



## AUDUBON SOCIETY NORTHERN VIRGINIA

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### **Audubon Society of Northern Virginia Advocates Changes in Fairfax County's Policies on Outdoor Cats**

Free-roaming cats (*Felis catus*) are major threats to wildlife and a public health risk. The Audubon Society of Northern Virginia (ASNV) urges Fairfax County to adopt the following measures that would treat cats more like dogs:

1. Expand the scope of County Ordinance 41.1-2-2, which covers the licensing of dogs, to apply to cats.
2. Adopt and enforce an ordinance similar to County Ordinance 41.1-2-4, which applies to dogs, requiring cats to be leashed or otherwise physically restricted when off the property or premises of the owner or custodian.
3. Establish policies supporting a reduction in the population of unowned cats.
  - Impound unlicensed, free-roaming cats.
  - Vaccinate, sterilize, and put up for adoption or foster care cats that cannot be returned to their owners.
  - Confine cats that are not adopted or are unsuitable for adoption or foster care so they cannot prey on wildlife or transmit disease in a shelter, "catio" (a cat patio) or an animal refuge. Consider using cat licensing fees to fund trapping and sterilization expenses and the cost to construct and maintain shelters.
  - Require that residents who feed unowned cats do so on their own property, confine them to that property and keep their vaccinations up to date.
4. Terminate its "Trap, Neuter and Return" or TNR program.
5. Conduct an educational campaign to support these policies, especially encouraging cat owners to sterilize and keep their pet cats indoors or keep them physically restricted when they are outdoors.
6. Stop using the misleading term "community cats" to refer to unowned cats.

#### **Outdoor cats kill huge numbers of birds and other wildlife.**

Cats are a leading cause of declines in bird populations, second only to habitat loss. An estimated 2.4 billion birds are killed by cats annually in the United States.<sup>1</sup> Of the billions of birds killed by cats each year, an estimated 69 percent are killed by unowned or feral cats.<sup>2</sup> A study published in

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<sup>1</sup> S. Loss, T. Will, and P. P. Marra, "Direct mortality of birds from anthropogenic causes," *Annual Review of Ecology, Evolution, and Systematics* 46:99-120 (2015); Loss Will and Marra, "The Impact of Free-Ranging Domestic Cats on Wildlife of the United States," *Nature Communications* 2013. The 95% confidence interval of that estimate ranges from a low of 1.3 billion to 4.0 billion birds killed by cats.

<sup>2</sup> The Cornell Lab, "FAQ: Outdoor Cats and Their Effects on Birds," December 5, 2016, at

the journal *Science* concluded that the population of birds in the United States has declined by 2.9 billion birds, or nearly 1/3, in the last 50 years.<sup>3</sup> Data from the Northern Virginia Bird Survey, conducted annually by ASNV since 1995, show a steady decline in the abundance of birds in our region. Given the vast number of birds killed by cats each year, it is undeniable that cats are a substantial contributor to the decline in overall bird populations.

In addition to birds, small mammals, amphibians, and reptiles are killed in large numbers by cats. Cats kill an estimated 6.3 to 22.3 billion small mammals each year. Most of the animals killed are native animals living in the wild, rather than pest species such as house mice and rats. The small mammals and some reptiles and amphibians are important prey species to native raptors such as hawks and owls. Through direct and indirect predation, domestic cats have contributed to at least 63 vertebrate extinctions and pose a major threat to threatened vertebrates worldwide.<sup>4</sup> Cats are an invasive exotic species that did not evolve in Virginia and do not belong in the wild in Fairfax County.

### **Living outdoors is bad for cats.**

Indoor cats are healthier and live longer. American Humane states that pet cats that are allowed to roam freely can be hit by cars and are also subject to being hunted by coyotes, foxes, and raccoons. They also can be poisoned as a result of eating rodents that have recently ingested rodenticides. They are far more likely to pick up parasites, including fleas, ticks, ear mites and ringworm, and may bring them home where they can be difficult to eradicate.<sup>5</sup>

Feral cats are particularly vulnerable. They are exposed to weather, cars and other dangers and diseases. Even if they are fed, they do not receive regular veterinary care. Unowned cats lead short, disease-ridden lives and their offspring have very poor survival rates. The website for People for the Ethical Treatment of Animals makes the risk to outdoor cats very clear, stating, "Cats who are left outdoors do not die of old age. The average life expectancy of a free-roaming cat is just 2 to 5 years, compared to 14 years for a cat who lives indoors. Kittens have it even worse: 75 percent of kittens born outside don't make it to 6 months old."<sup>6</sup> Alley Cat Rescue, a group that supports feral cats, acknowledges that the mortality rate of feral kittens is often as high as 75 percent.<sup>7</sup> Most of the kittens died traumatic deaths.<sup>8</sup>

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<https://www.allaboutbirds.org/news/faq-outdoor-cats-and-their-effects-on-birds/>

<sup>3</sup> Rosenberg, et al., "Decline of North American Avifauna", 366 *Science* 120-124 (2019); Axelson, "Vanishing: More than 1 in 4 birds has disappeared in the last 50 years," *Living Bird Magazine* (autumn 2019).

<sup>4</sup> S. Loss and P. P. Marra. 2017. "Population impacts of free-ranging domestic cats on mainland vertebrates." *Frontiers in Ecology and the Environment* 15(9): 502-509.

<sup>5</sup> American Humane, "Indoor Cats vs. Outdoor Cats," at <https://americanhumane.org/fact-sheet/indoor-cats-vs-outdoor-cats/>.

<sup>6</sup> PETA, "The Odds Are Deadly for Cats Released to the Great Outdoors," <https://www.peta.org/blog/graphic-the-odds-are-deadly-for-cats-released-into-the-great-outdoors/>.

<sup>7</sup> Alley Cat Rescue, "Feral Kittens," at <http://www.saveacat.org/feral-kittens.html>, citing Nutter, Felicia B., et al., *J Am Vet Med Assoc* 2004;225:1399-1402.

<sup>8</sup> Nutter, et al., Abstract at [https://www.researchgate.net/publication/8175636\\_Reproductive\\_capacity\\_of\\_free-roaming\\_domestic\\_cats\\_and\\_kitten\\_survival\\_rate](https://www.researchgate.net/publication/8175636_Reproductive_capacity_of_free-roaming_domestic_cats_and_kitten_survival_rate).

## Outdoor cats are bad for human health.

The Centers for Disease Control (CDC), in cooperation with the U.S. Department of Agriculture and the American Bird Conservancy, has warned that feral cat colonies harbor diseases, including those that can be transmitted to humans.<sup>9</sup> Rabies is a particular concern. The interaction between cats and raccoons and other wild animals is the source of rabies infection by which cats can infect people. Group feeding of animals in feral cat colonies attracts raccoons, skunks, possums and foxes, increasing the incidence of cat and wild animal interactions. *See* CDC manuscript, at p. 5. Although wild animals are much more likely to be rabid, cats pose a disproportionate risk for human exposure because humans, especially children, are more likely to approach them. *See* CDC manuscript, at p. 2. Only a few people die from rabies each year in the U.S., but tens of thousands receive a rabies shot (post-exposure prophylaxis, or PEP) due to potential exposure, including exposures from cats. In some parts of the country a majority of PEP administration arises from cat exposures. *See* CDC manuscript, at p. 3.

Rabies is an insignificant cause of death in this country due to the practice of mass vaccination and control of stray dogs, which after the 1940s virtually eliminated canine rabies as the primary threat of infection to humans. There is no consistent effort to apply the same preventive measures to cats in the United States. Some states require vaccination of pet cats, and TNR programs generally require vaccination of unowned cats before they are released back to the feral colonies. Unfortunately, maintaining continued rabies vaccination coverage in feral cat populations is impractical, if not impossible. The cats are unlikely to be trapped for vaccination more than once and, even though they have shorter life spans than pet cats, a one-time dose does not generally provide lifetime immunity. *See* CDC manuscript, at p. 4. The article concludes that to reduce the rabies risk from cats, “requirements for rabies vaccination, requirements or incentives to spay or neuter, and prohibitions against free-roaming should be applied to cats as they are generally applied to dogs.” *See* CDC manuscript, at p. 7.

Other cat-specific and zoonotic diseases include toxoplasmosis, bartonellosis, plague, endo- and ectoparasites, feline immunodeficiency virus, feline leukemia virus, and rickettsial diseases. Cats in cat colonies suffer from these diseases at higher levels than owned pets because of concentrated outdoor exposure. *See* CDC manuscript at pp. 4-5. Cats play an important role in the spread of toxoplasmosis, a parasitic disease that the CDC considers to be a “leading cause of death attributed to foodborne illness in the United States.”<sup>10</sup> It is a special risk to pregnant women, who may transmit the disease to their unborn children. Cats become infected by eating infected rodents, birds, or other small animals, then pass the parasite in their feces in a microscopic oocyst form. Kittens and cats can shed millions of oocysts in their feces for as long as 3 weeks after infection. A toxoplasma-infected cat that is shedding the parasite in its feces contaminates the litter box, and if

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<sup>9</sup> A.D.Roebing, *et al.*, 2014. “Rabies prevention and management of cats in the context of trap, neuter, vaccinate, release programmes.” *Zoonoses Public Health* 61(4): 290-296, reprinted at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5120395/> (CDC manuscript) and <https://abcbirds.org/wp-content/uploads/2015/06/Roebing-et-al.-2013-Rabies-prevention-and-management-of-cats-in-TNVR-programs.pdf> (original article reprint). *See Manuscript* at p. 2.

<sup>10</sup> CDC, “Parasites – Toxoplasmosis (Toxoplasma infection),” at <https://www.cdc.gov/parasites/toxoplasmosis/index.html>.

allowed outside, contaminates the soil or water in the environment, where the parasite can be transmitted to other animals and to humans.<sup>11</sup>

### **Fairfax County's Trap-Neuter-Return program does not reduce unowned cat populations.**

The Fairfax County Animal Shelter actively promotes a TNR policy for unowned cats. Volunteers work with the shelter to trap unowned cats. The shelter then spays or neuters them, gives them a basic checkup, vaccinates them against rabies and distemper and “eartips” them to provide identification. The volunteers then release the cats back to where they were originally trapped. There they become what the shelter calls “community cats,” where the colony may be fed by local residents, or, according to the shelter’s website, they “may survive and thrive without direct human intervention.”<sup>12</sup>

Although the shelter promotes the program as an effective and humane way to address the unowned cat problem, it is not. The shelter’s claim that TNR “stabilizes community cat populations which over time decline naturally”<sup>13</sup> is incorrect. Scientific studies demonstrate that TNR policies are not effective in reducing feral cat populations. A comprehensive trapping program has to reach between 71 percent and 94 percent of the cats in a feral cat colony to bring about a long-term decline in the size of the colony.<sup>14</sup> For example, one study that statistically analyzed and modelled the impacts on feral cat populations of two county-wide TNR programs, in San Diego CA and Alachua County FL, found that TNR had minimal or no effect on feral cat populations, which continued to grow.<sup>15</sup> The fecundity of the non-neutered cats easily compensates for the neutered sub-population. The authors recommend that to be effective, TNR programs should focus on well-defined, preferably geographically restricted, cat populations, rather than diluting effort across populations in an area as big as a county. Even the TNR programs focused on small colonies (“small” was 7 cats on average) that were found to be modestly successful only reduced population size very gradually. In the meantime, bird predation continued for years.

Park managers in Northern Virginia report that local parks are favorite “dumping grounds” for unwanted cats. Maintenance of unowned cat colonies can also exacerbate that problem because it may encourage abandonment of unwanted cats by people who think someone else will take care of them. The American Association of Wildlife Veterinarians supports actions to ban or eliminate

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<sup>11</sup> CDC, “Parasites – Toxoplasmosis (Toxoplasma infection), Epidemiology & Risk Factors”, at <https://www.cdc.gov/parasites/toxoplasmosis/epi.html>.

<sup>12</sup> Fairfax County Animal Shelter, “Community Cats and TNR, What is a Community Cat,” at <https://www.fairfaxcounty.gov/animalshelter/tnr>.

<sup>13</sup> Fairfax County Animal Shelter, “Community Cats and TNR, How Does TNR Benefit the Community and the Shelter,” at <https://www.fairfaxcounty.gov/animalshelter/tnr>.

<sup>14</sup> The Evidence against Trap, Neuter, Release, Fact Sheet, <https://abcbirds.org/program/cats-indoors/trap-neuter-release/>; <http://veterinarynews.dvm360.com/tufts-researchers-say-tnr-not-most-effective-method-control-feral-cat-population>; <http://veterinarynews.dvm360.com/tufts-researchers-say-tnr-not-most-effective-method-control-feral-cat-population>; Castillo and Clark, “Trap/Neuter/Release Policies ineffective in Controlling Domestic Cat ‘Colonies’ on Public Lands”, 23 Natural Areas Journal 247 (2003), <https://abcbirds.org/wp-content/uploads/2015/05/Castillo-and-Clarke-2003-TNR-ineffective-in-controlling-cat-colonies1.pdf>.

<sup>15</sup> P. Foley, J. Foley, J. Levy, and T. Paik. 2005. “Analysis of the impact of trap-neuter-return programs on populations of feral cats,” Journal of the American Veterinary Medical Association 227(11):1775-1781.

unowned cat colonies in a humane manner on public lands managed for natural resource and discourages feral cat colonies on private lands.<sup>16</sup>

### **Fairfax County's TNR program is inhumane and violates state law.**

The large volume of evidence concerning the short, disease-ridden and frequently traumatic deaths of feral cats demonstrates that it is not humane to return trapped and neutered cats to the wild. People for the Ethical Treatment of Animals (PETA) agrees that TNR programs are generally not humane. Its [website](#) states:

Sadly, our experience with trap, spay-and-neuter, and release programs and 'managed' feral cat colonies has led us to question whether or not these programs are truly in the cats' best interests. We receive countless reports of incidents in which cats--'managed' or not--suffer and die horrible deaths because they must fend for themselves outdoors. Having witnessed firsthand the gruesome things that can happen to feral cats, we cannot in good conscience advocate trapping and releasing as a humane way to deal with overpopulation. . .

We believe that although altering feral cats prevents the suffering of future generations, it does little to improve the quality of life for the cats who are left outdoors and that allowing feral cats to continue their daily struggle for survival in a hostile environment is not usually a humane option.

Nevertheless, PETA's position has never been that all feral cats should be euthanized. We believe that trap, vaccinate, spay/neuter, and release programs are acceptable when the cats are isolated from roads, people, and other animals who could harm them; regularly attended to by people who not only feed them but care for their medical needs; and *situated in an area where they do not have access to wildlife* and where the weather is temperate. (*Emphasis added.*)<sup>17</sup>

PETA's position is supported in the scientific literature. A recent article in the journal *Animals* concluded that data on TNR programs "indicate that TNR cat management is unlikely to solve the problems in most cases and is unethical on animal welfare grounds."<sup>18</sup> The authors based their conclusion on analyses of the impact on the cats from disease and parasites, poor quality food, injury and death from cars, people and animals, among other factors.

People who release unowned cats pursuant to the County's TNR program violate state law. Section 3.2-6504 of the Virginia Code states, "No person shall abandon or dump any animal." "Dump" is

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<sup>16</sup> American Association of Wildlife Veterinarians, "AAWV Position on Feral Cats," at [https://aawv.net/wp-content/uploads/2017/05/AAWV\\_PS\\_FeralCats.pdf](https://aawv.net/wp-content/uploads/2017/05/AAWV_PS_FeralCats.pdf) (adopted in 1996).

<sup>17</sup> PETA, "What is PETA's stance on programs that advocate trapping, spaying and neutering, and releasing feral cats?," at <https://www.peta.org/about-peta/faq/what-is-petas-stance-on-programs-that-advocate-trapping-spaying-and-neutering-and-releasing-feral-cats/>.

<sup>18</sup> Crawford, et al., "A Case of Letting the Cat out of The Bag—Why Trap-Neuter-Return Is Not an Ethical Solution for Stray Cat (*Felis catus*) Management", *Animals*, 2019, 9, 171; doi:10.3390/ani9040171.

defined in Section 3.2-6500 as “knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.” Therefore, any person who receives a TNR cat from the shelter and releases it on public property or the property of another violates the law.

Fairfax County’s TNR program also violates state law. While the shelter itself does not release TNR cats, its policy of returning TNR cats to people who release them to the wild makes the shelter an agent of the people who violate the law. The Virginia Attorney General made this quite clear in a July 12, 2013 letter to the Town Attorney for the Town of Front Royal. He stated that the TNR cats “may not . . . be released by the locality back to the location from whence they came or some other location in the wild.”

The County’s failure to capture and confine unowned cats violates state law. **Section 3.2-6562 of the Virginia Code provides that** animal control officers are to capture and confine any companion animal of unknown ownership, which includes unowned cats, found running at large on which the license fee has not been paid. If a home cannot be found for the cat, it must be euthanized. The County’s animal control officers apparently do not make any efforts to trap and confine unowned cats. Instead, the Animal Shelter relies on individuals to bring unowned cats to them so that they can be neutered and released.

Section 3.2-6521 of the Virginia Code requires the owner or custodian of any cat to have a current rabies vaccination for the cat. A person who looks after unowned cats by providing them food or shelter is a custodian, and therefore is responsible for having the cats vaccinated. Persons who care for unowned cats but do not obtain rabies vaccinations for them violate the law. The vaccination of unowned cats pursuant to the County’s TNR program also does not comply with the vaccination requirement because the released cats do not receive regular booster shots as required by the National Association of State Public Health Veterinarians Compendium on Animal Rabies Prevention and Control.<sup>19</sup>

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<sup>19</sup>Journal of the American Veterinary Medical Association, Vol 248 No. 5 p. 509, March 1, 2016.