



Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Public Affairs Division

Brian Long
Director

Information about changes to animal euthanasia rules

We in the Department of Agriculture and Consumer Services are disappointed that the animal euthanasia rules have been changed from what was approved earlier this year by the Board of Agriculture.

We did not want to make these changes, but we were forced to make them to satisfy the objections of the Rules Review Commission. The RRC staff objected to many of the rules, such as the requirement for testing and certification of euthanasia technicians, on the grounds that the law passed by the General Assembly in 2005 did not give the Board of Agriculture sufficient authority for the proposed requirements. They objected to other rules, such as the prohibition on the use of carbon monoxide for sick, injured or geriatric animals, on the grounds that the terms were unclear or ambiguous. Our veterinarians know what these terms mean, but since there is no legal definition for these terms, we were forced to delete them in order to get the rules approved.

While we are disappointed that some of the euthanasia rules adopted by the Board of Agriculture will not be approved by the Rules Review Commission, we want to assure you the remaining rules will still be a major step forward in establishing improved standards for euthanasia at animal shelters in North Carolina. Here's why:

1. The rules require animal shelters to use only euthanasia methods and procedures approved by either the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association.
2. The rules establish standards for training euthanasia technicians, and require that only a person who has received this training may perform euthanasia.
3. The rules establish standards for carbon monoxide equipment that will require shelters to use only safe, effective equipment if they choose to continue to use carbon monoxide.

We realize that many people are opposed to the use of carbon monoxide. The use of carbon monoxide is approved as a humane method of euthanasia by the AVMA when performed in accordance with the standards set forth in these rules. Even with the changes required by the Rules Review Commission, these rules will at least provide improved standards for the use of carbon monoxide. The General Assembly could prohibit the use of carbon monoxide by animal shelters, or a county could choose not to use carbon monoxide in its shelter.

Some people have suggested additional public hearings to receive comment on the changes required by the Rules Review Commission. In our view, this would be counter-productive, and would only delay the implementation of any improved standards for euthanasia. Furthermore, the RRC staff has concluded that the changes we made to satisfy their concerns did not fit the criteria for “substantial changes” and therefore did not need to be republished in the N.C. Register or taken to another public hearing.

Finally, we must object to certain statements made by well-meaning but misinformed individuals who claim that we have made last-minute, secret changes to the rules. In fact, the objections from the Rules Review Commission staff have been public knowledge for several months while we have been working to satisfy those objections.

An e-mail is making its way around the Internet claiming that the department removed a phase-out of the use of carbon monoxide after the rules were given to the Rules Review Commission. This allegation is absolutely false. The minutes of the Board of Agriculture’s meeting on Feb. 13, 2008, which are public record, show that the board never voted to accept a phase-out of carbon monoxide. The authors of the e-mail alleging that the rules were changed to eliminate the phase-out of carbon monoxide could have avoided this factual error if they had reviewed the public record.