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Pennsylvania Department of Agriculture
Bureau of Dog Law Enforcement
Ms. Mary Bender
2301 N. Cameron Street, Room 102
Harrisburg, PA 17110-9408

INDEPENDENT REGULATORY
REVIEW COMMISSION

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

Dear Ms. Bender:

Thank you for allowing me the opportunity to provide comment to the proposed dog regulations. I commend Governor Rendell and the Department of Agriculture, Bureau of Dog Law for its efforts to improve the "health, safety and welfare" of Pennsylvania dogs in kennel settings. I understand Pennsylvania seeks to become a leader for kenneled dogs, which is admirable, but I feel there needs to be more done than simply adding regulations.

I have read many of the newspaper articles, visited many websites, read many emails, read the regulations and attended a public hearing on this matter. Everyone has different opinions, and I have come to the conclusion that one set of regulations will not effectively regulate the many facets of stakeholders in the "dog game." There are hobby breeders, who responsibly breed one to two litters in their homes each year, interested in carrying on the superior bloodline of their breed; commercial kennels who breed dogs to make a living and refer to the dogs as "cash crops"; boarding kennels who provide a service to the general public; shelters who provide open access to owners for giving up their dogs and rescues who fill in the gaps of what shelters can provide. The interests of these parties are very different and thus regulations need to be different. I propose the Bureau evaluate the regulation of organization based upon tax status, breeding numbers, or perhaps revenues from sales of dogs. Additionally, I propose that breeders should pay a privilege tax on breeding dogs, as businesses pay to operate in the City of Harrisburg. These taxes, in turn, could then be used to help with enforcement of the regulations. As experience has shown, regulation without consistent enforcement can produce more burdens on kennels, but no relief for dogs.

If farmers were growing corn or hay, I would not be so concerned, because corn and hay do not have feelings and psychological needs. However, dogs are living, breathing creatures, who ironically are referred to as "man's best friend." I wonder if they feel the same way as they live day in and day out in cages made of metal wires, stacked on top of and below other cages filled with other dogs, many of them in the dark and exposed to extreme temperatures. Can you imagine? If you are a dog lover, the thought of this will be quite upsetting.

Commercial breeders are not concerned about the welfare and psychological well-being of the animals in their care. They are producing a product that will reap them monetary benefits. When they are done with the breeding stock, they shoot them or if they are "nice" they will contact an animal rescue group who will take the dogs and spend thousands of dollars to try to clean off the many years of misery these animals have had to endure. Don't you think these people should be held accountable to a higher standard? Breeding should be a privilege not a means of putting food on the table for one's family.

“Up to 10 million healthy animals are killed in U.S. pounds and shelters every year. The killing could easily be prevented by spaying and neutering. Euthanasia is the single largest cause of death for dogs in the U.S. Each year 27 million animals are born. Five to ten million we classify as "surplus" and kill. That's about one million per month. These numbers do not include the millions of dead dogs whose bodies we scrape off the streets, or the hundreds of thousands of abandoned, severely neglected or abused ones who never make it to our shelters to be counted and killed. The five to ten million figure represents those we "must" kill because they are unwanted. Most of these animals are young and healthy; in fact, it is estimated that a majority is less than one year of age. The problem is simple: we have too many dogs. Too many for the too few homes available. The solution we have opted for is to kill the extras. This solution has been considered acceptable by default, as though there were no other way to control the crisis. And we spend over \$1 billion every year destroying 'man's best friend.'”

The preceding comment was written by Sunny Arruda, President of South Bay Purebred Rescue. With so many animals dying in shelters each year, why would we as a society want to add more to the problem? Breeding should be a heavily regulated industry with high standards that result in high-quality, well-tempered, healthy animals. The only way to stop the needless killing of dogs is to stop the needless breeding of them.

I would like to comment on the dog regulations from my perspective – that of a volunteer with an animal adoption organization, or a rescue, as to which it is commonly referred. Animal rescues play a very important role in our community assisting owners who must give up their animals, helping shelters with animals who need more than a kennel environment can handle and helping community members who come across a stray animal and want to help without taking them to a shelter. Rescues place animals with foster families who treat the animals as their own until adoptive homes can be found. The animals learn many things in a foster home environment such as housebreaking, basic obedience and how to function in a home setting. Foster families in turn are able to assist interested applicants in adopting animals most appropriate for their energy levels, home environments and work schedules.

Should rescues be forced to dissolve due to our inability to comply with these proposed regulations, there will be a negative financial impact on tax payers as the responsibility of these animals will shift to municipalities who will have to pay local shelters to handle the excess animals. Euthanasia rates will climb as well, as a result of not enough kennel space and personnel to care for the incoming animals. Additionally, rescues contribute to the local economy through their use of veterinarian services, food purchases, groomers, pet supplies, etc.

I am concerned with the clarity of the regulations as it relates to foster home based animal rescue organizations. Following are sections that cause questions and/or concerns:

- 21.1 Definitions –Clarity
 - Establishment – this needs to be clarified in the scope of its definition. As it reads now, one could assume Motels, Senior Living Facilities and the like allowing dogs to stay overnight with their owners could be defined as “Establishments.”

- Section 21.3 Enforcement and compliance – Reasonableness
 - There is not enough “manpower” within the Department to provide adequate enforcement of the regulations. Additional powers should be afforded to Dog Wardens as well so they can seize dogs when they are in immediate danger.

- Section 21.4.1.v.B.I Penalties – Reasonableness
 - Return of a Seized Dog – This section allows a person whose license has been revoked to get the dog back if it provides to the Department “satisfactory evidence or assurances that the dog will receive adequate care....” What is the definition of adequate care and does a Dog Warden have the medical training to determine if that care is adequate? I suggest the animal be placed with a licensed veterinarian, shelter or rescue group that will provide the necessary care. The person requesting the dog back should be responsible for the total expense of the medical care and associated costs and should have to comply with a full inspection before any animals are returned to his/her care. The license should be reinstated before the animal is returned.

- Section 21.14 Kennel Licensure Provisions – Clarity
 - a.3.ii - This section states “Each temporary home utilized by the establishment shall be treated as a separate kennel location. All temporary homes shall be subject to inspection by the Department” This section is contradictory to Section iii and iv and also needs clarification on what a temporary home would be responsible for at the time of inspection. Rescue organizations do not have a centralized kennel location; as such this provision is unclear how it would apply.

 - a.3.iv – This states “An establishment or temporary home that does not keep, harbor, board, shelter, sell, give away or in any way transfer a cumulative total of 26 or more dogs in any one calendar year, shall adhere to the individual requirements of sections 201-205...” As you can read this section directly contradicts section 21.14 ii.

This section as it applies to Rescue Organizations needs clarification. Dogs placed in “temporary homes” are treated as pets until adoptive homes can be found. They are not kept outside, in concrete kennels or the like. Additionally, foster homes do not have twenty-six (26) dogs at one time. While I wholly support the licensing and regulation of foster home based organizations, it is unreasonable to expect them to comply with kennel regulations that are also applicable to commercial breeders and boarding kennels. If a temporary home brings in a pregnant dog who delivers seven puppies, that will place that foster parent in jeopardy of not being able to help many more dogs unless he/she is able and willing to obtain a kennel license.

It was my impression, the proposed dog regulations were put in play to ensure better lives “for adults that never leave cages...” According to Jessie Smith, Special Deputy Secretary for Dog Law Enforcement, “Pennsylvania seeks to become a leader for kenneled dogs.” I question how these regulations as they apply to Rescue Organizations will achieve that goal. In fact, if Rescue Organizations cannot comply with the regulations and are forced to stop the good works they do, more people wanting dogs will go to those very puppy mills that currently are the root of Pennsylvania’s bad puppy mill reputation.

- 21.21.e Dog quarters – Reasonableness
 - The proposed regulations do not meet the USDA Animal Welfare Act, and at a minimum should mandate solid crate surfaces. Wire mesh flooring should be banned. Sanitizing cages of this type would be no more burdensome as the wire mesh and would prevent joint problems, leg problems and issues resulting from overgrown toenails getting caught in the wire mesh cages. Stacking of cages should also be prohibited, as the caregiver cannot visibly observe dogs in the

highest cages and any health issues that might be present. This is an unnatural way for dogs to be housed. It creates sanitary issues as feces and urine fall through to the cages below. It is unreasonable for dogs to live this way.

- 21.22.d Housing – Reasonableness
 - This section states “dogs that are not acclimated to the outdoor temperatures prevalent in the area or region where they are maintained, breeds of dogs that cannot tolerate the prevalent outdoor temperatures without stress or discomfort...and sick, infirm, aged or young dogs may not be kept in outdoor facilities...” It is not reasonable to expect any dog to endure extreme temperatures, and who decides if a particular dog is or is not acclimated to the prevalent outdoor temperatures? A licensed veterinarian representing The Department should approve all dogs used for commercial breeding purposes that are housed outside. Additionally, Pennsylvania’s regulations should include (Section 21.25.d Temperature control) ambient temperature as a means to measure, as it is questionable how slab temperature would be determined. A defined list of breeds should be provided to Dog Wardens so the subjective determination of what dog is or is not acclimated to outdoor temperatures is removed. I would not think Poodles or Shih Tzus would be among the breeds that could withstand outside temperatures. However, the rescue organization for which I volunteer recently was involved in helping dogs of these breeds that were living in Lancaster outdoor breeding kennels.

Shade provisions should also be added to the regulations to protect animals from extreme hot temperatures.

- 21.23 Space - Reasonableness
 - a. While I agree this section should be enforced for dogs living in commercial breeding facilities, this section is not reasonable for dogs in foster homes. Crates are used as safe havens for dogs and should provide the dog with ample room to stand up, turn around and lie down comfortably. Any additional space can result in behavioral issues such as elimination in the crate. This is a difficult behavioral issue to overcome. Rescue Organizations work to ensure dogs moving to their adoptive homes are housebroken and crate trained. If a dog is properly crate trained, they will consider that crate their den and will not go to the bathroom in the place in which they sleep. The difference is, Foster Homes do not keep dogs in crates around the clock as do puppy mills.
 - e. I am not sure if this provision is being added or removed, but animals in pet stores need to be treated in the same manner as all other kenneled dogs. Pet Stores buy puppy mill dogs and continue the misery as the puppies lie in small cages until someone feels sorry for them and pays exhorbinant amounts of money to take them home. The first twelve (12) weeks of dogs’ lives are the most important both socially and emotionally. If they go from a cage at a puppy mill to a cage at a pet shop, it is no wonder Rescue Organizations get so many calls about these dogs needing new homes because they have behavioral issues families cannot handle.
 - E.iii. This exercise provision is unreasonable for dogs in a foster home. Dogs of all shapes and sizes live together and get along well. They are exercised together. In addition to yard play, dogs in foster homes are walked at least once

on a daily basis (weather permitting). Dogs in situations such as this develop pack order and segregating them will create social issues and unbalance in the pack. This will result in dogs that do not do well in public places such as dog parks and pet shopping stores.

I very much support the proposed regulations for exercise and cage space as it pertains to dogs in commercial breeding facilities. Pennsylvania's current regulations are inhumane and contribute to dogs who are psychologically and emotionally deprived. I would encourage The Department to utilize the USDA regulations and improve upon them to achieve the goal of becoming a leader for kenneled dogs.


- 21.24.8 – Shelter, housing facilities and primary enclosures - Reasonableness and feasibility
 - I understand the rationale behind this section, and agree it should be implemented in a commercial breeding facility environment to control parasites and viruses. However, in a temporary home setting this is unreasonable, unrealistic and not feasible to expect a home owner to tear up his or her yard to replace it with gravel or stone. Homeowners clean up dog waste in the yard and do not have the same level of risk as does a commercial breeding facility.
- I am not sure what section the Record keeping for cleaning of kennels is under, as the regulations are very difficult to follow, so I will comment here. It is unreasonable to expect that a temporary home will document each time their home is cleaned and sanitized, as that is done on a daily basis. Fresh water and food is provided each day and dishes sanitized appropriately.
- 21.41 General requirements - Reasonableness
 - Again, I state it is unreasonable for a temporary home to document each time a dog is provided fresh water, exercised, and given medication. Foster parents document when dewormers and antibiotics are administered. This information, along with all veterinary care is documented within individual dogs' files.

I also encourage The Department to require all dogs bred as pet quality to be spayed/neutered prior to being sold. This provision can be enforced by a licensed veterinarian. There is a vast overpopulation problem of companion animals, which is a direct result of humans not being responsible enough to alter their pets. All animals not intended for breeding should be altered. That will help to eliminate the senseless killing of one million animals per month that occurs in this country's animal shelters.

Thank you for this opportunity to comment on the proposed dog regulations. I support the premise behind the regulations, to seek better lives for kenneled dogs. However, boarding kennels, hobby breeders, shelters and rescue organizations cannot be held accountable to the same regulations. Puppy mills (i.e. Large Commercial Breeders) consider dog breeding as their cash crops. The breeders need to be responsible for at least the basic forms of humane breeding, which the regulations represent. They are dealing with breathing, feeling creatures created by the God they worship. The breeders need to treat those creatures with love and respect. No matter what your level of love is for dogs, there are basics that need to be met. Perhaps instituting a privilege tax on Commercial Breeders' gross receipts will allow The Department to pay for additional enforcement of these regulations and provide a positive end result for kenneled dogs.

I commend The Department for initiating this process and encourage you to develop regulations appropriate to hobby breeders, boarding kennels, shelters and rescue organizations. We all want to continue to be able to help dogs in our own respective ways, as well as support these regulations that will help Pennsylvania become a leader for kenneled dogs.

Respectfully submitted,



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