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February 12, 2007

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✓ Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
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 INDEPENDENT REGULATORY
 REVIEW COMMISSION

I am writing to comment on the proposed dog law revisions – Proposed Regulation #2-152 (#2559). As a professor of animal science at Penn State, I have some general knowledge of canine physiology and nutrition, and the typical health problems that affect dogs. I also teach a course in Applied Animal Welfare (Animal Science 419) in which we address the multitude of welfare issues associated with a wide variety of animals and housing systems, including dairy cattle, horses, swine, poultry, beef cattle, laboratory animals, zoo and exotic animals, and dogs. My purpose in commenting on a few sections of the pending regulations is that I believe that the principles of optimizing health and productivity of animals are similar among the various species found in commercial animal agriculture, including dogs.

First, I support a revision of the existing regulations. It seems to me that an obvious challenge with the current law is that many of the requirements are subject to interpretation. This is problematic for both the inspector and the operator as neither party can be sure what criteria are acceptable, leading to variation among inspectors and the potential for over- or under-enforcement.

Second, I believe it's important to remind you that the rigor and frequency of inspections for commercial kennels far exceed that of food animal facilities even under current regulations. For example:

- Individuals that keep, harbor, shelter, sell, give away or transfer 26 or more dogs annually must apply for a license annually. **These same individuals may engage in the production of 26 (in fact 26,000) animals that enter the food chain with no requirements of licensure or inspection.**

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- Kennel facilities must meet rigorous regulatory requirements in terms of design and operation. The design and the operation of a food animal facilities are subject to animal cruelty laws and each industry continues to refine and improve facility design to maximize health and productivity (because these factors have a direct bearing on profitability). But there are no statutes that define housing criteria for food producing animals.
- Detailed records must be kept by commercial kennel operators including the number, breed, color, age and sex of dogs, date the dog entered the facility and source of the dog, and health records. While many food animal producers do maintain some of these types of records, they are not required to do so.

My point is that the owners of commercial kennels are subject to more oversight and restrictions and certainly more inspections than farmers who sell food producing animals. I support the changes proposed in the new regulations that eliminate the need for interpretation, but those changes associated with mandatory exercise and increased space requirements are not warranted, in my opinion, on the basis of improved health and productivity. I call to your attention the following proposed rule changes:

- Section 21.21 – Dog Quarters (b) – “Outdoor facilities shall be constructed in a manner to allow them to be readily sanitized, to assure the dogs have a mud free area and to assure there is no standing or pooled water.” *Comment: Dogs should have access to a comfortable, dry area, but the entire outdoor facility need not be free of mud and pooled water to guarantee the health and welfare of the dog.*
- Section 21.22 – Housing (c) – “Adult dogs shall be segregated by sex except for health, welfare, or breeding reasons.” *Comment: It is not clear what health and welfare reasons would justify housing males and females together, which could confuse the inspector and the operator.*
- Section 21.23 – Space (a) “Primary enclosures shall be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position. The dog shall be able to lie in a lateral recumbence (on its side or back) with legs fully extended, without head, tail, legs, back or feet touching any side of the enclosure.” *Comment: I support this rule.*
- Section 21.23 – Space (b) “Each dog housed in a primary enclosure shall be provided with twice the minimum amount of floor space set forth below, which the minimum amount of floor space shall be calculated according to the following procedure: (1) Measure the length of the dog, in inches, from the tip of its nose to the base of its tail. (2) Add 6 inches to that number. (3) Square that sum. (4) Divide that product by 144. (5) That quotient equals the minimum required floor space for that dog, in square feet.”

Comment: I support the use of a formula because it is unambiguous. However, using the existing formula on a 100-lb yellow lab that my family owns is instructive. The dog measures 42 inches from the tip of the nose to the base of the tail. Using the floor current space formula, a minimum of 16 square feet of floor space is required. Doubling that increases the requirement to 32 square feet of floor area. I would contend that this amount of floor space is not necessary for optimal health and productivity. For example, market hogs weighing over 250 pounds are healthy and maintain high growth rates (approaching 2 lbs/day) at the standard floor space provision of 8 square feet. Sows in gestation that weigh about 400 lbs are provided 14-20 square feet. Dairy cows weighing more than 1000 lbs, when housed in tie stalls, are provided less than 30 square feet and continue to maintain high rates of milk production. I believe the amount of space already required by the existing regulations is more than adequate; doubling the space, is not necessary in my judgment and would not improve the health and welfare of the dog.

- Section 21.23 – Space (e) “In addition to the space requirements, each dog shall receive 20 minutes of exercise per day. Dogs shall be observed and supervised during exercise and ...” *Comment: It’s important to note that farm animals and dogs can remain healthy without providing for exercise in addition to what is experienced in the standard housing system. I do not support this addition to the rules.*
- Section 21.24 – Housing *Comment: I commend you for developing an excellent set of housing specifications. They are easy to understand and unambiguous and reasonable. I support this entire section without change or edification.*
- Section 21.25 – Temperature control. *Comment: Same comments as those for Section 21.24. I support this entire section without change or edification.*
- Section 21.26 – Ventilation.
 - (a) – Indoor and sheltered housing facilities. *Comment: I support the description in the first paragraph, but the subsequent paragraph is in need of revision.*
 - (1) “Kennels shall be equipped and shall meet the minimum air flow required for control of moisture under severe conditions, which is 0.8 to 1 cubic feet per minute per square foot of floor area.” *Comment: Severe conditions are not defined. Actually the most severe weather conditions in terms of moisture control occur during cold, rainy weather. For all types of animals the most challenging conditions to provide adequate ventilation and comfort for animals (whether under mechanical or natural ventilated systems) are when temperature outside is near freezing and it’s also raining. Providing .8 to 1 cubic feet per minute (cfm) per square foot of floor area implies that the relationship between floor area and ventilation rate is linear, which it is not. Neither can we simply suggest a number of cfm’s per pound of body weight, because that relationship is also not linear.*

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Under the current rule and current floor space recommendations using the example of our 100-lb Labrador from above (required floor area = 16 ft²), the required ventilation rate would be 13-16 cfm. For moisture control (the criteria from which ventilation rates are derived) 13-16 cfm for a 100 lb animal is on the high side for cold weather conditions. If the floor space requirement is doubled, as proposed, then the required ventilation rate would increase to 26-32 cfm. Under cold weather conditions, I don't think we could provide this amount of fresh air without creating drafts and discomfort. I suggest a different approach. Consider developing a chart with a range of body weights and outdoor temperatures and corresponding ventilation rates. The exact recommendations should be subjected to committee discussion, but as an example, it may look something what is presented below:

***Recommended ventilation rates for dogs, cfm/animal
(Example)***

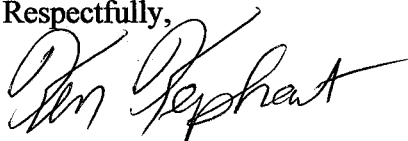
<i>Body Wt, lb</i>	<i>Cold Weather</i>	<i>Warm Weather</i>	<i>Hot Weather</i>
<i>5-10</i>	<i>4</i>	<i>8</i>	<i>15</i>
<i>11-25</i>	<i>5</i>	<i>20</i>	<i>30</i>
<i>26-50</i>	<i>6</i>	<i>30</i>	<i>50</i>
<i>51-100</i>	<i>8</i>	<i>35</i>	<i>75</i>
<i>> 100</i>	<i>10</i>	<i>50</i>	<i>100</i>

Using a table as proposed ensures that the animals will be comfortable under both cold and hot weather conditions.

- Section 21.27, 21.28 and 21.29 – *Comment: I support the language in these sections.*

If you have questions about my comments, I hope you will feel free to contact me.
Thank you for this opportunity.

Respectfully,



Kenneth B. Kephart
Professor of Animal Science

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