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Deborah Orpen
47 South 14th Street
Pittsburgh PA 15203-1543

INDEPENDENT REGULATORY
REVIEW COMMISSION

February 13th, 2007

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

Reference: Proposed Amendments to PA Dog Law Regulations, December 16, 2006

Dear Ms. Bender:

I am writing to comment on the PA Dog Law Regulations' proposed amendments posted on December 16th, 2006. I volunteer with a national breed club's rescue program which has a rescue network of over seventy volunteers in Pennsylvania covering its sixty six counties. We pull and foster German Shorthaired Pointers from the Commonwealth's pounds, shelters, and owner surrender situations, are privately supported and funded by the general public and obtain no government monies or subsidies to provide all veterinary and direct dog care, (re)train, and rehome these unwanted German Shorthaired Pointers. We foster the dogs in our own homes - urban, suburban, and rural - and have no kennel facilities within the rescue network. In home settings, the dogs are provided with the one-on-one care, attention, behavioral evaluation, socialization, house training, and basic house manners needed so they may succeed in their adoptive homes as indoor, companion dogs. Dog rescue is a 100% volunteer endeavor; not a commercial business.

Though the ideal solution would be to outlaw the substandard, for-profit, high-volume, commercial breeders known as puppy millers, I realize that the PA Department of Agriculture's official task is to enforce the current laws for humane treatment and housing in kennels as set forth in the Dog Law - With Amendments, Act of 1996, No. 151. However, the proposed rulemaking [36 Pa.B. 7596] [Saturday, December 16, 2006], as currently written, will encompass the compassionate, responsible and law abiding Pennsylvania residents whose voluntary efforts and in a volunteer capacity help those pound, shelter and unwanted dogs in need. Yes, and ironically, dog rescue volunteers will become included in the same legislation as the commercial, cash-crop, high-volume, for-profit breeders known as puppy millers. The intent of the Dog Law is to oversee the high-volume, commercial breeders called puppy millers and the government should continue as such - and not legislate (against) the rescue networks and PA volunteers that help set up the unwanted dogs to win in foster home care settings.

In addition, the conflicting interpretation of the proposed rulemaking even among the Department of Agriculture's own employees is disconcerting. A DOA staff member whom I spoke to in December after the proposed rulemaking was posted did not know what the term 'dog rescue' meant – this coming from the same department/enforcement body which wishes to legislate, thus include and monitor, the dog rescue networks in Pennsylvania. Would it not be a generally accepted practice that there be clear and defined understanding before placing forth any proposed rulemaking and certainly before it becomes law? The proposed rulemaking, as it's currently written, is certainly flawed in this aspect.

Furthermore, the proposed kennel license umbrella requirements will make it highly unlikely if not impossible for a responsible rescue network to comply:

- Local ordinances with dog number restrictions.
- Local ordinances which do not permit kennel situations.
- Added, burdensome paperwork required from an all-volunteer rescue network.
- Home inspection requirements when fostering volunteers hold daytime employment.

Considering that the core of the Commonwealth's problem is the puppy millers' notorious inhumane treatment, dubious husbandry practices, lack of care, and deplorable housing conditions of their breeding dogs, along with the total absence of breeder responsibility for their puppies post-sale, it seems reasonable to respectfully request that these high volume, commercial, for-profit breeding kennels should clearly remain the focus of the current and proposed laws and that the non-profit and not-for-profit, volunteer dog rescue networks which step up to help Pennsylvania's needy dogs be excluded.

Sincerely,



Deborah Orpen

Cc: Distribution list attached

Distribution List
From Deborah Orpen
To Bureau of Dog Law Enforcement
Letter dated 13 February 2007

Bureau of Dog Law Enforcement
Ms. Mary Bender
PA Department of Agriculture
2301 North Cameron Street
Harrisburg PA 17110-9408
Fax: 717-772 4352

PA Federation of Dog Clubs, Inc.
Ms. Nina Schaefer
President
1405 Grasshopper Road
Huntington Valley PA 19006
Fax: 215 938 1201

German Shorthaired Pointer Club of America, Inc.
Ms. Nancy Campbell
Northeast Section Director
National Rescue Chair
Box 1134
Redding CT 06875
Fax: 203 778 2335

Dog Law Advisory Board
PA Department of Agriculture
Fax: 717 346 3301

Senator Wayne Fontana
Senate District 42
930 Brookline Boulevard
Pittsburgh PA 15226-2106
Fax: 412 344 3400

Honorable Harry Readshaw
PA House Member, Allegheny County
1917 Brownsville Road
Pittsburgh PA 15210
Fax: 412 886 2077