



September 26, 2022

The Honorable Bart Rowland, Chair
Property & Casualty Insurance Committee
National Council of Insurance Legislators
2317 Route 34 S, Suite 2B,
Manasquan, New Jersey 08736

RE: Dog Breed Insurance Underwriting Study & Breed Protection Model Act

Dear Chair Rowland and Members of the Committee:

On behalf of the Humane Society of the United States (HSUS), I am writing to comment on the draft “Dog Breed Insurance Underwriting Study and Breed Protection” model act. HSUS and our affiliates work tirelessly to protect companion animals, and their guardians, from laws and practices that may tear families apart. Collectively, we represent millions of supporters and are experts in animal welfare policy working closely with policymakers and government officials, the veterinary community, and other stakeholders to keep pets and people together.

A record number of households have pets, yet housing-related issues are reported to be one of the top reasons for pet relinquishment. Experts recommend against using any single-factor approach to dog management, instead breed-neutral policies. Historically, the insurance industry has allowed unsubstantiated claims about the perceived dangerousness of certain breeds to dictate what kinds of dog a person can include in their family. These policies have made it difficult for dog owners to live in some common-interest communities and apartment complexes, often even those that purport to be “pet-friendly.” Further, exclusionary policies limit consumer choice since many people may not have control of their insurance carrier. Especially consumers with limited means who may not have means or flexibility to choose a carrier that does not consider a dog’s breed in their underwritings.

In previous discussions about the model act, the industry has made reference to a report titled “Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998” published in the September 15, 2000, issue of the *Journal of the American Veterinary Medical Association*. The report was conducted by individual investigators from the Centers for Disease Control and Prevention, the Humane Society of the United States, and the American Veterinary Medical Association (AVMA). However, because the data was so often misused and misinterpreted, AVMA released a clarifying letter stressing what they actually reported. Of particular importance, was the below statement:

“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.” (See Attachment)

This topic has been discussed in numerous peer-reviewed studies, and consistently the conclusions drawn are that breed is not indicative of a dog’s personality or their propensity to bite. In failing to acknowledge the implicit bias associated with breed-specific policies and regulations, the insurance industry has been complicit in perpetuating inequities in pet ownership.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

In response, over the wlast few years several states have taken it upon themselves to intervene where the industry has failed to protect consumers with legislation aimed at eliminating exclusionary insurance policies on dog owners without evidence that certain dog breeds are riskier than others. However, the outcome has meant a patchwork of legislation with slightly different iterations of the same goal. We applaud the committee for your continued work to fairly regulate this area and offer the following recommendations to strengthen the model act.

1. Remove the data collection provisions (Section 3) within the model act. There are no formal statistics on, or reporting mechanism for, dog bite incidents in the U.S. which means often, information collected is based on physical descriptions influenced by personal biases. Additionally, numerous peer-reviewed studies show that dogs are individuals, and that breed is a complex issue that does not neatly translate into predictive behavior patterns. Consequently, we believe it is not good practice to rely on subjective, often unverifiable, information in an attempt to determine risk analysis. The flaws in this approach have been validated by the unhelpful data that Massachusetts collected over the course of 3-years.
2. Broaden the scope of liability protections to include commercial insurance policies. Business owners who allow dogs on their property and have been appropriately insured should have comfort in knowing that their coverage extends to all dogs, rather than worry that their policy may arbitrarily exclude certain breeds.

The HSUS thanks the committee for your time and consideration of this important matter and dediciation to more equitably address liability protections in homeowners' and renter's insurance. We are available for any questions regarding our recommendations.

Sincerely,

Jessica Simpson
Sr. Public Policy Specialist
Humane Society of the United States
jsimpson@humanesociety.org



1931 N. Meacham Rd.
Suite 100
Schaumburg, IL
60173-4360
phone 847.925.8070
800.248.2862
fax 847.925.1329
www.avma.org

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.

A copy of this report has been provided by the publisher for your convenience. It may not be reproduced in any manner, including (but not limited to) reprinting, photocopying, electronic storage or transmission or uploading onto the Internet. It may not be redistributed, amended, or overprinted, nor may it be attached to other documents containing company information or promotional messages.