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INDEPENDENT REGULATORY
REVIEW COMMISSION

21 February, 2007

Ms. Mary Bender, Director
Bureau of Dog Law Enforcement
The Department of Agriculture
2301 North Cameron Street, Room 102
Harrisburg, PA 17110-9408

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

Dear Ms. Bender:

On behalf of Covance Research Products, Inc., a drug development services company with a biomedical research facility located in Pennsylvania, we would like to provide the following comments on the proposed regulations promulgated from the Pennsylvania Dog Law and published in *The Pennsylvania Bulletin* on December 16, 2006.

We applaud the Governor and the Department of Agriculture for their efforts to ensure the humane treatment of dogs in our Commonwealth. The welfare of all animals under our stewardship should be a concern for all citizens of Pennsylvania. We can assure you that the wellbeing of animals is a major operational component for our company and employees as evidenced by our strong commitment to animal welfare.

Biomedical Research facilities, defined as "Research Kennels" in Pennsylvania Dog Law P.L. 284 No. 225, and which represent less than 1% of all kennels licensed in Pennsylvania, are unique in their nature and housing requirements when compared with other kennels such as breeding or boarding.

- In many cases, due to the requirements of scientific research protocols, "one-size fits all" standards will not work for research facilities.
- Proper housing of dogs at research facilities is required not only for ethical reasons but also for the quality of the science derived from them.
- Research facilities invest heavily not only in facility construction and maintenance but also in strong veterinary oversight, professional staff, and exceptional personnel training.

- Biomedical research facilities are required to register with the United States Department of Agriculture (USDA) and are, by law, inspected at least once annually, without notice by the USDA. This comprehensive inspection, unlike most other entities regulated by the USDA, must be conducted by a specially trained veterinarian employed by the USDA.
- The federal regulations established for research facilities include many other provisions that are not required of licensed breeders, such as the requirement for an Institutional Animal Care and Use Committee (IACUC). The IACUC is charged with overseeing all animal care at the institution and must:
 - Include an experienced veterinarian.
 - Include a person who is not affiliated with the institution whose role is to represent general community interest in the proper care and treatment of animals.
 - Inspect the facility and review the program of animal care at least every six months and maintain records of these inspections for USDA review.

Because of these unique research requirements and the multitude of animal welfare regulations currently placed on our facilities, we recommend that, as is done in other states, research kennels that are registered with the USDA under the Animal Welfare Act Regulations and are subject to no less than one USDA inspection annually, be exempt from Pennsylvania Dog Law regulations.

- We do not believe that it is the Department's intent to regulate research facilities housing dogs using the proposed regulations.
- We suggest that the Department add language similar to that which has been proposed in Ohio as they work on strengthening their kennel laws. Ohio Senate Bill 0342 of the 2005-2006 Regular Session states, "Medical kennels for dogs and research kennels for dogs are not required to obtain a license under this chapter or comply with any other requirements of this chapter and rules adopted under it."
- Without such an exemption and an adoption of the proposed regulations as published in the Pennsylvania Bulletin of December 16, 2006, research that benefits both animals and humans, conducted at academic institutions, biotechnology firms, drug development services organizations, and pharmaceutical companies will be severely curtailed or halted and improvements in animal and human health will be put at risk. Much of this research is legally required by the Food and Drug Administration (FDA) and other government agencies for the approval of new human and veterinary pharmaceuticals and medical devices.

The best method to improve the standards of dog care in Pennsylvania is to have strong enforcement of regulations that benefit the animals, are workable for the regulated community, and ensure a high quality program of veterinary care. Many of the proposed regulations are unnecessarily prescriptive and not based on scientific evidence.

- Housing that provides novel environments is precluded in the proposed Commonwealth regulations.
- Regulations as rigid as those proposed by the Department offer little hope that new scientific discoveries about the manner in which dogs should be housed can be implemented.
- A high quality program of veterinary care ensures animal well-being and is an integral component of any animal care program. A requirement for such a program is lacking in the Department's proposed regulations.
- Regulations should encourage a culture of care, animal welfare, compliance, and responsibility among the regulated community.
- Regulations exceeding the federal Animal Welfare Act and its regulations, such as the proposed Dog Law regulations for Pennsylvania, if enacted for research institutions would put the Commonwealth in a position of competitive disadvantage for federal research funds and private biomedical and biotechnological investment.

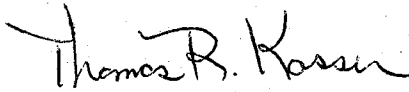
We recommend that the Pennsylvania Department of Agriculture align the Commonwealth's regulations for the care of dogs with those established by the United States Department of Agriculture (USDA) by adopting the standards found in the appropriate sections of CFR Title 9 Chapter 1 subchapter A Parts 1-3.

- By adopting and enforcing the well-established and working Animal Welfare Act Regulations, which include the requirement for a program of veterinary care, a program for dog exercise, and allow for acceptable variation in housing methods, the Commonwealth will:
 - Utilize proven, successful and enforceable regulations.
 - Ensure consistency of definitions among the regulators, regulated community, and courts.
 - Enable the state to maximize its efforts by working with the federal government to share information, training, and enforcement methods that will better the lives of dogs within Pennsylvania.

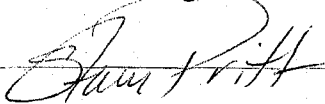
- Align with other states that have recently rewritten their Dog Law regulations to improve the standard of care of kenneled dogs within their states.

In order to benefit the taxpayers of the Commonwealth, the regulated community, the Department of Agriculture, and most importantly the dogs within our Commonwealth, we urge the Department to drop the proposed regulations and adopt the standards established by the United States Department of Agriculture in the appropriate sections of CFR Title 9 Chapter 1 subchapter A Parts 1-3 and to increase the Department's enforcement efforts.

Sincerely,



Thomas R. Kasser, Ph.D.
General Manager



Stacy Pritt, DVM, MBA
Director, Regulatory Operations and Senior Veterinarian

cc: Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
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