

Clearfield County

SPCA

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March 13 2007

Ms. Mary Bender
Bureau of Dog Law Enforcement
Pennsylvania Department of Agriculture
2301 North Cameron St.
Harrisburg, PA 17110

INDEPENDENT REGULATORY
RELIEF COMMISSION

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Dear Mary,

Enclosed please find my comments on the proposed new kennel regulations. As I state in closing my comments, these are just a few of the items, which concern our shelter. Anne Irwin, representing the Federated Humane Societies of PA, will be commenting on the entire regulations. Anne has more experience reading and being involved in drafting such regulations and so is better qualified to anticipate how they will effect shelters.

The Clearfield County SPCA and the Bureau of Dog Law have been partners for many years in trying to improve the welfare of the lives of dogs in PA. We look forward to many years of continued partnership.

Sincerely,

Pamela V. Smith
Executive Director

Enclosure

Comments on new Kennel Regulations
By Pamela Smith
Executive Director, Clearfield County SPCA

I have been in charge of the operation of the Clearfield County SPCA for the last 16 years. I have also been a Humane Society Police Officer for 16 years. While I understand that the new proposed regulations were supposed to improve the overall quality of life for dogs in kennels, I suspect in their present form they will not accomplish their goals.

The new regulations depend a great deal on measurements of temperature, light and space. They are confusing and from what I can see would require many specialized instruments to be sure you were complying with these regulations. I am unsure on how we would check what the slab temperature is and how many foot-candles of light there are at a given time. They also require a great deal of employee time needed to keep the extensive records as outlined in the regulations. Over the course of my tenure with the Clearfield County SPCA I have toured many humane societies or other animal shelters in PA and the only one I can think of that would comply with all of the proposed regulations as outlined would be the new "No Kill" Animal Friends shelter in Pittsburgh. This is a new multimillion-dollar shelter. Our shelter is almost 20 years old and not well built to start with. I believe anyone who has ever been to our shelter will attest to the cleanliness and good care of our animals but there is no way we could comply with the space, exercise or some of the record keeping requirements.

One example it would be a hardship for us to comply with would be Section 21.28 (c) We have fed our dogs and cats on paper plates for 16 years. While some dogs do try to eat the plate, we have never had a dog get sick or had any problem from this ingestion of paper. The use of paper plates saves employee washing and sanitizing time and the expense of stainless steel receptacles, while still insuring the sanitation of the food receptacle.

Another example would be Section 21.23 (e) - The exercise requirement. This is section is extremely unclear and could be read to mean that even if you have someone to walk dogs on a leash (which would mean a number of employee hours, which doesn't even include the associated record keeping involved), that the dogs could not be walked in the rain because they would get wet. This would require that in addition to providing walkers on nice days, you would need an enclosed exercise area for rainy days. Because of the nature of an animal shelter and the number of different animals in and out, the mass exercise area is great way to spread disease. Another problem with the mass exercise area is that in an animal shelter we have no way of knowing whether a dog is anti-social or aggressive. This can lead to dogfights, employee injury, etc. Another question concerning the exercise requirement for dogs in shelters is "How exactly do you provide exercise for the

aggressive stray dog which you are required to hold?" Some stray dogs coming into my shelter are too aggressive to actually handle but unless they are extremely ill or badly injured we still hold them for 4 days. I am not sure how you would provide the required exercise for a dog like this.

Section 21.23 (a) The kennels in my shelter are various sizes. Depending upon the size of dogs we receive, which we have no control over, all dogs may not be able to lie in a lateral recumbence without any body part touching the side of the enclosure. Because our dogs do not spend their lives in these kennels, we are a temporary sanctuary for stray and unwanted animals, I would think shelters such as ours would be exempted from this requirement.

Section 21.14 (a) (5) (iii) (B) (3) The language in this section needs to be changed, as it is impossible to know the last owner of a stray dog unless it comes with some type of id like a license or micro-chip.

While some exemptions have been made for "Dog control facilities authorized to receive grants under the provisions of section 1002 of the Dog Law (3P.S. 459-1002 (a), I have mixed feelings about this. My first question is are only those facilities receiving grants exempted? My second question is if these things are important for all other kennels, why are some exempted? That being said, there is no way my shelter could comply with these regulations. I personally think that kennels housing dogs short term might not need exactly the same regulations as kennels housing dogs long term, but I cannot see how you would differentiate between the two. Some dog control facilities and boarding facilities hold dogs for a relatively short term, but there are many who hold dogs for a much longer term. It would be best to come up with reasonable regulations for all kennels. These regulations should be easy to understand and easy to enforce without dog wardens having to use judgment. For example: Section 21.24 Shelter (b.6) (4) Contain clean and dry bedding material at all times and additional clean and dry bedding shall be required when the temperature is 35 degrees F or lower. If you need bedding at all times, what exactly constitutes more when the temperature goes below 35 F. That would obviously be up to the judgment of the dog warden doing the inspection. I am sure with the number of dog wardens in the state you could potentially have many different opinions on this. Regulations written to use the opinion of the enforcement officer are very hard to comply with.

I very much like Section 21.14 (a) (3) (ii) which is the section dealing with an establishment that utilizes temporary homes but does keep, harbor, board, shelter, sell, give away or in any way transfer a cumulative total of 26 or more dogs of any age in any one calendar year. These entities need to come under the kennel regulations. They need to comply with the spay/neuter requirements, keep records and have their temporary homes available for inspections. I think it needs to be made clearer what that inspection would include. Obviously a foster home would

not have the same requirements a kennel had. I would suggest that Dog Wardens could make sure these dogs in foster care were being kept in compliance with 5511 (c).

The above are some of my concerns. Anne Irwin, speaking for the Federated Humane Societies of PA, will cover more comprehensively the entire proposed regulations.

Thank you for the opportunity to comment on these proposed regulations.