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FEB 26 REC'D

INDEPENDENT REGULATORY
REVIEW COMMISSION

Ms Bender,

This correspondence is in regards to the proposed kennel regulations as published in the PA bulletin on Dec 16. I have very serious concerns about the impact that these regulations will have to those of us who take dogs into our homes. In short, the way these regulations read, the PA Bureau of Dog Law Enforcement has determined that a person's home is an unsuitable environment for a dog to be housed in.

I am the owner/operator of the Spring Canine Academy, located in Berks County, Pennsylvania. We offer training lessons, board and train programs and boarding for our training clients. We do not have a commercial kennel. We keep the dogs in our home. We currently have a class B1 kennel license for up to ten dogs at any one time.

It is my understanding that these new regulations were prompted by the desire to improve the conditions in the Pennsylvania puppy mills. While the new regulations will improve conditions in puppy mills and large, substandard boarding kennels, it will have a drastic impact on some dog trainers, breeders, daycares, and on a majority of dog rescue organizations.

ANALYSIS

The regulations have included a classification of one's personal home as a kennel structure and therefore, anyone who is keeping 26 or more dogs per year in their home, that are not their own (or will be adopted/sold) for any reason must comply with the new regulations. This includes not only commercial kennels but also trainers who offer board and train in their home, dog rescue organizations, doggie day cares, and breeders who raise their puppies in their homes.

While these regulations may be appropriate and desirable for large-scale kennel operations, they are completely unreasonable for those who provide a temporary home for dogs in their homes for training, breeding and/or rescue fostering. In the preamble of the regulations it is stated that the estimated financial impact of complying with the new regulations is \$5,000-\$20,000. For someone to completely renovate their home or build a complete kennel structure instead of completely renovating their home, these figures seem to be too low.

This is also an unreasonable renovation to expect someone to make to their home and carries with it an unreasonable financial burden to those who are trying to improve the lives of dogs in the state of Pennsylvania.

There are two main areas of concern, the area in which dogs are to be kept and the exercise yard.

Dog Area (Housing Facility)

General

These regulations do not only specify a dog's main housing area, but any area the dog comes in contact with. For someone who keeps a dog in their home, this may include every room in their home.

Cleaning/Sterilizing

The entire area, including any area the dog comes in contact with must be moisture resistant on all surfaces, including the ceiling – 21.24(f)(3). Any area that the dog has contact with, for any period of time must be free of clutter, trash, furniture, and porous surfaces such as carpeting.

The entire area, including ceiling, must be sanitized and disinfected at least once per day – 21.29(1). The area also needs to have a gutter system for drainage of cleaning liquids.

Air Handling Systems

There must be an HVAC system for that area capable of at least six air exchanges per hour – 21.25 & 21.26(a)(2). The need for an air conditioning system is determined by the ambient outside temperature, not the temperature of the area itself. If the ambient outside temperature is above 85 degrees, there needs to be a sufficiently operating fan or air conditioning system, no matter what the temperature is in the dog housing area.

Enclosure Size

The minimum allowable floor space of enclosures has been doubled. The largest dog that will be allowed in a standard large sized crate (48 inches by 28 inches) is a dog that measures 20 inches from the tip of the nose to the base of the tail. Anyone that takes in a dog larger than this will need to build a kennel inside their home or keep the dog in a sterile, moisture impervious room.

Exercise Yard

Yard Construction and Cleaning/Sanitizing

The entire yard must be concrete, gravel, or stone – 21.24(b.8).

No grass is allowed - 21.24(b.11).

The yard must be covered to protect dog from becoming wet – 21.23(e)(ii)(c). The dog may not be exposed to precipitation during inclement weather, even during severe weather conditions. There must be no standing water or puddles in the yard.

Yard must be sanitized and disinfected once per day (weather permitting) - 21.24(b.10). The yard must have a drainage system for drainage of cleaning liquids – 21.21(c) & 21.24(b.10).

Socialization Restrictions

Intact males and females must be segregated from spayed or neutered dogs. Intact females are only allowed to socialize with other intact females and intact males are only allowed to socialize with other intact males.

Dogs may only be exercised with dogs of their own weight category. Dogs are not allowed to socialize with dogs outside of their weight category – 21.23(e)(iii). The weight categories are:

35 pounds and under

36-60 pounds

61-90 pounds

91 pounds and over

There is no clause in these regulations that waive this rule for dogs that come from the same owner(s), so dogs of differing size classes that live together will not be allowed to have contact with each other if they are in a kennel or a doggie daycare.

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RECORD KEEPING

The written records that are required (to be kept for two years) under these regulations are extensive, an undue burden and will require much more man hours that could be better spent with the dog themselves.

General information types of records are reasonable and make perfect sense. However, the exercise, cleaning/sanitizing, and feeding records are particularly unreasonable, overly time consuming, and unworkable. I fail to see how spending hours per week on paperwork is going to improve any conditions, when it will take more time away from improving conditions.

Under these new regulations, the information need to be recorded is as follows:

General Information

1. The breed, color, markings, sex and age of each dog.
2. The date on which each dog entered the kennel.
3. To whom the dog belongs at the time of transfer.
4. For what purpose each dog is kept in the kennel.
5. The date on which each dog leaves the kennel.
6. Whether the dog is spayed or neutered and whether an agreement to spay or neuter the dog has been entered into.
7. The date of the dog's last vaccination, deworming or other medical treatment and the medication administered.
Any previous history of diseases treated for and past veterinary protocol of vaccinations or medication administered to the dog.
8. The name, address and telephone number of the licensed doctor of veterinary medicine used by the kennel.

From Where the Dog Came

The records must provide the following information:

For Kennel Class I--Kennel Class V licensed kennels, the following information:

1. The name of the kennel and kennel owner from which the dogs were acquired.
2. The address of the kennel.
3. The Pennsylvania kennel license number or Out-of-State dealer license number of the kennel from which the dog came.
4. The name and address of the individual breeder of the dog, when applicable.
5. Where applicable the name and address of the owner or keeper of the dog

For Boarding Kennel Class I--Boarding Kennel Class III licensed kennels and Nonprofit Kennel licensees any of the following which is applicable:

1. The name and address of the owner or keeper of the dog.
2. The name, address and Pennsylvania kennel license number or Out-of-State dealer license number of the licensed kennel from which the dog came.
3. If a stray dog found running at large or a rescued dog, the name and principle address of the organization, agency or person that last owned the dog and that of the organization, agency or person delivering the dog to the kennel.

How and to Whom the Dog is Dispersed

The record must provide the following information:

When the dog is dispersed to another kennel:

1. The name of the kennel and kennel owner to whom the dog was dispersed.
2. The address of the kennel to whom the dog was dispersed.
3. The Pennsylvania kennel license number or out-of-State dealer license number of the kennel to which the dog is dispersed.

When the dog is dispersed to a private individual, person, organization, establishment, temporary home or other entity, the name and address of that private individual, person, organization, establishment, temporary home or other entity.

Exercise

Daily records of exercise shall be kept for each dog in the kennel.

The records, at a minimum, must set forth:

1. The breed, color, markings, sex, approximate weight and age of each dog or when applicable, the microchip number of each dog.
2. The date and the time period each dog was exercised and whether the exercise was on a leash or in an exercise area.
3. Any medical exemption written by a veterinarian licensed to practice in this Commonwealth.

Cleaning/Sanitizing

The date and time of day following conditions were met:

1. The housing facility was cleaned.
2. The housing facility was sanitized.
3. Each individual cage, dog box or primary enclosure was cleaned.
4. Each food and water bowl was sanitized.

Feeding/Health

1. The date, time and detail of daily feedings and changing and refreshing potable water.
2. The date, time and detail of exercise activity of the dog.
3. The date, time and detail of any medication administered to a dog.
4. Any accident or incident in which the dog is injured.
5. The date and time of any veterinary care administered.
6. Records of veterinary care for each dog.
7. Any veterinary ordered or voluntary protocol for vaccination, medication or other recommendation for medical treatment of the dogs.

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IMPACT

Those who will be most negatively affected by these regulations change are as follows:

Trainers

Those trainers who offer "board and train" training will need to comply with the new regulations. Board and train training involves the trainer taking the dog into their home and training the dog for the owners. For some of these dogs, board and train is the last hope before euthanasia or homelessness. They will no longer be allowed to train these dogs in a normal home environment.

Trainers will not be allowed to successfully housetrain puppies as they will not be allowed to restrict enclosure space to prevent accidents, will not be allowed to have the puppies in their homes for supervision, and will not be allowed to teach puppies to eliminate on grass.

Trainers who are working to further a dog's socialization skills will be limited as to how effective they can be since the dog is only allowed to socialize with dogs in its own weight category. While it is sometimes necessary to control which dogs are socialized together, it is more determined by the behavior of the individual dogs than by the size of the individual dogs.

Trainers will be forced to close down the board and train part of their business, possibly incurring a substantial loss of business. This will also limit the resources available to dog owners and can possibly cost the dog its home or its life.

Home Based Boarding

Those that conduct small scale boarding in their home, and have a kennel license, will not be allowed to house dogs owned by others in their home. They will either need to comply with all of the regulations and the financial expense it involves or stop accepting boarding clients.

Socialization opportunities will be limited since the boarded dog is only allowed to socialize with dogs in its own weight category. While it is sometimes necessary to control which dogs are socialized together, it is more determined by the behavior of the individual dogs than by the size of the individual dogs.

Breeders

Breeders who raise their puppies in their home until they are ready to leave for their new owners will need to comply with the new regulations if they have a kennel license. This will also apply to someone who has a boarding kennel and breeds one litter, or less, per year. They will no longer be allowed to raise their puppies in a normal home environment or teach them to eliminate on grass.

Breeders of large breed puppies will not be allowed to socialize their puppies with any adult dog besides their mother, since the adults will not be in the same weight category as the puppies. Socialization is vital for puppies and to limit socialization is to drastically increase the risk of aggression problems toward other dogs in the future. While it is sometimes necessary to control which dogs are socialized together, it is more determined by the behavior of the individual dogs than by the size of the individual dogs.

Home based breeders, who raise their puppies in their home, will be forced to stop breeding. This will decrease the availability of home raised puppies and increase the demand for commercial/ puppy mill puppies. In fact, commercially bred puppies that are raised in kennels instead of the breeder's home will be the only legal puppies to be bred in Pennsylvania for those with a kennel license.

Rescue Organizations

Rescues are required to divulge all of the foster homes in their rescue system. Each foster home is to be considered a kennel and each foster home is to be inspected under these regulations. The foster homes would no longer be allowed to keep their foster dogs in a normal home environment that would facilitate a more successful adoption.

Fosters who are working to further a dog's socialization skills will be limited as to how effective they can be since the dog is only allowed to socialize with dogs in its own weight category. While it is sometimes necessary to control which dogs are socialized together, it is more determined by the behavior of the individual dogs than by the size of the individual dogs.

Rescue organizations will lose foster homes for the dogs in their rescue system and many will be forced to close. This will add more dogs to the already overwhelmed shelter system, forcing more dogs to be euthanized to make space for these dogs.

Doggie Daycares

It is unclear how an inside play area will be defined under these regulations. An indoor play area could certainly be considered an exercise area, but it is not an outside "exercise yard". If an indoor play area is considered an exercise yard, the flooring will have to be concrete. This means that the dogs will be forced to play on concrete and risk more injuries as a result.

If the indoor play area is considered a "dog housing" area, the allowable flooring will depend on if the rubber matting that is common in daycares is considered moisture resistant enough. Due to the properties of rubber, it may be, but it may not, because of the seams between the matting pieces. If the rubber matting is not considered moisture resistant enough, the flooring in that area will need to be a hard surface such as concrete or tile.

The main purpose for doggie daycares is socialization. Socialization will be much more limited under these regulations due to the weight class socialization requirements. Depending on what size dogs are in the day care on any given day, they may not be allowed any socialization at all. While it is sometimes necessary to control which dogs are socialized together, it is more determined by the behavior of the individual dogs than by the size of the individual dogs.

CONCLUSIONS

It seems that the authors of these regulations have determined that a personal home is an unsuitable habitat for a dog to live in unless the dog belongs to the owners of that home. If the average home is unsuitable for a dog to live in how can that same home be suitable for humans to live in? Even hospitals do not follow this kind of sanitation protocol.

It seems that in the narrowly focused zeal of improving puppy mill conditions, the authors of these regulations have forgotten that there are other types of facilities and individuals that train, dog sit and foster that will be forced to close due to the financial hardship involved in conforming to these regulations.

Whether it is intentional or not, these new regulations have hallmarks of a legislative giveaway to the commercial kennel industry. These regulations effectively outlaw keeping 26 or more dogs per year (or one in the case of rescue foster homes) that is not under commercial kennel conditions.

Under these regulations, only those with commercial kennel facilities will be allowed to dog sit, board and train, foster rescue dogs, and breed puppies if one has a kennel license. Puppies/dogs that are being housetrained will not be allowed to learn to eliminate on grass or learn house manners in a house. The same will be true for dogs that enter into a rescue system. Puppies will not be allowed to be raised in their breeder's home before they are ready to go to their new owners.

If these new regulations are finalized in their current form, many of those who currently work toward keeping a dog in its home or finding a new home for a homeless dog will be forced to close down. This will leave these owners little choice but to euthanize their dog or place their dog in the already overwhelmed shelter system, where it may be euthanized if it is not adopted quickly enough.

The consequences of these new regulations are not consistent with the efforts of those who are seeking to improve the lives of dogs. Instead, it will cause more dogs to lose their homes or lives due to the lack of other options. Since these regulations will outlaw responsible, breeders who home raise their puppies, if they have a kennel license, this will increase the demand and subsequent production of commercially bred puppies - puppy mill puppies.

PROPOSED CHANGES

Due to the problems these regulations pose as outlined above, I submit to you a proposed definition change and exemption to these regulations:

Definition Change

Remove "Home" from the definition of "Establishment"

Remove "House" from the definition of "Housing Facility"

Remove "Personal Home" from the definition of "Temporary Home"

Exemption

An individual, person, owner or keeper, who keeps, maintains, breeds, harbors, boards, trains or shelters ten or less adult dogs at any given time (Class 1 license), within their personal home and their personal outside yard, on behalf of the dog's owner, another person, organization, business or operation for the purpose of later returning to owner, selling, giving away, adopting, exchanging or transferring the dogs, are be exempt from the following provisions, any related provisions, and the associated record keeping requirements.

The following structural, cleaning, sanitizing, HVAC, and electrical provisions are not feasible for a licensee to comply with in their personal home or personal yard and creates an undue financial burden on a licensee who provides dog with a housing in their personal home and exercises said dogs in their personal yard. A licensee's personal home and personal yard are not to be considered an unsuitable environment for a dog to be housed.

21.21 (b) Interior building surfaces

21.21 (c) Gutters

21.23 (b) Twice the minimum floor space

21.23 (b)(ii)(C) Exercise area being protected from weather

21.21 (b)(iii) Dogs to be segregated by size

21.24 (b)(8) Exercise areas to be constructed of concrete, gravel, or stone

21.24 (b)(11) Exercise area to be free of grass and weeds

21.24 (f)(3) Any surfaces in contact with animal must be impervious to moisture

21.24 (f)(6) Animal areas must be free of furniture

21.24 (f)(11) Housing facilities must be equipped with drainage systems

21.24 (f)(18) Kennel facilities must be cleaned and sanitized once every 24 hours

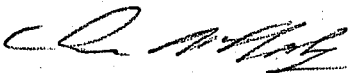
21.25 (c) Auxiliary temperature control

21.26 (a) Ventilation systems

21.27 (a)(1) Lighting requirements

21.29 (b) Primary enclosure sanitation

21.29 (c)(1) All building surfaces and outside surfaces to be sanitized once every 24 hours



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