

New York State Bar Association

One Elk Street, Albany, New York 12207 • 518/463-3200 • <http://www.nysba.org>



Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #4

February 9, 2023

S. 1619

By: Senator Addabbo

A. 110

By: M. of A. L. Rosenthal

Senate Committee: Environmental Conservation

Assembly Committee: Environmental Conservation

Effective Date: 30th day after it shall have become a law

AN ACT to amend the environmental conservation law, in relation to prohibiting the use of leg-gripping traps.

LAW & SECTION REFERRED TO: Sections 11-1101, 11-1901 & 11-1903 of the Environmental Conservation Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION**

S.1619 / A.110 amends sections 11-1101, 11-1903 and 11-1901 of the Environmental Conservation Law (ECL) to prohibit the use of wildlife leg-gripping traps. Leg-gripping traps are used to trap furbearing animals such as beavers, raccoons, foxes and coyotes. They are triggered by springs once an animal steps into the trap, clamping onto the animal's limb and holding the animal in place until it is discovered by the trapper. Use of these traps is currently regulated by the jaw type, the size of the trap and the type of mechanics used. At present, a trap is considered to be "leg-gripping" only if it has "teeth in its jaws," under § ECL11-1101, and if it has "teeth in the jaws or [...] a greater spread of jaws than six inches," under §§ 11-1901 and 11-1903. Teeth are in the jaws in order to keep animals from pulling their trapped limbs out of the traps, but they cause significant injury and pain.

Presently under ECL section 11-1109, if considered leg-gripping, traps cannot be used underwater unless their jaws have a spread of less than 7-1/4 inches and are used during the open season for trapping beaver or otter, or if their jaws have a spread exceeding 5-3/4 inches and are used to trap muskrats. When set on the land, these traps cannot be used unless their spread of jaws is less than 4 inches; or if exceeding 4 inches, when they are: (a) Covered with soil, sand, leaves, needles, or other similar materials at the time the trap is set or visited; and (b) Equipped with a pan tensioning device.

Opinions expressed are those of the Section/Committee preparing this memorandum and do not represent those of the New York State Bar Association unless and until they have been adopted by its House of Delegates or Executive Committee.

This bill makes two major positive changes. First, it removes altogether the requirement that traps have teeth in their jaws or a spread of jaws greater than six inches to be considered leg-gripping. Secondly and most importantly, it essentially will completely prohibit use of these traps, as newly defined, without regard to the mechanism used.

Leg-gripping traps are very bad for animals, for multiple reasons. They inflict tremendous pain on the animals trapped by them, and they present significant risks of catching non-target species, including humans. More humane alternatives exist and are readily available, including box or cage traps. The American Veterinary Medical Association (“AVMA”), the American Animal Hospital Association and the National Animal Control Association all strongly oppose the use of leg-gripping traps.¹

Not only do these traps cause severe pain to the animals that step into them, but the animals snared in traps often mutilate themselves in an attempt to get free. Injuries incurred in attempting to escape from traps include dislocated joints, lacerations, broken bones and teeth, blood loss and shock. Trapped animals desperately trying to free themselves will even chew off their own limbs. Then, even if freed from the trap, those animals will likely end up dying later due to infection or starvation or by becoming the prey of other animals.

It is very difficult to prevent non-target species, which can include dogs, cats, other pets, threatened or endangered species and even humans, both adults and children, from falling victim to these traps. A study conducted by the AVMA and reported in 2008 showed that up to 67 percent of animals caught in leg-gripping traps are unintended target species.²

The current restrictions on leg-gripping traps do not prevent the awful, unintended results discussed above, and even when leg gripping traps lack teeth and have a smaller spread in their jaws, they remain cruel and hazardous because all too often they catch non-target species. This bill will essentially ban their use. More than 85 countries and many states have already taken that step³ and many more are considering similar legislation. Federal bills are currently pending to prohibit such traps on federal lands.⁴ New York should move in this direction as well.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

¹ The American Veterinary Medical Association, Trapping and steel-jawed leghold traps, <https://www.avma.org/resources-tools/avma-policies/trapping-and-steel-jawed-leghold-traps>, visited March 30, 2021; American Animal Hospital Association, Leghold Traps, <https://www.aaha.org/about-aaha/aaha-position-statements/leghold-traps/>, visited March 30, 2021; Animal Welfare Institute, Companion Animals in Traps, <https://awionline.org/content/companion-animals-traps>, visited March 30, 2021.

² The American Veterinary Medical Association, Welfare Implications of Leghold Trap Use in Conservation and Research, <https://www.avma.org/resources-tools/literature-reviews/welfare-implications-leghold-trap-use-conservation-and-research#references>, visited March 30, 2021.

³ Library of Congress, Laws on Leg-Hold Animal Traps Around the World, <https://www.loc.gov/law/help/leg-hold-traps/index.php>, visited March 30, 2021; Wildlife Crime Aware, Traps Legal or Illegal, <https://www.wildlifecrimeaware.org/wildlife-traps-legal-or-illegal> visited March 30, 2021.

⁴ See e.g., A Bill to Restrict the Use of Steel-Jaw Leghold Traps and Conibear Traps on Animals in the United States, H.R. 8828, 116th Cong. (2020). <https://www.congress.gov/116/bills/hr8828/BILLS-116hr8828ih.pdf>, visited March 30, 2021.