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INDEPENDENT REGULATORY
REVIEW COMMISSION

Bureau of Dog Law Enforcement
Attn: Ms. Mary Bender
Pennsylvania Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408
March 7, 2007

Dear Ms Bender:

We, the undersigned groups, dog clubs, rescue organizations, business owners, breeders, groomers, trainers, and individuals have come together to register our grave concerns regarding the proposed regulatory changes to the PA Dog Law. Our objections relate specifically to those changes published on 12-16-06.

Governor Rendell assures that neither he, nor the Department intend to negatively impact ethical breeders of quality dogs, nor to negatively impact small dog-centric businesses. Rather the goal of the proposed regulations is to improve the lot of dogs in Pennsylvania, particularly those in large-scale commercial breeding facilities. However, if promulgated, many aspects of these proposed regulations would, in fact, result in the loss of the Pennsylvania economic base assured by existing breeders and businesses locally serving Pennsylvania citizens. We offer here our views of the most potentially harmful aspects. We have also offered alternative suggestions to mitigate negative impact on ethical and caring dog-related businesses or their contribution to Pennsylvania's tax base, while still accomplishing the stated intention of improving the quality of life for dogs in Pennsylvania.

In particular we draw your attention to the definitions which would lump those of us whose dogs are family members, growing up in our kitchens, playing with our children and bound for futures at Police Units or Westminster, together with those whose dogs are unnamed livestock. Utilizing the proposed definitions our homes become "kennels," subject to the industrial standards applied uniformly throughout this proposal. No one would raise children in the sterile, unnatural conditions described in these regulations, and no one should have to buy puppies from places where they've never felt the grass beneath their feet nor had the joy of chasing children around a backyard. These regulations would remove the heart, soul and joy that mark the devotion of small-scale breeders to their dogs, and would eliminate the sources of quality dogs that Search & Rescue groups, service dog groups, therapy dog groups, and all performance related sports and activities are utterly reliant upon.

While the regulations may provide guidelines for less savory commercial dog brokers and wholesalers to improve the lot of their unfortunate animals, those of us who already provide a much higher quality of life for our dogs adamantly oppose being required to subject them to industrial, commercial-style housing and treatment. We fervently hope that when the Governor, the DLAB, and the Department realize the deleterious effects that implementation of these regulations would have on Pennsylvania's dogs and the public that loves them, the alternative suggestions that we and others like us have entered into the public record will be implemented.

The following organizations, businesses, and individuals respectfully submit this document, having endorsed its content in whole or in part.

Signatories:

Niagra Newfoundlands – Julie Wildenstein, PA
Scranton Animal Hospital – Scranton, PA
Kim Bell, Esquire
Hollow Hills Shepherds – Beth Dorton, Clarks Summit, PA
Autumn Valley GR Rescue, Inc.— Gayle Haak, Moscow, PA
High Wycombe Vacationland For Pets – Katy O’Hora, Gloria Treen, Harding, PA
Marty Shane, Malvern, PA
Pat Shane, Malvern, PA
Luzerne County Rottweiler Rescue
Keystone Rottweiler Club
von Staten Rottweilers- Virginia van Doren, AKC Delegate for Lackawanna Kennel Club
Scentsational Bassets- William Zwick – Mt. Pleasant, PA
Joseph M. Mazur – Clifton, PA
Brodach Kennel- Patricia Brook – Member Lackawanna Kennel Club, D.C.A. Dachshund Fanciers of Berks County
Janice C. Deojay- Member Lackawanna K.C. & Colonial Rottweiler Club
Duffington Terriers- Rosemary O’Brien- member Lackawanna K.C.
Rosedale Scottish Terriers- Marge G. Rosa- member Lackawanna K.C., Scottish Terrier Club of Greater NY, Scottish Terrier Club of Am.
Linda Carney- Member Lackawanna K.C., Bernese Mt. Dog Club of Am., FingerLakes Bernese Mt. Dog Club
Diane Cicci- pet owner - Jessup, PA
Ellen Muzi- pet owner - Scranton, PA
Rockmor English Setters – Jan Morgan- Clarks Summit, PA
Bracewood Kennel - Susan J. Bunnell – Tunkhannock, PA
Diane Barna- vom Hinterberg hof -Dallas, PA
Creature Comforts – James Smith - Center Moreland, PA
Southwind Kennels – Sweet Valley, PA
Von Holzland Rat Terriers – Jill Pastucka, Heggins, PA
Shelley’s Grooming – Shelley Schuler, Nicholson, PA
Fern Hill Rat Terriers – Carol Pompey, Dickson City, PA
Greyfriar Shelties – Diane Eramo- Scranton, PA
Melanie L Becker
Frank S Becker
Patti McDowell (past Board of Directors member of the Newfoundland Club of America, serving presently on the Board of Directors of the Newpendel regional Newfoundland Club) and Louis Palmisano MD Breeders/owners of Council Cup Newfoundlands, home of multiple winners at Westminster (NY), Crufts (England), Best in Show at the European Dog Show in Barcelona, Spain. Breeders/owners of the AKC Top Show Dog (Newfoundland), winner of the Pedigree Award, 2 Newfoundland Club of America Top Producing Dams (2001, 2006), Newfoundland Club of America Top producing Sire (2006), and breeders of over 35 American, Canadian, and European Champions.
Stacy McWilliams-Dog owner/exhibitor/Hobby breeder-Harleysville, PA 19438
Jaime Bates-Nuck’s Am Staffs & French Bulldogs Owner/breeder/handler -Weatherly, PA 18255
Sarah Williams-Shadowmere Shelties Owner/Breeder/Exhibiter- Sunbury, Pa 17801

NOTE: Below we have listed only those sections with which we have serious issue. Other sections which are problematic are not addressed, for lack of space. (key phrases in red):

GENERAL PROVISIONS

Wording as currently proposed:

§ 21.1. Definitions.

Establishment--The premises, including the home, homestead, place of business or operation of any individual or person, including a dealer, which includes all of the land, property, housing facilities or any combination thereof, on, in or through which any dog is kept, bred, harbored, boarded, sheltered, maintained, sold, given away, exchanged or in any way transferred. Establishment shall encompass all of the individuals or persons residing thereon. It may be public or private and includes an individual, person, organization, business or operation, which utilizes offsite or temporary homes to keep, maintain, breed, train, harbor, board, shelter, sell, give away, adopt, exchange, or in any way transfer dogs.

Housing facility--Any land, premises, shed, barn, building, house, trailer or other structure or area housing or intended to house dogs for any period of time.

Temporary home--A place, other than a licensed kennel or veterinary office, including land, property, premises or housing facility or any combination thereof where an individual, person, owner or keeper, keeps, maintains, breeds, harbors, boards or shelters dogs on behalf of another person, organization, business or operation for the purpose of later selling, giving away, adopting, exchanging or transferring the dogs.

REASONS FOR OBJECTIONS:

RE: Definitions- Definitions and Scope are ill-defined, unconstitutionally overbroad, and result in unintended consequences for reputable quality breeders, rescuers, and boarding kennels. The words "kept", "maintained", "harbored", "sheltered" and "given away" need clarification. As written, one could literally construe that an establishment could be a home where I keep my own dogs or where I give away one of my dogs to my brother. Surely this is not what is intended. Added language "for the purpose of later selling" would place them into the realm of a business kennel rather than private property ownership.

RE: Use of "home" "house" "homestead"- Puppies raised with human beings make better pets, better working dogs, better police dogs, better hunting dogs...starting a puppy off alongside human beings prepares them for their future role as assistants and companions. Forcing dogs out of the house and into a kennel does no service to the dogs or to the future owners of those puppies. Making the "home," "house," "domicile" or the like subject to the onerous regulations described herein will remove the option for any breeder to provide the comforts and socialization benefits of their home for their dogs.

RE: "Temporary Home" - The word "personal home" needs to be removed for common sense reasons as well as right to privacy reasons (see II. *infra*). Since most rescue organizations use temporary foster homes to further assess a rescue's health and temperament before permanent placement in the forever home, private homes would fall squarely under "temporary home" and this is contrary to the stated intent of the changes to these regulations.

SUGGESTIONS:

1. omit "house," "home," "homestead" or any word that could be construed to refer to that domicile within which a human family makes its primary residence.
2. Clarify meanings of other terms used throughout the document but not defined in this section, including:

a) -- *Indoor Housing Facility* is a sub-definition that needs to be added.

Suggestion:

"Indoor housing facility as used in this Part means any physical structure designed to house dogs that does not include an outdoor kennel component, other than either a personal family residence or structure or building used as human living quarters."

b) -- "*Primary Enclosure*" is a term used consistently throughout, yet not defined. The words "immediately restrict a dog" does not make literal sense. Nor does it account for puppy housebreaking by crate-training. Suggestion: "that space in which a dog spends more than a twelve hour period of time per day."

§ 21.2 Scope.

Suggestions: Because the proposed changes to the definitions would involve additional reach in scope of the Act, in order to avoid infringing on Right to Privacy issues it would be extremely prudent to add to the end of the existing paragraph: "These regulations do not apply to dogs living in or puppies whelped inside a private family residence or structure or building used as human living quarters."

CURRENT WORDING: § 21.14. Kennel licensure provisions.

- (a) (3) *Kennel license required.* A kennel license shall be required for any establishment upon which a cumulative total of 26 or more dogs of any age in any 1 calendar year are kept, harbored, boarded, sheltered, sold, given away or in any way transferred. The Department, based upon the application, will determine the appropriate licensure classifications.

REASONS FOR OBJECTIONS:

This section and its modifying sections (i) thru (iv) utilize the numerical cutoff of 26 dogs. If a rescue group assists 3 dogs per month, they reach the cutoff qualifying them as a "kennel" well before the year is over. Hundreds if not thousands of private individuals would be affected by the commercial nature of the proposed regulations, forcing them to give up their efforts on behalf of dogs if doing so invites the State to invade their private residence. We do not believe this is the Department's intent, nor do we believe the Department has the financial or personnel resources to attempt to oversee such small operations.

Ethical breeders, trainers, and small-scale boarding kennels are affected: For example, perhaps a person owns a top-quality stud dog. Other breeders utilize that stud. If on average one female per week is brought to the owner's home for stud service, that's 52 dogs in a single year that will cross that threshold simply to breed to that stud. Per the wording of these proposed regulations, those 52 females count towards the "establishment's" total, so even if the owner of the stud does not own a single other dog

or raise a single litter, nonetheless he officially qualifies as a 'kennel' and his home must be regulated per these commercial standards. Small businesses have similar scenarios, crossing the threshold in a matter of weeks. The number 26 is ridiculously low if the intended target of these regulations is puppy mills.

SUGGESTION: Revise the number 26 upward several orders of magnitude (puppy mills, the purported target of these revisions, deal in four figures' worth of dogs, not two or even three) wherever it occurs in the regulations or the Dog Law. While it is understood that this number originates with the overriding Dog Law and must be revised at that level, it is suggested that to do so would eliminate much of the conflict the Department is having with ethical breeders, boarding kennels, rescue groups and business owners, while still holding sway over large-scale commercial breeders.

CURRENT WORDING:

§ 21.14. Kennel licensure provisions

(5) Kennel records. (iii) (A) For Kennel Class I–Kennel Class V licensed kennels, the following information:

- (III) The Pennsylvania kennel license number or Out-of-State dealer license number of the kennel from which the dog came.

REASONS FOR OBJECTIONS: Dogs that are imported from Germany or other foreign countries will not originate with breeders who have a 'dealer license number' or PA license number. Elsewhere in these proposals it already states that it is illegal to purchase from or do business with someone whose license has been *suspended or revoked* or who should have a license and doesn't. An allowance must be made for purchases from breeders/kennels/individuals for whom the licensing laws of PA do not apply. The state cannot possibly be in a position to advise or restrict a reputable breeder's choice of appropriate additions to their breeding stock.

SUGGESTION: Insert the phrase "*if applicable*" at the end of 21.14(5)(iii)(A) (III)

CURRENT WORDING: KENNELS--PRIMARY ENCLOSURES

§ 21.21. Dog quarters.

(b) The interior building surfaces of housing facilities shall be constructed and maintained so that they are water resistant and may be readily sanitized. Outdoor facilities shall be constructed in a manner to allow them to be readily sanitized, to assure the dogs have a mud free area and to assure there is no standing or pooled water.

(c) Adequate drains or gutters, or both, shall be provided to rapidly eliminate excess water from both indoor and outdoor housing facilities and other areas such as outdoor runs and exercise areas.

REASONS FOR OBJECTIONS: As currently written, if literally interpreted, these regulations apply to private homes and the backyards in which the dogs and children play. In rainy weather, there are puddles, a delight to puppies as much as children. Some yards are well drained and remain mud-free even in inclement weather—why legislate the installation of an unnecessary expense?

SUGGESTIONS: RE: b) For consistency, the phrase "mud free area" should be repeated in the areas applying to exercise, to clarify that mud may be present in places

but a dog must have access to shelter in a dry area.

RE: c) insert the phrase "as needed" between 'provided' and 'to rapidly.'

CURRENT WORDING:

§ 21.23. Space.

(a) **Primary enclosures** [shall] must be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position. The dog shall be able to lie in a lateral recumbence (on its side or back) with legs fully extended, without head, tail, legs, back or feet touching any side of the enclosure.

(e) In addition to the space requirements, each dog shall receive 20 minutes of exercise per day. Dogs shall be observed and supervised during exercise and shall be exercised the following manner:

- (i) Walked on a leash by a handler or put in an exercise area.
- (ii) An exercise area must meet the following criteria:
 - (C) The exercise area must be equipped in a manner to allow dogs to be exercised even during inclement weather and to protect the dogs from becoming wet, matted or muddy during the exercise.
 - (D) The provisions regarding the type of materials utilized for flooring in § 21.24(b)(6) apply.
 - (E) The same sanitation requirements in § 21.24(b)(8) and (9) and the applicable provisions of § 21.29 (relating to sanitation) apply.
- (iii) Dogs put in an exercise area shall be segregated in the following manner:
 - (A) Small dogs (35 pounds and less) shall be exercised together and may not be put in the same exercise area with medium or large dogs.
 - (B) Medium sized dogs (36 pounds but less than 60 pounds) shall be exercised together and may not be put in the same exercise area with small or large dogs.
 - (C) Large sized dogs (61 pounds but less than 90 pounds) shall be exercised together and may not be put in the same exercise area with small or medium dogs.
 - (D) Giant sized dogs (91 pounds and greater) shall be exercised together and may not be put in the same exercise area with small, medium or large dogs.
 - (F) Spayed and neutered dogs may be exercised together. Otherwise males and females shall be separated and may not be exercised at the same time in the same exercise enclosure.
- (iv) The Department may exempt a dog from exercise for a period of time, if a licensed veterinarian has determined the dog has an injury or other physical condition that would cause exercise to endanger the health, safety or welfare of the dog. The determination must be in writing, be for a time period limited to the amount of time medically necessary to recover from the injury or illness, state the specific medical condition and reason for the exemption and list the time period for the exemption.

REASONS FOR OBJECTIONS- RE: (e)-While daily exercise is a must, this particular provision oversteps...if the net goal is well-exercised, happy dogs, it behooves the Department to stipulate that the dogs be demonstrably fit and healthy and happy, while avoiding the imposition of specific dictates as to exactly *how* that level of fitness and well-being is attained. Speaking for myself and for many with active, athletic breeds, I spend approximately three hours daily exercising my dogs, with various activities that are age-appropriate. Some are walked as much as eight miles while youngsters merely take

laps around the eight-acre property.

RE: (e)(ii) - This entire section is completely inadequate for German Shepherd Dogs, or for any hunting, herding or working breed and many of the terriers. Any dog (with the possible exception of the most delicate of toy breeds) needs to feel the earth beneath their feet. Dogs were bred for purposes before they were kept as pets, and many breeds become neurotic if not given the opportunity to run freely in natural environments. These provisions effectively make it illegal to exercise one's dogs in a public park, woodlands, or your own private land. Woe to hunters, Search & Rescue personnel, or even police officers who want to train their dogs!

RE: (e)(iii)- Since it is established elsewhere in this section that the animals must be supervised while being exercised, it is certainly possible for a human being to maintain order, to make choices as to which dogs are safe to run and play with other dogs, and to direct the dog's activities so as to take every reasonable precaution to prevent injuries. For breeders who are raising dogs that will be placed in practical application as search dogs or assistance dogs or police work or personal protection or therapy, etc., it is crucial that the dogs receive exposure to dogs of a variety of sizes and types so that they're acclimated and know how to behave in the presence of other dogs.

RE: (e)(iii)(F) - This makes no provision for old ITEM # 21.22 (c) where for reasons of health or welfare they may be kept together. As any breeder or dog professional knows, dogs are highly social creatures and develop neurosis and behavioral problems when kept isolated from their own kind. Dogs are also often aggressive to those of their own gender, thus the best manner in which to assure compatibility is to pair males and females. Attempts to prohibit the intermingling of opposite-sex groupings is to consign kennel dogs to lives of isolation and thus emotional distress.

RE: (e)(iv) - Not all reasons for exempting a dog from exercise are medical ones. Owners who are familiar with their animals will know when conditions are such that an elderly animal should not be forced to get up and exercise.

SUGGESTIONS: Omit the qualifying modifiers (i) thru (iv) and substitute in (e): *"In addition to the space requirements, each dog shall receive a minimum of 20 minutes of exercise per day as it is able. Dogs shall be leash-walked, allowed free-play in compatible groups, or given access to an exercise area in a manner to allow dogs to be exercised even during inclement weather. Dogs which become wet or muddy during exercise must be rinsed or dried as necessary at the termination of the exercise period. Dogs may be exempted from exercise from time to time. Documentation of reasons for the exemption shall be notated as provided for in § 21.23(v)."*

CURRENT WORDING:

21.23 (v) Daily records of exercise shall be kept for each dog in the kennel. The records, at a minimum, must set forth

(A) The breed, color, markings, sex, approximate weight and age of each dog or when applicable, the microchip number of each dog.

(B) The date and the time period each dog was exercised and whether the exercise was on a leash or in an exercise area.

(C) Any medical exemption written by a veterinarian licensed to practice in this

Commonwealth.

REASONS FOR OBJECTIONS: In small kennels it's utterly absurd to require a written record of this sort of detail when it's a single owner who knows each and every dog personally, by name, and can describe every whisker on its face...to ask for this degree of detailed record is onerous and meaningless. It's asking for paperwork the Department has no time to review, and which will be 'dry-labbed' if required. Perhaps there is some justification for requiring record-keeping of some nature in kennels housing more than fifty dogs, where more than one individual is involved in the process. Even so, large boarding kennels such as the one I owned kept a master record and had columns for check-marks, not a separate log for recording individual descriptions each and every time the animal was exercised, fed, or otherwise tended.

SUGGESTIONS: "Daily records of exercise shall be kept for each dog in kennels of such size that paid employees are responsible for the care and exercise of the animals. The records must provide a clear and easily deciphered means of tracking, which may include:

- (A) The name, or when applicable the ID (tattoo or microchip number), or alternatively the breed, color, markings, sex, approximate weight and age of each.
- (B) The date and the time period each dog was exercised and whether the exercise was on a leash or in an exercise area.
- (C) Any medical exemption written by a veterinarian licensed to practice in this Commonwealth."

CURRENT WORDING:

§ 21.24. [Shelters] Shelter, housing facilities and primary enclosures.

(b) Outdoor housing facilities. Shelter shall be provided for dogs kept outdoors. Sufficient clean bedding material or other means of protection from the weather shall be provided. Dogs that are not acclimated to the temperatures prevalent in the area or region where they are being maintained, breeds of dogs that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-haired breeds in cold climate or cold climate breeds—such as huskies—in warm climates), and sick, infirmed, aged or young dogs, may not be kept in outdoor facilities. When a dog's acclimation status is unknown, it may not be kept in an outdoor facility when the ambient temperature is less than 50° F.

(1) (portion omitted). The area of shade must meet the following criteria:

- (i) Be constructed as a permanent fixture. A tarp may not be considered a permanent fixture.
- (ii) Be immediately outside the dog box or primary enclosure to assure the dog has a mud and water free area in which to stay dry before entering the dog box or primary enclosure.
- (iii) Be constructed to allow for sufficient air movement to keep the dog comfortable in event of excessive heat and to provide all the dogs housed in that area protection from the direct rays of the sun.

(2) Dogs housed in outdoor facilities shall be provided with a flat and level surface for housing and for exercise. Outdoor facilities and exercise areas must have a slope of at least 1/8 inch per foot to provide drainage, but may not be placed on a slope of more than 6 inches per 10 feet. The slope must be situated to assure drainage away from the primary enclosure and away from any adjacent primary enclosure and run associated with that primary enclosure.

REASON FOR OBJECTION: Small, reputable breeders whose dogs are primarily house-raised utilize their own backyards as exercise areas. It is unreasonable to require these persons to pave or gravel their yards, or have construction crews utilize earth-moving equipment to create the pitch described herein. These criteria are applicable to commercial settings, not small breeders. It creates an unreasonable hardship to expect small breeders to conform to industrial code, which the Governor and his DLAB have specifically said was not their intention.

CURRENT WORDING:

(3) The run associated with each dog box or primary enclosure of an outdoor facility must be at least five times the length of the largest dog in that run and two times as wide as the length of the largest dog in that run, as measured from the tip of its nose to the base of its tail, and allow each dog convenient access to the primary enclosure or dog box, permanent shade area and food and water containers.

REASON FOR OBJECTION: The width requirement differs considerably from what has been considered industry standard. As such, it will necessitate massive changes in most boarding and breeding kennels, not to mention lost revenue for boarding kennels which must keep a single dog per run, meaning that in essence most kennels would be halving their capacity by the necessity of knocking down every-other partition within the kennel area. Dogs that are walked on leash and/or provided with exercise as per the provisions of these proposed regs can certainly be content for part of their day within kennels that have been considered standard for the industry, especially considering the exceptions granted to pet shop windows or humane organizations who don't even get the benefit of a run in the backyard or a walk around the neighborhood.

SUGGESTION:

CURRENT WORDING:

§ 21.24. (b) (8) Outdoor runs and exercise areas may be constructed of concrete, gravel or stone. If gravel or stone is utilized, it must be constructed in layers to provide proper drainage and footing that will not cause injury to the dogs. The first layer of gravel or stone must be a course layer of number 2, 3 or 4 crushed durable rock and the top layer of gravel or stone must be a fine layer which fills in the courser layer of stone or gravel and results in an even surface. The first layer must be of a thickness adequate to provide proper drainage (approximately 4--5 inches) and the top layer must be of a thickness adequate to assure none of the bottom layer stones are protruding (approximately 2--5 inches). The surfaces shall be kept in good repair at all times. Cracks or chips in concrete shall be repaired as soon as weather permits. Repairs to stone or gravel surfaces shall be done as necessary to prevent protrusion of the course first layer and to repair any holes or depressions caused by compaction of the materials or digging by the dogs. Pulverized stone, sand, sawdust or any other material that cannot be readily hosed down and sanitized or that may cause respiratory or digestive problems for the dogs may not be utilized.

REASONS FOR OBJECTIONS: It's unhealthy and unnatural for dogs to be confined to man-made surroundings. When a breeder/owner has the time and inclination to exercise their dog(s) in the woods or city parks or quiet country roads, why in the world would the Department prevent such healthy activity? Training for herding, police, agility, Search & Rescue, hunting and the like must be conducted in environments for which the dogs are being prepared to function. The Military Working Dog Program states that "[m]uch of the required proficiency training for an MWD team can and should be conducted in the working environment or in a similar one." (Department of the Army Pamphlet 190-12, page 23).

SUGGESTIONS: Substitute -- "Outdoor runs and exercise areas may be constructed of manicured grass, concrete, gravel or stone." Etc.

CURRENT WORDING: § 21.24. (b) (10) Outdoor facilities must be constructed and maintained in a manner and in an area that assures adequate and proper drainage and

elimination of standing water, pooled water and mud--even in times of severe weather conditions. The outdoor facility and drainage system must be constructed to insure the animals stay dry and are not subjected to wet, muddy or unsanitary conditions. Outdoor facilities shall be cleaned of all feces and sanitized to wash away urine, and kill all parasites, fungus and other disease causing elements. The facilities shall be cleaned and sanitized every 24 hours and in a manner consistent with this chapter.

REASON FOR OBJECTION: elsewhere in this document, provision is made for providing the dog(s) access to a "mud-free area" in their "primary enclosure; see: 21.21 (b). Similar wording here would assure consistency and prevent confusion and redundancy throughout the document. Given that the Governor and various officials within the Department and the DLAB have stated that the intent of these regulations is to reduce the suffering of PA's dogs, and specifically not intended to target or eliminate private, ethical breeders of quality dogs, then it follows that sections like this that are obviously precluded by zoning restrictions at the typical breeders' place of residence must be modified to allow for the reality that most well-bred dogs originate from private residences governed by zoning and other local building restrictions that would prevent absolute compliance with the letter of these regulations. If the intent of this section is to assure dogs the opportunity of exercising and to then seek shelter in a dry environment, and if that dog's owner is willing to exercise it outdoors in inclement weather and to towel and/or blow-dry it after said exercise, the intent of this section is satisfied.

SUGGESTIONS: Substitute "*so as to provide an area free of mud and water within the primary enclosure even during inclement weather*" in place of "and elimination of standing water, pooled water and mud--even in times of severe weather conditions". And, insert: "substitute the phrase: "*...kept clean and sanitary on a daily basis*" in place of "clean and sanitized every 24 hours."

Current Wording § 21.24. (b) (11) Outdoor facilities, including runs and exercise areas shall be kept free of grass and weeds. Grass and weeds shall be cut back from the sides of runs and exercise areas to a distance of 5 feet to help prevent tick, flea and other parasite infestation. Where pesticides are used, the owners shall consult a licensed veterinarian with regard to the proper pesticides to use to assure the health, safety and welfare of the dogs.

REASON FOR OBJECTION: once again, this does not take into consideration the environment in which most small breeders maintain their dogs as part of the family, thus exercising them in the family backyard or property. To eliminate 'grass' from the environment is to consign the family's children to playing on concrete or asphalt or other sterile environment. As it is surely not the intent of these regulations to modify the lifestyles of the families within which puppies begin their lives, it is unreasonable to expect families to pave their backyards just so their dogs can run on concrete or gravel rather than clipped lawns.

SUGGESTION: Substitute "*Outdoor facilities, including runs and exercise areas, may be of concrete, stone, gravel, or manicured grass. Veterinary flea & tick preventative shall be applied to the dogs and/or to their environment as needed for the health, safety, and welfare of the dogs.*"

§ 21.24. (f) Housing facilities--general. The following criteria apply to both indoor and outdoor facilities:

- (8) Records shall be kept in accordance with the act and §§ 21.14(a)(5) and 21.41 (relating to kennel licensure provisions; and general requirements) must evidence,

among the other provisions, the date and time of day following conditions were met:

- (i) The housing facility was cleaned.
- (ii) The housing facility was sanitized.
- (iii) Each individual cage, dog box or primary enclosure was cleaned.
- (iv) Each food and water bowl was sanitized.
- (v) New food and potable water was provided each dog.

REASON FOR OBJECTION: redundant to item # § 21.41. (e) 1-3. See previous notes.

In the same manner, completely inapplicable to private, small breeders who personally care for all of their own dogs and whose dogs are part of their families. Puppies are fed three or more times daily. Adults of different breeds may require only once daily feeding while others require twice. A private individual could end up spending more time making records than actually playing with, exercising and/or training his or her dogs. Onerous requirements of this nature are as ridiculous as asking parents to document every time they hand their child a snack, prepare dinner, put him to bed, change his sheets, clean the toilet or run the vacuum. A better approach is that the dogs themselves evidence the fact of their care, their condition indicates good health and proper feeding.

SUGGESTION: Insert similar wording as suggested for Section 21.23: *“Daily records of exercise shall be kept for each dog in kennels of such size that paid employees are responsible for the care and exercise of the animals. The records must provide a clear and easily deciphered means of tracking, which may include the date and time the following conditions were met:”* followed by (i) thru (v).

CURRENT WORDING: § 21.24. (11) The housing facility including outdoor kennel housing must be equipped with waste disposal and drainage systems that are constructed and operated in a manner that allows for the rapid elimination of animal waste and water and that insures the animals stay dry. The drainage system must be properly constructed, installed and maintained.

(i) Where the kennel is an indoor kennel with no outside runs, a gutter and drain shall be provided for sluicing waste waters during kennel cleaning. The kennels must have adequate holding facilities to allow a dog to be outside its primary enclosure during the washing of that primary enclosure and until there has been adequate drying of the primary enclosure.

(ii) Floor or surface drains and gutters must be at least 6 inches in diameter. [exceptions/exemptions for pre-existing facilities that have met with approval under previous inspections for XXX years]

(iii) Where an indoor kennel has outside runs attached, drains or gutters shall be installed between the indoor and outdoor section of the kennel for sanitation and drainage purposes. Half round pipe shall be installed in these areas to permit the dog to walk through. The indoor kennel and the outdoor run must be separated by a guillotine, swinging or sliding door or some other device or means approved by the Department, to allow isolation of the dogs during cleaning operations.

REASON FOR OBJECTION: 21.24 (11) describes the intent as well as the observable end-result desired. The specifications that follow (i) thru (iii) are not applicable to every type of kennel and should not be promulgated upon private breeders or rescue groups which house their dogs primarily in private residences that are not equipped with drainage but rather which maintain cleanliness via traditional, practical household methodologies.

SUGGESTION: Omit (i) as unnecessary. The intent of Item 11 is adequately addressed as it stands, without modifications that are onerous and unnecessarily explicit for most private breeders, rescues, and small boarding kennels. Or INSERT: *“...unless the kennel is maintained in a manner similar to a household, with hand-scrubbing, mopping, disinfection and drying of floors”* at the end of the first sentence.

RE: (ii) omit per previous comment, re: Item 11 adequately addresses intent.

RE: (iii) --INSERT: "...unless the construction of the existing building includes physical features that prevent water contamination from the inside to the outside and vice-versa." at the end of the first sentence and "...as needed" between "areas" and "to permit" in the second sentence. OR, MAKE EXCEPTIONS for licensed, compliant pre-existing facilities that have not had problems previously.

CURRENT WORDING: KENNELS--RECORDS

§ 21.41. General requirements.

(b) Kennels shall maintain records as required by section 207 of the act and §§ 21.14(a)(5) (relating to kennel licensure provisions). Records shall be maintained on forms issued or approved by the Department.

(c) Records shall be provided to the Department and to State dog wardens upon request.

(d) The records shall be subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(e) In addition to the records required under section 207 of the act, every keeper of a kennel shall keep a record of the following for each dog housed in the facility:

- (1) The date, time and detail of daily feedings, cleaning of kennel, 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.

REASONS FOR OBJECTIONS: redundant to item # § 21.41. (e) 1-3. See previous notes. In the same manner, completely inapplicable to private, small breeders who personally care for all of their own dogs and whose dogs are part of their families. Puppies are fed three or more times daily. Adults of different breeds may require only once daily feeding while others require twice. A private individual could end up spending more time making records than actually playing with, exercising and/or training his or her dogs. Onerous requirements of this nature are as ridiculous as asking parents to document every time they hand their child a snack, prepare dinner, put him to bed, change his sheets, clean the toilet or run the vacuum. A better approach is that the dogs themselves evidence the fact of their care, their condition indicates good health and proper feeding.

SUGGESTIONS: INSERT: with more than 50 dogs kept at any given time in (e) between "...kennel" and "...shall keep a record..."

RE: (e)(6) our veterinarians keep these records, and to obtain copies of medical records one must sign release forms for each and every incident. This creates hardship not just for the small kennel owner but for the veterinarian, who must create paperwork in duplicate.

IN CONCLUSION The best way to raise dogs to be family pets and for any other role that requires working or living closely with people is in the home, with a human family.

Home breeders expose their puppies to the sounds, smells and sights of normal household life from the beginning. From the puppy's point of view this means he starts out in the world in which he'll be living. He plays with our children, learns about tile floors and carpets, toys, stairs, windows, visitors, cats ... the whole range of normal household experiences. Moreover, breeders are able to begin each lesson puppy will need for the home environment as he is ready and can evaluate pups in the setting in which they'll live. Having lived closely with our puppies we know them as individuals and we're able to match them to suitable families or (for working dogs) jobs.

The proposed rule changes are said to be an attempt to solve problems that exist in some large-scale commercial breeding facilities. However, these changes represent a comprehensive set of 'engineering' standards for the breeding of dogs that are impossible of compliance in a home breeding setting. With the much lower threshold at which the new regulations would apply (26 dogs passing through the home within a year, a level that many home breeders would reach) the effect would be to nearly eliminate home breeding in Pennsylvania.

Moreover, we have substantial reservations about the application of these regulations to commercial-scale breeding. Pennsylvania's existing performance-based standards are adequate to assure animal welfare, IF THEY ARE ENFORCED. It is unclear how enacting standards that are more difficult and expensive to meet, more expensive to enforce, and a better target for litigation against the state, will do anything but worsen the enforcement issue.

At a minimum, we ask that language be added to Section 21.15. to "grandfather" or otherwise exempt small-scale breeders, boarding kennel operators, trainers, groomers, and dog-centric businesses that:

- 1. Have been licensed by the state, and doing business for a minimum of five years.*
- 2. Have been inspected, by state approved dog wardens, for a minimum of five consecutive years and have been determined, by said dog wardens, to be in compliance with current dog law legislation.*
- 3. Any facilities complying with 1 & 2 in which "there are no reasonable grounds to believe that the health, safety or welfare of the dogs are endangered".*
- 4. Any facility listed above that can supply a sworn affidavit from a licensed veterinarian attesting that the facility provides a clean, temperature controlled, safe environment, owned and operated by professional and ethical personnel committed to the welfare of the animals in their care.*

Each category of kennel, class of kennel, training facility, show facility and rescue league serves a unique purpose. They have not all been built and maintained in the same manner, nor should they be as long as the animals are kept in a safe, clean, safe, temperature controlled environment. Each contributes to Pennsylvania's economy and serves a distinct and beneficial service to dogs and the Pennsylvania's dog loving public.