



Women's Humane Society

For The Prevention Of Cruelty To Animals

March 7, 2007

2559

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

03 13 07

Dear Ms. Bender:

The Women's Humane Society's facility and kennels, which are only 12 years old and state-of-the-art, would have to be demolished due to the new Requirements. Such a rebuilding cost is impossible to meet. Nonprofit shelters struggle for private funding in order to maintain their services. To add an additional financial burden on them would be a crime unto itself.

The cost of providing longer hours and more staff would also force the closure of our shelter. That means that about 4,000 people would be without a place to surrender their animals.

We provide a service to the community. Shelters are not private breeders, research labs, or puppy mills. We do not "sell" dogs. All the dogs in our care are unwanted or strays that are eventually "adopted" to loving families.

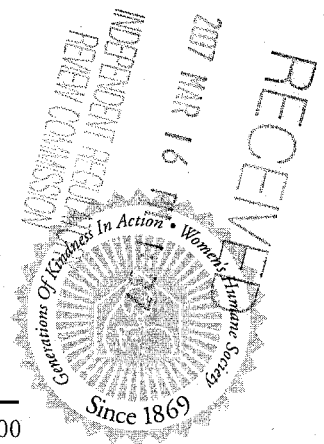
It is sad to think that our Society, which has been around since 1869 (or any animal shelter for the matter) would have to close its doors due to Rules and Regulations that didn't take the needs and purpose of shelters into consideration. All shelters should be exempt from such changes.

The following pages contain comments that explain how the Rules and Regulations would affect humane societies – ours specifically.

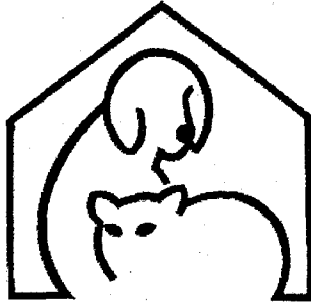
Thank you for taking our suggestions under consideration. We would welcome the opportunity to sit with you to help craft Rules and Regulations that would put an end to "puppy mills" in Pennsylvania.

Sincerely,

Janice Mininberg
Director of Education and Legislative Action



Women's Humane Society



Women's Humane Society
Since 1869

Comments toward Bureau of Dog Law Enforcement Rules and Regulations

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Please note following:

- ◆ There are too many subsections, making the reading of the rules very difficult. This many layers may cause problems in the courts for enforcement.
- ◆ Many statements lack clarity, which also makes enforcement difficult.
- ◆ The report is highly repetitious.
- ◆ There is an excessive amount of unneeded record keeping that would require the hiring of new staff - a financial burden on non-profits.
- ◆ Many of the rules appear to be written by people who do not have experience running an animal shelter or do not completely understand dog temperament, behavior or physiology.
- ◆ Many rules are highly detailed, causing existing shelters, which are efficiently run and built, to be in violation of several requirements.
- ◆ There is no grandfather clause for shelters that have passed previous Dog Warden inspections.

An extensive number of rules and regulations should be completely eliminated. There are laws already on the books, that, when enforced by Dog Wardens (sometimes with the help of Humane Society Police Officers), can stop puppy mills, which was the original intent.

Comments relate to areas in attached

PA bulletin Vol.36, NO 50, December 16, 2006:

Page 7699

§ 21.1 *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.

Does that mean one minute, two minutes? If a rescue group handles twenty-two (22) dogs in a one year period, yet they have company who brings their own dogs (such as a total of four (4) dogs over the year period), then, by this rule, said person would have to have a kennel license. In addition, there are public parks that have “doggy days.” During these events there could be a hundred or more dogs playing for a single day. Would the park have to obtain a kennel license? What about dog parks, where dogs play and exercise? The time period should be eliminated from the definition of a housing facility.

In addition, hotels that accept pets could easily house more than 26 dogs in a year. If so, they would have to obtain a kennel license, hire staff to ensure the care of the dogs, build facilities to match requirements in this law, etc. Hotels would quickly eliminate pets from their facilities. This would prevent tourists, who travel with their pets, from coming to PA, and could create a substantial slump in the monies usually derived from such tourists. This would not make the Tourist Bureau happy, especially when there are big dog shows in the state.

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§ 21.4 (1) (iv) (E) Been convicted of any law relating to cruelty to animals and the conviction is more than 10 years old, if the Secretary finds that the crime was so heinous that the person could not yet be rehabilitated or there is evidence the person has not been rehabilitated, and granting a license would jeopardize the health, safety and welfare of the dogs.

The word heinous is very vague and is not defined. What constitutes “heinous” — malnourished or clubbed to death? Would the conviction be a summary, misdemeanor or felony offense? This is too subjective.

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§ 21.4 (1) (vi) (B) (I) **The Secretary will serve the owner of the affected dog with written notice of forfeiture. The notice will indicate the ownership of the dog in question may be forfeited to some entity other than the Department. Notice of forfeiture will be served by personal service or by registered or certified mail, return receipt requested, to a responsible person at the kennel from which the dog was seized or the owner of the affected dog or a responsible person at the address of the owner. The notice will specify an effective date of forfeiture which will be at least 10 days from service of the notice. The notice will further inform the dog owner of the right to request an administrative hearing on the issue of forfeiture by delivering written request to the department prior to the date of forfeiture.**

Who would that "responsible" person be? A renter, who happens to live on the premises? A person who cleans the kennels? While a person may promise to deliver the notice to the owner, there is no guarantee that the person is "responsible." Who has the psychological background to claim they have delivered the *notice of forfeiture* to a "responsible" person? Again, this statement is too subjective. The rule must specifically state the owner or person in authority such as management, who works at the establishment.

§ 21.4 (1) (vi) (B) (III) **Abandonment will be found if an owner fails to make timely payment of reasonable costs of transportation, feeding, care and veterinary expenses of the seized and impounded dog after two written requests to do so have been served by personal service or registered or certified mail, return receipt requested, upon a responsible person at the kennel from which the dog was seized or the dog owner or a responsible person as the address of the dog owner.**

What happens to the dog? Where does it go? Who cares for it?

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§ 21.14 (a) (2) ***License for each class and location.* A separate and proper kennel license shall be required for each type of kennel and every location at which a kennel is kept or operated**

Remove "and proper."

§ 21.14 (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.**

Change to upon "within which harbors"

§ 21.14 (a) (3) (i) **Upon reaching the cumulative total of 26 or more dogs of any age in any 1 calendar year, the establishment in question shall be required to apply for and obtain a kennel license. The establishment shall have kennel facilities that meet the regulatory requirements for all of the dogs currently on the premises or to be kept, harbored, boarded, sheltered, sold, given away or in any way transferred by the establishment, which ever number is larger.**

If a humane society houses 2,000 dogs in a year, then they would have to build 2,000 kennels, which is, of course, impossible. At any one time, a shelter may slightly exceed the number of dogs compared to the number of kennels. For example, in each of three or more kennels there may be a litter of puppies. Technically, the number of dogs would exceed the number of kennels. For this and many other reasons, non-profit animal groups should be exempt from the rules.

§ 21.14 (a) (4) (i - iii) **(4) Prohibition to operate.** As set forth in section 207(a.1) of the act (3 P. S § 459-207(a.1), it shall be unlawful to operate a kennel, as described in section 206 of the act (3 P. S. § 459-206) and further clarified and defined in this chapter, without first obtaining a kennel license from the Department. Failure to obtain a kennel license prior to operating any establishment that keeps, harbors, boards, shelters, sells, gives away or in any way transfers a cumulative total of 26 or more dogs of any age in any 1 calendar year, may result in one or more of the following actions by the Secretary:

- (i) The issuance of a citation for violation of the act as allowed under the Secretary's general enforcement powers in sections 901(a) and 903 of the act (3 P. S. §§ 459-901(a) and 459-903).
- (ii) The issuance of a Notice of Violation and time period to comply, or an order, or both, as allowed under the Secretary's general enforcement powers in section 901(a) of the act, followed by administrative action as may be appropriate or required under the powers in section 211 of the act (3 P. S. § 459-211).
- (iii) Filing of a suit in equity in Commonwealth Court to enjoin the operation of any kennel that violates any of the provisions of the act or this part. The Secretary may seek the imposition of a fine of not less than \$100 nor more than \$500 for every day the kennel has operated in violation of the act or this part, as set forth in section 207 of the act.

This is repetitious. It was already stated under Penalties.

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§ 21.14 (a) (5) (B) (III) (iv- vii)

(III) 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.

- (iv) To whom the dog belongs at the time of transfer.
- (v) For what purpose each dog is kept in the kennel.
- (vi) The date on which each dog leaves the kennel.
- (vii) How and to whom the dog is dispersed,

It (III) is not a complete sentence and is poorly constructed. Eliminate "or a rescued dog." Also, some people refuse to leave name and address. If it were demanded they do so, many dogs would be abandoned to the streets.

§ 21.14 (a) (5) (B) (III) (vii) (D) **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.**

Shelters rarely know the history of a dog turned -in, especially if it is a stray. Recording the medications while in the shelter's care makes sense, but not the dog's medical history.

§ 21.14 (b) **Prohibitions on dealing with unlicensed kennels.** It shall be a violation of the act and this chapter for any kennel to keep, harbor, board, shelter, sell, give away or in any way accept, deal or transfer any dog from a kennel or establishment operating without a license in violation of sections 206, 207 or 209 of the act (3 P. S. §§ 459-206, 459-207 and 459-209), without the express written permission of the Department. In addition, it shall be a violation of the act and this chapter for any kennel to keep, harbor, board, shelter, sell, give away or in any way accept, deal or transfer any dog from a kennel that has had its license suspended or revoked, without the express written permission of the Department.

There is no way a shelter can find out if the dog being presented to them is from an unlicensed kennel. To put the burden on the shelter is unjust. The rule would cause the punishment of the very establishment that is trying to help the dog.

§ 21.14 (c) **Health certificate requirement.** A dog entering this Commonwealth from another state, commonwealth or country shall have a health certificate. A person, licensed kennel, establishment or temporary home accepting a dog from another state, commonwealth or country shall assure a health certificate accompanies each dog and copy and record the health certificate which shall become part of their records. In accordance with section 214 of the act (3 P. S. § 459-214), it shall be unlawful to transport any dog into this Commonwealth, except dogs temporarily in this Commonwealth as defined in section 212 of the act (3 P. S. § 459-212), without a certificate of health prepared by a licensed doctor of veterinary medicine. The health certificate or a copy thereof must accompany the dog while in this Commonwealth. The health certificate must state that the following conditions have been met:

Shelters that are on state borders such as PA and NJ, frequently have dogs turned in from outside the Commonwealth. A person will not pay for a vet's exam fees for a dog they no longer want. Also, a person finding a stray dog would not take it to a vet before surrendering it to a shelter. It is one thing if the dogs are coming from another shelter, then exams may be required. BUT, should another hurricane like Katrina hit, many dogs may need to be evacuated to the Commonwealth. It may be difficult in such a case for all dogs to come with a health certificate.

§ 21.14 (c) (5) **The dog has been vaccinated for rabies in accordance with the Rabies Prevention and Control in Domestic Animals and Wildlife Act (3 P. S. §§ 455.1—455.12). The health certificate must show the vaccine manufacturer, the date of administration of the rabies vaccine and the rabies tag number.**

Many shelters vaccinate for rabies as soon as the animal is surrendered. Therefore, it is not required for the person surrendering the animal to have proof of a rabies vaccination. Again, if the animal is refused due to the fact that it is not up to date on its rabies shots, many dogs will end up abandoned in the streets. We also have a "night kennel," where people drop off their dog without leaving any information. We would rather see us take in an unwanted dog, than have it abandoned to the streets.

§ 21.15. (1) & (2) **Dog control facilities authorized to receive grants under section 1002(a) of the act (3 P. S. § 459- 1002(a)) shall be exempt from the following provisions:**

- (1) **Section 21.22(d) and (e) (relating to housing) requiring quarantine and separation of puppies and adult dogs received from another kennel facility or acquired from another person.**
- (2) **Section 21.23(b) (relating to space) which doubles the minimum amount of floor space. The facilities will not be required to double the quotient arrived at after calculating the minimum amount of floor space.**

Remove this complete section (21.15 (1) & (2)). In addition, a bitch and her pups should not be separated. Also, quarantine facilities are mostly in veterinary practices, not shelters.

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§ 21.21. (a) **Indoor and outdoor housing facilities for dogs shall be maintained in a manner to protect the dogs from injury, insure the sanitary conditions required in this part have been compiled with and shall be maintained in a manner complying with the other conditions required by this chapter and to contain the dogs.**

Clean rather than sanitary and there is a spelling error: Complied, not compiled.

§ 21.21. (e) **Where the primary enclosures are stacked or set side by side, a tray, wall, partition or other device approved by the Department which does not allow for feces and urine to pass between primary enclosures or soil the primary enclosure of another dog, shall be placed under or between, or both, the primary enclosures. The tray, wall, partition or approved device must be impermeable to water, removable and able to be easily sanitized.**

Many shelters have concrete, glass block, or other water impermeable substances separating kennels. It is IMPOSSIBLE for them to REMOVE such walls to clean.

§ 21.23. (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:**

Shelters can house from one (1) to more than one-hundred (100) dogs at a time. It is near to impossible to have every dog exercised 20 minutes day. The shelter could not afford the staff required for such an act, and liability becomes an issue if volunteers are required to exercise dogs. Shelters could be sued for the slightest injury, which could put them out of business.

In addition, there are days when the shelter must be closed. A limited staff would feed and water at that time such as during holidays or snowstorms. Also, some dogs cannot be walked due to health, age or temperament. Shelters with indoor/outdoor kennels should be exempt from exercise, since the dogs run back and forth between kennels.

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§ 21.23. (e) (ii) (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.**

If dogs are walked on a leash, it is impossible for them to stay dry when it is raining. Mud will not hurt a dog if it removed after the walk or exercise. Some dogs love mud!

§ 21.23. (e) (iii) (A-B-C-D)

(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.

This whole section should be removed. It can say that dogs may be exercised in "compatible groups" and leave it at that! As written, a bitch can't exercise with her pups.

§ 21.23. (e) (v) (A-B)

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.

No, no and no! This type of record keeping is a waste of staff time! Only someone who never worked in kennels would come up with such a concept.

§ 21.24. (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 shorthaired breeds in cold climate or cold climate breeds—such as huskies—in warm climates), and sick, infirm, 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.**

There is no such word as "infirm." The kennel staff can judge each dog's reaction to the temperature, if it's comfortable or not. Dogs should be judged on an individual basis.

§ 21.24. (b) (1) **Dogs housed in outdoor facilities or outdoor primary enclosures shall be provided with one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to meet the space requirements of this chapter. In addition to the shelter structures, at least one area of shade other than the dog box or primary enclosure itself shall be provided. The area of shade must meet the following criteria**
(iv) **Be as wide as the kennel run area and at least 4 feet in length or large enough to contain all the dogs in that kennel run area at the same time and provide them with a permanent area of shade and protection from inclement weather throughout the day, whichever is larger. It must be large enough to allow each dog in the kennel run area to sit, stand and lie in a normal manner and to turn about freely. In addition, it must be large enough to allow all dogs in the kennel run area to avoid the elements — including direct sunshine and inclement weather.**

What is a "dog box" — a dog house? If it is built to "allow all dogs in the kennel run area to avoid the elements," then it is breaking laws in Section 5511, where a dog house must maintain a dog's body heat. If it has to accommodate ALL dogs, then that is impossible to build and maintain under existing laws. Also, some short-haired dogs form a down coat under their fur. In addition, there are many dogs that LOVE to bask in the sun

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§ 21.24. (b) (4) **The dog box or primary enclosure for a dog housed in an outdoor facility must have dry and clean bedding at all times to assure the dog can maintain its body heat and in order to provide sanitary conditions for the dog.**

§ 21.24. (b) (5) **Where a dog is housed in an outdoor facility, the primary enclosure or dog box itself must be raised off the ground to prevent moisture, constructed and situated to provide a draft free area (a dog door is recommended) and insure the dog can stay dry and maintain its body heat.**

§ 21.24. (b) (6) (iv) **Contain clean and dry bedding material at all times and additional clean and dry bedding shall be required when the temperature is 35° F or lower.**

Bedding is not defined. Is it straw, hay, or blankets? Does it depend on the type of "dog box?" It is near to impossible to make housing "draft free," and this document is not the place for a product to be "recommended." That is subjective and not enforceable.

§ 21.24. (b) (8) **Outdoor runs and exercise areas may be constructed of concrete, gravel or stone.**

§ 21.24. (b) (11) **Outdoor facilities, including runs and exercise areas shall be kept free of grass and weeds**

Dogs LOVE grass. They like to roll in it, stretch out in it, and play in it. It cools their bodies on hot days. It is soft on their feet and, when fecal matter is picked up on a regular basis, the sun disinfects it. Gravel is not used in many dog parks due to the fact that it causes dogs to slip and the gravel can get between their toes and cause damage such as lameness. Stone caused similar problems.

In section 8, a shelter MAY construct outdoor runs and exercise areas out of concrete, etc, yet, if it is "may," then what other product is there other than the best? GRASS!

§ 21.24. (b) (9) Outdoor facilities must be fenced and be constructed to minimize or prevent vermin, animal, insect and pest infestation and other vectors of disease.

This is requesting UTOPIA! There isn't one facility that doesn't have some form of "infestation." Fences can be burrowed under or squeezed through. The fence would have to be cast-iron and buried 4 feet into the ground to prevent some animals from getting in. Fine meshed nets would have to be placed overhead to stop birds, but some of the birds may be entangled and die. Yet, insects WILL still get in. Mosquitoes can carry heartworm, yet if the place is sprayed to stop the insects, the dogs may die from the insecticide. Other than to keep the dog *IN*, a fence does little to keep vermin out.

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§ 21.24. (f) (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.

The longer staff hours and increased number of staff required to enforce and maintain records would be cost prohibitive for an animal shelter.

§ 21.24. (f) (10) The housing facility must have adequate heating, cooling, ventilation and lighting mechanisms, as set forth more specifically in §§ 21.25—21.27 (relating to temperature control; ventilation in housing facilities; and lighting and electrical systems), and for carrying out necessary animal husbandry requirements and to provide for the general health, safety and welfare of the dogs.

The cooling of an indoor/outdoor kennel is impossible. Since cold air drops, dogs that go outside to relieve themselves will be taking the cooled air with them. The financial cost to the shelter would be too high.

§ 21.24. (f) (11) (i & ii)

- (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.

Change "and" to "or."

§ 21.24. (f) (11) (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 separation and drainage purposes. Half round pipe shall be installed in these areas to permit the dog to walk through. The indoor kennel and 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 dog during cleaning operations.

The placement of the gutter is illogical. The fecal matter and urine would drain into the gutter, and the guillotine door would actually close *IN* the gutter. This is VERY unsanitary. We have gently sloping concrete floors that, at their highest point, are between the indoor kennel and outdoor run. When cleaned, the excrement is flushed down these slopes into drains that are at the base of each slope and outside of the dogs' reach. We would have to dig up our 100 kennels just to place a pipe in the middle. In short, we could not afford this construction -- forcing us to close our doors to dogs, which means that about 3,500 people would be without a place to surrender their dogs.

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§ 21.24. (f) (16) Washing facilities, which may include washrooms, basins, sinks or showers, shall be provided for animal caretakers, shall be readily accessible and, where dogs are housed in an indoor facility, shall be accessible in the housing facility. Washing facilities shall be equipped with an adequate supply of potable water (both hot and cold), towels and soap or other disinfectant. Potable water is water which has been approved for human consumption. If water lines are not available, a water trailer and immersion heaters shall be provided.

The way this reads, it is difficult to know if it is talking about employees' or caretakers' bathrooms and locker rooms or where the dog dishes are washed. Rules should focus on dogs, not people.

§ 21.24. (f) (18) Kennel facilities shall be cleaned and sanitized once every 24 hours in a manner consistent with this chapter.

Frequent "sanitizing" of kennels could cause upper respiratory or intestinal damage to dogs. Shelter kennels are not laboratory facilities. Instead, cleaning on a regular basis should be required, as long as it is the same dog in the same kennel.

§ 21.25. (d) Indoor kennels shall have a heating source sufficient to assure a slab temperature of not less than 35° F and not more than 55° F during heating season.

As stated previously, some dogs LOVE to bask in the sun, which means the "slab," if that is what the dog is on, may be hotter than 55 degrees.

§ 21.25. (e) (1) Heating. The ambient temperature in the facility may not fall below 50° F for dogs not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress and discomfort (such as short haired breeds), and for sick, aged, young or infirmed dogs.

Again, there is no such word as "infirmed."

§ 21.25. (e) (2) Cooling. The ambient temperature in the facility may not rise above 85° F.

(a) Indoor and sheltered housing facilities. Indoor housing facilities and the sheltered part of sheltered housing facilities for dogs shall be sufficiently ventilated when dogs are present to minimize drafts, odors, ammonia levels and to prevent moisture condensation

Kennels that have indoor/outdoor runs cannot cool a facility. Any air-conditioning would go right out the doggy doors, which would be costly to the non-profit animal shelter. The required air circulation and fans can be used to circulate the air. In addition, the dogs are hosed down to keep them cool.

With all the required "sanitizing" of the kennels, it is near to impossible to prevent moisture condensation.

§ 21.26. (a) (1) Kennels must be equipped and meet the minimum air flow required for control of moisture condensation under severe conditions, which is 0.8 to 1.0 cubic feet per minute per square foot of floor area.

Just HOW is someone supposed to figure that out!

§ 21.26. (a) (3) The kennel building must include ground level ventilation to assure dry kennel run floors during cold weather.

Rules are inconsistent. First there are no drafts allowed when it's cold, now there HAS to be ventilation when it's cold.

§ 21.26. (b) **Other requirements. In indoor, sheltered and outdoor facilities, [Auxiliary | auxiliary ventilation and air movement** from fans, blowers or air conditioners shall be provided when the ambient temperature is 85° F (29.5° C) or higher. The relative humidity shall be maintained at a level that ensures the health and well-being of the dog housed therein in accordance with generally accepted husbandry practices.

Some building fire codes DO NOT ALLOW standing fans in areas where there is water! And, air-conditioners CANNOT be used in indoor/outdoor runs. As for humidity, that is impossible to control in a person's office, let alone a dog kennel. When it's hot and muggy – it's hot and muggy, everywhere!

Pages 7608 and 7609

§ 21.27. (a) (1) Dogs housed in [these] indoor and sheltered kennel facilities shall be provided a regular diurnal lighting cycle. **The lighting must be uniformly diffused throughout the animal facility. Primary enclosures must be placed to protect the dogs from excessive light. Lighting in the kennel building and area containing the primary enclosures must be at least 10-foot candles. At least 20-foot candles of light must be provided in all bathing, grooming and toilet areas and 70-foot candles of light shall be provided in support buildings, including food preparation and storage areas.**

First of all, the term “candles” is archaic – even lighting technicians don't use it anymore. In fact, the only way they can calculate “candles” is if they use a computerized calculator, and even then it doesn't help them light a particular area. As long as an area has enough lighting to allow clear visibility, day or night, that is enough. Eliminate the term “candles.”

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§ 21.27. (a) (2) **Lighting must be available for dogs housed in outdoor kennel facilities. The lighting must be sufficient to allow observation of the physical condition of the dogs even at night. Primary enclosures shall be placed to protect the dogs from excessive light and direct rays of the sun.**

Lights should be allowed to be switched off at night, so that dogs can sleep. If there is not darkness, it may throw off the dogs' internal clock. Darkness at night also calms dogs.

For the THIRD TIME, dogs like to bask in the sun!

§ 21.28. (3) Food and water receptacles shall be accessible to dogs kept in the kennel and shall be located to avoid contamination by excreta. The receptacles [shall] **must be durable, meaning a dog cannot destroy or ingest parts of the receptacle**, and shall be kept clean and sanitized in accordance with this section. Selffeeders and waterers may be used but shall be sanitized [regularly] on a daily basis to prevent [molding] mold, deterioration, contamination or caking of feed.

A dog can destroy ANYTHING. Ever see a pit bull bite down on a stainless steel bowl? Cleaning a bowl is enough, if it's being used by the same dog. Stop the over sanitizing.

§ 21.28. (4) [(d) If bedding is] (4) **Bedding used in primary enclosures, [it] shall be kept clean and maintained in that manner on a daily basis. Bedding must be free of stools, urine, vomit and other contaminants.**

As soon as you put fresh bedding down the dog may defecate or urinate, especially if it is a litter of puppies. A shelter could go through 20 towels in a day, if bedding MUST be free of contaminates. This is unrealistic.

§ 21.29. (1) **Kennels, including the kennel building, areas in which dogs are housed, all interior surfaces, the primary enclosure of each dog, outdoor runs associated with both indoor and outdoor kennels, and drains and gutters shall be sanitized and disinfected daily (every 24 hours), using only those disinfecting products approved by a licensed veterinarian. All areas of the kennel, including the kennel building, areas in which**

dogs are housed, the primary enclosure of each dog, drains, gutters, runs and outdoor exercise areas shall be kept in a state of good repair and outdoor runs and exercise areas shall be free of weeds. All areas of the kennel shall be cleaned daily or as often as possible to assure they are free of any accumulation of debris, excreta or disease hazard.

Does this mean that a shelter may not use a highly recommended product if a vet doesn't recommend it? Many shelters have Maintenance Managers, who have extensive knowledge of cleaning materials and products, a vet's approval is not needed.

§ 21.29. (2) A dog may not be placed in a primary enclosure previously occupied unless the enclosure has been sanitized and disinfected. The primary enclosure and runs associated with that primary enclosure shall be sanitized and disinfected whenever an animal is removed from that primary enclosure and prior to being occupied by another animal. Exercise areas shall be sanitized and all stools removed prior to the next group of dogs being exercised in that area.

Add the following:

*"A dog may not be placed in a primary enclosure previously occupied **BY ANOTHER DOG** unless enclosure has been sanitized and disinfected."*

*"enclosure shall be **CLEANED** ~~sanitized and disinfected~~ whenever an animal is removed from that primary enclosure.*

Repetitive, therefore remove: "and prior to being occupied by another animal."

Exercise areas / sanitized: Dogs like to exercise and play in the grass, and their fecal matter can be picked up to keep the area "clean."

§ 21.29. (4) Excreta shall be removed from the primary enclosure, including any floor area or ground surface beneath the primary enclosure, on at least a daily basis. Stools are a common source of infection and shall be removed from the runs as often as necessary. Before washing down concrete runs, stools shall be removed with a shovel to prevent them from splashing into adjacent runs, on the walls of the kennel, or on the dog.

Any cleaning tool.

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§ 21.29. (4) If stools must be carried from the area in cans, the cans shall be cleaned and disinfected on a daily basis.

Most shelters use bags inside cans, therefore, disinfecting on a daily basis is not needed.

§ 21.29. (5) One of the causes of bacterial skin infections and bacterial ear infections in kennels is the high humidity in the kennels. For this reason, when cleaning or sanitizing the kennels animals shall be removed from their primary enclosure and runs prior to cleaning or sanitizing the primary enclosure or run. The runs and floor areas associated with the primary enclosure shall be squeegee dried and the primary enclosure shall be dried prior to putting the animal back in the run or primary enclosure

Change to "may."

§ 21.29. (6) The buildings and grounds of kennels, as well as the primary enclosures, runs, fencing and food and water receptacles shall be maintained, kept clean and in good repair to protect the animal from injury and to facilitate practices required by this chapter. The entire kennel area must be free of refuse and garbage that could attract rats, vermin, insects and other vectors of disease.

Repetitive: Remove "maintained." If the "entire kennel" is to be free of garbage, then our kennel staff would have to walk to the other side of our 24,000 square foot building to dump trash. This is illogical and a waste of time. If the cans are shut tight and emptied each evening, then there is no need to keep a trash receptacle outside of a kennel.

§ 21.29. (7) **Kennels must have an effective program that controls ingress by insects, ectoparasites and avian and mammalian pests (such as fleas, ticks, mites and intestinal parasites). Evidence of insects, ectoparasites and avian and mammalian pests or conditions that would allow or encourage infestation in a kennel are indicative of an ineffective program and unsanitary environmental sanitation in the kennel. Mosquito control measures shall be used in ditches and swampy areas in the vicinity of the kennels. Disinfectants, pesticides and disinfectant procedures shall be used only with the approval of the veterinarian.**

Our shelter is near wetlands, protected by the Government. We cannot use pesticides in ditches and swampy areas. We use fly pest strips in the kennels so that our dog are not near pesticides, which could harm them. Again, not all shelters have vets who can recommend cleaning products. Plus, we don't feel we need a vet to purchase bleach and soap!

§ 21.30. **Condition of dog.**

[An employe] A State dog warden or other employee of the Department [may] entering or inspecting a kennel or entering onto the premises of a kennel or a person or individual dog owner or keeper for the purpose of enforcing the act, shall visually observe the physical condition of [a] each dog sheltered at [a] the kennel or on the premises of the person or individual. A dog sheltered at a kennel shall be free of infectious and contagious diseases, and shall be in general good health. If a dog exhibits signs of an infectious or contagious disease, parasites or appears to be in poor health, the kennel owner shall [have] provide the State dog warden or employee of the Department with proof of adequate veterinary care for the dog. A State dog warden or employee of the Department may order a veterinary check on any dog that exhibits signs of an infectious or contagious disease, parasites or the appearance of poor health. When a veterinary check is ordered, the kennel owner, person or individual who is the owner or keeper of the dog shall provide the Department, within 72 hours of the order, with proof that the veterinary check has been carried out and with documentation concerning the veterinary recommendation or protocol for treatment of the dog.

Remove the following: "other employee" of the Department — "or a person" — "each" — "or employee" "Employee" could mean a receptionist or secretary.

Replace "of the person or individual" with kennel authority or owner.

§ 21.41 (e) (1-7)

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.**

There is an excessive amount of unneeded record keeping that would require the hiring of new staff - a financial burden on non-profits. A shelter may house 25 , 50 or 100 dogs at a time. When staff cleans the kennel, they may start from 7 a.m. to 8 a.m. to open the kennels at 11 am. With all the record keeping they would have to start at 4 a.m.! These records would put the shelter out of business. Our hope is that is NOT the intention of these rules.

§ 21.42 (b) It shall be a violation of the act and this chapter for a kennel owner, operator or agent to purchase, accept, sell on behalf of or transport a dog from a kennel required to be, but not licensed under section 207 or 209 of the act (3 P. S. §§ 459-207 and 459-209) without written permission from the Department.

How would an animal shelter know if a dog being surrendered is from an unlicensed kennel? "Excuse me, Sir. Is this dog from an unlicensed kennel?" No one would admit to such a question. **To punish the shelter is unconscionable!**

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§ 25.1. General.

In accordance with the act, the Department will pay \$5 per dog, or whatever greater amount as determined by the Secretary, subject to the availability of funds, for services rendered by a legally constituted law enforcement agency or others as the Secretary may designate, maintaining a compound for the humane disposition of stray, unlicensed dogs apprehended running at large or the adoption of the dogs. **When a stray dog is adopted by a new owner, the appropriate license fee and application completed by the new owner shall be left with the agency releasing the dog. It is the agency's responsibility to forward the fee and application to the county treasurer's office. No other fee will be paid to the agency for the care, adoption or disposal of the dogs. [The secretary will include in notices prepared under § 23.4 (relating to guidelines and conditions), the annual amount of reimbursement to be provided.]**

This must state for Pennsylvania licenses only, since some shelter's adopt dogs out to adjacent states, such as New Jersey, New York or Delaware. Also, each shelter must be provided with the Treasury contact for each area of PA.

§ 25.2. (4) If the dog was adopted by a new owner the shelter shall enter the name and address of the new owner and the license number of the dog on the form.

If the dog is a stray, there is no way to know its original license number, unless you mean the new license at time of adoption