

**San Francisco Animal Commission
Meeting Minutes
August 10, 2023**

1. Call to Order and Roll Call

Present: Chair Michael Angelo Torres, Vice Chair Irina Ozernoy, Commissioners: Jane Tobin, Brian Van Horn, Lisa Fagundes, Mikaila Garfinkel, Michael Reed, Advisor: Deputy Director Amy Corso SFACC

Absent: Christopher Campbell, SF RPD, Dr. George Han, SFDPUH. Officer Greg Sutherland, SFPD.

2. General Public Comment

Two commenters:

One comment on supporting the police department in efforts to prosecute participants in the “hill bomb” that included firecrackers and dangerous activity to pedestrians and animals.

The caller requested more oversight and monitoring of the permit process for concession services, specifically for the health and safety of the recreational horse program at Golden Gate Park and Camp Mather.

3. Draft Minutes from July 13, 2023 - Approved

4. Chairperson’s and Commissioners’ Reports

Commissioner Garfinkel announced Raptors are the Solution (RATS) will present at the November meeting on rodenticides and their innovative contraceptives pilot program.

5. New Business

A - Cruelty at Live Animal Markets [Discussion Item] [Commissioner Torres] Scott David, Director of Investigations, and Jareb Gleckel, Legal Counsel, from Animal Outlook (AO) presented their investigative work involving live animal markets (LAM) in San Francisco. AO’s presentation is available on the Commission’s website.

Animal Outlook representatives David and Gleckel began the presentation with background information on the 25 years of work AO has been involved in protecting farm animals. This work includes a lot of work in California. The most famous being Prop 12 - *National Pork Producers Council v. Ross*. Major victory in upholding a law stipulating you can’t sell pork in California if the mother pig is confined in tiny gestation crates. Pork producers from other states sued the state of CA, and the US Supreme Court ruled in favor of CA State law, specifically, that CA has the right to enforce its own state laws.

AO discussed state law vs. federal laws regarding animals, explaining that states have better legislation and enforcement. AO believes legislative protections are more successful if they come from the state vs. federal.

Mr. Gleckel also suggested contacting congressional representatives to oppose the Agricultural EATS Act currently in Congress. The Agricultural EATS Act would undermine states' ability to enact laws affecting agricultural practices, jeopardizing numerous state-level farmed animal protection laws.

AO covered the different areas of law that they focus on, including consumer protection lawsuits, criminal prosecutions against owners and facilities, and false advertising claims. The purpose of their investigation work is to reveal what the industry is like and counter misrepresentations. Specifically, AO has been successful in employment-based investigations - AO employees embedded as farm employees to investigate and document the reality of cruelty at facilities.

AO brought the cruelty at live animal markets issue to the Animal Commission to provide animal cruelty legislation interpretation, and an offer to assist in furthering enforcement of current legislation. AO also offered to be a resource for the Department of Animal Care and Control (SF ACC) and other stakeholder departments.

AO visited a number of markets during the February – March 2022 time period during their investigation. Video evidence of cruelty was sent to SF ACC. SF ACC felt they were not able to provide based on video. Officers were sympathetic, but the reasons given by SF ACC include lack of officers and language barriers in enforcement. AO requested SF ACC to enforce state cruelty laws as AO believes the laws apply equally to all animals.

Commissioner/Advisor comments and questions

Q: Commissioner Reed- asked about the Department of Public Health (DPH). Can they take up some of the enforcement burden?

A: AO response - Yes. one dept that can be involved. Others as well. Inter-agency communication is important if enforcement is balance across agencies.

Q: Do the language pamphlets exist in multiple languages

A: Yes.

Q: Commissioner Garfinkel - Language barrier and need to procure a language translator. Does that imply that SF ACC tried to communicate?

A: Yes.

Commissioner Van Horn explained his history with this issue. At the onset of Covid 19. He visited live markets, spoke with community leaders and the media. Became a hot political issue. SF ACC's enforcement of non-mammal prosecutable laws is vague. He clarified that he was told by the District Attorney that animals raised for consumption are not afforded the same protections. USDA role - do not have enough inspectors to enforce. Historically, this issue has not gone far.

AO - explained AO's interpretation of law is that (LAM) laws are on top of general cruelty laws, and general cruelty laws apply to all animals. If that interpretation is misunderstood, there are ways to address it.

Q: Commissioner Ozernoy - asked about invasive species and if AO has been able to get CA Fish and Game involved.

A: AO agrees it is important, but for now is focusing on ACC and LAM laws.

C: Commissioner Van Horn noted that Fish and Game makes sure that no animal leaves alive to keep invasive species from becoming a public health issue by a person releasing the animal.

Q: Comm Tobin asked about Vicious and Dangerous Dog Court and re-distributing the work to existing partners.

A: Deputy Director Corso - Difficulty is in the laws. SF ACC needs help with the laws. 597.3 is cited all the time when seen. SF ACC's animal control officers are not peace officers; they must see a violation to cite it. It is more that SF ACC's understanding is what Commissioner Van Horn mentioned: they have been unsuccessful in offering the same general animal cruelty protections to animals in live animal markets. SF ACC has not seen anyone successfully prosecute live animal market cruelty under current laws. Courts are backed up with serious felonies and violent crimes, so these are not always seen as a priority.

Q: Chair Torres - asked about citations. Were they LAM violations?

A: DD Corso - Yes.

Q: For these infractions was it an officer witnessing it?

A: Yes. SF ACC officer was there because it might have been a check in or hard copy complaint.

Q: How often do officers visit?

A: DD Corso -unpredictable. Stopping by LAMS is not on schedule but always on the officers' radar. DA warrant needed for video - write case file, arrest warrant affidavit from DA. Won't do it for an infraction. DD Corso - responded yes, they respond, but there are so many city-wide complaints. SF ACC follows up on all complaints.

Q: Chair Torres asked about LAMS priority in ACC's animal responses.

A: DD Corso - ACC responds to all complaints including LAMS. The urgency of the call is the only priority.

Q: Commissioner Reed - asked if he visited a LAM and called in a complaint, how long would it take for SF ACC to respond?

A: DD Corso – SF ACC would respond as a priority, but response time is unpredictable.

Q: asked about live animals at farmers markets.

A: DD Corso - not aware of live animals at farmers market.

Q: Comm Reed asked about DPH citation fees?

A: DD Corso does not know. DPH cites contamination only.

Q: Commissioner Reed asked if the investigations include smaller farms - are they better?

A: AO noted - Unfortunately, the same cruelty practices occur at smaller farms.

Comment: Commissioner Van Horn suggested that if the Commission takes further action the next steps might include inviting representatives from various city departments to solicit feedback as SF ACC has.

Public Comment

Commenter spoke on how advocates, including Action for Animals, explored this issue in the 1990s. Suggested SF ACC needs to go out every 6 months. Commenter also provided documentation regarding past work on this issue.

Commenter discussed the cruelty they had witnessed in the past while working with feral cats in Chinatown. Suggested that SF ACC go out every 6 months and document the cruelty. Also talked about disease transmission.

6. A. Reporting from Animal Care & Control [Discussion Item] [Commissioner Torres and Deputy Director Amy Corso] Animal Care & Control shared the (April -June 2023) ACC Quarterly Report regarding outcomes for animals and ongoing operations.

DD Corso covered areas of interest, including an uptick in the number of owner-surrender animals, and that adoptions and fostering are happening, but the small animals are not moving quickly. The focus should be on adopters.

Veterinarians in Vans- onsite every Tuesday

Hiring - Shelter Service Reps, ACAs, Veterinarian, B&T staff member coming on board.

Emergency Veterinary service contract has been arranged with Sage

MC /Rabies and DHLPP quarterly clinics

Full Belly Bus - food pantry

PawBoost Meger

Q - Chair Torres asked about open positions specifically veterinarian

A- Sage is filling. It is a priority to hire.

Q - What is SF ACC doing in the meantime

A - Sage and not just after hours.

Q: Recommendations made by Commission - any more info on outdoor cats

A: Does not have specific info on cat sighting

Q; CIP/Good Samaritan/Finder to Adopt asked for clarification

A: CIP no longer. Good Samaritan - the person who brings in a found animal can check the status of the animal. Finder to adopt - still must go through the regular adoption process.

Q; Meetings of SF ACC and adoption partners

A: Over 100 adoption partners. On-going communications with partners. DD Corso requested that those calls be forwarded to her.

Q; Commissioner Reed - Sage. Where does vet care take place?

A: Nearby - 18th and Harrison

Q; Commissioner Tobin asked about an uptick in owner-surrenders

A: Lack of access to care but there are studies now on the topic. Back to work- lack of time for the pet. This issue is nationwide.

Q: Foster care new hire and foster care classes - all smooth?

A: Yes, all going well

Q. V-Chair Ozernoy - asked about rabies bats and dogs that were tested.

A. Not sure about bats but no positive tests on dogs

Public Comment

Caller commented on department representatives and why they are not always present at meetings.

Caller commented on tracked calls and numbers for kittens by SF ACC. Also voiced concern about kittens being left out, the status of the head veterinarian position at SF ACC, and how PawBoost and 24PetConnect are used at SF ACC.

7. Items to be put on the agenda for future commission meetings (Discussion Item)

Working on the agenda for now.

8. Adjournment -approx. 7:28 pm