



Animal Welfare Institute

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February 1, 2022

Re: Comments in Support of HB725 to Restrict Steel-jaw Leghold Traps

Dear Members of the House Natural Resources Subcommittee and House Agriculture, Chesapeake and Natural Resources Committee:

The Animal Welfare Institute, on behalf of our members in Virginia, submits these comments in support of HB725, which would restrict the use of steel-jaw leghold traps. We respectfully request that you vote in favor of this legislation.

The Animal Welfare Institute, established in 1951, is a nonprofit charitable organization dedicated to reducing animal suffering caused by people. It seeks better treatment of animals in the wild, in the laboratory, on the farm, at home, and in commerce. This is accomplished through public education, research, collaboration, media relations, outreach to agencies, litigation, engaging its members and supporters, and advocating for stronger laws both domestically and internationally.

Steel-jaw leghold traps consist of two opposing spring-powered steel jaws that slam violently together on the limb of any animal who triggers the pan between them. HB725 would amend and reenact sections 29.1-521 and 29.1-553 of the Code of Virginia to make it unlawful to trap any wild bird or wild animal in the state with any size steel-jawed trap.¹

Virginia should join other states in banning steel-jaw leghold traps because: (1) these devices are inherently inhumane; (2) the risk of capturing non-target animals, including both wildlife and dogs and cats, is unacceptably high; (3) there are less cruel alternative types of traps that cause significantly less trauma, as well as non-trap alternatives to mitigate human-wildlife conflict; and (4) these devices have been banned in ten states.

1. Steel-jaw leghold traps are inherently inhumane.

Steel-jaw leghold traps—whether unpadded, (so-called) padded, off-set, long-spring, coil-spring, dog-proof, or any other variety—are inhumane in terms of pain, distress, and physical injuries as a result of being caught in these devices, as well as potential mortality. Some animals may suffer for an extended time in these traps until they are killed by the trapper (or are drowned). Animals may be miscaught, enduring additional trauma. Many trapped animals will violently fight the trap after being caught, often biting at the device, which results in broken teeth

¹ House Bill No. 725 (Jan. 12, 2022). Available at: <https://lis.virginia.gov/cgi-bin/legp604.exe?221+ful+HB725>.

and gum damage along with damage to the captured limb, including lacerations, strained and torn tendons and ligaments, extreme swelling, and broken bones.² Some trapped animals are known to chew off their own trapped limb to escape on three legs. Constriction of a limb in a trap can greatly reduce or completely cut off blood supply to the affected appendage, which can cause the appendage to slough off due to gangrene and oftentimes require amputation of the limb in non-target animals. In winter conditions, the portion of the animals' toes or foot that are below the jaws can freeze. For these reasons, steel-jaw leghold traps have been condemned as inhumane by the World Veterinary Association, the National Animal Control Association of the United States, and the American Animal Hospital Association.

Iossa et al. (2007) provided an extensive review of the injury rates associated with multiple trap types, including padded, off-set, enclosed, and unpadded leghold traps.³ The types of injuries assessed in evaluating the "humaneness" of traps include: (1) mild trauma, such as claw loss, edematous swelling or hemorrhage, minor cutaneous laceration, minor subcutaneous soft tissue maceration or erosion, major cutaneous laceration, except on footpads or tongue, and minor periosteal abrasion; (2) moderate trauma, such as severance of minor tendon or ligament, amputation of 1 digit, permanent tooth fracture exposing pulp cavity, major subcutaneous soft tissue laceration or erosion, major laceration on footpads or tongues, severe joint hemorrhage, joint luxation at or below the carpus or tarsus, major periosteal abrasion, simple rib fracture, eye lacerations, and minor skeletal degeneration; (3) moderately severe trauma, including simple fracture at or below the carpus or tarsus, compression fracture, comminuted rib fracture, amputation of two digits, major skeletal degeneration, and limb ischemia; and (4) severe trauma, including amputation of three or more digits, any fracture or joint luxation on limb above the carpus or tarsus, any amputation above the digits, spinal cord injury, severe internal organ damage (internal bleeding), compound or comminuted fracture at or below the carpus or tarsus; severance of a major tendon or ligament, compound or rib fractures, ocular injury resulting in blindness of an eye, myocardial degeneration, and death.⁴

Such injuries, particularly those included in the moderate trauma, moderately severe trauma, and the severe trauma categories, should not be considered acceptable or humane. Any trap set that results in such trauma should not be utilized. In addition to identifiable injuries caused by the trap, when evaluating the impact of predator damage management on target and non-target species it is critical to consider the potential for indirect mortality as a result of capture in a leghold trap, or any restraining device. Intentional live capture and release of targeted species as well as unintentional capture and release of non-target species, can be harmful to the animal. Even if the animal is released with no apparent injuries or injuries deemed to be minor, the animal may still be suffering adverse side effects from restraint (including from restriction of blood flow or extended exposure to the elements), causing pain, suffering, and even death, hours, days, or weeks after capture.

² See, e.g., Iossa, G., Soulsbury, C.D., and Harris, S. 2007. Mammal trapping: a review of animal welfare standards of killing and restraining traps. *Animal Welfare* 2007, 16: 335-352.

³ *Id.*, see Tables 4 and 5.

⁴ *Id.*

The inhumanness associated with enclosed leghold traps (known as dog proof traps), which are generally used for trapping raccoons, is also concerning. Notably, such traps are particularly inhumane for raccoons, who experience excruciating pain when one of their front feet is caught due to the hyper-sensitivity of those limbs. Sometimes these traps are set close together and a raccoon can get each front foot caught in a separate trap. While such traps, given their design, are intended to reduce bycatch of non-target species, feral cats and any species with a small paw able to reach into the trap and pull up could be captured in such traps. Despite reducing the potential for non-target captures, enclosed foothold traps can result in injuries, amputations, and mortality.

Hubert et al. (1996)⁵ evaluated the injury rates associated with the EGG trap (one type of enclosed leghold trap) for capturing raccoons. They used a scoring system that assigned points to different types of documented injuries with the higher scores reserved for the more severe injuries.⁶ A score >50 is considered serious damage while scores greater than 125 are reflective of severe damage. Of the 62 raccoons studied by Hubert et al., 23 experienced injury scores associated with the EGG trap of 50 or higher with 9 experiencing injury scores of 125 or greater. Of 62 raccoons captured in the EGG trap, there were 125 instances (affecting 82.3 percent of captured raccoons) of edematous swelling and/or hemorrhage, 47 (37.1 percent) cutaneous lacerations greater than or equal to 2 centimeters, and 19 (22.6 percent) instances of damage to the periosteum.

Lastly, despite the wide range of modifications that may be employed, no steel-jaw trap has been created that is able to reduced animal suffering to an acceptable level. The jaws of a leghold trap must slam together with sufficient force to catch the animal's limb, and they must clamp together with enough force to prevent an animal from pulling free. It is this basic operating principal that makes such traps brutal regardless of the modifications.

2. Steel-jaw leghold traps create an unacceptably high risk of capturing non-target animals, including both wildlife and dogs and cats.

Steel-jaw leghold traps are used because trappers want a device with a high propensity to capture animals, therefore the traps slam together on the limbs of any animals that trigger them. Thus, the devices are indiscriminate,⁷ which creates an unacceptably high risk that non-target animals, including both wild animals and dogs and cats, will be unintentionally captured. The Virginia Department of Wildlife Resources ("Virginia DWR"), which is responsible for regulating trapping within the state, does not require trappers to report incidents of non-target capture to the Department. Therefore, there is no way of knowing how many non-target animals

⁵ Hubert, G.F. Jr., Hungerford, L.L., Proulx, G., Bluett, R.D., and Bowman, L. 1996. Wildlife Society Bulletin, 24(4): 699-708.

⁶ *Id.* Table 1.

⁷ Virgós, Emilio, et al., A poor international standard for trap selectivity threatens carnivore conservation. *Biodivers. Conserv.* 25 (2016) 1409-1419. *See also* Shivik, J.A., Gruver, K.S., 2002. Animal attendance at coyote trap sites in Texas. *Wildlife Society Bulletin* 30, 502-557 (Research conducted by USDA's National Wildlife Research Center showing the large number of non-target species that visit Wildlife Services' trap sites).

private licensed trappers capture each year, and what the fate of those animals is.

The best data available on this issue comes from Wildlife Services, a federal program within the U.S. Department of Agriculture's Animal and Plant Health Inspection Service that conducts both lethal and non-lethal wildlife damage management operations on both federal lands and at the state and local level.⁸ During the course of conducting wildlife damage management operations in Virginia in 2020, the most recent year for which data is available, Wildlife Services' use of steel-jaw leghold traps caused the unintentional take of one bobcat, one free-ranging cat, two opossums, ten raccoons, and one black vulture, many of whom had to be killed/euthanized after capture.⁹ Nationwide, Wildlife Services' non-selective lethal control methods, including the use of steel-jaw leghold traps, have unintentionally killed many companion animals, vertebrates of 150 species,¹⁰ and thousands of mammals of at least 20 different taxa that are listed as threatened or endangered federally or in certain states.¹¹ Specifically, since 2000, Wildlife Services has killed more than 50,000 members of over 150 non-target species, including red-tailed hawks, great horned owls, porcupines, long-tailed weasels, snapping turtles, turkey vultures, great blue herons, ruddy ducks, and sandhill cranes.¹² Wildlife Services has also mistakenly injured and killed threatened and endangered species that have been the subject of costly conservation efforts, including Mexican gray wolves, grizzly bears, a California condor, gray wolves, wolverines, river otters, swift and kit foxes, and bald and golden eagles.¹³

Importantly, agents of Wildlife Services who conduct wildlife damage management activities are professionals who have been trained to set devices, such as steel-jaw leghold traps, in such a manner as intended to reduce non-target take to the extent possible. In Virginia, private trappers are not required to undergo any training in order to obtain a trapping license, unlike in many other states. This lack of education undoubtedly increases the number of non-target animals who are captured in steel-jaw leghold traps.

Dogs, including those used for hunting, are at risk of being caught in a trap set on private

⁸ See, e.g., U.S. Dep't of Agriculture, Animal and Plant Health Inspection Service (hereinafter "USDA-APHIS"), "Wildlife Services," (Dec. 16, 2021). Available at:

https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/sa_program_overview.

⁹ USDA-APHIS, Program Data Report G-2020, Filtered by State: Virginia (2020).

¹⁰ Knudson, T. The killing agency: Wildlife Services' brutal methods leave a trail of animal death—wildlife investigation. *The Sacramento Bee*, April 29, 2012; see also Tom Knudson, *Wildlife Services' Deadly Force Opens Pandora's Box of Environmental Problems*, SACRAMENTO BEE (Apr. 30, 2012). Available at: <http://www.sacbee.com/news/investigations/wildlife-investigation/article2574608.html>; B.J. Bergstrom et al., *License to Kill: Reforming Federal Wildlife Control to Restore Biodiversity and Ecosystem Function*, 7 CONSERV. LETTERS 131–42 (2013).

¹¹ Bergstrom, B.J., L.C. Arias, A.D. Davidson, A.W. Ferguson, L.A. Randa, and S.R. Sheffield. 2014. License to kill: reforming federal wildlife control to restore biodiversity and ecosystem function. *Conservation Letters* 7: 131-142.

¹² Tom Knudson, *Suggestions in Changing Wildlife Services Range from New Practices to Outright Bans*, SACRAMENTO BEE (May 6, 2012). Available at: <http://www.sacbee.com/news/investigations/wildlife-investigation/article2574659.html>.

¹³ *Id.*

or state lands. In Virginia there are no trap setback requirements, unlike in other states. This means that traps may lawfully be placed near roadways (after consulting with the Department of Transportation) and near recreational trails, which increases the likelihood that a companion dog out hiking with family members may be caught. Hunting dogs, who may frequently cross onto private lands while following a scent, are also at risk. Once caught, it is very difficult to open a steel-jaw leghold trap to release the dog. The powerful springs ensure that the jaws of the trap are clamped tightly on the victim's limb, and require much strength to open. This task is often made all the more difficult because the trapped animal is panicked and in pain, struggling to get out. Because of the animal's frenzy, people can be bitten by their own pets when trying to release them.

Furthermore, even if non-target animals caught in these devices are released at the capture site, many animals will nonetheless suffer from injuries, or even death, at a later time, but as a result of the trapping incident. As discussed above in Section 1, it is clear that the risks and trauma associated with trapping (e.g., lacerations, sprains, strains, amputations, broken bones, organ damage, hypo- and hyper- thermia, dehydration, and mortality) can result in long-lasting injury and even animals released in apparently good condition can often die after release (e.g., reperfusion syndrome resulting in generalized organ damage).

3. Alternative types of traps cause significantly less trauma and non-trap alternatives are available to mitigate human-wildlife conflict.

Trappers have ready access to other types of traps that cause far fewer injuries and much reduced pain and distress than steel-jaw leghold traps. A cage or box trap is an enclosure that contains either one or two one-way doors that, when triggered by a treadle or pan, prevent the escape of an animal after the door closes.¹⁴ Most cage traps are made of wire, Nylon mesh, or solid metal, plastic, or wood (or log) walls, floors, ceilings and doors.¹⁵ There are many designs of cage traps that are available, such as box traps, culvert traps, and Bailey and Hancock (suitcase style) traps.¹⁶ Cage traps are available in a variety of designs and sizes to live-capture different animals.¹⁷ Wildlife Services states that “[c]age traps have been used for decades, if not centuries in some form or another, and are an effective method for trapping a wide variety of species.”¹⁸ Wildlife Services has used cage traps to successfully capture over 200 species of animals.¹⁹ Although it is possible that animals may still be injured by or even die in cage or box traps, they are the least injurious types of traps available. While cage traps are often somewhat more expensive than steel-jaw leghold traps, cage traps are reasonably priced, particularly for smaller

¹⁴ USDA-APHIS, Human Health and Ecological Risk Assessment for the Use of Wildlife Damage Management Methods by USDA-APHIS-Wildlife Services, Chapter II, The Use of Cage Traps in Wildlife Damage Management at 1 (May 2017). Available at: https://www.aphis.usda.gov/wildlife_damage/nepa/risk_assessment/2-cage-trap-peer-reviewed.pdf.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 2.

¹⁸ *Id.* at 1.

¹⁹ *Id.* at 2.

animals.²⁰ If this bill is passed, AWI will establish a buy-back program with a set amount of funding to purchase steel-jaw leghold traps from trappers in the state.

There are also multiple non-trap methods that can be used to humanely mitigate human-wildlife conflict. To mitigate conflicts with predators such as coyotes and foxes, practicing good animal husbandry and using strategic nonlethal predator control methods to protect farm animals (such as electric fences, fladry, night pens, guard animals, and removing dead livestock) are more effective than lethal control in addressing conflicts.²¹

To mitigate beaver conflicts, trees can be shielded by encircling them with wire mesh fencing or coating their trunks with a mixture of paint and sand that deters beavers from chewing. Roads, crop fields, and other human property can be protected from flooding caused by beaver dams through the use of water flow control devices, or “flow devices”—systems of pipes and fences that allow a certain amount of water to flow through the dam, thus maintaining the pond at a level acceptable to humans yet still beneficial to beavers and the myriad species that use beaver habitat.²²

To mitigate conflicts with raccoons, opossums, and other animals that eat garbage and living under or in homes and outbuildings, securing garbage, pet food, and other food sources in containers inside, as well as building maintenance and construction of proper fencing. Certain landscape modification may also be useful in reducing conflicts.²³

²⁰ The prices for steel-jaw leghold traps typically range from approximately \$6.00 USD to \$45.00 USD, see, e.g., Wildlife Control Supplies. Available at: <https://www.wildlifecontrolsupplies.com/removal/TFH.html>. The prices for cage traps typically range from approximately \$62.00 USD to \$240 USD, see, e.g., DoMyOwn. Available at: https://www.domyown.com/animal-traps-c-321_315.html?page=all.

²¹ Adrian Treves et al., Forecasting Environmental Hazards and the Application of Risk Maps to Predator Attacks on Livestock, *BioScience* 61, no. 6 (2011); Philip J. Baker et al., Terrestrial Carnivores and Human Food Production: Impact and Management, *Mammal Review* 38, (2008); A. Treves and K. U. Karanth, Human-Carnivore Conflict and Perspectives Protection from Wolves (*Canis Lupus*), *Wildlife Research* 37, no. 8 (2010); USDA-APHIS Wildlife Services, Nonlethal Management of Wildlife Damage (Oct. 2010). Available at:

https://www.aphis.usda.gov/publications/wildlife_damage/content/printable_version/fs_nonlethal_mgmt.pdf.

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²¹ Callahan, M., Berube, R., and Tourkantonis, I. 2019. Billerica Municipal Beaver Management Program 2000 - 2019 Analysis. Assoc. of MA Wetland Scientists

²² Simon, L.J., 2006. Solving beaver flooding problems through the use of water flow control devices. In *Proceedings of the Vertebrate Pest Conference* (Vol. 22, No. 22); Boyles, S.L. and Savitzky, B.A., 2009. An analysis of the efficacy and comparative costs of using flow devices to resolve conflicts with North American beavers along roadways in the coastal plain of Virginia. Proc. 23rd Vertebr. Pest Conf. (R. M. Timm and M. B. Madon, Eds.) Univ. of Calif., Davis. 2008. 47-52.

²³ See, e.g., University of Georgia, Resolving Human-Nuisance Wildlife Conflicts, Bulletin 1248. Available at: [Resolving Human-Nuisance Wildlife Conflicts | UGA Cooperative Extension](https://www.aphis.usda.gov/publications/wildlife_damage/content/printable_version/fs_nonlethal_mgmt.pdf); USDA-APHIS Wildlife Services, Nonlethal Management of Wildlife Damage (Oct. 2010). Available at: https://www.aphis.usda.gov/publications/wildlife_damage/content/printable_version/fs_nonlethal_mgmt.pdf.

4. Ten states have banned steel-jaw leghold traps.

Ten states have enacted bans on steel-jaw leghold traps. These states include Arizona,²⁴ California,²⁵ Colorado,²⁶ Florida,²⁷ Hawaii,²⁸ Massachusetts,²⁹ New Jersey,³⁰ New Mexico,³¹ Rhode Island,³² and Washington.³³ Half of these states used the legislative process to enact these bans. Virginia should continue these positive trend.

Conclusion

Steel-jaw leghold traps are inherently inhumane devices that pose a high risk of capturing non-target animals, including wildlife and dogs and cats. There are reliable alternatives to this device, and ten states have banned these traps. We therefore respectfully request that you vote in favor of this legislation. If you have any questions or if there is any additional information we can provide, please do not hesitate to contact me.

Sincerely,



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²⁴ Ariz. Rev. Stat. § 17-301(D).

²⁵ California Fish and Game Code 3003.1(a)(1); California Code of Regulations Title 14, 465.5(c).

²⁶ CO CONST Art. 18, § 12b.

²⁷ Fla. Admin. Code Ann. r. 68A12.009(4), 68A-24.002(3).

²⁸ HI Rev. Stat. § 711-1109.37 (2013).

²⁹ Mass. Rev. Stat. 131 § 80A, Attachment 6.

³⁰ NJ Rev. Stat. §§ 23:4-22.1, 2, and 3; Attachment 7.

³¹ Wildlife Conservation and Public Safety Act (April 2021).

³² RI Rev. Stat. § 20-16-6(a).

³³ RCW 77.15.194(1) (2001).