March 5, 2007

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

RE: Regulation ID # 2-152 (#2559)
Dog Law Regulations

Dear Ms. Bender:

The following comments are submitted on behalf of the Central Pennsylvania Animal Alliance (CPAA), a coalition of over 50 shelter and rescue groups in the Central Pennsylvania area. CPAA is committed to ending the killing of dogs and cats as the means of animal population control through aggressive spay/neuter programs, adoptions, and public outreach and education. Our comments on the Proposed Amendments to the Pennsylvania Dog Law Regulations at Title 7 of the Pennsylvania Code are as follows:

Section 21.3— Enforcement and Compliance
This section is not broad enough. We recommend that State Police Officers and Humane Society Police officers be included as being able to enforce the provisions of the regulations. Adding these individuals would be especially important in an egregious cruelty situation where immediate action was needed and an employee of the Department of Agriculture ("Department") could not be reached. It would thus be reasonable to include the State Police and Humane Society Police Officers in this provision to ensure better protection for the animals. Other sections of the regulations allow police officer and state dog wardens to seize animals, so we suggest that these individuals be permitted to enforce the regulations.

Section 21.4— Penalties
(1) (iii) This section would be impossible to enforce. There is no way to determine whether an establishment transfers a cumulative total of 26 dogs in any one calendar year other than through the word of the establishment.

(1)(iv) This section appears to be contradictory. First, the section states that the Secretary shall revoke or not issue a kennel license to a person convicted of animal cruelty. It then goes on to state that the Secretary may revoke, suspend, or refuse to issue a kennel license if the person holding or applying for the license has been convicted of any violation of the Act. Section (1)(iv)(C). We recommend that this section provide for the automatic revocation of any license if the person holding or applying for the license has been convicted of animal cruelty by any court in any state. This would prevent abusers who cannot become licensed in other states from coming to Pennsylvania to obtain licenses and would thus better protect the welfare of the animals.

(1)(v) (B) Return of seized dog
This section is not reasonable. This section allows a person whose license has been REVOKED to get the dog back if he provides the Department with "adequate assurances" that the dog will receive veterinary care. It is not reasonable to allow someone whose license has been revoked to get a seized dog back. Further, "adequate assurances" is not defined and is ambiguous. We suggest that the seized animal be placed in the care of a veterinarian and that the individual be required to pay for the necessary veterinary care and rehabilitation for the dog. We also suggest that the individual be made to comply with all inspection standards and be required to have his license reinstated before getting any seized animal back.

(iv)(C) Again, this section is not reasonable. If a person's kennel license has been revoked, suspended, or denied, then the minimum standards for the care of animals have not been met. Why would animals be permitted to remain in this person's care merely upon satisfactory evidence or assurances? And, satisfactory evidence or assurances is not defined and is ambiguous. What exactly does this mean? Is it merely the person's word—the person whose license has been revoked? That is not sufficient to protect the dogs' welfare. We suggest that animals not be permitted to remain in the care of an individual whose license has been revoked. See our comment to "Return of seized dog" above.

(vi)(B) Secretary directed forfeiture
There is a word missing in the second line. We believe it should read "the secretary may direct that ownership of a particular dog which has <u>been</u> seized..."

Section 21.14 Kennel Licensure Provisions

(a)(3)(ii) This section would group kennels, commercial breeders, rescue organizations, and foster homes together and subject them to the same requirements. It is unclear how the required reporting by a rescue organization that does not maintain a centralized facility will take place and be monitored. This provision is not enforceable in a consistent manner. Most rescue organizations are operated on a "foster only" basis and have no centralized physical kennel.

This provision is unreasonable as it applies to foster homes that are utilized by rescue organizations. Dogs that are placed in foster care are kept in a home environment just as owned dogs are. The foster dogs are the "temporary" pets kept by a household until the animal finds its forever home. These animals are not crated or kept in kennel-like conditions. Instead, the animals are kept in a home environment. It is unreasonable to hold a home situation to the same standards as a commercial kennel or breeding facility.

The purpose of these revised regulations was ostensibly to better regulate the abhorrent and egregious conditions of Pennsylvania's puppy mills. Extending the regulation to include non-kennel based rescue agencies and foster homes does nothing to further regulate the puppy millers, and in fact, would arguably impose standards upon private individuals that they would be unable to meet, thereby jeopardizing the number of

animals that could be assisted by rescues. We also question the constitutionality of this provision which would allow entry into a private home without a warrant. The regulatory provisions for entry into a private home would adequately cover the foster home care situation. Non-kennel based rescues and foster home care situations should not be encompassed by these regulations.

In addition, registering private homes that offer foster care as kennels would put an undue burden on individuals who live in residential areas, since many zoning ordinances regulate where a kennel may be located. The location of all kennel license recipients in Pennsylvania is published on the internet and in other public forums. This publication of information about the homes of individuals presents a privacy concern.

Section 21.23 Space
(a) It is impossible for a dog to be in an enclosure in a lateral encumbrance with legs fully extended without touching any side of the enclosure. The crate or kennel would have to be huge for even a medium sized dog, and astronomically sized for a huge dog. We suggest that space requirements be proportionate based upon the size of the dog.

(e)(v) This provision would be impossible to enforce, as the inspector will have to rely merely upon records kept, which could easily be falsified.

Section 21.24 Shelter housing facilities and primary enclosures

(a) Structurally sound needs to be clarified. An enclosure could be structurally sound but be insufficient to protect the dog from the cold—*i.e.* a plastic igloo type dog house could be structurally sound but does not provide sufficient insulation to keep the dog warm in the winter or cool in the summer. We suggest that outdoor facilities be required to contain straw or hay for the dogs' warmth during the winter months.

(b) Outdoor Housing Facilities

How will this provision be enforced? Will the kennel owner's word be enough? We suggest that the specific breeds that would not tolerate the cold weather be specifically listed as not to be kept in outdoor facilities, and the same specific list for breeds that are intolerant of the heat. At least then the inspector will have a specific list to go by when the kennel is inspected. In addition, we suggest that a veterinarian certificate be required for each dog maintained at the kennel to verify that it may be kept outside.

(b.1) We recommend that shade be defined to require protection from the sun.

We recommend that the following be added to the regulations:

--Female dogs may not be bred until they are at least two years old, and that they may not be bred more than once per year.
--Records must be kept on the breeding history of each dog and be subject to the review of the Department, State Police Officers, and Humane Society Police Officers.

--Commercial breeders must pay a license fee of $5,000 per year if they breed more than 20 dogs per year.
--All dogs housed by commercial breeders must be spayed or neutered prior to adoption.

Respectfully submitted,
Connie Chamberlin VAPM.
CPAA Members