

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

Re. Doc. No. 06-2452

Dear Ms. Bender,

It has been brought to my attention the newly proposed amendments to the PA dog law regulations. As an owner and breeder of show quality Shetland Sheepdogs I am writing to express my concerns and opposition to the proposed changes. Many revisions are impractical, excessively burdensome and costly, unenforceable, and/or will not improve the quality of life for the dogs in these kennels.

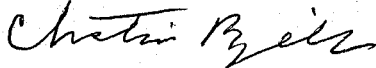
As the present owner of three AKC champions, two dogs that are pointed towards their championship, and past owner of many AKC champions I am greatly concerned that I will no longer be able to provide the valuable service of a well bred and raised puppy. As a breeder I have twice replaced dogs that have died from reasons that were not mandated by the Pa Puppy Lemon Law since they were not genetic. As a reputable breeder it is very important to me to ensure that my puppies are raised properly and go to the best of homes. If something goes wrong I do everything I can to make things right. I use to have a lifetime return policy that I will have to rescind if I am unable to be licensed as a kennel.

If these revisions pass, dogs owned by breeders such as myself will have a lesser quality of life and will not be properly socialized if they are unable to be raised in a home environment. As the revisions are written it would be impossible to meet the cleaning and sanitation requirements in a home environment. The mandated segregation is also contradictory to good animal husbandry. I feel several revisions are nothing short of cruel, especially not allowing the dogs on grass ever and no material bedding. Mandating a life on concrete, wire and stone sounds like a prison sentence.

The Department of Agriculture's Mission statement is "To encourage, protect and promote agriculture and related industries throughout the Commonwealth" I see nothing that "encourages" good dog breeders or "promotes the agriculture" of well breed/raised dogs in these revisions.

There are many more problems with the proposed regulations and I have enclosed a copy of the specific regulations, with areas I disagree with highlighted and comments in blue.

Sincerely,



Christina Bjork  
1260 Heart Lake Road  
Jermyn, PA 18433

DEPARTMENT OF AGRICULTURE  
HARRISBURG, PA

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#### 21.4. Penalties

(A) Seizure: if there are reasonable grounds to believe that the dog's health, safety or welfare is endangered.

The term "reasonable grounds" is not specific enough and leaves too much room for interpretation.

#### 21.14. Kennel licensure provisions.

(3) Kennel license required. cumulative total of 26 or more dogs of any age in any 1 calendar year

Realizing this is not new, however since the new regulations are written in a manner that is going to eliminate the smaller breeder, perhaps this wording should be changed to dogs over three months of age. A breeder could have only three breeding females and easily surpass this number in one calendar year. Breeders with a few adult dogs that raise and places their puppies should not be subject to the same regulations as someone who maintains an adult population of 26 or more dogs. I have four breeding age females and on average six months of the year I have no litters of puppies kept on premises, yet I am subject to the same regulations as a breeder who has 26+ adult dogs.

(III) The Pennsylvania kennel license number or Out-of-State dealer license number of the kennel from which the dog came.

Most breeders that reputable breeders deal with are small breeders that don't have a dealer license. It is overly burdensome to have to get the State's permission to purchase a single puppy from an out of state breeder.

#### (5) Kennel Records

#### KENNELS--PRIMARY ENCLOSURES

#### 21.21 Dog quarters.

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

If a small amount of adult dogs are using a outside run, and it is constructed properly, it does not need drains or gutters. If enough gravel is underneath and/or at the bottom of a run that allows for proper fluid elimination.

(c) [Adult dogs shall be segregated by sex

This goes against well socialization of a dog. As a show breeder it is mandatory that my male and female dogs run together for socialization. Any experienced animal behaviorist will tell you that two dogs of the same sex are more apt to fight than two of the opposite sex. If particular dogs do not get along the breeder is not going to allow them to be together, as it would be contrary to their (both the owner and the dogs) best interest. If this was written to ensure DNA of offspring, that is not the state's responsibility. The clause should be deleted.

(d) Puppies not born in the receiving kennel facility or establishment, that are brought into a kennel from another kennel facility or acquired from another person shall be quarantined from other dogs and puppies in the receiving kennel facility for a minimum of 14 days or for the time period necessary to allow for treatment of any disease, prevent the spread of parasites or new strains of bacteria or viruses and to allow the puppies to acclimate to the new kennel environment, whichever is longer.

This is not conducive to integrating a new puppy properly. When purchased from a reputable breeder a puppy has already been mandated to have a health certificate according to regulations, this should be adequate. Dogs are exposed to disease just like we are. If they are never exposed to disease then they will not build up immunity. This is like "old school" thinking of never taking a newborn baby out in public. Now we know if we protect ourselves (and our animals) from bacteria and viruses to an overly zealous degree we only produce super bacteria and viruses with reduced immunity.

21.23. Space.

(a) Primary enclosures ... with legs fully extended, without head, tail, legs, back or feet touching any side of the enclosure.

This is excessive. A dog's tail does not need space. Measuring my own dog's tail they are very close to equal the total body length. For my 20 lb dog I would need a carrier four feet square. Does this include the hair or just the bone of the tail? Dogs require security of a well-fitted carrier. Dogs are cave animals by instinct, and desire a tighter fitted "den" than this definition. The primary enclosure should not be overly used, and if the below regulation is revised the present primary enclosure size is adequate. Even with the above revisions this space is not enough for a dog to get exercise, making the point moot.

(e)4 If each dog shall receive 20 minutes of exercise per day. Dogs shall be observed and supervised during exercise

20 minutes of exercise is inadequate with the exception of very inclement weather. Dogs should receive a minimum of two exercise periods a day. It should not be mandated that the exercise is supervised as this makes this overly burdensome and it will be necessary to limit the exercise time. I would imagine that the daily exercise time that commercial kept dogs receive is the highlight of their lives and it should not be limited because it has to be supervised.

Regulations have already been met in regards to enclosures so the terms regarding supervision should be stricken. During the dog's exercise time is when cleaning and sanitation is normally done, and a person can't do both supervision and cleaning.

(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.

During inclement weather dogs should be limited to the amount of rain and mud they come in contact with, however it is not realistic to mandate that they never become wet or muddy. If they become wet or muddy they should be toweled or bathed adequately.

III (G)

(v) Daily records of exercise shall be kept for each dog in the kennel. 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.

Both A & B are extremely excessive. These things happen on a regular basis and could not be checked anyway.

(8) Outdoor runs and exercise areas may be constructed of concrete, gravel or stone. ...sawdust or any other material that cannot be readily hosed down and sanitized or that may cause respiratory or digestive problems for the dogs may not be utilized.

Does this mean I can not use pet bedding (shavings, etc)? I know that one year I had a large amount of puppies at one time and this was what I used to keep them clean. It did not cause any respiratory or digestive problems. The bedding soaked up the urine immediately and kept the puppies clean, the area was completely cleaned and sanitized and the bedding was replaced on a regular basis.

(9) Outdoor facilities must be fenced and be constructed to minimize or prevent vermin, animal, insect and pest infestation and other vectors of disease.

How is this done? Unless they are kept in a bubble this is not a realistic regulation.

(10) ... the animals stay dry and are not subjected to wet, muddy. The facilities shall be cleaned and sanitized every 24 hours

I agree that facilities should be kept clean, however to clean and sanitize every square inch of a facility every 24 hours is not realistic. This clause makes it impossible to allow dogs in a home. There are not enough hours in a day to completely clean and sanitize and entire home every day. This should be reworded to sanitize areas that have come into contact with feces and urine on a daily basis with other "contact" areas sanitized weekly. Also realize that most smaller kennels utilize outside exercise areas and in freezing temperatures using bleach and water can cause more of a hazard with frozen ice than the frozen feces or urine would cause. There should be exceptions for when the temperature is below freezing.

It is also unrealistic to never subject animals to mud or wetness. Of course they should not come into contact with it for extended lengths of time, and should be toweled or bathed after.

(11) Outdoor facilities, including runs and exercise areas shall be kept free of grass

So the dogs can NEVER be allowed on grass? This is ridiculous. Speaking from an orthopedic view, exercise on a soft surface such as grass is the best type of exercise a dog can receive. Again, this regulation is written with the commercial breeder in mind and will hurt the smaller breeder. As a show breeder I do my best to exercise my dogs as much as possible on grass to achieve the best athletic condition.

f) Housing facilities--general.

(3) The floors and walls of indoor housing facilities, and any other surfaces in contact with the animals, must be impervious to moisture.

So, I can't put a fleece bed in my dog's carrier or a rug on the floor? This is cruel. What kind of bedding is allowed? The only thing I can think of is a rubber mat that will not allow the dogs skin to breath and will cause skin infections. So the dogs are subject to a life on concrete, stone and wire? Nothing soft is ever allowed? This regulation is very cruel.

(8) Records shall be kept

(i) The housing facility was cleaned.

(ii) The housing facility was sanitized.

(iii) Each individual cage, dog box or primary enclosure was cleaned.

(iv) Each food and water bowl was sanitized.

(v) New food and potable water was provided each dog.

All of the above are excessive and repeated too much to document. Every single time I fill a water bowl I am to write that down? The documentation will take longer than the tasks.

(11) The housing facility including outdoor kennel housing must be equipped with waste disposal and drainage systems that are constructed and operated in a manner that allows for the rapid elimination of animal waste and water and that insures the animals stay dry.

(iv) Outdoor kennel runs must be sloped to a gutter located immediately outside of the end fence of each run

Why do they have to have a gutter? A layer of gravel to filter the fluid through is not adequate? Again this is written with the large commercial breeder in mind and will be unable to be met by the smaller breeder. Most breeders pick up stools and don't just wash them away.

(14) Open supplies of food or bedding shall be kept in leak proof containers  
Why do I have to keep my dog's bedding in a leak proof container? You don't allow for sawdust, you don't allow for anything that is not impervious to water, so what bedding is left to be kept in a leak proof container?

(18) Kennel facilities shall be cleaned and sanitized once every 24 hours  
This is excessive. The entire facility should not have to be cleaned and sanitized every 24 hours. Areas that come into contact with feces and urine should be cleaned every 24 hours; other areas that come in contact with the animals should be cleaned weekly.

21.25 (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) or higher.

This mandates a better living condition than I live in.

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

This mandates a better living condition than I live in.

(b) ...air

conditioners shall be provided when the ambient temperature is 85° F

This mandates a better living condition than I live in.

[(a)] (1) ...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.

If I have a dog that is ill or pregnant I will leave food with them for over two hours. When dogs are pregnant they normally eat slow and over a longer period of time. If a male dog is stressed due to females being in season (irregardless if he is in direct contact) he will not always eat properly. Most of my dogs are nocturnal eaters and I leave their food with them for them to eat during the course of the night. I should not have to take food away from my dogs after two hours.

[(b)] If potable water is not accessible to the dogs in their primary enclosures, potable fluids shall be offered to the dogs at least 6 hours daily] (2) Potable water shall be available to the dogs at all times unless otherwise directed by a veterinarian.

These statements are contradictory. Water offered to dogs for a total of six hours every day is adequate. It is not conducive to crate training a dog to allow it to have water in its carrier for the evening. While an animal is sleeping it does not need water.

(b) Primary enclosures for dogs shall be sanitized a minimum of once daily, If a dog is kept clean and is not ill this is excessive. Weekly cleaning of carriers is adequate.

(1) Kennels, including the kennel building, areas in which dogs are housed, all interior surfaces, the primary enclosure of each dog, outdoor runs associated with both indoor and outdoor kennels, and drains and gutters shall be sanitized and disinfected daily (every 24 hours),... and exercise areas shall be free of weeds. All areas of the kennel shall be cleaned daily or as often as possible to assure they are free of any accumulation of debris, excreta or disease hazard. Again this is excessive. It takes me days to clean every surface in my kennel room and runs and I am only a small breeder. Am I to clean my entire home every 24 hours because I let my dogs into my home? Areas that come in contact with feces and urine should be cleaned every 24 hours. Exercise areas should be allowed to be grass and weeds will intermix. Perhaps wording in regards to heights of vegetation would be better.

(2) A dog may not be placed in a primary enclosure previously occupied unless the enclosure has been sanitized and disinfected. The primary enclosure and runs associated with that primary enclosure shall be sanitized and disinfected whenever an animal is removed from that primary enclosure and prior to being occupied by another animal. Exercise areas shall be sanitized and all stools removed prior to the next group of dogs being exercised in that area.

Again this is excessive. Dogs that are from the same kennel facility are all exposed to the same bacteria and viruses on a regular basis. Stools should be removed, however the entire area should not have to be sanitized between groups of dogs.

(4) If stools must be carried from the area in cans, the cans shall be cleaned and disinfected on a daily basis.

Even the garbage cans have to be disinfected daily? Where do we put the garbage/stools in the meantime when only weekly garbage pickup is available?

21.41 (e) 1) The date, time and detail of daily feedings, cleaning of kennel, and changing and refreshing potable water.

(2) The date, time and detail of exercise activity of the dog.

(3) The date, time and detail of any medication administered to a dog.

(4) Any accident or incident in which the dog is injured.

(5) The date and time of any veterinary care administered.

(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.

All of the above are excessive. These things are all repeated on such a regular basis it would take all day just to fill out this paperwork. I personally own two dogs that receive medications twice daily, for the rest of their lives, I am to write this down every single time? If a dog need veterinary care this will discourage that because in addition to that expense it will also have to be documented. My dogs are left outside to exercise at least three times a day, I go to the vets on average once a week. This is too much to document.

21.42. Bills of sale.

(a) Bills of sale required in section 210 of the act (3 P. S. § 459-210) shall accompany dogs at the kennel location and when the dogs are being transported.

What if a dog is being transported for reasons other than sale? As a show exhibitor I am on the road with my dogs on average six times a month. What if I have to take the dog to the vet for treatment? This clause should be stricken totally.

21.54 OR COYOTE

Realizing this is not a revision, but why is coyote damage paid for by our dog license fees when they are not a domestic animal and have nothing to do with kennels?