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Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101
Fax: 717-783-2664

February 7, 2007

RE: Comments on proposed Dog Law regulations

Dear Mr. Coccodrilli:

As a citizen of the state of Pennsylvania and an active animal rescuer, I commend the Department of Agriculture and the Bureau of Dog Law Enforcement for proposing amendments to the Dog Law Regulations to improve conditions for dogs housed and bred in commercial breeding operations in Pennsylvania and I respectfully submit these comments on the proposed changes to the Dog Law regulations.

1. Contrary to what the breeding industry states, the engineering standards specified in the proposed regulations do have a scientific foundation. The standards in the proposed regulations are more akin to acceptable husbandry practices. They will bring the engineering standards up to par with those set forth in the Animal Welfare Act. The new regulations will not bring hobby breeders under the purview of the Dog Law. Only kennels that keep, harbor, board, shelter, sell, give away, or transfer a cumulative total of 26 or more dogs in one calendar year will be required to comply with the new regulations. As a result, true hobby breeders are still exempt from the law. The Dog Law and its regulations are aimed at regulating larger and commercial breeding facilities.
2. An additional exemption should be added for non-profit 501(c)3 establishments making use of a network of temporary (foster) homes. A private home functioning as a temporary home for a non-profit rescue should not be held to the same standards as a commercial breeding facility, but to the standards of private pet owners as long as those individual homes keep, harbor, board, shelter, sell, give away, or transfer a cumulative total of less than 26 dogs in one calendar year.
3. I strongly support the requirement of doubling the cage size. This change is the most important that can be made to improve the quality of life for dogs in commercial breeding facilities in Pennsylvania. This provision should remain in the regulations regardless of opposition from breeders. In fact, this section should be further strengthened by adding a provision stating that where more than one dog is housed in a primary enclosure, the primary enclosure must provide proportionally adequate space for all dogs.
4. A new section should be added to the regulations requiring that a licensee must have enough employees to carry out the level of husbandry practices and care required by the Act and its regulations. Additionally, the employees who provide for care and husbandry or handle animals should be supervised by an individual who has the knowledge, background,

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and experience in proper husbandry and care of dogs to supervise others. The licensee must be certain that the supervisor and other employees can perform to such standards.

5. The section on wire mesh flooring should be amended to make it at least as strict as the federal Animal Welfare Act, which requires that metal strand flooring be greater than one-eighth of an inch in diameter (9 gauge) or coated with a material such as plastic or fiberglass. Language should also be added requiring that all primary enclosures that have wire mesh flooring also have a resting board of sufficient size to allow each dog in the enclosure to lie in a full lateral recumbent position and be able to make normal postural adjustments. Resting boards are necessary to provide for the comfort of the dog and to allow the animal to have some time away from living on grated fencing. Providing resting boards will result in fewer foot lesions and other foot and leg injuries to the dogs. A solid resting surface that is impervious to moisture is also a more natural environment for the animal, provides a draft-free surface, and enables the dog to retain its body heat. A dog feels most vulnerable when lying down, and forcing a dog to lie over an exposed area can contribute to anxiety. Humane standards and survival standards are separate, and creating an environment that merely allows for survival does not necessarily make such an environment humane.

6. The penalties in § 21.4(1)(iii) for "failure of an individual to comply with licensure provisions" should be increased from \$25 to \$300 per violation to \$25 to \$300 per day of violation to encourage faster compliance.

7. I also commend the Department of Agriculture and Bureau of Dog Law Enforcement for including a provision that requires the dog wardens to visually observe the physical condition of each dog. However, the provisions regarding orders of veterinary care should be strengthened to state that the owner must provide "proof of current and proper veterinary care for the dog." This provision should also be amended to include excessive matting and excessively long toenails as indications of lack of proper veterinary care. Inadequate grooming can lead to painful medical issues for dogs, including skin lesions from excessive matting and leg and joint injuries from failure to keep toenails appropriately trimmed. Moreover, the section should be amended to require dog wardens to order a veterinary check on dogs that exhibit signs of infection, contagious disease or parasite; or that appear to be in poor health where proof of current and proper veterinary care is not provided.

8. A new subsection should be added to § 21.30 clarifying the required training for dog wardens. Training in the following areas should be added into the regulations to expand upon the requirements set forth in 3 P.S. § 459-901:

1. State laws relating to dog licensing, control and owner responsibilities;
2. State and federal laws relating to animal care, cruelty and neglect;
3. State laws relating to dangerous dogs;
4. State and federal law relating to lack of arrest powers, proper use of search, seizure and warrants;
5. State and federal laws relating to pounds and shelters;

6. Basics of cruelty and neglect investigations for referral to appropriate authorities;
7. Report-writing and record-keeping;
8. Overview of the legal system, court structure and terminology;
9. Basics of interpreting animal behavior;
10. Identification of injury, disease, abuse and neglect in dogs;
11. Animal hoarders; and
12. Civil liability issues.

9. A new section should be added to the regulations mandating that the Department and dog wardens coordinate and work with law enforcement when applicable. It is imperative that the department work with law enforcement to ensure that both the cruelty laws and the Dog Law are adequately enforced.

Once again, I commend the Department of Agriculture and the Bureau of Dog Law Enforcement for proposing regulations that will improve the conditions for dogs housed and bred in Pennsylvania's commercial kennels. The changes I have noted above will further ensure that such dogs are protected. Thank you for your time and consideration.

Sincerely,



Carrie DeHaven