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Robinvale Shelties & Aussies

Robert and Valerie Clemente
216 Francis Road
Plum, PA 15239

February 12, 2007

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

INDEPENDENT REGULATORY
REVIEW COMMISSION

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Dear Ms. Bender:

We are residents of Plum Borough in Allegheny County and have been involved in the sport of pure-bred dogs for nearly twenty years, exhibiting in both conformation and performance events. Currently we own three Shetland Sheepdogs and two Australian Shepherds, all of whom share our house, our yard, our furniture, our bed and most importantly, our hearts. Nearly all of them are show dogs, but to us they are all beloved pets – as dear to us as children, and we provide them with the same level of love, attention and physical care. In return they provide us with unconditional love, companionship, never-ending entertainment and a willingness to please which only man's best friend can give. We do not house our dogs in a "kennel" and despite our many years of involvement with this activity we have only bred one litter, and that only recently – three beautiful Sheltie pups born in January of 2006.

Notwithstanding the small scale of our own activities we are writing to express our concerns with regard to the proposed amendments to the current PA dog law issued on December 16, 2006. Besides ourselves we have a number of friends and acquaintances who may be potentially affected should these changes be enacted. We certainly agree that inhumane and/or substandard kennel conditions should not be tolerated and would support *reasonable* regulatory updates in pursuit of this goal. However, as they are written we believe many of the proposed changes are impractical, costly, unenforceable and will only impose excessive financial and operational burdens on the many smaller operations who are the backbone of our sport and the guardians of responsible dog ownership. We are speaking here primarily of the conscientious hobby breeder/exhibitor of pure-bred dogs, i.e., the "show person", who pursues all aspects of this sport in accordance with current state law as well as codes of ethics formulated both by the American Kennel Club (AKC) and his/her national and/or local breed club(s). We are extremely concerned about the ramifications of these proposed amendments as they would apply to ourselves and all others who participate responsibly in the sport of pure-bred dogs.

We would like to present just a small sample of the potential problems we feel the newly-proposed changes pose, as follows:

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- Sections 21 through 29 define standards for construction, housing and social interaction which will in many cases require wholesale renovation or outright rebuilding of existing kennels already in compliance with current federal and/or state standards. Many of these specifications appear to be arbitrary and without basis in and/or contrary to recognized husbandry, training and socialization practices. Undeniably, the hardest hit under these proposed changes will be the smaller, aforementioned hobby/exhibitor kennels, not the large for-profit breeding kennels and puppy mills; the latter will simply pay up and continue their abhorrent breeding practices aimed only at monetary gain for their owners. Also, smaller boarding kennels will be faced with a choice between financial hardship or closure for the sake of compliance. Many hobby breeder/exhibitors operate small boarding facilities for additional income; their closure would represent not only an economic loss, but the loss of the only real sponsors of responsible canine breeding and care.
- The definition given for "temporary home" would, under strict application, require certain households to become licensed "kennels" subject to the facilities standards discussed above. What immediately comes to mind here is the disastrous impact this will have upon the many hobby breeder/exhibitors involved in pure-bred rescue programs. These dedicated people open their homes to hundreds of pure-bred dogs every year who would otherwise face death by abuse, abandonment and euthanasia – a direct result of the irresponsible practices of "backyard" breeders, brokers, puppy-millers and pet shops. Those involved in breed rescue dedicate themselves to saving these innocent dogs whenever possible by providing a temporary shelter while attempting to place them in suitable pet homes. Hamstringing their efforts by imposing unnecessary kennel standards and restrictions upon them will effectively force these dedicated people to abandon their rescue programs, only worsening the very problems the state claims to wish to solve by enactment of these amendments.
- Perhaps the most devastating aspect of these proposed changes is the manner in which the terms "establishment" and "housing facility" are defined. Again, strict application of these terms will entrap thousands of smaller breeder/exhibitors and even pet owners who maintain their dogs in their own residences but are covered by the Pennsylvania dog law, who provide care and conditions (as we do) far superior to those specified under the proposed new standards, but would be unable to comply with the rigid commercial kennel standards and licensing requirements required by them. Consider this example: "Ann" is a hobby breeder/exhibitor who, on January 1st has 6 dogs in residence. Ann has no kennel facilities because her dogs are house dogs – pets, members of the family – even though they are show dogs, but her yard is completely fenced and she gives them the best of care. On January 31 one of her bitches has a healthy litter of eight pups, all of which are sold to pet homes ($6+8=14$). Over the next six months 4 bitches are brought to Ann's home for stud service ($6+8+4=18$). In August Ann invites all of the eight January puppy owners to her house for a puppy reunion party, all of whom attend (but $6+8+4+8=26!$). When the party is over, Ann is left with her own 6 tired dogs, and no other dogs come into or out of her house through the end of the year. But wait ... a total of 26 dogs were "any way transferred" (Sec. 21.1) during the year, so according to the new amendments Ann must now build

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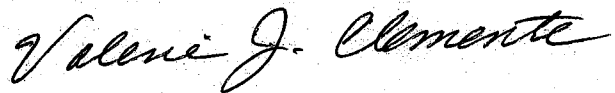
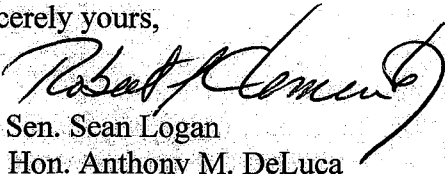
a kennel to the new PA standards, obtain a kennel license, initiate stringent, burdensome record-keeping, etc. Is this *really* the intent of the proposed changes to the dog law? Will imposing these requirements on "Ann" or any other similar individual put a stop to the puppy mill industry in Pennsylvania? We believe the answer to this question should be obvious to anyone!

The example given above is not contrived; in fact, it is based on an actual individual who is the breeder of our Aussie male, and it is a common scenario among us "show people". As pure-bred enthusiasts many dogs pass through our doors in the course of a year, for all kinds of reasons: breeding, grooming, play dates, puppy socialization, short-term stays for friends who go out of town, and so many more. It is absurd to liken these activities to those of puppy mills, large boarding kennels, pet shops or any other large-scale operation where, in most cases, profit is pursued at the expense of the dogs involved.

We would also like to point out that we believe the new definitions of "establishment" and "housing facility" could conceivably be applied to the hundreds of small, independent grooming shops across the state. Most of these facilities operate either out of small, retail spaces or are home-based, and the survival of these small grooming businesses will be impossible should the state of Pennsylvania choose to impose these draconian provisions upon them. They will be forced out of business, and the thousands of clients who depend on such small groomers for the care of their pets will have no where to go to obtain service. *"The proposed amendments to the regulations will impose no costs and have no fiscal impact on the general public."* This statement will NOT be true if the small groomer is forced out of business. (By the way, the state will no longer receive sales tax revenue from these businesses if they close!)

The above is far from a complete list of the deficiencies in the proposed regulations. The Pennsylvania Federation of Dog Clubs has many more detailed comments on these changes with which we are in agreement. We believe that these amendments are nothing short of an attempt to kill a bad situation by using a shotgun instead of a rifle, an approach that will incur significant collateral damage to responsible dog owners across the state. The Bureau has tacitly conceded that current regulations have not been adequately enforced. If, after implementing its recently-announced enhanced enforcement program, the Bureau still finds itself unable to prevent inhumane treatment of dogs due to specific deficiencies in the existing regulations, it should address those specific deficiencies and propose changes based on them alone. We also believe it is vital that the intent of any changes be made crystal clear in order to achieve the desired results without damaging the current infrastructure of responsible dog owners in this state. We therefore urge that the current proposal be withdrawn.

Sincerely yours,



cc: Sen. Sean Logan

Hon. Anthony M. DeLuca

John K. Weinstein, Allegheny County Treasurer

Nina Schaefer, President - Pennsylvania Federation of Dog Clubs