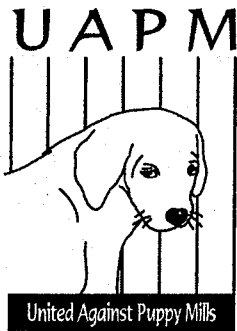


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UNITED AGAINST PUPPY MILLS
P.O. BOX 7202
LANCASTER, PA. 17604-7202
www.unitedagainstpuppy Mills.org
A NON-PROFIT, INCORPORATED ORGANIZATION
501(c)(3)

January 18, 2007

Mary Bender
Bureau of Dog Law Enforcement
2301 North Cameron St.
Harrisburg, Pa. 17110-9408

Dear Ms. Bender,

United Against Puppy Mills welcomes the opportunity to make comments on the proposed kennel regulations and we thank the Governor and the Bureau for their initiatives.

Our concern and motivation is for the humane treatment of animals, consumers' rights to purchase a healthy puppy, and to relieve the burden on tax payers in sustaining the ever-growing number of rescue agencies and shelters.

Attached you will find our responses to specific sections of the kennel regulations along with supportive arguments based on research. We welcome an open dialogue on any of these issues.

Sincerely,

Helen Ebersole
President

CC: Jessie L. Smith, ESQ. Special Deputy Secretary Dog Law Enforcement

INDEPENDENT REGULATORY
REVIEW COMMISSION

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21.4 Penalties (iii) Failure of a kennel to comply with licensure provisions

21.4(iii) We support the changes made to this section regarding the penalties for unlicensed kennels, however, the word "may" should be changed to "shall" to dissuade future offenders. The Bureau of Dog Law must be taken seriously and the penalization of offenders for non-compliance with regulations is vital to that end.

States such as Minnesota and Georgia make it a misdemeanor to operate without a kennel license. Delaware imposes a fine to operate without a kennel license. Replacing "shall" with the word "may" in this section removes any doubt as to the penalty being enforced.

21.4 (iv) Revocation, suspension or denial of a kennel license

21.4(iv) We agree that a kennel license or out-of-state dealer license shall be revoked if the licensee is convicted of any violation relating to animal cruelty within the last 10 years. This type of conviction cannot be taken lightly and it is important to the safety of our companion animals and to the general public.

21.21 Dog Quarters

(b)(c)(d)(e) We agree with all the provisions providing a sanitary, mud-free area where dogs reside. There are many zoonotic diseases which can pass from one dog to another and from dog to humans through air, feces, urine, saliva, blood, milk, and bedding. The changes made in this section will attempt to alleviate some of those diseases. Zoonotic diseases must be prevented whenever possible.

21.22 Housing

The veterinarian utilized by the kennel shall be one which is approved and certified by the Bureau of Dog law to ensure consistency and a thorough understanding of the dog laws.

21.23 Space

We agree that the dog space should at a minimum be doubled and exercise should be provided. Dogs sold at pet shops or held for retail should be included in this regulation to provide those dogs with the needed socialization during a very formative time of their lives.

Our opinions are substantiated through clinical research performed throughout the world regarding animals held in research facilities and in shelters. There is a direct correlation between these dogs and those at commercial dog-breeding facilities. Confinement is the common denominator.

Studies will show that dogs confined without human interaction, socialization with other dogs, or exercise time would suffer both physically and behaviorally. Therefore, an environmental enrichment program is needed to assure the well-being of our companion animals.

According to the National Health and Medical Research Council (NHMRC): "If dogs remain confined in a restricted and boring environment, they are likely to develop abnormal behavior (such as continual jumping in the cage, self-mutilation and repetitive behavior)..." Where an outside run is not available, attendants need to provide an opportunity for dogs to leave their normal cage for at least 30 minutes each day." (NHMRC, 2004)

"Dogs are highly social animals. With varying degrees of social isolation...dogs are likely to develop maladaptive behaviors such as kennel dog syndrome or the more severe isolation syndrome." (*Applied Animal Behavior Science*, Hetts, 1992)

When studying the habits of animals held in research facilities, it was evident that cramped enclosures were associated with a higher prevalence of circling and other stereotypes than relatively large enclosures. This indicated that too small living areas affected the dogs' behavioral health and hence their general well-being. (Hubrecht et al., 1992)

An Ohio State University study on the stress of shelter life was reproduced in *Psychological Science* with emphasis on shelter dogs and how they responded to confinement. The study showed that socialization with humans for 20 minutes a day minimized the negative effect of shelter life. (Tuber, D.S. et al, 1999)

Other states base their cage size requirements on the weight of the dog. For instance, Michigan's Department of Agriculture provides 24 square feet for dogs over 65 lbs. and Connecticut provides 16 square feet for dogs over 45 lbs.

Hubrecht also suggests that the "the height of the enclosure should at least allow the dog(s) to stand on hind legs without touching the roof."

Dogs should live on a solid surface with an indoor and outdoor run. The feet of dogs are not intended to walk on wire, which causes physical malformities such as splayed feet. *The American Heritage Dictionary* defines splaying as being spread or turned out. A study conducted at the Berlin Workshop considered the choices of solid or grid floors. They decided that "open-floored systems are sometimes preferred because they are cheaper to maintain and clean, but the majority of the experts recommended solid or at least only partly gridded floors and agreed that dogs prefer solid flooring."(Gartner et al., 1994)

At its 6th meeting, the Council of Europe (established in 1997) determined that the preferred flooring for dog accommodations is a solid, continuous floor with a smooth non-slip finish. They further agreed that a solid resting area should be provided. (2003)

(v) Maintaining records of the exercise time periods will assist the Bureau in verifying that conditions have been met for the proper care of the animals. A shelter in Pennsylvania leaves a clipboard on each cage with information regarding the dog

or dogs in the cage. This information includes name, breed, age, history, exercise time, cleaning of cage, feeding schedule, medicine, special needs, etc. This procedure can easily be implemented to conform with the proposed changes in this section.

21.24 Shelter, housing facilities and primary enclosures

(b)(b1)(b.2)(b.3)(b.4)(b.5)(b.6)(b.7)(b.8)(b.9)(b.10)(b.11) As documented in *Dogs: The Ultimate Care Guide*, there are many breeds which cannot tolerate the cold or the heat. Many of the 50 most common are bred in Pennsylvania. The weather in Pennsylvania can be extreme. Breeds such as the Pug, Yorkshire Terrier, Bishon Frise, Pekingese, Miniature Pincher, Dalmatian, and Doberman Pincher cannot tolerate cold or damp conditions. Other breeds such as the Newfoundland and Saint Bernard cannot tolerate warm conditions. This section allows for those dogs to be properly cared for and to provide a dry, clean surface to lie on. United Against Puppy Mills supports the additions in this section and encourages your strong support in their passage.

(b.11c.) At no time should a tether be used as a permanent means of securing a dog to its primary enclosure. Two states have banned the use of tethers as a primary enclosure and limit the tether usage to only 4 hours per day. Virginia legislature is submitting a bill this session to ban the use of tethers. Nevada SB11 plans on being introduced this February which will limit chaining for no more than 9 hours a day.

(f.9) Documentation is very important to assist the dog wardens in completing their inspections. With only 1 or 2 inspections per year, it is virtually impossible for a dog warden to ascertain whether the cleaning, sanitization, food and water were provided. Many humane shelters already utilize a program to document many of these items.

(11.1) The dog must be removed from its enclosure while the enclosure is being cleaned and sanitized. Claims of disinfecting a cage with Clorox bleach while the dog was still inside was made at the Lancaster Task Force meeting (August, 2005). This practice is dangerous to the health and well-being of the breeding dog. Once again, all shelters and humane societies utilize the practice of removing the dog while the cage is being cleaned. Michigan, Delaware, Connecticut, Minnesota, and Tennessee are a just a few of the states that require that a dog be removed during the enclosure's cleaning.

21.25 Temperature Control

As already discussed earlier, it is imperative for the health and well-being of the dogs to have a sufficient heating and air conditioning source. Based on the various breeds that are sold within Pennsylvania, a large number depend upon heat a controlled climate for their well-being. Several states have already implemented a low temperature of 50 degrees Fahrenheit and a maximum temperature of 85 degrees Fahrenheit. These proposed changes will be consistent with industry standards (USDA Guidelines).

21.26 Ventilation in housing facilities

UAPM welcomes any improvement in this area. After researching other data relating to the number of air changes per hour, we have discovered that 6 air changes may still be too low. According to the Council of Europe, the number of air changes per hour in European countries is 15-20. In England it is 10-12. (CoE 2003) Michigan's Department of Agriculture mandates 10-15 air changes every hour.

21.29 Sanitation

(See responses in section 21.24.)

21.30 Condition of dog

UAPM supports the inspection process mandating that each dog be visually observed. A section on the application should be added to confirm that every dog has been observed at each inspection. Training should also be given to the inspectors regarding the various conditions and the action the dog warden should be taking. Other language that should be revised would be: A state dog warden or employee of the department **shall** order a veterinary check on any dog that exhibits signs of an infectious or contagious disease, parasites, or the appearance of poor health.

Other Areas of Concern

Dealer proposal:

Each kennel must keep a record of the dealers they use in selling their dogs along with the number of dogs sold during each transaction. They must submit this list to the Bureau on an annual basis. The Bureau will then substantiate that these dealers have current licenses and will track where the dogs are kept during transportation or when being held for resale. In addition, dealers, while in transit with the animals, must post on the driver's side and rear of the vehicle a placard indicating that dogs are on board. The print cannot be less than 5 inches high per letter.

Devocalization of Dogs:

No dog will be devocalized unless the procedure is done by a veterinarian licensed in the state of Pennsylvania who performs a laser devocalization method in a veterinarian's office.

Position statement of the American Veterinary Medical Association

Canine Devocalization

(Current as of June 2005)

Canine devocalization should only be performed by qualified, licensed veterinarians as a final alternative after behavioral modification efforts to correct excessive vocalization have failed.

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