

MAR 12 2007

SUMMERY OF ATTACHED LETTER:

If you do not have time to read my letter, even though there are explanations as to why I am opposing these proposals, here is a summery:

1. Written reports on: every time you wash out and change the water bowl, etc.
2. Play areas for pets should be on concrete or gravel.
3. Required Space for each dog.
4. Placement of drains inside dog runs.
5. Lack of solid partitions between dogs unless the dogs are aggressive.
6. Required exercise for dogs being kept in tiny cages with wire floors getting out only 20 minutes in a 24 hour period! And then it has to be on concrete or gravel!
7. Not letting dogs be dogs by playing if it's raining or snowing.
8. Hotels, Motels, and parks.
9. Size of the drains.
10. Hobby breeders, home raising their litters, must physically turn their home into a commercial breeding establishment costing tens of thousands of dollars.

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INDEPENDENT REGULATORY
PERMISSION

March 5, 2007

Ginger Burns
Southwind Kennels
100 Peat Moss Road
Sweet Valley, PA 18656
570-256-9770

The Honorable Lisa Baker
Pennsylvania Senate
Senate Box 203020
Harrisburg, PA 17120-3020

Re: Pennsylvania Proposed Changes to Kennel Regulations

Dear Senator Baker:

I have been looking over the new regulations you are considering. I am confused and concerned about some of the issues. I appreciate the intent to help improve the dog laws but I feel that some of the new proposals make no sense and some of them will actually divert the boarding kennel owner away from being able to care for the animals the way we do now.

Some of the new proposals will be hurting the pets in our care, not helping them. I feel the current laws need to be enforced and some additional ones need to be made. Like: outside runs with lights, roofs over the outside runs so the dogs never get rained on or snowed on and always have shade regardless of the position of the building to the sun. Solid partitions between the pets on the inside and outside runs and drains that do NOT run *through* the rest of the dog runs, they should be on the *outside* of the dog runs.

I am positive your department has been deluged with letters and phone calls from all types of organizations, concerning the new proposals. I am just a boarding kennel owner who had a dream to make the best, homey, friendly, fun and safe boarding kennel facility that I could.

My husband and I paid off our house, after years of eating hot dogs and peanut butter and jelly sandwiches, so we could make double payments on our home and build a boarding kennel that was safe for pets. We followed all your rules and went way beyond most of them. We investigated boarding kennels & shelters. I worked for a veterinarian while I was in high school and I worked for the local ASPCA, in later years, so I had some hands-on experience in running a kennel and caring for animals. I've been training and showing dogs since 1988. I've attended countless seminars covering canine diseases and

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prevention, canine first aid, behavior, behavior modification, aptitude testing, dog training at all levels which follow American Kennel Club, United Kennel Club and American Pet Dog Trainers Association rules and regulations, boarding, and any other seminar that covered subjects on the care of dogs. I have participated at the Eastern Regional Competitions as well as the All Star Dog Show Competition. I have ranked in the top 20 twice, placing 16th and 4th in 2006. I have 2 dogs that are Therapy dogs and R.E.A.D. Certified. I know dogs.

When I built my boarding kennel, I built it with every possible safety feature I could think of. I built it according to the Purina Pet Care & Research Facility, and followed the Dept. of Agriculture's recommendations. No dog has ever been injured, or gotten sick in my facility. Some of the proposals I'm reading are creating potential harm, whether it's injuries or sickness, to the pets in my care. If I have to put my boarders in harms way, I'll shut down the kennel first.

The written reports you are suggesting will require many hours of additional work. My husband and I, who run the boarding kennel, would have to spend the time we usually use playing with the animals, checking to make sure no one got sick, ripped up a toy or bedding and may be eating it, spending quality time with the pets in our care, and have to fill out reports instead. We cannot afford to hire someone to do the paperwork, plus it has to be filled out as you do each task. So that would mean hiring someone to walk behind the person who is actually doing the work so the kennel can continue to be run efficiently. If the kennel owner waits to fill out the reports until after everything is done, then how would an inspector, that just walked into the kennel, know that you actually did the work? And if your answer to that question is "all the inspector has to do is walk into the kennel and look around and he'll know it was done". Then that is exactly our point. That is all the inspector has to do. So why are you suggesting we have to spend hours filling out reports? It does not take an efficiency expert to know that your proposals hurt, not help the running of this type of business. One of us is inside the kennel every 20 minutes. If a boarder had an accident it is cleaned up immediately. For us to have to write down every time we clean up after a pet or refill his water bowl, we will have nothing else accomplished for the day but filling out paperwork. I hope you reconsider these time consuming changes to the proposals.

KENNELS--RECORDS

§ 21.41. General requirements.

(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.

I have listed some concerns and questions below. But first I would like to mention a few other things that concern myself and my customers.

I feel that a lot of the new regulations are not going to solve the problems of puppy mills, commercial breeding, safe housing of pets in boarding kennels or breeding kennels. To suggest that a play or exercise area for the dogs must be made of concrete or stone, to me and my boarding customers, is a recipe for disaster. Most pets that are boarded, at least at my boarding facility, are house dogs with very soft pads. To have them playing on concrete that is rough enough for them not to slip on, will still cause pad problems. When the dogs go to get a drink of water, you always have those that will dig in the water bowl kicking out the water making the concrete slippery. Then you have your crazy, energetic sporting and terrier breeds and young dogs that chew on everything and will swallow everything including stones. With the dogs running around, and playing on concrete together, you know one of the dogs, if not more, are going to get hurt by being tossed to the ground (concrete) while rough housing or showing their submissiveness in a situation like that. I also have a concern for the elderly, recuperating or convalescent dogs as well as the dogs with arthritis, elbow or hip dysplasia and dogs with Cruciate Ligament damage or surgery's that have been performed, being forced to play on concrete. Plus I do not see any limit on the amount of dogs that are allowed at one time in such a small exercise area.

Do I understand this correctly that if a pet shop has a dog on display for reasons of selling it, the space it is going to be required to have for the following pets is: 2 ½' x 2 ½' for a dog up to 25 #'s? And a 2' x 4' area for a Springer Spaniel size dog (45#'s)? 3' x 4' is big enough to hold a dog over 45#? Either I am not understanding what you are listing here or there is serious need for change. Some of these pet shop puppies or dogs are in that pet shop for 4 months or more, and they are allowed to keep it cramped up in a tiny area as you have stated here? But if it's a boarding kennel they are required to have 2 times the amount of space for the same size dog even though, in most cases, the pet will only be there for a weekend or 7 days. And many kennels have inside and outside runs available to them to run around in. The pet shops, who create the need for puppy mills to stay opened, are required to have only half the amount of space available for the pet. This makes no sense to me at all. Am I understanding this part correctly? (my runs are 4 x 6 on the inside connected to a 5 x 12 on the outside AND 6 x 6 on the inside connected to a 6 x 12 on the outside, and 9 x 6 on the inside connected to a 9 x 12 outside, so the size limits are not a concern to me).

§ 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.

(b) Each dog housed in a primary enclosure shall be provided with [a] twice the minimum amount of floor space[, which] set forth in this subsection. The minimum amount of floor space shall be calculated according to the following procedure:

* * * * *

(e) [Subsections (b) and (c) do not apply if all of the following conditions are met:

I cannot find "C" so I cannot comment on that part of the proposal.

(1) The dog is located in a kennel that is licensed under the act solely as a pet shop-kennel Class I, II, III or IV.

(2) The dog is being offered for sale on a retail basis, or has been sold and is awaiting physical transfer to its new owner.

(3) The dog is maintained in a primary enclosure that keeps the dog on display to patrons of the pet shop-kennel during its normal business hours.

(4) The primary enclosure meets one of the following conditions:

(i) Affords each dog sheltered therein at least 5 square feet for a dog weighing 25 pounds or less, 8 square feet for a dog weighing more than 25 pounds but not more than 45 pounds, and 12 square feet for a dog weighing more than 45 pounds.

This section states that a drain or gutter shall be installed BETWEEN the indoor and outdoor section of the kennel. Does this mean the gutter has to be at the back of the inside run? That would be between the inside and outside run. So the dog has to walk over a grate or if no grate is required, through his urine and/or feces to get to the outside run? Not to mention possibly tripping in the drain on his way out the door. Or, for the over active dog, he's jumping around in his run and lands in the drain. And if it's a grate, how do I explain to the owner when the dog gets his nail stuck in the grate and breaks it off and is bleeding? And does this gutter run the length of the kennel, thus creating the urine and feces to run into the rest of the runs through the gutter? In section 21.28 you even have stated your concerns over infectious canine diseases being spread through the urine of dogs, yet you are asking us to put the drains right through the inside of the dogs enclosure.

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

enclosures.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

§ 21.28. Food, water and bedding.

Contagious diseases, including infectious canine hepatitis, leptospirosis and parvovirus are spread through the urine of dogs and rats and stools, vomit and urine of dogs. To protect the health, safety and welfare of dogs housed in kennels, the cleaning and sanitation requirements in this section shall be followed.

I have dogs that would die if they knew there was feces or urine from another dog, or themselves for that matter, anywhere near their inside run! Also, I feel that this would create more accidents on the inside runs because they have it running at the back of their own kennel all the time. When you are trying to housebreak a dog, the first thing you learn is to crate the puppy and feed him in his crate. The reason is **because a dog will not eliminate where it eats and sleeps!** Here we are teaching it the opposite. We are forcing the puppy that is being housebroken or the dog who is already housebroken, to potty in it's inside run. Dogs who are kept here for a longer period of time will be confused when it goes home thinking it is alright to potty where it eats and sleeps.

I have been in several boarding kennels where there are no solid partitions anywhere in between the runs. My question here is: How are you supposed to keep the urine of the dog next to another dog from contaminating the dog next to it when he lifts his leg to urinate, when you have no provisions for solid partitions between the dogs?

As stated above, my runs are 4 x 6 on the inside connected to a 5 x 12 on the outside AND 6 x 6 on the inside connected to a 6 x 12 on the outside, and 9 x 6 on the inside connected to a 9 x 12 outside. All outside dog runs are under a roof. All runs, inside and outside have solid partitions between the dogs. The dogs have their door opened to the outside run, during the warm weather, all day long (except for cleaning purposes). In the bad weather, they are allowed into their outside run every 2 hours for approximately 15 minutes or so, depending on the temperature. Does this type of a setup count as their 20 minutes of exercise a day or do we still have to build a separate exercise area? And if not, then in order to fulfill your requirements of a separate exercise area, under a roof and on concrete, we will have to eliminate the outside runs, keep the dogs penned up on the inside of the kennel so we can allow them to go outside for only 20 minutes a day instead. We cannot afford, nor can the majority of small kennels, to build a separate exercise area. In my eyes, we are hurting the pets that are in our care, not helping to keep them safe and comfortable. And it's a shame that our ¾ acre grassy dog park with a pool, which the owners love having their dogs play in, will no longer be able to be used. We must now

force them to play on a hard concrete surface or gravel, which many dogs will eat, and play in the heat because there will be no pool on concrete at my kennel. I feel the requirement should be a breeding or boarding kennel MUST have a large grassy area for the pets to run in. Especially if it's a commercial breeding kennel. And I don't feel that, considering the small cramped up, wire-floored, cages that the commercial large breeding kennels are allowed to house pets in, should only be 20 minutes in a 24 hour period. I think it is torture for these animals to be forced to live under these conditions.

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:

(A) The space per dog must be consistent with § 21.24(b)(3) (relating to shelter, housing facilities and primary enclosures).

§ 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.**

(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.

(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.

(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.

Also in the above section 21.24 b 3 It states that the pets cannot get wet, matted or muddy. My dogs would die if they weren't allowed to play in the rain, splash in puddles and mud, and do what dogs love to do! They live for it! However, I do believe that kennels of any sort, should have a roof over their outside runs so they don't get wet while they are being kenneled. Not being able to get wet while playing is overkill.

I was wondering about hotels, motels, and parks that allow our pets. I show my dogs, and we go camping with them. If the hotels, motels and parks are allowing the dogs to stay there, will they be made to follow the Dept. Of Agriculture's laws? And if they are, you know they will not comply and instead forbid the dogs. This in turn will hurt all of the dog showing clubs because dog show competitors will not have a place to stay with our dogs when we travel to dog shows outside of our immediate area. And if you do not enforce the law with the hotels, etc., don't you think there will be repercussions of some sort? I feel this part of the proposal needs to be looked at again very closely.

Also section 21.24 you want drains or gutters to be at least 6 inches in diameter. This requirement will create a need for mass renovations. Most kennels, that are in the country, are on septic systems. It does not allow for a 6 inch drain to be connected to it. In section 21.24 you state: "operated in a manner that allows for the rapid elimination of animal waste and water" as seen below. If the drain system and size used in the boarding facility was adequate to drain out a washing machine, and it's worked all these years, why isn't it good enough now? In order for our boarding facility to comply with this part of the proposal we will have to rip out our entire floor and the ground leading to

the septic system and the septic system itself, to put in 6 inch pipes. This would create a massive financial burden on us as well as most of the small boarding kennels.

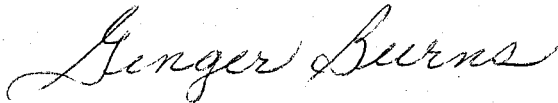
§ 21.24. [Shelters] Shelter, housing facilities and primary enclosures.

(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.

(ii) Floor or surface drains and gutters must be at least 6 inches in diameter.

I am also concerned for the small breeder, sometimes referred to as a hobby breeder. It will be almost impossible for the small breeder to fulfill your rules. Small breeders usually breed their dogs and raise their litters in their homes. You are asking the hobby breeder to turn their home into a commercial kennel. Most, if not all hobby breeders, will have to stop breeding quality litters boosting the need for commercial kennels to fulfill the need for the public wishing to purchase puppies. The AKC set rules when breeding and selling AKC registered litters. One of the biggest problems for the commercial kennels was DNA testing requirements by the AKC. The commercial breeding kennels could not comply, so they formed their own registration. They used the excuse that the \$35.00 ONE TIME FEE for DNA testing was too costly. Yet the hobby breeder had no problem complying. The reason being, the hobby breeder is not afraid of DNA testing to prove the parentage of the litters they produce.

Thank you for your time,



Ginger Burns