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PET FOOD INSTITUTE

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February 9, 2007

VIA EXPRESS MAIL

Ms. Mary Bender, Director
Bureau of Dog Law Enforcement
Pennsylvania Department of Agriculture
2301 North Cameron Street
Room 102
Harrisburg, PA 17110

RECEIVED

FEB 26 RECD

INDEPENDENT REGULATORY
REVIEW COMMISSION

Re: Proposed Rulemaking #2-152 (#2559),
Department of Agriculture - Dog Law Enforcement

Dear Ms. Bender:

On behalf of the members of the Pet Food Institute (PFI), the national trade association representing the companies that produce 98 percent of the dog and cat food sold in the United States and allied service and equipment producers, we offer the following comments to the proposed amendments to Pennsylvania's regulations governing the licensure, facility structure and animal handling of dog kennels and research facilities.

The facilities that are already inspected under USDA's Animal Plant Health Inspection Service should be exempt from further regulations.

The proper and humane treatment of all animals is very important to PFI member companies, as it is to all pet owners. PFI fully supports efforts to ensure that animals used in beneficial research are treated appropriately. PFI member products are formulated to meet the complex nutritional requirements of dogs and cats. The nutritional advances represented by these products are, in many instances, a direct result of the feeding trials conducted to guarantee that the pet food products provide complete nutrition. It is under these circumstances that pet food companies operate and already rely on federally-inspected research facilities to accomplish this guarantee and as a direct result, pets are living longer and healthier lives than ever before.

Beyond nutritional advances made possible by the feeding trials conducted at Pennsylvania research facilities, all PFI members share with you a commitment to the care and handling of all animals. We believe the proposed regulations will do little to expand this level of care and may even cause some facilities to curtail or stop their work.

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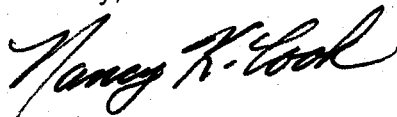
The proposed changes to the regulations governing kennels in Pennsylvania have a noble purpose behind them, but in this case go far beyond what is necessary to maintain suitable living conditions for animals used in research, for breeding or temporarily housed for other reasons. PFI believes that there are regulations already in place, specifically those put forth by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) in the Animal Welfare Act (AWA), which requires facilities to register (9 CFR §2.30), provides adequate protections to animals and sets forth the requirements for kennel operators (9 CFR §3.1 – 3.19).

The proposed Pennsylvania regulations will create yet another set of criteria for kennel operators who are already routinely inspected by APHIS. Under the AWA regulations, USDA-licensed facilities are inspected without notice once per calendar year (9 CFR §2.38). We do not believe it was the Pennsylvania Department of Agriculture's intent to add regulation to those kennels that are already licensed and inspected by the US Department of Agriculture and the proposed regulations should, therefore, explicitly exempt those facilities from the new rules.

In conclusion, we would urge the Pennsylvania Department of Agriculture to reconsider the proposed rules and recognize the inspection protocols provided for under APHIS regulations. By acknowledging the federal uniform set of requirements, Pennsylvania will protect animal health and well-being while not creating a patchwork of regulation in the handling of animals that will lead to confusion and duplicative inspections by state and federal authorities.

Thank you for the opportunity to comment on these proposed regulations. Please contact us if you have any questions or require clarification on any of the views presented in these comments.

Sincerely,



Nancy K. Cook
Vice President, Technical & Regulatory Affairs

cc: Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101