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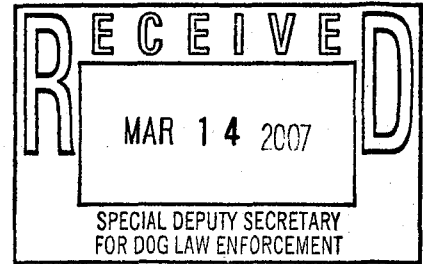
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February 28, 2007

INDEPENDENT REGULATORY
REVIEW COMMISSION

Ms. Jessie Smith
C/O Ms. Mary Bender
Department of Agriculture
2301 North Cameron Street
Harrisburg, Pennsylvania 17110-9408



Dear Ms. Smith.

I have the following comments in regard to the modified, proposed dog kennel regulations:

My perception is that Pennsylvania's new regulations are trying to group together puppy mills with kennels of working dogs. Working dog kennels take great pride in raising and training their dogs. I feel the working dog trainers would be severely punished and totally overlooked. How can Pennsylvania expect the same rules to apply to puppy mills and dogs that are field trialed and are/or trained for hunting? Looks to me like the people writing the rules need to spend more time understanding the kennels of working dogs.

I see, politically, that the sport of hunting is loved and admired by many in Pennsylvania and, certainly, all of the other 50 states. I would say that if you put the newly proposed laws in place you are very likely going to hear from many National Organizations related to hunting on all levels. People are soft hearted when it comes to their dogs and the clearly excessive, new rules that are proposed would affect the hunting and field trial community and likely create a considerable uproar. Our national field trial club, which only has pointing dogs, is over one hundred years old, with a lot of important and noteworthy patrons. We are a small slice when it comes to the pie that is the working dog world. So you may think you are just looking at a relatively small group of kennel owners in Pennsylvania but I must tell you that the word is out and many are watching, and waiting, to see what the state of Pennsylvania does. I know there is a lot of support to **not** put out of business the working dog breeder/handler, which is, sincerely, what it appears Pennsylvania is attempting to do. Hunting with dogs has been around a very long time. That is why it is so important, when writing the rules, to consider so much more than what is proposed. Let me ask you this, if the existing dog regulations need such a dramatic change and kennels are so poorly operated, then why are we seeing dogs win Championships right in your back yard? There are dogs in Pennsylvania winning National Championships currently and doing so *with* today's existing kennel regulations. These are well-conditioned and HAPPY dogs. It is obvious that working dogs exist quite differently than strictly breeding dog/puppy mills.

So I would suggest that working dogs, that are being trained, should have a different set of rules. These are dogs that are entirely different than the ones at the puppy mills.

Breeding for this fine sport is done very selectively. It is not about numbers it is about winners and the quality of the breed. Did you know that?

Also it appears to me that Pennsylvania's new regulations are intended to impose severe mandates on many dog trainers and breeders. Have the state powers that be considered that the new rules are expected to put many kennels out of business and/or impose heavy fines and/or confiscation of dogs for noncompliance? The state is asking the above mentioned to spend between \$5,000.00-20,000.00 just to bring the kennel up to code. There is probably not one kennel in Pennsylvania that can meet your standards, not even the fancy show bred dog kennels. People would have to rip out their entire kennels to accommodate the proposed regulations. Is that really necessary? I bet the dogs are happy in the current kennels. Have you or any other member of Pennsylvania's governing bodies taken a tour to see the existing facilities? Have the people who wrote the rules gone around to at least 10% of the kennels of working dogs (which is 150 kennels) to see how they work for working dogs verses strictly dog breeders? Have Pennsylvania's officials talked to working dog kennel owners, personally, for input? It looks like the focus has just been on the puppy mills, so how can these be grouped together?

Here are some comments from ACTUAL REAL PEOPLE THAT WILL BE EFFECTED. The below is certainly one of the more "interesting" comments demonstrating Pennsylvania's attitude and understanding of a "location" situation.

COMMENTS FROM A WORKING DOG KENNEL OWNER REGARDING SHADE:

The new rules also require a shade platform of solid material to be built over the entrances to each doghouse, and this platform must shed water like a roof. The cost for me to do this would be immense, as I have outdoor runs using standard commercial doghouses. I raise and train hunting dogs, and they need to be exposed to the weather and toughened for their own safety. My kennels are designed so that they are shaded by trees, and are woven through a grove of mature oaks and pines. Every single kennel is 50 percent or more shaded at any time during the day in hot weather, and when the leaves are off, get warming winter sunlight. Tree shade is not legal under the new rules. In fact, I would have to cut down all of the trees because (according to the rules) they might harbor "vermin."

Maybe Al Gore can do a film on this! Is anyone paying attention to what Pennsylvania is suggesting? To cut down beautiful trees that provide wonderful shade? I would suggest rewriting this one. This is a clear example of oversight on the state's part or a blatant act of eliminating a working dog kennel.

CHANGE IN KENNEL REQUIREMENTS:

Here is a thought about kennel costs that is on a different note. Put yourself in these shoes and see how it would look to you. If you were renting a space for, let's say, \$1,000.00

and you get notice that you have to pay \$20,000.00 to upgrade that space, which basically means you are probably out of business, what goes through your head?!

Are the current kennels that BAD? Are the dogs suffering? The current kennels, with your current regulations, are probably within reason, but does it create such a significant improvement for the dogs versus the money that you are asking to be spent? Or is this place just cull some kennel operations? Have you PERSONALLY gone out to a current kennel to see the norm and then looked at what Pennsylvania is proposing? Not likely! On a final note, how do you think you would feel if you were the kennel owner or trainer? Would you consider this fair and reasonable?

COMMENT FROM A WORKING DOG KENNEL OWNER REGARDING KENNEL SIZE:

For an average sized dog (45 pounds), the new rules require doghouses to allow a dog to lie down on its stomach or side without having any part of its body touching the walls, including its tail. That would require a doghouse between five and six feet square. It would require me to replace every doghouse in my kennel, and most boxes I have seen in indoor/outdoor setups would be far too small. I use the "large" size commercial houses, which are rated for dogs up to 65 pounds. I buy them at Wal-Mart, and pay about \$60 apiece. Please note that there is not a single doghouse sold at any local store that would be legal under the new rules. Not even close to being legal! Moreover, a house that is the required size would be dangerous for dogs, because it would not allow the space to be warmed by their body heat in the winter. For a northern winter, a dog must have a small enough house so that it can lie comfortably, but also warm it a few degrees with body heat. The rules also prohibit two dogs from sharing a house, so that they might be able to cuddle to keep warmer.

The writer of this letter owns a 50 lbs. English Pointer. When she is in the house on a dog bed she naturally curls up and covers a space of 20" X 20". Interesting that a 50 lb dog needs this room and desires such a small space. Dogs as, I have observed, curl up in the kennel. I guess it goes back to cave days; they feel secure. It does not matter if it is warm or cold they curl up when inside. Outside they are just the opposite they lay down and stretch out and don't curl up. In my opinion, and given this evidence, it is a waste of space and contrary to the physics of staying warm to have that large of a doghouse.

REGARDING RUN SIZE & DRAINAGE:

It doubles the required run size. I have bird dogs, which weigh about 45 pounds on average and are approximately three feet long from the tip of the nose to the base of the tail. To comply with the proposed regulations, each dog would have to have a run that is 6 feet wide by 15 feet long. While all of my kennel runs comply with these sizes, few other kennels would. The standard length of chain link kennels is between eight and 12 feet in

length. If you stop at your local farm supply store today, their standard chain link kennels are 6' X 12' and 12' X 12'. They would not comply.

2. I have gravel-based kennel runs. Twice a year, I cover the runs with 4-to-6 inches of pea gravel. However, the new regulations would require me to rip out my kennels, put down a thick layer of large stones, and then cover it again with pea gravel. I do not have the required base. This would cost me at least \$10,000 alone. Many kennels have dogs on chains, and this is the norm for hound kennels. Some of these dogs are kept on dirt, and others on gravel. The new rules would have the same requirements for them, and the area involved would be huge. The new rules require 15-foot chains for an average dog, which means a 30-foot circle for chained dogs. That is a lot of gravel!

It is hard to think this is reasonable! This appears to be another case where a state government is trying to haphazardly eliminate businesses.

Pennsylvania has proposed these regulations that appear OK on paper but one must consider what this means in real life for real people. Pennsylvania would be putting people out of business unless it either separates the rules for breeding facilities from working dog facilities or forgoes the alterations altogether.

REGARDING PAPERWORK & DOG WALKING:

Puppy mills might need these new rules but for the working dogs in Pennsylvania they are completely off base. This is where the people in Pennsylvania's government don't appear to understand. A working dog is far better off spending the time being trained and conditioned than being walked on a leash. Have you ever gone to the gym and gotten in a good work out? This results in a very satisfied feeling for the rest of the day? That is a working dog's life. He loves to work, not just tug on a leash. If Pennsylvania is thinking about walking the working dog this not a suitable or adequate choice.

Another example of the apparent difficulty is it actually looks like Pennsylvania wants to put people out of business. Imagine filling out 360 pages of paperwork a day? Does Pennsylvania really think increasing the paperwork by 100X is a reasonable request for an average kennel operator? One wants these dogs to be well cared for but... who has any time to spend with the dog when they are filling out forms? That does not make any sense. This has got to be abandoned!

I have a huge concern for this paperwork load and the many regulations relating to it. This gives the dog warden too much power to find fault with the trainer. What if a kennel owner has a death in the family or any other emergency and the paperwork is late, they may be out of business. Here again is a situation where if you sneeze the wrong way the dog warden could put you out of work.

For the dogs that are trained for hunting and field trials it has been standard practice to breed for improvement of the breed. If you are a trainer, who field trials, one of the most

important things is improving the breed. Pennsylvania is suggesting to us that the kennel owner of working dogs cannot buy a dog except from a licensed kennel. Out of state puppy sales and training services would be next to impossible. That is the core of the business for these people. Let me suggest that it's all about the LOVE OF THE DOG that makes these people work and train. There is not a lot of money in training dogs and, further, these people work in the best and, a lot of times, the worst of conditions. Then they travel to go to field trials and this is very expensive with the current cost of fuel. These trainers are not getting rich! Basically, these people just survive or perhaps a little better when the good fortune of preparedness comes their way.

Once again, the basic motivation for the trainer, or owner, is THE LOVE OF THE DOG. I guess you have to experience this to understand. Men take their hunting dogs out for days on end; money is spent just to have those precious experiences with the dog. Field trialing is where a trainer spends his life bringing along a dog for years only to have a moment of glory. Field trials show off the dog and fabricate hunting as only blank guns are fired so birds are not killed. There are thousands of field trials that go on year around and have for over 100 years as mentioned before for many breeds besides the pointing breeds. This is surely different then breeding litter after litter to sell in a pet store window, don't you think?

I believe Pennsylvania's proposed regulations have to separate the purpose of the dogs. Working dogs owners are a strong group and it is so obvious that the state and the governor would be unfair and unjust to the working dog if they subjected them to the same rules as the puppy mills. I *do* understand that it might be hard for the person making the rules to know all the ins & outs without taking the time to understand and research what I have described.

My next step is to follow up on some other information that has come my way. A fellow kennel owner in Idaho writes:

As far as I've heard Sanatorium's Ag. bill didn't pass. That's what was in the newsletter from US. Sportsmen's Alliance said last week. You all need to join this group as they lobby for the bird dog folks & "Bud" Pigeon is Pres. They gave quite a speech at the Am. Brittany Club a couple yrs. ago & we help support them. These "Peta" type people need to butt out of private dog operations & tend to the "puppy mills" that are ruining our good breeder reputations & kennel practices. The Dept. of Ag. better tend to the "cow" business etc. They wouldn't have enough manpower to run around & check every Tom, Dick & Harry's kennel. Pa. & Illinois. are the worst 'bout state laws. I'd hate to live there!.....

Comments from a fellow field trialer from Montana

Hi,

This was a bill in the previous US Congress, an attempt driven in part by AKC and HSUS, sponsored by Rick Santorum, US Senator from Pa. who was defeated in election.

*Bad ideas never die, I guess they will try it in Pa since they were defeated in Congress.
PL*

I have to assume, given the history, that Congress considers Pennsylvania's ideas inappropriate evidenced by the fact that this has already be defeated once.

I hope all of my information has been helpful. I AM SINCERELY CONCERNED FOR EVERY DOG AND OPERATOR. I THINK THAT PENNSYLVANIA'S INTENT APPEARS CORRECT TO PROTECT THE ANIMALS BUT THE PROPOSED REGUALTIONS ARE NOT SUITED FOR THE WORKING DOG AND THE KENNEL OWNERS THAT TRAIN THESE DOGS.

Sincerely,

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