

CHESTER COUNTY



SPCA

Society for the Prevention of Cruelty to Animals

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January 10, 2007

2559

Mary Bender  
Director Bureau of Dog Law  
Bureau of Dog Law Enforcement  
Department of Agriculture  
2301 North Cameron Street  
Harrisburg, Pennsylvania 17110-9408

INDEPENDENT REGULATORY  
REVIEW COMMISSION

2007 JAN 25 AM 9:12

RECEIVED

**Re: Proposed Kennel Legislation Changes**

Dear Ms. Bender:

The Chester County SPCA welcomes the proposed strengthening of the Department of Agriculture's capability for increased enforcement of the dog law and the regulations for kennels. After evaluation of the available information, the Chester County SPCA is submitting the following for review:

**Thoughts on Proposed Kennel Legislation Changes**

**Definitions**

Many areas of the proposed changes appear vague to the average reader. Additional definitions would assist readers in better interpreting the laws. In particular, words and phrases such as "puppies"(21.21(d)), "police officer"(21.14(5)), and "adequate veterinary care"(21.21(e)) can be interpreted in a variety of ways.

**Seizure of Animals from Kennel with Revoked or Expired License**

We interpret section 21.14(b) to indicate that we cannot remove or accept (i.e. through surrender or with a warrant) dogs from someone operating a kennel without a license or with a license that has been revoked or suspended without written permission from the state. Where and when would the authorizing person be available? In many cases, requesting or waiting for written permission could compromise the case and cause dogs



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unnecessary suffering. The rescue of these dogs by Humane Societies could be severely delayed.

### **Exercise Requirement**

The proposed 20 minute per dog per day exercise requirement found in section 21.23 appears to be unrealistic and impractical in a humane society setting. As a humane society, we regularly shelter animals that are dangerous, ill, or aggressive. In addition, we often hold animals pending the results of cruelty investigations and legal proceedings. In each of these cases, the exercise requirement may risk the safety and health of our staff and animals. In most cases, animals involved in cruelty investigations and legal proceedings are considered evidence in a crime and must be handled conservatively.

While we are aware that section 21.15 exempts dog control facilities from section 21.23(b), it is not clear whether we would be exempt from section 21.23(e) or any of its subsections.

As dog owners who have to board our animals from time to time, we also felt that there may be dog owners in Pennsylvania that would not want their dogs exercised while being boarded. If an exercise requirement were in place, we would recommend owners have the right to waive the exercise requirement for their dog.

### **General Reporting Requirements**

The increased reporting requirements introduced in the proposed changes present several challenges to kennels of all sizes. From reviewing the proposed changes, it appears that the new reporting requirements would be quite time consuming to prepare properly. Many kennels, particularly non-profit kennels, may not have the manpower or resources to maintain current records of all the Commonwealth's requested care details while still providing appropriate care to the animals in their care. If these reporting requirements were enacted, it would be helpful for the state to provide a format in which records would be kept and to offer assistance in transitioning kennels into the new requirements.

### **Kennel records**

"The records must be legible and be open to inspection and may be copied by any employee of the Department." As a humane society enforcing the dog laws and the cruelty laws of the Commonwealth, our records need to be kept confidential with a limited access. As it is written any curious employee of the Department could have access to sensitive information which could impact legal action.

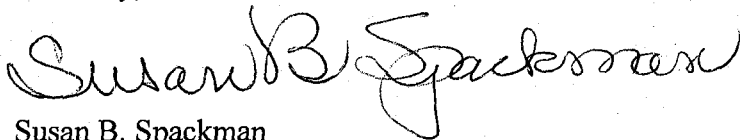
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**Tethers**

In reference to Section 21.24,11 © the Board may want to consider what three other states have done .California is the latest to pass an anti-chaining law. This law prohibits dogs from being tethered to any stationary object for more than three hours in any twenty four hour period.

Thank you for your interest.

Sincerely,

A handwritten signature in cursive script that reads "Susan B. Spackman". The signature is written in black ink and is positioned above the printed name and title.

Susan B. Spackman  
Executive Director Chester County SPCA

Cc: Thomas G. Hickey, Sr  
Dog Law Advisory Board

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### Enforcement

By and large, the proposed changes to the dog law present a challenge from an enforcement standpoint. In order to enforce the proposed changes effectively and equitably, it appears that the state would be required to greatly increase the manpower and equipment allocated to the Bureau of Dog Law. Additionally, increased staff and equipment would still leave the department vulnerable to a variety of potential discrepancies including inconsistent interpretations and dishonest reporting by kennel operators.

Further under 21.30 Condition of the Dog it is stated that, "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". As a humane society enforcing the dog laws and the cruelty laws of the Commonwealth, our records need to be kept confidential with a limited access. As this is written any curious employee of the Department, or someone affiliated with a special interest could have access to sensitive information which could impact legal action.

### Kennel Classifications

As written, the proposed changes impact all licensed kennels in Pennsylvania with only a few exemptions. In order to be in compliance with the proposed changes, most of the kennels throughout the state would be forced to undergo drastic and expensive renovations and procedural revisions. It is our understanding that the majority of the proposed changes have been introduced to target the larger breeding facilities in the state. The compliance to the regulations for ventilation, exercise areas, drainage, etc may actually be impossible for many of the older humane shelters such as the Chester County SPCA (which dates from 1929). The funds needed to accomplish some of these regulations could literally destroy a shelter's funds. We suggest the state consider differentiating requirements for each class of kennel with stricter requirements for the largest for profit facilities. By differentiating the requirements between for-profit and non-profit facilities, the Commonwealth could better serve the people and the dogs of Pennsylvania.