ban.

[City of Pagedale v. Murphy](#)

**No. ED83655 (June 15, 2004)**

Court of Appeals of Missouri affirms lower court; upholds the Pagedale pit bull ordinance.

[Dog Federation v. City of South Milwaukee](#)

**No. 92-2131 (July 20, 1993)**

Court of Appeals of Wisconsin upholds the South Milwaukee pit bull ordinance.

[Singer v. City of Cincinnati](#)

**No. C-890060 (1990)**

Court of Appeals of Ohio affirms lower court; upholds the Cincinnati pit bull ban.

[State of Ohio v. Robinson](#)

**No. CA88-06-047 (January 23, 1989)**

Court of Appeals of Ohio affirms lower court; upholds the State of Ohio pit bull law.

[State of Florida v. Peters](#)

**No. 87-652 (November 15, 1988)**

District Court of Appeals of Florida upholds the Miami-Dade pit bull ban.

[Garcia v. Village of Tijeras](#)