



Department of Comparative Medicine • Penn State College of Medicine
The Milton S. Hershey Medical Center
Department of Comparative Medicine, H054
P.O. Box 850
Hershey, PA 17033-0850

Tel: (717) 531-8460
Fax: (717) 531-5001

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March 13, 2007

INDEPENDENT REGULATORY
REVIEW COMMISSION

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

Re: Dog Law Enforcement, Proposed Regulation #2-152 (#2559)

Dear Ms. Bender:

I am writing on behalf of the Pennsylvania State University College of Medicine, Milton S. Hershey Medical Center to provide comment on the proposed regulations promulgated from the Pennsylvania Dog Law (3 P. S. § 459-902). I applaud Governor Rendell's efforts to insure humane treatment of dogs in the Commonwealth.

Our organization operates an animal resource facility to support biomedical research, which is registered with the USDA and accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International (AAALAC). As a registered and accredited facility, we follow all of the regulations of the Animal Welfare Act (AWA) and the guidelines stipulated in the *Guide for the Care and Use of Laboratory Animals*. We also maintain a kennel license with the state because dogs are occasionally used for biomedical research purposes. In recent years, our facility has housed and used either no dogs or two – five dogs per year. I can assure you that the welfare and well-being of all animals under our care are of primary importance to us. Proper housing and care of dogs housed at our facilities is not only required for legal and ethical reasons, but also the quality of the science derived from them demands it as well. However, despite our limited use of dogs, the proposed regulations pose significant problems for us. Specific sections that are problematic for our facility include:

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- Section 21.24.b.3 (page 35) – Our indoor/outdoor kennels are 42” wide. Under the proposed regulations, the largest dog we could house would be 21” long as opposed to the maximum 38” length under the provisions of the AWA. We would not be able to house the “mongrel-type” dogs, i.e., hound mixes that are frequently used for basic biomedical research in contrast to the smaller, beagle-type dog used in the pharmaceutical industry.
- Section 21.23.e.ii.A (page 31) – We have very limited areas to meet the requirements for exercise and without building a dedicated area, would be forced to use building corridors to meet these requirements, with the obvious issues of human and animal safety this poses. Furthermore, the record keeping requirements are beyond those required under the AWA.
- Section 21.23.e.ii.E. (page 31) states “Kennels, including the building, areas in which dogs are house, 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.” The level of sanitation required under this proposed regulation is impractical and beyond the sanitation required for human operating rooms.
- Sections 21.24.f.11.i and ii (page 42) require that indoor kennels with no outside runs be provided with a gutter and drain of 6” diameter. We often use large rooms to group house dogs, especially during inclement weather and temperature extremes because our indoor/outdoor kennels are not air conditioned. This requirement would eliminate most of our available rooms for this use.
- Section 21.26.a.3 (page 46) – This section requires that ventilation be at ground level to “assure dry kennel run floors.” None of our facilities have rooms with ventilation at ground level. Furthermore, in my professional opinion, ground level ventilation poses the potential for chilling of the animal, a possible haven for vermin and potentially increases the spread of disease.

In summary, the proposed regulations are unnecessarily burdensome and as stated in some sections, impractical. Even with our very limited use of dogs, as a licensed kennel facility, we would be incapable of meeting the proposed standards. Because of the unique requirements presented in a research setting and the multitude of animal welfare regulations currently placed on our facilities, I recommend that research kennels that are registered with the USDA and are under federal inspection at least annually be exempted from the Pennsylvania Dog Law regulations.

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Regarding the broader concerns associated with the proposed regulations, I concur with other members of the biomedical research community in Pennsylvania and urge the Department of Agriculture to adopt and enforce the federal standards as promulgated in the Animal Welfare Regulations, 9 CFR, Chapter 1, Subchapter A, Parts 1-3.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald P. Wilson". The signature is fluid and cursive, with a large initial "R" and "W".

Ronald P. Wilson, V.M.D., M.S., DACLAM
Associate Professor and Chair
Director, Animal Resource Program