

2559

Gelnett, Wanda B.

From: Jewett, John H.
Sent: Tuesday, January 23, 2007 4:08 PM
To: Gelnett, Wanda B.
Cc: Wilmarth, Fiona E.; Stephens, Michael J.; Wyatte, Mary S.; Leslie A. Lewis Johnson
Subject: FW: Comments on suggested changes to the Dog Law from Richard Keith (Dotsie's husband)

Please file this email under "proposed comments" for #2559. Thanks

-----Original Message-----

From: rmkeith [mailto:rmkeith@comcation.net]
Sent: Friday, January 12, 2007 6:31 PM
To: mabender@state.pa.us; Jewett, John H.
Cc: Anne Irwin; PennaFedDogClubs@aol.com
Subject: Comments on suggested changes to the Dog Law from Richard Keith (Dotsie's husband)

January 12, 2007

Pa. Department of Agriculture
 Bureau of Dog Law Enforcement
 Re: Proposed Rules and Regulations for Act 225, The Dog Law

To Whom It May Concern,

As the husband of Dotsie Keith, former Legislative Chairman of the Pennsylvania Federation of Dog Clubs and co-owner of Kettle Lane Kennel, I am sending along some comments on the proposed Rules and Regulations. It is quite apparent that it has been written with no consideration given to the many, varied types of kennel situations that exist, especially regarding the way hobby breeders may house their dogs.

Most small hobby breeders keep a few adults of various ages and breed only several litters a year. These dogs are kept as pets, for shows, for obedience work, hunting trials, agility trials, other performance events and for such other work as therapy dogs. They may be kept in a small kennel on their home property, or in a special addition to their home, in a finished basement or even allowed the run of the owner's house. Their puppies may be kept in their kennel, but they may also be born and raised in their kitchen or even in their bedroom. Therefore, we have many objections to these rules and regulations as they seem geared only to the large commercial kennels and, in many instances, would be impossible for us to abide by and maybe equally impossible for the Bureau to enforce.

Following are my concerns and objections:

21.1 Definitions

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1/24/2007

every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about premises occupied by him.”

Obviously, that dog or dogs must be licensed at 3 months of age and if there are more than 26 on the premises during the calendar year, the owner must have a kennel license.

We have no objections to changes regarding “Housing facility” or “Sanitize” on Page 2.

21.14 Kennel Licensure Provisions

Page 8. (a) General Provisions .

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How does this affect Boarding kennels or Doggy Day Cares, which now get Boarding kennel licenses? This is all very confusing! How can you enforce a term that is not in the law?

Page 10. (5) Kennel Records

(iii) (A) For Kennel Class I through Kennel Class V licensed kennels all of the following information:

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(2) Again, the word “individual” should be added.

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(4) and (5) What does “where applicable” mean in regards to information about the breeder or owner or keeper?

(vii) All of this information required in © and (D) , spaying, vaccinations etc. should not have to apply to Boarding kennels that are returning a dog to it’s owner.

KENNELS-PRIMARY ENCLOSURES

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puppy. What qualifies as a quarantine? Would Boarding Kennels be required to do this to?

(f) For adult dogs, again, what qualifies as a quarantine?

Under the definition of "Establishment" it would seem that any person taking in a lost dog might be subject to these requirements. Is that true?

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Page 13. (b) This would now require that a dog's primary enclosure either be doubled in size or that the dog be given 20 minutes of exercise a day. With this requirement then some kennels would have to tear out their existing pens or provide exercise as proscribed in (e).

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(I) Walked on a leash by a handler. In rain, snow, sleet, 50 mile an hour wind?
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(ii) Put in exercise area that shall meet the following criteria:

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(C) Protection from the weather. Some dogs may be exercised in a large field or back yard because they need that type of running in which case they might get wet or muddy. You need to allow for such activity.

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unnecessary. If you have a litter of ten puppies, when are they old enough and the weather is good enough that they can then go outside to play? Would the breeder have to get an approval for this?

(v) Daily records of exercise shall be kept for each dog in the kennel. Can you just imagine how time consuming this would be if every time a dog is let out into the back yard you had to write down the breed, color, markings, sex, approximate weight and age of each dog and the date and the time period? How is the Bureau going to prove the records are correct?

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(b) Outdoor housing facilities. It should be noted that double coated breeds such as huskies shed during the hot months in order for them to better tolerate the heat. 50 degrees Fahrenheit is too cold a temperature for very young or newborn pups.

Page 16. (b.8) Outdoor runs and exercise areas may be constructed of concrete, gravel or stone, etc. Does this section only apply to dogs kept in outside dog boxes or does it apply to runs attached to indoor kennel facilities also. Exercise areas for any dogs might be yards or large fields that are grass, which is much better for the dogs to run on.

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(v) Indoor kennels, again, can be adequately cleaned with mops and wet vacs and it is not possible to have drains installed inside in many cases such as in existing buildings, kitchens, basements, bedrooms etc.

(4)

Page 19, (cont.) (viii) By requiring that the floor or surface of the indoor kennel slope away from the dogs and toward the end of run or enclosure, many kennel buildings would have to be torn down and reconstructed. This is totally unnecessary if the building is kept clean! Again, this would not be possible if the dogs are kept in their owner's home.

Page 20. (15) Says that "Substances that are toxic to dogs, including those substances necessary for normal animal husbandry practices, may not be stored in food storage or preparation areas."

Many small breeders and kennels prepare their dogs' food in their own kitchen. They would not be allowed to do this under this section since household kitchens store many possibly toxic items, such as dish washing soap, which, incidentally, is used to wash the dogs' dishes too!

(16) Washing facilities shall be provided for animal caretakers in the housing facility, etc. Does that mean in every room or in a building close to the home? Wouldn't a kitchen or bathroom facility be a sufficient washing area?

21.25. Temperature control.

Page 20.

(c) Says that auxiliary temperature control and air movement from fans, blowers or air conditioners shall be provided when the ambient temperature is 85o F or higher. It does not say if this is required for outside kennels or runs or just indoor kennels.

(d) Says that indoor kennels should have a heating source sufficient to assure a slab temperature of not less that 35 degrees and not more than 55 degrees during the heating season.

Does this mean the temperature of the floor? Some kennels and many homes are not built on a "Slab".

(e) Requires that “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” etc.

(1) Heating and (2) Cooling. What is the “sheltered part of sheltered housing facilities”. Isn’t a sheltered housing facility outside? If so, it would be impossible to heat or cool. Again, 50 degrees is too cold for very young newborn puppies. 85 degrees is not too hot if the air is circulating. How do I know that? We live in an home without air conditioning!

21.26. Ventilation in [indoor] housing facilities.

Page 20. (a) Indoor and sheltered housing facilities. “Shall be sufficiently ventilated when dogs are present to minimize drafts, odors, ammonia levels and to prevent moisture condensation etc.”

Page 21. (1) and (2) Require minimum air flows and 6 air changes an hour. We are not engineers and neither are the Dog Wardens. How do we know and how does the Dept. of Agriculture plan to enforce this? Does this mean we have to open doors and windows and let the heat out or reheat the hot air in summer?

(3) Requires ground level ventilation to assure dry kennel run floors in cold weather. May we open a door to do that. Won’t that then let the heat out? We cannot do that in our kitchen or bedroom.

(3) (This is the second number (3). It must be a misprint.) Again, this requires that support buildings have a ventilation system that provides at least one air exchange per hour. Is

(5)

this our home where food is kept or our garage if food is stored there? How will you enforce it?

Page 21. (b) Again, it seems to require that outdoor facilities have fans, blowers or air conditioners if the temperature is 85 or higher. Is this so? It says that the relative humidity shall be maintained at a level that ensures the health and well-being of the dog house therein. How much humidity is too much and how do you control that outside?

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

Page 21 (a) Lighting

(1) Lighting in kennel building shall be at least 10-foot candles, 20-foot candles in bathing, grooming and toilet areas and 70-foot candles of light in support building, including food preparation and storage areas. Will we now need to hire lighting engineers in order to abide by this requirement in our kennels and homes? The old requirements have worked quite well.

Again, will the Dog Wardens have the training and time to check on these requirements?

(2) Lighting for dogs housed in outdoor kennels. What type of lighting? Will a strong, heavy duty flashlight be sufficient?

21.28. Food, water and bedding.

Page 22. (a) Feeding. Leftover food shall be disposed of promptly – within two hours of feeding. Some people leave dry food down for their dogs to self feed. This is the best way for some dogs, especially small breeds or those dogs that need more nourishment.

(b) Requires that potable water be available to the dogs at all times. Puppies, especially, have been known to play “splash it all over” with the water in their bowls after they have finished drinking. Therefore, it is not reasonable to leave the water with them at all times as their bedding would be constantly very wet. As long as it is given to them a number of times a day, as is currently required, is sufficient. It is a fact that water left outside in the winter will freeze. There must be better language to address the concern about the outside dogs having adequate water available to them.

(c) Requires that “Food and water receptacles shall be accessible to dogs kept in the kennel and shall be located to avoid contamination by excreta”. How high up must they be so that a large male dog cannot lift his leg in the bowl or bucket? Most dog bowls of food are placed on the floor, especially in a home. It states that “the receptacles shall be durable, meaning a dog cannot destroy or ingest parts of the receptacle.” I can no longer locate metal water buckets that do not have a raised circle of metal

holding the handle. One of my dogs jumped up and came down on this sharp circle and sliced her pad open. I now use plastic buckets that cannot injure my dogs. They can, of course, chew on them, but I replace them often.

Even my aluminum food pans have evidence of teeth marks from when someone has decided to test them. There are very few kinds of materials that a determined dog cannot find some way to destroy!

(d) Bedding. Of course, bedding should be kept clean and maintained in that manner on a daily basis. However, at any given time, a litter of puppies can mess up their bedding, so keeping it clean is an on going process.

21.29. Sanitation

Page 22. (a) States that "all interior surfaces, primary enclosure of each dog, runs etc. shall be
(6)

sanitized and disinfected daily. Does that mean all floors, walls and ceilings of every place that might be considered as part of our Kennel even when it is our home? Do hospitals sanitize every surface in the building everyday? Outside concrete runs can not be hosed down when the temperature is below freezing because the water etc. will turn to ice. It says that we can only use disinfecting products approved by the veterinarian. We buy excellent, safe products at pet supply stores and or through pet supply catalogs. Now you say that we must get permission from a veterinarian to buy these. Will we be charged for this service from the vets or have they agreed to provide this for free? It also states that exercise areas shall be free of weeds. What about our back yards or exercise fields that our dogs run and play in? Of course, we have weeds. Yes, areas should be cleaned daily, but it is not possible to follow every single dog around with a "pooper scooper" at all time to assure that areas are "free of any excreta".

All of these requirements do not take into consideration any of the many different ways that breeders and dog owners keep and raise their dogs in Pennsylvania.. They are drafted as if every circumstance and kennel arrangement is the same.

21.29. Sanitation cont.

Page 23. (d) States that dogs must be removed from their primary enclosures and runs prior to cleaning etc. May a dog be kept inside in it's primary enclosure while the outside run is being cleaned and, likewise, may it be put into it's outside run while the inside primary enclosure is being cleaned? Otherwise we would have to have two pens for every dog!

(f) This section regarding pest control also states that "Disinfectants, pesticides and disinfectant procedures must be used only with the approval of the veterinarian". Again we ask if we must get written approval from a veterinarian for any of those afore mentioned products before they are purchased and used. This will cause another unnecessary expense for the kennel owner unless the Department of Agriculture has veterinarians who will do this for free and be available at any time we must purchase and use a new product.

21.30 Condition of dog.

Page 23 and Page 24.

Requires that Dog Wardens observe the physical condition of each dog and order a veterinary check on any dog that exhibits signs of disease, parasites or poor heath, etc. This is an excellent addition to the rules and regulations. It should go a long way to improving the health of dogs kept in every type of kennel!

KENNELS — RECORDS

21.41. General requirements.

Page 24. (b) Kennels shall maintain records as required by section 207 of the act, (new) and subsection 14(a)(5) of this Chapter. Please explain where this Chapter is.

(e) (New) In addition to the records required under section 207 of the Act, every keeper of a kennel shall keep a record of the following housed in the facility:

1. Date, time, and detail of daily feeding, cleaning of kennel, and changing

(7)

and refreshing potable water.

2. Date, time and detail of exercise activity of the dog

3. Date, time and detail of any medication administered to a dog

4. Any accident or incident where the dog is injured

5. Date and time of any veterinary care for each dog

6. Records of veterinary care for each dog

7. Any veterinary ordered or voluntary protocol for vaccination, medication or other recommendation for medical treatment of the dogs.

Once again, it will be impossible for a small kennel owner to keep all of these records and have time to take care of the dogs and train, work and play with them! How can the Dog Warden know that they are even valid? Someone could just make them all up at the end of the week. Try to imagine taking care of a litter of ten puppies that have to be bottle fed every two hours, plus caring for the sick mother and the other dogs you have! You could not keep up with this kind of record keeping! Imagine having to write down every time one dog asked "to go out" to do it's business, how long it stays out and when it comes in. Multiply that by 10 dogs. Then add every time one dog gets it's medicine etc. This type of record keeping serves no purpose if the dogs look and act like they are well cared for. The Dog Wardens should receive continual training on what to look for to establish if the dogs are properly cared for and in good health.

The new language in "Condition of Dog" should remedy problems with sick, injured etc. dogs.

21.42. Bills of sale.

Page 25 (b) Requires that a kennel owner, operator or agent that purchases, accepts, sells on behalf of or transports a dog from a kennel that is required to be, but is not licensed, to get written permission from the Department. The word "agent" in the Dog Law is defined as a person who processes and issues dog license certificates and tags, not someone involved with the activities stated in this paragraph. Will the Bureau of Dog Law provide each kennel owner with the list of licensed kennels and pet shops so that we can comply with this?

21.65 Killing of dogs causing damages.

Page 27. The language for an appeal process for the owner of the dog causing damage is an important democratic addition.

Chapter 23. Funding for Local Dog control Programs

23.1 The sentence allowing counties and incorporated humane society organizations to receive money from the restricted account has been taken out. It is very important that this use of money remain in the rules and regs.

23.3 Application procedures.

Page 27. Why has this been removed? What language will replace it? How will Counties and incorporated humane organizations submit an application for funding.

Chapter 27. Dangerous Dogs

27.5. Owner's application to register a dangerous dog.

(a) Forms and fee. This refers to 27.3 as establishing the fee. It would be clearer to the average person if the wording about the fee was included in this sentence.

June 1, 2006

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(v) Indoor kennels, again, can be adequately cleaned with mops and wet vacs and it is not possible to have drains installed inside in many cases such as in existing buildings, kitchens, basements, bedrooms etc.

(4)

Page 19, (cont.) (viii) By requiring that the floor or surface of the indoor kennel slope away from the dogs and toward the end of run or enclosure, many kennel buildings would have to be torn down and reconstructed. This is totally unnecessary if the building is kept clean! Again, this would not be possible if the dogs are kept in their owner's home.

Page 20. (15) Says that "Substances that are toxic to dogs, including those substances necessary for normal animal husbandry practices, may not be stored in food storage or preparation areas."

Many small breeders and kennels prepare their dogs' food in their own kitchen. They would not be allowed to do this under this section since household kitchens store many possibly toxic items, such as dish washing soap, which, incidentally, is used to wash the dogs' dishes too!

(16) Washing facilities shall be provided for animal caretakers in the housing facility, etc. Does that mean in every room or in a building close to the home? Wouldn't a kitchen or bathroom facility be a sufficient washing area?

21.25. Temperature control.

Page 20.

(c) Says that auxiliary temperature control and air movement from fans, blowers or air conditioners shall be provided when the ambient temperature is 85o F or higher. It does not say if this is required for outside kennels or runs or just indoor kennels.

(d) Says that indoor kennels should have a heating source sufficient to assure a slab temperature of not less than 35 degrees and not more than 55 degrees during the heating season. Does this mean the temperature of the floor? Some kennels and many homes are not built on a "Slab".

(e) Requires that "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" etc.

(1) Heating and (2) Cooling. What is the "sheltered part of sheltered housing facilities". Isn't a sheltered housing facility outside? If so, it would be impossible to heat or cool. Again, 50 degrees is too cold for very young newborn puppies. 85 degrees is not too hot if the air is circulating. How do I know that? We live in an home without air conditioning!

21.26. Ventilation in [indoor] housing facilities.

Page 20. (a) Indoor and sheltered housing facilities. "Shall be sufficiently ventilated when dogs are present to minimize drafts, odors, ammonia levels and to prevent moisture condensation etc."

Page 21. (1) and (2) Require minimum air flows and 6 air changes an hour. We are not engineers

and neither are the Dog Wardens. How do we know and how does the Dept. of Agriculture plan to enforce this? Does this mean we have to open doors and windows and let the heat out or reheat the hot air in summer?

(3) Requires ground level ventilation to assure dry kennel run floors in cold weather. May we open a door to do that. Won't that then let the heat out? We cannot do that in our kitchen or bedroom.

(3) (This is the second number (3). It must be a misprint.) Again, this requires that support buildings have a ventilation system that provides at least one air exchange per hour. Is

(5)

this our home where food is kept or our garage if food is stored there? How will you enforce it?

Page 21. (b) Again, it seems to require that outdoor facilities have fans, blowers or air conditioners if the temperature is 85o or higher. Is this so? It says that the relative humidity shall be maintained at a level that ensures the health and well-being of the dog house therein. How much humidity is too much and how do you control that outside?

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

Page 21 (a) Lighting

(1) Lighting in kennel building shall be at least 10-foot candles, 20-foot candles in bathing, grooming and toilet areas and 70-foot candles of light in support building, including food preparation and storage areas. Will we now need to hire lighting engineers in order to abide by this requirement in our kennels and homes? The old requirements have worked quite well.

Again, will the Dog Wardens have the training and time to check on these requirements?

(2) Lighting for dogs housed in outdoor kennels. What type of lighting? Will a strong, heavy duty flashlight be sufficient?

21.28. Food, water and bedding.

Page 22. (a) Feeding. Leftover food shall be disposed of promptly – within two hours of feeding. Some people leave dry food down for their dogs to self feed. This is the best way for some dogs, especially small breeds or those dogs that need more nourishment.

(b) Requires that potable water be available to the dogs at all times. Puppies, especially, have been known to play “splash it all over” with the water in their bowls after they have finished drinking. Therefore, it is not reasonable to leave the water with them at all times as their bedding would be constantly very wet. As long as it is given to them a number of times a day, as is currently required, is sufficient. It is a fact that water left outside in the winter will freeze. There must be better language to address the concern about the outside dogs having adequate water available to them.

(c) Requires that “Food and water receptacles shall be accessible to dogs kept in the kennel and shall be located to avoid contamination by excreta”. How high up must they be so that a large male dog cannot lift his leg in the bowl or bucket? Most dog bowls of food are placed on the floor, especially in a home. It states that “the receptacles shall be durable, meaning a dog cannot destroy or ingest parts of the receptacle.” I can no longer locate metal water buckets that do not have a raised circle of metal holding the handle. One of my dogs jumped up and came down on this sharp circle and sliced her pad open. I now use plastic buckets that cannot injure my dogs. They can, of course, chew on them, but I replace them often.

Even my aluminum food pans have evidence of teeth marks from when someone has decided to test them. There are very few kinds of materials that a determined dog cannot find some way to destroy!

(d) Bedding. Of course, bedding should be kept clean and maintained in that manner on a daily basis. However, at any given time, a litter of puppies can mess up their bedding, so keeping it clean is an on going process.

21.29. Sanitation

Page 22. (a) States that “all interior surfaces, primary enclosure of each dog, runs etc. shall be

(6)

sanitized and disinfected daily. Does that mean all floors, walls and ceilings of every place that might be considered as part of our Kennel even when it is our home? Do hospitals sanitize every surface in the building everyday? Outside concrete runs can not be hosed down when the temperature is below freezing because the water etc. will turn to ice. It says that we can only use disinfecting products approved by the veterinarian. We buy excellent, safe products at pet supply stores and or through pet supply catalogs. Now you say that we must get permission from a veterinarian to buy these. Will we be charged for this service from the vets or have they agreed to provide this for free? It also states that exercise areas shall be free of weeds. What about our back yards or exercise fields that our dogs run and play in? Of course, we have weeds. Yes, areas should be cleaned daily, but it is not possible to follow every single dog around with a "pooper scooper" at all time to assure that areas are "free of any excreta".

All of these requirements do not take into consideration any of the many different ways that breeders and dog owners keep and raise their dogs in Pennsylvania.. They are drafted as if every circumstance and kennel arrangement is the same.

21.29. Sanitation cont.

Page 23. (d) States that dogs must be removed from their primary enclosures and runs prior to cleaning etc. May a dog be kept inside in it's primary enclosure while the outside run is being cleaned and, likewise, may it be put into it's outside run while the inside primary enclosure is being cleaned? Otherwise we would have to have two pens for every dog!

(f) This section regarding pest control also states that "Disinfectants, pesticides and disinfectant procedures must be used only with the approval of the veterinarian". Again we ask if we must get written approval from a veterinarian for any of those afore mentioned products before they are purchased and used. This will cause another unnecessary expense for the kennel owner unless the Department of Agriculture has veterinarians who will do this for free and be available at any time we must purchase and use a new product.

21.30 Condition of dog.

Page 23 and Page 24.

Requires that Dog Wardens observe the physical condition of each dog and order a veterinary check on any dog that exhibits signs of disease, parasites or poor heath, etc. This is an excellent addition to the rules and regulations. It should go a long way to improving the health of dogs kept in every type of kennel!

KENNELS — RECORDS

21.41. General requirements.

Page 24. (b) Kennels shall maintain records as required by section 207 of the act, (new) and subsection 14(a)(5) of this Chapter. Please explain where this Chapter is.

(e) (New) In addition to the records required under section 207 of the Act, every keeper of a kennel shall keep a record of the following housed in the facility:

1. Date, time, and detail of daily feeding, cleaning of kennel, and changing

(7)

and refreshing potable water.

2. Date, time and detail of exercise activity of the dog

3. Date, time and detail of any medication administered to a dog

4. Any accident or incident where the dog is injured

5. Date and time of any veterinary care for each dog

6. Records of veterinary care for each dog

7. Any veterinary ordered or voluntary protocol for vaccination, medication or other recommendation for medical treatment of the dogs.

Once again, it will be impossible for a small kennel owner to keep all of these records and have time to take care of the dogs and train, work and play with them! How can the Dog Warden know that they are even valid? Someone could just make them all up at the end of the week. Try to imagine taking care of a litter of ten puppies that have to be bottle fed every two hours, plus caring for the sick mother and the other dogs you have! You could not keep up with this kind of record keeping! Imagine having to write down every time one dog asked "to go out" to do it's business, how long it stays out and when it comes in. Multiply that by 10 dogs. Then add every time one dog gets it's medicine etc. This type of record keeping serves no purpose if the dogs look and act like they are well cared for. The Dog Wardens should receive continual training on what to look for to establish if the dogs are properly cared for and in good health.

The new language in "Condition of Dog" should remedy problems with sick, injured etc. dogs.

21.42. Bills of sale.

Page 25 (b) Requires that a kennel owner, operator or agent that purchases, accepts, sells on behalf of or transports a dog from a kennel that is required to be, but is not licensed, to get written permission from the Department. The word "agent" in the Dog Law is defined as a person who processes and issues dog license certificates and tags, not someone involved with the activities stated in this paragraph. Will the Bureau of Dog Law provide each kennel owner with the list of licensed kennels and pet shops so that we can comply with this?

21.65 Killing of dogs causing damages.

Page 27. The language for an appeal process for the owner of the dog causing damage is an important democratic addition.

Chapter 23. Funding for Local Dog control Programs

23.1 The sentence allowing counties and incorporated humane society organizations to receive money from the restricted account has been taken out. It is very important that this use of money remain in the rules and regs.

23.3 Application procedures.

Page 27. Why has this been removed? What language will replace it? How will Counties and incorporated humane organizations submit an application for funding.

Chapter 27. Dangerous Dogs

27.5. Owner's application to register a dangerous dog.

(a) Forms and fee. This refers to 27.3 as establishing the fee. It would be clearer to the average person if the wording about the fee was included in this sentence.