

Professional, ethical, and legal dilemmas of trap-neuter-release

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Although some have portrayed the current feral and abandoned cat trap-neuter-release (TNR) controversy as pitting cat haters against cat lovers, this is not the case. Those opposing TNR and the proliferation of free-roaming cats consider domestic cats to be important and valuable companion animals to the pet-owning public and their families. What opponents of TNR object to are cats in the wrong places doing destructive and undesirable things.

The domestic cat evolved from African and European wild ancestors (*Felis silvestris*) into what is now considered a separate species (*Felis catus*). Natural predators, cats came to this country with European immigrants several centuries ago.¹ For this reason, cats are variously and correctly identified as nonnative, exotic, introduced, alien, foreign, or invasive species. Invasive species are defined as “species (animals, plants, microbes, etc) alien or nonnative to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm, or harm to human health.”² Discussions regarding the impacts and welfare of free-roaming cats should be viewed with these facts in mind.

Substantial numbers of groups and individuals believe that programs variously identified as trap, test, neuter, vaccinate, and release (TTNVR), feral cat altering programs (FCAP), and TNR are the key to reducing the burgeoning numbers of free-roaming cats in this country. Citing failures of animal-control agencies and traditional removal methods to adequately address problems associated with unconfined cats, TNR advocates and their supporters have become more active and visible during the past decade. Although TNR advocates and opponents share a common belief that neutering programs and education of cat owners and advocates are paramount to effectively dealing with unconfined cats, they have areas of philosophic and practical disagreement. Veterinarians are faced with professional, ethical, and legal dilemmas and responsibilities when considering potential solutions to the free-roaming cat problem.

Professional Dilemmas

Other associations' perspectives—The veterinary community should carefully consider the recommendations of other professional organizations that have a vested interest, as well as technical expertise, in potential solutions to the problem of free-roaming cats.

Although well meaning, many advocates of TNR lack professional training in the biological, ecologic, and wildlife sciences. Consequently, they may misunderstand, minimize, or choose to ignore documented

concerns regarding the ecologic, domestic animal and public health, legal, humane, and social nuisance impacts of feral cats, including those in TNR programs.

Professional and lay organizations have been concerned with the impacts of abandoned and feral cats for many years. They have established committees, reviewed pertinent data, and formalized position statements recognizing *F. catus* as a nonnative, midsized predator.

For example, The Wildlife Society, founded in 1937, is the wildlife manager's professional equivalent of the AVMA. They publish 2 peer-reviewed scientific journals, have state affiliations, administer a board-certification program, hold annual meetings, and serve as the professional organization for more than 9,000 members. Their special expertise is the health of the environment and maintenance of our nation's wildlife resources.

The Wildlife Society has spent more than 2 years developing its policy No. 25 on feral and free-ranging cats,³ and this policy clearly identifies the problems associated with these alien predators. The society's policy includes support for “passage and enforcement of local and state ordinances prohibiting the public feeding of feral cats, especially on public lands, and release of unwanted pet or feral cats into the wild.”³ It also indicates opposition to “passage of any local or state ordinances that legalize the maintenance of ‘managed’ (ie, TNR) free-ranging cat colonies.”³

Many other organizations have developed similar policies, including the following: the International Association of Fish and Wildlife Agencies, the Association of Avian Veterinarians, the American Association of Wildlife Veterinarians, the Council of State & Territorial Epidemiologists/National Association of State Public Health Veterinarians, the American Bird Conservancy, The Humane Society of the United States, the American Ornithologists' Union, People for the Ethical Treatment of Animals, the National Audubon Society, and various state wildlife federations and commissions.

Veterinarians should carefully review the well-considered and strong foundations upon which these organizations formulated their policies on free-roaming cats and TNR. Just as the veterinary profession merits respect when addressing issues of animal health and disease, the advice of other professionals should also be heeded when questions fall into their areas of expertise.

Committee on Environmental Issues—One of the charges to the AVMA's Committee on Environmental Issues (CEI) is to “provide information to the membership to enable informed decisions about environmental issues in their communities.”⁴ With this in mind, the

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CEI has spent considerable time examining the impacts and options for dealing with abandoned and feral cats. The CEI has concluded the following:

- Free-roaming cats (*F catus*) are present worldwide and are considered an exotic or nonnative species in all habitats in which they exist.
- Free-roaming cats have had well-documented and substantial impacts on local wildlife populations and are an important cause of the decline of neotropical migrants.
- Free-roaming cats can exert substantial detrimental predatory effects on native birds and small mammals in local ecosystems.
- Maintenance of free-roaming cat colonies does not eliminate predation on native birds and small mammals by feral cats.
- Managed cat colonies do not solve the problems of cat overpopulation and suffering, wildlife predation, or zoonotic disease transmission.
- Cats as pets have a long association with humans and responsible cat owners should be encouraged to continue caring for the cats under their control.
- Veterinarians are uniquely positioned to offer recommendations and counseling on indoor living as part of a feline preventive healthcare program. By offering this service, veterinarians can potentially improve the welfare of cats.

On the basis of this information, the CEI also does the following:

- Strongly supports and encourages humane elimination of feral cat colonies.
- Strongly supports reducing the numbers of stray cats through humane capture (with placement in homes where appropriate) by local health departments, humane societies, and animal control agencies.
- Supports passage and enforcement of local and state ordinances prohibiting public feeding of free-roaming cats, especially on public lands, and release of unwanted pet or feral cats into the wild.
- Strongly supports educational programs and materials that call for pet cats to be kept indoors, in outdoor enclosures, or on a leash.
- Supports programs to educate and encourage pet owners to neuter or spay their cats and encourages pet adoption programs to require that potential owners spay or neuter their pets.
- Supports development and dissemination of sound, helpful information on what cat owners can do to minimize predation by free-roaming cats.
- Supports working with the conservation and animal welfare communities to educate the public about the negative impact of free-roaming cats on native wildlife, including birds, small mammals, reptiles, amphibians, fish, and endangered species.
- Supports community efforts to develop local ordinances that require mandatory spay or neuter of all cats over 6 months old unless the owner purchases an annual intact permit, breeders permit, or both; require all cats to be licensed and appropriately vaccinated against rabies; and discourage cat owners from allowing their cats to roam at large.

- Supports educational efforts to encourage the agricultural community to keep farm cat numbers at low, manageable levels and use alternative, environmentally safe rodent control methods.
- Encourages researchers to continue their study of the impacts of free-roaming cats on native wildlife populations.
- Opposes passage of local or state ordinances that legalize the maintenance of managed (ie, TNR) cat colonies.

AVMA positions, policies, and guidelines—The current AVMA position statement on Abandoned and Feral Cats,⁴ which was approved by its Executive Board in 1996, neither endorses nor opposes managed cat colonies. Unfortunately, this position often has been misinterpreted and misrepresented by both those advocating for and opposing TNR.

Furthermore, I believe there are inconsistencies between this position and other published AVMA positions and guidelines. Examples include the AVMA's Policy on Animal Welfare and Animal Rights,⁵ which includes references to proper housing, management, nutrition, disease prevention and treatment, and responsible care; its Position on Dog and Cat Population Control,⁶ which recommends adherence to animal control principles of licensing and permanent identification, strict enforcement of animal control laws, and development of more comprehensive laws; its support for carefully controlled use of random-source cats for research, testing, and education⁷; its concept paper on Environmental Responsibility⁸; its Model Rabies Control Ordinance⁹; its definition of the veterinarian-client-patient relationship; and its Guidelines for Veterinary Prescription Drugs,¹⁰ which includes recommendations for labeling and record keeping. To embrace TNR seems to compromise a number of professional principles, perhaps in an effort to appease or avoid conflict with proponents of managed cat colonies.

Ethical Dilemmas

Surveys—Veterinarians and the public frequently rely upon surveys to obtain useful information about respondents' perspectives on and experience with various issues. Although members of the public may obtain this information from a variety of sources, veterinarians are more often exposed to survey data obtained via scientific studies and presented in peer-reviewed journals. Lacking time to thoroughly investigate methods used to obtain and publish data, both veterinarians and the public must rely on the intellectual honesty of those obtaining and presenting this information.

When data from surveys are evaluated, it is important to consider study design. How were questions developed? To whom and how was the survey distributed (ie, was distribution truly random)? Was background material presented with the survey and what information did that background material contain? Could the wording of questions or background information provided have influenced responses of the participants?

Asking these questions has caused me some angst with respect to a recent survey conducted by a TNR advocacy group.¹¹ Results of that survey indicate that

77% of its respondents opposed the trapping and euthanasia of healthy feral and abandoned cats; 94% supported changing existing community laws prohibiting people from feeding, neutering, and managing cat colonies; and 89% favored TNR programs and management of cat colonies. Intended to “determine the level of knowledge about and support for nonlethal population control of feral cats, specifically TNR,” the 5-question survey was completed by nearly 25,000 respondents who were described as individuals with “interests in environmental, animal welfare, health, and human services issues” as well as a “cross-section of the general public.”¹¹ Although the description of respondents appears to represent a valid sample, a further inquiry revealed that the survey’s format and distribution may have created bias. According to those conducting the survey, it was mailed to “selected caring friends” and accompanied by background information about the advocacy group’s ongoing efforts to address the problem of abandoned and feral cats through the use of TNR. My review of the accompanying background information revealed that it contained no information about the possible negative ecologic impacts, animal and human health concerns, legal issues, or societal impositions that have been associated with managed colonies.

Moving beyond impassioned debate—During the past several years, as debate regarding abandoned and feral cats has become more heated, concerns have emerged regarding the extent to which some activists will go to promote their cause. Those supporting trap and removal of abandoned and feral cats, rather than TNR, have reported verbal abuse, personal threats, disruption of public forums, and interference with the conduction of their businesses.¹² Although such behaviors may not be typical of most proponents of TNR, the fact that they have occurred is cause for concern. Neither proponents nor opponents of TNR should promote or accept these types of activities as we search for workable solutions.

Medical and surgical practices—One technique commonly applied in TNR programs is removal of an ear tip at the time a colony member or candidate is neutered and prior to the cat’s release. The intent is to identify the cat as a colony member and prevent transfer of the cat to an animal control facility should it be retrapped. An ear-tipped cat is not necessarily associated with an approved or unapproved colony, nor does ear tipping definitively identify a cat or confirm its reproductive or vaccination status. I have been told that some cat owners will ask to have the ears of their own cats tipped to avoid having to comply with animal control statutes. Veterinarians who refuse to perform the procedure on owned cats may be faced with having their clients take their business elsewhere. Such requests place practitioners in uncomfortable ethical and financial positions and should be vigorously condemned by those supporting TNR.

Large, privately funded TNR programs have also, in my view, placed veterinarians in a position that pits ethical concerns against financial gain. Neutering and reabandoning feral cats without so much as a rabies

vaccine (recognizing the broader ongoing debate attendant to vaccination in general) raises ethical issues. In California, it appears that as many as 90,000 cats neutered under TNR programs were deliberately reabandoned without immunization against rabies or other diseases.¹³ Although TNR programs may reimburse veterinarians for providing spay/neuter services, we must be wary of accepting financial reimbursement for actions that raise professional and ethical concerns.

Disease Concerns

A whole host of disease-related concerns are raised by TNR and abandoned and feral cats in general. It is widely recognized within the veterinary community that species-specific as well as zoonotic diseases are harbored by free-roaming cats. Although I will not belabor the consequences of external and internal parasites (particularly toxoplasmosis), cat scratch fever, FeLV and FIV, or a myriad of other feline-harbored diseases, I do believe that brief consideration of rabies is appropriate.

Minimization of rabies as a risk by some proponents of TNR concerns me. The media handbook¹⁴ of 1 advocacy group states that “fear of rabies far outweighs any real threat from this disease in the U.S.” and that “studies have shown that feral cats are generally in good health and condition and pose no threat to human health.” Attempts have also been made to minimize rabies risks for cats and humans by citing the small number of human deaths reported by the CDC during a 12-year period and stating that vaccinated outdoor cats pose no risk of contracting or spreading this disease. Despite cats being the most frequently reported rabid domestic animal in the United States, proponents of TNR rarely address the fatal nature of untreated human rabies infections, nor do they readily acknowledge that nearly all TNR colonies contain unvaccinated cats or previously immunized cats whose immunity against rabies is diminished or has disappeared. Cat caretakers are also not advised that they should report all bites and scratches induced by free-roaming cats to appropriate health authorities. The media handbook fails in its responsibility to the public to convey critical public health messages and is inconsistent with recommendations outlined in the Compendium of Animal Rabies Prevention and Control.¹⁵

In New Hampshire < 10 years ago, exposures to a kitten of unknown origin that was subsequently diagnosed with rabies led to the treatment of an estimated 665 individuals and expenses of more than \$1.5 million for investigation, laboratory testing, and rabies immunoglobulin and vaccines.¹⁶

In 2003, there were numerous rabies alerts resulting from free-roaming cats determined to have positive results of rabies tests. In Florida, parks have been closed, widespread rabies alerts issued, and individuals have been required to be treated as a result of diagnoses of rabies in feral cats. Between 1988 and August 2003, 208 cats with laboratory-confirmed rabies diagnoses were identified in Florida alone.¹⁷

When asked to provide scientific evidence sufficient to contradict the Florida Rabies Advisory Committee’s position^a that “the concept of managing free-roaming/feral cats is not tenable on public health grounds

because of the persistent threat posed to communities from injury and disease," supporters of TNR focus on the paucity of cat-induced human rabies in the United States and the fact that most rabies cases are reported as developing in wildlife. Although definitive identification of immunized cats is often impossible, TNR proponents have described them as immune barriers between infected wildlife and humans.

These perspectives are misleading and fail to adequately address rabies concerns. They ignore the financial, psychologic, and health implications of potential rabies exposures involving free-roaming cats. Not all cats under TNR management are vaccinated or appropriately revaccinated against rabies. Because most vaccinated cats in TNR programs are not definitively identified, concern for public health precludes the assumption that they do not pose a risk.

In October 2003, 4 individuals were attacked by a free-roaming cat on the campus of Kennasau State University in Georgia and had to undergo treatment.¹⁸ Rabies risks are real. To minimize those risks, particularly as veterinarians, is alarming and irresponsible.

Legal Dilemmas

An important consideration for veterinarians and others involved in TNR programs is the legal ramifications of their participation. Professional wildlife biologists and a smaller cadre of veterinarians working with wildlife have expressed related concerns for some time. In a well-researched and -written report¹⁹ to the US Fish and Wildlife Service, the attorney authors describe a number of concerns that could impact participation in TNR programs. The report reviews the magnitude of free-roaming cat populations in the United States and Florida, the negative environmental impacts of free-roaming cats, and strategies for dealing with free-roaming cats and presents detailed information regarding the legality of various management approaches. Federal wildlife laws (ie, the Endangered Species Act and Migratory Bird Treaty Act), Florida state wildlife protection and animal cruelty laws, and local ordinances are discussed in detail.

Some TNR advocates are working diligently to persuade municipal, county, and state authorities to alter or overturn long-standing animal control ordinances that may preclude the operation of managed colonies. Advocacy groups often provide guidance for individuals interested in influencing related public policy processes. Veterinarians and the public must be cautious in supporting changes to carefully conceived and long-standing animal care and control laws and should not allow basic epidemiologic and public health principles to be compromised.

The CEI has expressed its concern regarding potential legal liability for veterinarians and other allied professionals who opt to participate in TNR programs to the AVMA-PLIT. In response,^b the PLIT informed the CEI that because violations or alleged violations of the Endangered Species Act or Migratory Bird Treaty Act are essentially criminal acts, no coverage exists under the AVMA-PLIT-sponsored insurance program for claims that might arise from allegations of violations of those acts. The trust was unable to com-

ment on the potential for veterinarians to be found guilty of violations of these statutes or regulations or for them to be fined for such violations.

Conclusions

As the veterinary profession and the public attempt to deal with the problem of free-roaming cats, some things seem obvious. Both proponents of TNR and its detractors acknowledge that there are too many free-roaming cats in this country. Both sides actively support neutering as part of a comprehensive approach to reducing pet overpopulation. Both (generally) admit that neither TNR nor trap-neuter-remove will solve the problem without extensive education and assistance from the public. Trap-neuter-release proponents who minimize the negative ecologic impacts of feral cats by citing the negative impacts of habitat degradation (eg, urbanization) are, in my opinion, ignoring reality.

Trap-neuter-release proponents object strongly to euthanizing apparently healthy cats. Opponents of TNR prefer alternatives but see euthanasia as more humane and therefore preferable to reabandonment (mean life spans for cats kept indoors tend to exceed those of feral/free-roaming cats by a factor of 4 to 6). Euthanasia is a legitimate tool of our profession. By definition, it is humane. In the interests of animal and public welfare, the profession and public generally find euthanasia to be acceptable under many circumstances. Foreign animal disease introductions, domestic and wild animal disease emergencies, and unwanted exotic or nonnative species introductions may all warrant the use of euthanasia. Sometimes it is better that some healthy animals die in light of the excessively negative impacts of their continuing to live.

The public, aided by veterinarians, has expended great effort in developing animal control ordinances and laws. Free-roaming dog colonies have not been condoned and neither should free-roaming cat colonies. Arguing that cats warrant preferential treatment ignores the damage they cause and the risks they pose.

Despite models or interpretations by skilled statisticians, the following points seem irrefutable:

- A TNR cat cannot reproduce. However, it remains an ecologic threat to native species, is a potential reservoir of animal and human disease, and may be a social nuisance.
- A trapped, neutered, and removed cat also cannot reproduce. However, once removed, ecologic damage, animal and human disease risk, and social impositions are greatly reduced or eliminated.
- Ultimately, a combination of a vigorous trap and removal program; stronger and more effective licensing, identification, and confinement laws (including improved enforcement); and a massive, ongoing public education program that promotes responsible pet ownership and the necessity of keeping cats properly confined will go a long way toward reducing the number of free-roaming cats in our country.

Whether adopted; placed in a confining sanctuary; judiciously used in research, training, or education; or euthanized, removal and not return seems the most

responsible course of action. Our nation has greatly benefited from antilittering campaigns and actions. We must similarly seek to make it politically incorrect and socially unacceptable to engage in biological littering resulting from irresponsible cat ownership and promotion of TNR programs.

Veterinarians, with help from organizations like The Wildlife Society and the American Bird Conservancy and its "Cats Indoors!" program, should join hands on a nationwide campaign to educate the public as to the importance of keeping their cats confined. Just as client education brochures inform on health-related issues, factual, objective information presented in a similar fashion can advise as to why cats should be confined for the sake of the cat, the environment, other animals, and the public. The "Cats Indoors!" concept should be promoted by professional veterinary organizations, in veterinary curricula, in elementary and high schools, in pet shops, among cat fanciers, and by humane groups.

If a fraction of the millions of dollars being expended to neuter, reabandon, and feed cats was directed toward enhancing education and supporting more effective animal control ordinances and their enforcement, we would be much farther down the road toward effectively reducing the problem of free-roaming cats than we are today.

^aStorts C, Atlantic Animal Hospital, Cape Canaveral, Fla: Personal communication, 2003.

^bAVMA-PLIT. Chicago, Ill: Memorandum from PLIT to the CEI, Apr 28, 2003.

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Trap-neuter-release programs: the reality and the impacts

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American Bird Conservancy (ABC), conservationists, and wildlife biologists are often accused of making domestic cats (*Felis catus*) the scapegoat for bird population declines and ignoring the "real" causes of bird mortality, such as habitat loss and fragmentation, pesticides, pollution, window strikes, and collisions with communication towers. In fact, through the Bird Conservation Alliance,¹

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ABC is working with a broad coalition of conservation groups as well as state and federal wildlife agencies in North, Central, and South America to address all issues related to bird mortality. However, as remaining wildlife habitat becomes fragmented and isolated by human development, domestic cat predation on native birds, especially rare and endangered species, has become an important factor in bird mortality that cannot be ignored.

How many birds do pet, stray, and feral cats kill each year in the United States? Exact numbers are not