

Bender, Mary

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From: Trish M [padoglawquestions@yahoo.com]
Sent: Wednesday, January 31, 2007 9:16 AM
To: mabender@state.pa.us
Subject: Questions regarding the proposed dog law changes



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Bureau of Dog Law Enforcement

Attn: Ms. Mary Bender
Pennsylvania Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

Dear Ms. Bender:

I was very excited to hear that PA is taking steps to ensure better living conditions for dogs in breeding facilities/puppy mills!

I found what I think is the text of the proposed law (copy attached). Please advise if I have the correct/most current information.

Based on the attached document, I have some questions regarding how the proposed changes will affect rescues in PA. I'm not experienced in the legal field, so I want to be sure I'm interpreting this correctly.

1. Kennel license will be required at 26+ dogs/year adopted or sold.

If a rescue that uses foster homes adopts out 26+ dogs per year, must every foster home have a kennel license? If so, what level license must they apply for? What if in total a rescue adopts out 500 dogs per year, but they have 50 foster homes that each handle 10 dogs per year? Would each foster home apply for the lowest level kennel license or does the rescue in total just apply for one kennel license to cover all 500 dogs? Technically, at 10 dogs per year in individual foster homes, they wouldn't fall under the category of requiring a kennel license, but combined as operating under one entity, I can't figure out how they fit into the kennel licensing structure. Can you please explain/clarify?

2. Record keeping requirements for organizations required to get a kennel license. As to how it affects foster homes, I think this might turn people away from fostering/rescuing. Is that the intent of the proposed changes in the law?

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Keeping track of each time a dog is exercised? As far as I can tell, this one has a BIG flaw.

Typically whenever the foster family feels the dog needs to play or to go outside to go to the bathroom, that's when they get exercise. Will it be necessary for each foster home to track exercise, sanitation, and food/watering times daily?

I understand the need for this in a commercial kennel environment (but couldn't they just lie on their records)? Puppy millers are not known to care for their dogs. What would prevent them from simply lying? I think this part of the law will turn off foster homes and not really affect puppy millers, because I think that the majority of the foster homes will want to comply with the law and it will become a paperwork nightmare for them and the puppy millers will simply falsify their records to appear to be in compliance. Do you have the manpower to enforce this on a statewide level? This seems to be an impossible thing to verify. Can you please explain how the state plans to do so? My concern is that the dogs in the big breeding facilities won't get the exercise and, really, 20 minutes a day is not nearly enough exercise for any dog.

Suggested change (I know, you're going to say it's impossible, but I'll suggest it anyway!): I think it might be better to require that each dog be housed in an area that is large enough for the dog to get exercise (i.e., a fenced play yard rather than being confined to a small kennel). Somethink like the dog housing facilities at Best Friends in Utah. Have you seen their floor plans? They're pie shaped/wedge shaped kennels. Small indoor kennel leading out to a triangular fenced play yard. The dogs can run and play whenever they want. That would be an excellent setup and there would be no need for inspection/trying to verify that each dog has actually been exercised. It would be a lot more humane than confining a dog to a small kennel for the duration of its entire breeding life. Best Friends gladly shares their floor plans. Please contact them at www.bestfriends.org. Best to call rather than email. I'm sure they'd love to give input!

Small/medium/large dogs must be exercised separately? Here's a foster home scenario: someone is fostering a 25 and 60 lb dog. Both of these dogs are not aggressive. Both like to play and they play well together. They're inside the foster home or out in their fenced yard playing. Is this breaking the law? If I'm interpreting the proposed law correctly, it appears so. I understand the restriction needed in a kennel or shelter environment, where there's not as much supervision as there is in foster care. Separate size dogs exercising separately is a good requirement in that scenario for the safety of the dogs. But is this wording really necessary for a foster home environment? The law doesn't appear to differentiate between the two and I think it should.

4. Facilities for exercising dogs outdoors.

Once you hit the 26+ dogs/year level and are required to get a kennel license, it states you have to exercise the dogs on surfaces that can be disinfected.

Does this mean that foster homes with fenced/grassy yards can no longer allow dogs to play in their yards for exercise unless the yards are turned into concrete or gravel? If so, that will turn a lot of people away from fostering. Is that the intent of the law?

5. Health certificate requirements. Are these only for interstate transport? Don't apply to dogs pulled from PA shelters into PA foster homes/rescues?

I think there's some loopholes here that need to be addressed.

Dogs must be 7 weeks old and rabies vaccinated for interstate transport. Is it medically safe to rabies vaccinate a 7 week old puppy? I was under the impression (correct me if I'm wrong) that it's currently required at 12 weeks of age. I think breeders should be required to keep pups with their mom for 9-12 weeks, for socialization purposes. But what about dogs that are dumped at shelters? Sometimes animal control facilities get moms nursing pups as young as a couple of weeks old. If they remain in a shelter environment, most pups this young die. Why prevent rescuers from saving these families from that fate?

What if a rescuer is trying to get a mom with newborn pups out of a shelter? Or if there's a pregnant dog in a shelter that a rescue wants to pull into foster care? I don't think it's medically advisable to rabies vaccinate a pregnant dog or nursing mother (please check with a vet on that one...I'm not a vet either! LOL). Also, you can't vaccinate really young puppies. Does this mean that rescues will no longer be allowed to save young pups and their moms or pregnant dogs? That would spell the death of a lot of dogs in shelters! Seems cruel, don't you think?

What about heartworm positive dogs? If a rescue wants to pull a heartworm positive dog into foster care to begin treatment, would they be legally allowed to do so? Would that dog be able to get a health certificate for transport? Heartworms aren't mentioned specifically, so I'm not sure how to interpret that. Technically, dogs can't transmit heartworms to each other...I believe only mosquitoes can transmit heartworms. So if a HW+ dog is pulled into foster care in January and treatment is begun immediately, they can't infect another dog because it's too cold in January for mosquitoes to be active.

I'd like to see "infectious/contagious" items listed specifically...give a checklist of what's acceptable vs what's not in the wording of the law. Don't leave it open to interpretation by anyone...too much of a loophole there.

What about if dogs are pulled from PA shelters into PA foster homes? No health certificate requirements due to no interstate transport, so this would be legal? If so, why is it legal to take a PA HW+ dog into foster care, but not one from out of state?

Rescues are often called upon by shelters to take in sick or injured dogs. As the proposed law is written, will it limit the ability of rescues to get these dogs into foster care?

Excerpt from the attached document:

(c) Health certificate requirement. A dog entering this Commonwealth from another state, commonwealth or country shall have a health certificate. A person, licensed kennel, establishment or temporary home accepting a dog from another state, commonwealth or country shall assure a health certificate accompanies each dog and copy and record the health certificate which shall become part of their records. In accordance with section 214 of the act (3 P. S. § 459-214), it shall be unlawful to transport any dog into this Commonwealth, except dogs temporarily in this Commonwealth as defined in section 212 of the act (3 P. S. § 459-212), without a certificate of health prepared by a licensed doctor of veterinary medicine. The health certificate or a copy thereof must accompany the dog while in this Commonwealth. The health certificate must state that the following conditions have been met:

- (1) The dog is at least 7 weeks of age.
- (2) The dog shows no signs or symptoms of infectious or communicable disease.

[MY COMMENTS: PLEASE ADVISE MORE SPECIFICS ON THE DEFINITION OF COMMUNICABLE DISEASE. Worms? Fleas?

Typically dogs coming from shelters need to be dewormed/bathed/treated for fleas upon arrival in foster care. Crystal clear on kennel cough/parvo, both very communicable. Possible scenario: Dog leaves a shelter on a rescue transport. Dog has been health certified by sending shelter's vet. No signs of illness noted by shelter staff when loading dog on transport. Dog arrives in foster care and is coughing. Possibly was exposed to kennel cough but not yet showing symptoms at the shelter. Rescue gets antibiotics to treat the cough prior to adopting the dog out. Is this acceptable? If the transport was stopped in transit and a dog was coughing, what would happen to the transport/transporter?]

- (3) The dog did not originate within an area under quarantine for rabies.
- (4) After reasonable investigation, the dog has not been exposed to rabies within 100 days of importation.

[MY COMMENTS: How would a shelter know this? Especially as it applies to dogs incoming as strays, no background. I believe the current quarantine

period for a dog that bites is 10 days, correct? Why 100 days? Does this mean that a dog that hasn't been at a shelter for 100 days would not be able to be health certified for import into PA? The same thing would not apply to a dog pulled from a PA shelter into a PA foster home due to no health cert requirement.]

Please advise if I am interpreting all of this correctly and, if so, do you think the proposed law needs to be revised to handle rescues/foster homes differently than commercial kennels (aka puppy mills)?

I would LOVE to see all of the puppy mills/large scale commercial kennels have to meet the requirements in the attached document. But I don't think it's practical, feasible for the same restrictions to be applied to small, personal care foster home situations. People get into fostering to save dogs from shelters and help find them good homes.

Typically rescues are barely profitable/barely staying in the black (unless they're really big and really organized and have a dedicated fundraising team). If I'm interpreting it correctly, I think the proposed law as currently written will have a negative impact on rescuers. Rescuers help to lighten the load and reduce the kill rate at animal control facilities by taking dogs into foster care programs. I think that's a good thing, don't you? I would hate to see the proposed law limit the ability of rescuers to continue to do such good work. Is that the intent of the proposed changes? I thought this bill was going to target puppy mills...please advise your thoughts/input on the above.

Thanks for your time.

Trish McDonald
PA Resident

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