

March 13, 2007

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

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

RECEIVED
2007 MAR 30 PM 3:05
INDEPENDENT REGULATORY
REVENUE COMMISSION

Dear Ms. Bender:

I submit the following comments on the Proposed Amendments to the Pennsylvania Dog Law Regulations at Title 7 of the Pennsylvania Code.

Section 21.14 Kennel Licensure Provisions

(a)(3)(ii) This section would group kennels, commercial breeders, rescue organizations, and foster homes together and subject them to the same requirements.

This provision is unreasonable as it applies to foster homes that are utilized by all volunteer rescue organizations. Dogs that are placed in foster care are kept in a home environment just like owned dogs. The foster dogs are the "temporary" pets kept by a household until the animal finds its permanent home. These animals are not crated or kept in kennel-like conditions. Instead, the animals are kept inside, in a home environment. It is unreasonable to hold a home situation to the same standards as a commercial kennel or breeding facility. Foster homes utilized by rescues provide more humane living conditions for the animals cared for by rescues, because the animals are indoors, socialized, and become housebroken. It would not be in the best interest of the animals to require the foster homes to place animals in a kennel environment instead allowing them to live inside a home.

The purpose of these revised regulations was supposed to be to better regulate living conditions for the animals raised in puppy mills and other breeding facilities. Extending the regulation to include all volunteer non-kennel based rescues and foster homes does nothing to regulate the puppy millers. Instead, the proposed regulations impose standards upon private, all volunteer rescues that they would be unable to afford to meet, forcing them to close down, thereby jeopardizing the lives of the tens of thousands of animals assisted by rescues each year.

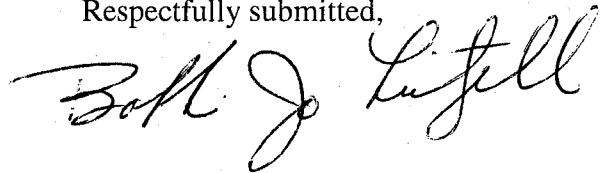
For example, assume there are 100 foster home-based rescues in Pennsylvania, each handling 1,000 animals per year. If rescues were to close, that is 100,000 animals that would be placed into the system for municipalities and shelters to handle in an already overburdened system. The cost to taxpayers would increase due to municipalities having to handle animals previously assisted by rescues. Shelters would be more overburdened

that they already are, forcing them to kill the overflow of animals—animals whose lives would have been spared in the rescue system.

Rescues serve an important function. They help animals with no cost to the taxpayers, and aid the state-wide economy by giving veterinarians tremendous business, and well as the pet stores for food and supplies. Thus, putting the rescues out of business--as the regulations would do--would have a far reaching impact on taxpayers and the state-wide economy. Thus, foster based rescues should be exempt from the provisions of these proposed regulations, and there should be an explicit provision stating that in the proposed regulations.

In addition to the exemption for rescues, the proposed regulations should put a clear limit on the number of puppies that can be produced each year by the commercial breeders, and strict fines imposed if they do not comply. The proposed regulations do nothing to stop the endless production of animals by the commercial breeders. Allowing this production to continue will sanction the killing of animals by shelters all across the Commonwealth.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bob J. Luffell". The signature is written in a cursive style with a large initial "B" and "L".

cc: Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Governor Edward G. Rendell
225 Main Capitol Building
Harrisburg, PA 17120

Comments on Proposed Kennel Regulations Submitted on Behalf of the Federated
Humane Societies of PA by Cindy Starke, President, Federated Humane Societies of PA
and Member at Large of the
Dog Law Advisory Board.
Shelter Manager, SPCA of Luzerne County

The Federated Humane Societies of Pennsylvania (FHS of PA) is the oldest continually operating humane federation in the nation. It was founded in 1906. Its purpose is to promote the welfare of animals in the Commonwealth through communication and cooperative efforts between member societies and to support legislation and other activities that beneficially affect the animals and humane organizations within the Commonwealth. All members of the FHS of PA are concerned with the well being of dogs in all types of kennel setting and applaud Governor Rendell, the Department of Agriculture and the Bureau of Dog Law for their efforts to improve the lives of kenneled dogs in Pennsylvania.

Shelters become Federation members voluntarily and elect representatives to communicate with Harrisburg on legislative issues. As President of the Federation, I would like to suggest giving additional thought to the issues that follow. Those stated below are derived from operating a humane organization for 23 years, serving on the Federation Board for 17 years and observing the buildings, equipment and practices in other shelters, as well as from discussions with some of the member organizations.

We understand that the thrust of the proposed regulations is aimed at improving conditions in large breeding facilities and this is heartily approved of by member shelters. There is however, concern amongst humane organizations about the adverse impact that they could have upon animal shelters both financially and functionally. One example of this would be the proposed 6" drains and trench-type gutters in kennels. Compliance would require many organizations to restructure their under floor drainage systems, including removal and replacement of cement floors. Many of these shelters have deliberately eliminated the trench-type drains that are required in the proposed regulations in favor of the more sanitary individual kennel drains. Changing them would not only involve costly, major renovations to the cement, but destruction and replacement of equally costly floor finishes, such as tile or epoxy. A trench drain with one or two 6" drains will not eliminate waste water any more effectively than individual drains in each kennel. There are other equally efficient drainage configurations available and utilized. Altering these would not further the health, comfort or safety of kenneled dogs.

While everyone agrees with the need for increased space for long term kenneled dogs and is indeed happy to realize that this issue has been addressed in the proposed regulations, there is a concern that it would adversely impact a humane organization's abilities to continue to receive all of the dogs that they traditionally admit, including those from Dog Law. Unlike the extended periods of time that dogs spend in breeding or other long term facilities, the stay for those in animal shelters is traditionally of a much shorter duration. Strays are held for owner reclaim which usually takes place in a matter of days and others

are held until they are adopted or the kennel fills to capacity. Holding humane organizations to these requirements would have the effect of limiting the volume of dogs that could be admitted.

The quarantine requirements of section 21.22(d) and (e) would have the same effect as above in an animal shelter application. These two requirements would not only limit the number of animals that a shelter could accommodate, but may also cause the unfortunate need for increased euthanasia to create space that would enable a shelter to avoid turning away homeless, unwanted animals.

We believe it is the intent of section 21.15 Exemptions to exclude non-profit animal shelters from the two aforementioned requirements. Section 21.15 however, refers to dog control facilities under section 1002(a). This would only involve those shelters contracted to do dog control for the Department of Agriculture and would not address the vast number of other non-profit shelters. Additionally, for profit shelters that receive stray dogs from Dog Law are not mentioned. Consideration may need to be extended to them as well. This issue needs to be addressed.

The paperwork requirements of the proposed regulations will consume a huge amount of staff time. In order to achieve compliance, shelters handling thousands of dogs annually will find it necessary to add personnel to their staff. In reality, paperwork is no guarantee that animals have been properly fed and housed in humane, sanitary conditions. A more meaningful picture can be obtained by simply observing a kennel and the dogs in it. If the dogs appear healthy and well fed and the kennel smells and appears clean, it will be a more accurate indicator of a properly run kennel than reports that make the kennel appear to be in compliance, but can be completed with false information. The recordkeeping designed to track the location of dogs that are kept off of the premise is a much more worthwhile endeavor.

The exercise requirements are also an area of concern. While we agree with the need for exercise for dogs that are housed long term, animal shelters may not have the property to accommodate either a walking area for the dogs or an exercise pen. Additionally, if a shelter houses 50 dogs that are walked for 20 minutes each on a daily basis that would translate to over 16 hours of dog walking every day. Shelters are funded by donations and many are understaffed. I personally know of no shelter that is staffed to the point that it can absorb even a few hours of additional work without adding personnel. Using volunteers for this purpose is not practical either. By their very nature, volunteers are supplemental help and appear at times suitable to them. Often, shelters do not have many volunteers during weekdays. Depending on them to meet legal requirements is not an option. Many shelters are equipped with outside runs that afford exercise for dogs which should lessen the need for such stringent requirements.

While climate control for an animal shelter would be optimal, it is an expensive undertaking in a kenneling situation, both for installation and continued operation. In subsection 21.25 it is stated that the ambient temperature is not to exceed 85° in an indoor kennel, indicating that air conditioning would be necessary to maintain the temperature

below that. Many existing kennels do not have air conditioning, but rather utilize fans and ventilation to keep dogs comfortable during hot weather. If a dog is housed in an outside kennel, the temperature will rise above 85° from time to time and there is no way to alter it. Temperatures above 85° are the same inside and outside. It is puzzling to understand why 86° is acceptable when dogs are confined to an outside kennel, but not while in an inside kennel.

The prohibition on dealing with unlicensed kennels is impractical for a humane organization, as it is impossible for the organization to know if the dog entering its doors comes from a situation that requires a kennel license.

Section 21.14 (a) (5) (iii) (B) (III) requires that for stray dogs the organization must record the name of the last owner of the dog. Unless the dog has a license or microchip, this information will not likely be known.

The overall layout of the regulations should be made less complicated to avoid the many layers of subsections, such as in the preceding paragraph. Simplifying the structure will facilitate better understanding of the statute at all levels, including that of the kennel owner, Dog Law enforcement personnel and the judiciary. Better understanding will improve the lives of dogs and facilitate necessary enforcement procedures.

These are some of the concerns that have been voiced by members of the FHS of PA. Creating a set of kennel regulations that adequately controls and improves the welfare and condition of dogs in the Commonwealth's varied types of kennels will not be an easy task. It needs to be undertaken with deliberation and research, as well as with an eye to the future of kenneling. Care must be exercised to see that the final regulations will produce the desired results and be interpreted as intended both by those of us who are regulated and by those who are charged with enforcing the regulations - today and years from now.

Thank you for this opportunity to give input on the proposed kennel regulations..

Cindy Starke