

2559

Thomas G. Hickey, Sr

915 Anderson Avenue Drexel Hill Pennsylvania 19026

RECEIVED

2007 JAN 18 AM 10:55

INDEPENDENT REGULATORY
REVIEW COMMISSION

January 8, 2007

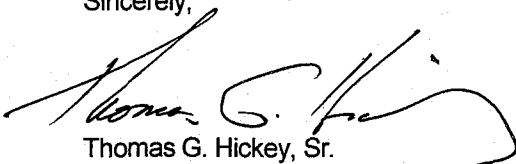
Department of Agriculture
Bureau of Dog Law Enforcement – Attn: Ms. Mary Bender
2301 North Cameron Street
Harrisburg, PA 17110-9408

Dear Ms. Bender:

Enclosed please find my comments on the proposed regulation changes to the Pennsylvania Dog Law. I would appreciate it if you would respond informing me of any actions you have taken based on my comments.

I look forward to hearing from you in the near future. I can be reached at 610-669-9530, and by email at thickey1@comcast.net.

Sincerely,



Thomas G. Hickey, Sr.
Member, Dog Law Advisory Board

Commonwealth of Pennsylvania - Boards and Commissions

*Delaware County Board of Assistance, Chairman
Dog Law Advisory Board, Member*

Written Comments Regarding the Proposed Dog Law Changes

Thomas G. Hickey, Member
Commonwealth of Pennsylvania, Dog Law Advisory Board
January 8, 2007

§ 21.14. Kennel licensure provisions.

(a) General provisions. The following constitutes general requirements which shall be adhered to regarding licensure of kennels in this Commonwealth.

(1) Operation of a kennel. A person who keeps or operates a Class I, Class II, Class III, Class IV or Class V Kennel, Boarding Kennel Class I, Class II or Class III or a nonprofit kennel shall on or before January 1 of each year apply to the Department for a kennel license or kennel license renewal

(2) License for each class and location. A separate and proper kennel license shall be required for each type of kennel and every location at which a kennel is kept or operated

1. Language added to 21.14 (2) notifying any recipient of a breeder license that by accepting the license they agree to allow any agent of the state or county, acting in an official capacity, to enter the kennel unannounced in order to verify that all state regulations are being adhered to and that the health and safety of all dogs on premises is good.

21.21. Dog quarters.

(a) Indoor and outdoor housing facilities for dogs shall be maintained in a manner to protect the dogs from injury, **insure the sanitary conditions required in this part have been compiled with and shall be maintained in a manner complying with the other conditions required by this chapter** and to contain the dogs.

(b) The interior building surfaces of housing facilities shall be constructed and maintained so that they are water resistant and may be readily sanitized. **Outdoor facilities shall must be constructed in a manner to allow them to be readily sanitized, to assure the dogs have a mud free area and to assure there is no standing or pooled water.**

(c) Adequate drains ~~or and gutters, or both, shall~~ must be provided to rapidly eliminate excess water from **both indoor and outdoor** housing facilities **and other areas such as outdoor runs and exercise areas.**

(d) Entryways and exits shall be maintained so that, when the gate or enclosure is opened, the dog will have unfettered clearance out of the enclosure.

(e) Where the primary enclosures are stacked or set side by side, a tray, wall, partition or other device approved by the Department which does not allow for feces and urine to pass between primary enclosures or soil the primary enclosure of another dog, shall be placed under or between, or both, the primary enclosures. The tray, wall, partition or approved device must be impermeable to water, removable and able to be easily sanitized.

21.22. Housing.

(a) Dogs that display ferocious or aggressive behavior shall be kept [inaccessible to other dogs] in a manner so as to be unable to come in physical contact with other dogs.

* * * * *

(c) [Adult dogs shall be segregated by sex except for health, welfare or breeding reasons.

(d)] Dogs that are not acclimated to the outdoor temperatures prevalent in the area or region where they are maintained, breeds of dogs that cannot tolerate the prevalent outdoor temperatures without stress or discomfort (such as short-haired breeds in cold climates), and sick, infirm, aged or young dogs may not be kept in outdoor facilities [unless that practice is specifically approved by the attending veterinarian the Department].

§ 21.23. Space.

(a) Primary enclosures [shall] must be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position. **The dog shall be able to lie in a lateral recumbence (on its side or back) with legs fully extended, without head, tail, legs, back or feet touching any side of the enclosure.**

(b) Each dog housed in a primary enclosure shall be provided with [a] **twice the minimum amount of floor space[, which] set forth in this subsection. The minimum amount of floor space** shall be calculated according to the following procedure:

* * * * *

(e) [Subsections (b) and (c) do not apply if all of the following conditions are met:

(1) The dog is located in a kennel that is licensed under the act solely as a pet shop-kennel Class I, II, III or IV.

(2) The dog is being offered for sale on a retail basis, or has been sold and is awaiting physical transfer to its new owner.

(3) The dog is maintained in a primary enclosure that keeps the dog on display to patrons of the pet shop-kennel during its normal business hours.

(4) The primary enclosure meets one of the following conditions:

(i) Affords each dog sheltered therein at least 5 square feet for a dog weighing 25 pounds or less, 8 square feet for a dog weighing more than 25 pounds but not more than 45 pounds, and ~~12~~ 16 square feet for a dog weighing more than 45 pounds.

(ii) Has been approved by the ~~attending veterinarian~~ Department, in advance and in writing, as being of adequate size to protect the health and well-being of the particular dog or dogs sheltered therein.]

In addition to the space requirements, each dog shall receive 20 minutes of exercise per day. Dogs shall be observed and supervised during exercise and shall be exercised the following manner:

(i) Walked on a leash by a handler or put in an exercise area.

(ii) An exercise area must meet the following criteria:

(A) The space per dog must be consistent with § 21.24(b)(3) (relating to shelter, housing facilities and primary enclosures).

(B) Fencing must be adequate to prevent dogs from escaping from the exercise area and shall be kept in good repair and free of rust, jagged edges or other defects which could cause injury to the dogs.

(C) The exercise area must be equipped in a manner to allow dogs to be exercised even during inclement weather and to protect the dogs from becoming wet, matted or muddy during the exercise.

(D) The provisions regarding the type of materials utilized for flooring in § 21.24(b)(6) apply.

(E) The same sanitation requirements in § 21.24(b)(8) and (9) and the applicable provisions of § 21.29 (relating to sanitation) apply.

21.24. [Shelters] Shelter, housing facilities and primary enclosures.

(5) Where a dog is housed in an outdoor facility, the primary enclosure or dog box itself must be raised off the ground to prevent moisture, constructed and situated to provide a draft free area (a dog door is recommended required) and insure the dog can stay dry and maintain its body heat.

(6) The primary enclosure or dog box must contain a roof, four sides and a floor and meet the following requirements:

(i) Provide the dogs with adequate protection and shelter from the cold and heat.

(ii) Provide the dogs with protection from the direct rays of the sun and the direct effect of wind, rain or snow.

(iii) Provide for a wind break and rain break at the entrance.

(iv) Contain clean and dry bedding material at all times and additional clean and dry bedding shall be required when the temperature is 35° F or lower.

(v) Be free of any and all sharp or protruding objects that would cause injury to the dog.

§ 21.25. Temperature control.

* * * * *

(b) [Shade] In outdoor and sheltered housing facilities, a permanent area of shade shall be provided, as set forth in § 21.24(b)(1) (relating to shelter, housing facilities and primary enclosures), to protect the dogs from the direct rays of the sun.

(c) Auxiliary temperature control and air movement from fans, blowers or air conditioners shall be provided when the ambient temperature is ~~85° F (29.5° C)~~ 80° F (26.7° C) or higher.

(d) Indoor kennels shall have a heating source sufficient to assure a slab temperature of not less than 35° F and not more than 55° F during heating season.

(e) Indoor kennels and the sheltered part of sheltered housing facilities shall be sufficiently heated and cooled to protect the dogs from temperature or humidity extremes and to provide for their health and well-being.

(iii) Dogs put in an exercise area shall be segregated in the following manner:

(A) Small dogs (35 pounds and less) shall be exercised together and may not be put in the same exercise area with medium or large dogs.

(B) Medium sized dogs (36 pounds but less than 60 pounds) shall be exercised together and may not be put in the same exercise area with small or large dogs.

(C) Large sized dogs (61 pounds but less than 90 pounds) shall be exercised together and may not be put in the same exercise area with small or medium dogs.

(D) Giant sized dogs (91 pounds and greater) shall be exercised together and may not be put in the same exercise area with small, medium or large dogs.

(E) Aggressive or antisocial dogs shall be exercised alone.

(F) Spayed and neutered dogs may be exercised together. Otherwise males and females shall be separated and may not be exercised at the same time in the same exercise enclosure.

(G) Nursing bitches may be exercised separately with their puppies.

(iv) The Department may exempt a dog from exercise for a period of time, if a licensed veterinarian has determined the dog has an injury or other physical condition that would cause exercise to endanger the health, safety or welfare of the dog. The determination must be in writing, be for a time period limited to the amount of time medically necessary to recover from the injury or illness, state the specific medical condition and reason for the exemption and list the time period for the exemption, and be approved by the Department prior to excluding the dog from exercise. The Department reserves the right to have the dog examined by a veterinarian to concur with any diagnosis and overrule the findings of the veterinarian utilized by the breeder.

(v) Daily records of exercise shall be kept for each dog in the kennel. The Department reserves the right to enter the breeder's establishment and inspect any and all exercise records without prior notice to the licensee. The records, at a minimum, must set forth:

(A) The breed, color, markings, sex, approximate weight and age of each dog or when applicable, the microchip number of each dog.

(B) The date and the time period each dog was exercised and whether the exercise was on a leash or in an exercise area.

(C) Any medical exemption written by a veterinarian licensed to practice in this Commonwealth.

(1) *Heating.* The ambient temperature in the facility may not fall below 50-55° F for dogs not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress and discomfort (such as short haired breeds), and for sick, aged, young or infirmed dogs.

(2) *Cooling.* The ambient temperature in the facility may not rise above 85° 80° F.

§ 21.27. Lighting [in indoor housing facilities] and electrical systems.

[Indoor] (a) *Lighting.* Lighting in the kennel building is required for safety and security. Kennel housing facilities [in kennels shall] must have ample lighting by natural or artificial means. Lighting [in indoor housing facilities shall] must be sufficient to allow observation of the physical condition of the dogs [so housed,] and to allow observation of the sanitary condition of the [indoor] housing facility at all times.

(2) *Lighting must be available for dogs housed in outdoor kennel facilities. The lighting must installed by a licensed electrical contractor and be sufficient to allow observation of the physical condition of the dogs even-at-night at all times. Primary enclosures shall be placed to protect the dogs from excessive light and direct rays of the sun.*

§ 21.28. Food, water and bedding.

Contagious diseases, including infectious canine hepatitis, leptospirosis and parvovirus are spread through the urine of dogs and rats and stools, vomit and urine of dogs. To protect the health, safety and welfare of dogs housed in kennels, the cleaning and sanitation requirements in this section shall be followed.

[(a)] (1) Dogs kept in kennels shall be fed at least once each day unless otherwise directed by a veterinarian. The food [shall] must be free from contamination [or], mold and disease, and [shall] be of sufficient quantity and nutritive value to maintain the health of the dogs. ~~Wet, moldy, soiled or inedible food shall be disposed of promptly--meaning within 2 hours of feeding--and feeding bowls shall be cleaned with detergent and hot water at least daily and always prior to the next feeding. Water bowls shall be cleaned with detergent and hot water on at least a daily basis or whenever urine, stools or vomit are present in the bowl, whichever is more frequent.~~

§ 21.30. Condition of dog.

[An employe] A State dog warden or other employee of the Department [may] entering or inspecting a kennel or entering onto the premises of a kennel or a person

or individual dog owner or keeper for the purpose of enforcing the act, shall visually observe the physical condition of [a] each dog sheltered at [a] the kennel or on the premises of the person or individual. A dog sheltered at a kennel shall be free of infectious and contagious diseases, and shall be in general good health. If a dog exhibits signs of an infectious or contagious disease, parasites or appears to be in poor health, the kennel owner shall [have] provide the State dog warden or employee of the Department with proof of adequate veterinary care for the dog. A State dog warden or employee of the Department may order a veterinary check on any dog that exhibits signs of an infectious or contagious disease, parasites or the appearance of poor health. When a veterinary check is ordered, the kennel owner, person or individual who is the owner or keeper of the dog shall provide the Department, within 72 hours of the order, with proof that the veterinary check has been carried out and with documentation concerning the veterinary recommendation or protocol for treatment of the dog. The Secretary, upon request of a current member of the Dog Law Advisory Board, require an employee of the department to investigate and/or inspect a kennel request by the member. A report will be issues to the members of the Dog Law Advisory Board within 72 hours of the request reporting the results of the investigation.

[(a)] (1) No medical or non-medical process can be used to attempt to stop a dog from barking. Evidence that a medical or non-medical process has been used, or that a foreign body has been inserted into the body of a dog to prevent barking is abuse, will result in the immediate revocation of the license issued to the breeder and implementation of criminal proceeding will take place within 48 hours as well as review and action taken under the authority issued to the Department.