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Pennsylvania Department of Agriculture
Bureau of Dog Law Enforcement
2301 North Cameron Street
Harrisburg, PA 17110-9408

INDEPENDENT REGULATORY
REVIEW COMMISSION

Attn: Ms. Mary Bender

Re: Proposed modifications to the Dog Law Enforcement Regulations

This document will serve as an official public comment on the Proposed Rulemaking of the Pennsylvania Department of Agriculture relating to Chapters 21, 23, 25 and 27 of 7 Pa. Code Dog Law Enforcement as published in the Pennsylvania Bulletin (36 Pa.B. 7596) on December 16, 2006.

- I. The intentions of the Bureau of Dog Law Enforcement ("the Bureau") are not made clear in the proposed regulations.

At both the House Committee on Agriculture and Rural Affairs Hearing on March 6, 2007 and at the Dog Law Advisory Board Meeting on March 14, 2007 the Bureau stated their intentions of these proposed modifications. Without having heard their verbal explanations, I would not have realized the Bureau's intentions by reading the regulations. What they intend and what is written are TWO different things! Since the regulatory enforcers will have only the "letter of the law" to follow, especially in the future after administration change occurs, the intentions of the Bureau will not be met. With each enforcer left to interpret the law in his/her own way, these proposed regulations will neither bring uniformity to their enforcement nor fairness to the regulated community.

- A. At both meetings referenced in "A" above, and as posted to an internet discussion list, Jessie L. Smith, Special Deputy Secretary in Dog Law Enforcement, defined the "cumulative total of 26 or more dogs" as it pertains to kennel licensing. She states that dogs not staying overnight are not counted, as well as caring for an offspring of one's dog for free and dogs staying over with friends don't count. Also, a dog that comes and goes throughout the year is only counted once. If this is true, then the regulations should undeniably state this.
- B. At the Dog Law Advisory Board Meeting in December the Bureau also stated that the focus of these regulatory changes is not hobby / show / in-home breeders. Yet nowhere in the proposed regulations is there delineation between the different types of kennels. Again, if this is true, then the regulations should undeniable state this.
- II. The proposed regulations will create financial hardship and possibly even worse conditions (for some dogs, owners, and neighbors) through its one set of standards and requirements for all types of kennels.
- A. Many people who currently have a kennel license do so because they meet the requirements for one, yet they do not have a kennel building. There are people who keep their numerous dogs in their house. Examples of such individuals are trainers, show dog handlers, and rescue volunteers (remember it's a cumulative total number of dogs in a year). These proposed regulations dictate housing requirements that are impractical to the home environment (i.e., drains in the floors, sanitizable walls, roofs over a 3-acre fenced yards, grassless/mudless backyards, etc.). No one in their right mind would renovate their house to fit these regulations, and I can foresee class-action lawsuits against the state should the regulations not contain different housing requirements for different types of facilities. And should a homeowner choose to build a compliant kennel building and zoning permits them to, the dogs will be forced into an environment that is worse than their current one.
- B. In order to meet the Governor's desire "to improve the conditions under which dogs are bred and sold in Pennsylvania" and satisfy the majority of the regulated community, the regulations

will need to create different standards and requirements for the various types of "kennels". It starts by recognizing that there are two definitions to the word "kennel". One is a building or structure facility for dogs, and the other is a pack of dogs.

- III. By defining the word "establishment", the regulations are now involving places that are probably not intended to be regulated.
- A. Since many dog ownership transfers occur on the premises of a dog show, any individual that owns a place in which a dog show is held will need a kennel license according to § 21.14(3).
 - B. Campgrounds, hotels, motels, etc. will also need licenses according to this added definition.
 - C. I had no misconception of what was meant in the act by an "establishment". But this added definition is now confusing because the words "kennel" and "establishment" are intermixed.
- IV. The regulations do not clearly define breed rescue organizations. They do not meet either statutory definition of non-profit kennel nor boarding kennel. How will they be regulated? They simply don't fit into the normal patterns of kennels. Clearly the Bureau needs to think long and hard on this matter.
- A. Purebred rescues usually have broad areas they work in with volunteers in different states. If you do try to regulate these groups, how are you going to regulate dogs in temporary homes in other states? Will they be counted?
 - B. What if a Pennsylvania citizen is a volunteer for a national rescue group whose main office is located outside Pennsylvania and that citizen rehomes dogs via the telephone? According to the regulations they will need a license simply because more than 25 dogs go "through" their establishment (albeit via telephone) even though they may not even have dogs themselves. Seriously, how are you going to regulate them? And when it comes to enforcement, think of the costs the state will incur just trying to find evidence and prosecute for non-compliance?
 - C. What if an individual is a volunteer that simply transports more than 25 dogs a year for a rescue group. Can you rightfully say that person is operating a kennel?
- V. Plainly speaking, the regulations as drafted are so cumbersome to read and unclear in so many areas, that the regulated community will have a hard time understanding their obligations as a licensure.

Since people have a right to breed dogs on a large scale for commercial purposes, no one can prohibit this type of business. Yet standards can be written to provide those dogs with at least humane care. I support the Governor's attempt to create a healthier and safer environment for those dogs in the commercial breeding facilities, but it should not be done at the expense of those hobby / show / hunting /in-home dog owners or breeders who do not have kennel facilities.

And one last thought... why does the Bureau pay for coyote damages to livestock and other domestic animals when the coyote is a fur-bearer controlled under the Pennsylvania Game Commission? Just because it is in the same genus as the domestic dog (canis), doesn't this stretch the purpose to reimburse people for damage from "ownerless dogs"?

Thank you for reading.



Linda Rose

cc: Members of the Independent Regulatory Review Committee
Members of the House Committee on Agriculture and Rural Affairs
Members of the Senate Committee on Agriculture and Rural Affairs