

MARCH 14, 2007

2559

REPORT AND ANALYSIS OF AMENDMENTS TO
THE PENNSYLVANIA DOG LAW (TITLE 7 OF THE PA CODE, CHAPTERS
21, 23, 25, AND 27)

PRESENTED BY UNITED AGAINST PUPPY MILLS, a 501(c)(3) corporation

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Under the terms of the Regulatory Review Act, the General Assembly granted the Independent Regulatory Review Commission ("IRRC") the authority and duty to assess the validity of regulations promulgated by agencies in Pennsylvania by conducting a detailed review of such proposed regulations before their enactment into law. In connection with such review, the IRRC examines certain criteria:

1. **Whether the respective agency has the statutory authority to promulgate the regulation;**
2. **Whether the regulation is consistent with the intent of the General Assembly;**
3. **Whether the regulation is in the public interest.**

As a general rule, the IRRC considers the comments of the various committees, the comments from the department that has promulgated the regulations, and the public's comments on the proposed regulations. It is the intent of United Against Puppy Mills ("UAPM") to offer this report as part of the IRRC's review of the recent Amendments to the Pennsylvania Dog Law (Title 7 of the PA Code, Chapters 21, 23, 25, and 27).

Although this report is directed to the attention of the IRRC and the IRRC criteria have been utilized in this analysis, other state officials and committees (including the Pennsylvania Senate and House of Representatives Standing committees on Agriculture and Rural Affairs, the Pennsylvania Department of Agriculture, and the Pennsylvania Bureau of Dog Law Enforcement), will find that the information contained herein is simply an analysis of certain provisions in the Amendment that has been structured to mirror the IRRC's criteria. However, such criteria and this analysis are also relevant to the analysis that the standing committees have begun to undertake (e.g., the March 5, 2007 Hearing held by the House Agriculture and Rural Affairs Committee (the "Hearing")) and the continued analysis which the Pennsylvania Bureau of Dog Law Enforcement will be conducting in its discussions and written reports in connection with the Amendments to the Pennsylvania Dog Law (the "Amendments"). For the convenience of any readers of this report, we have also included a copy of the comments that United Against Puppy Mills previously filed with the Pennsylvania Bureau of Dog Law Enforcement in connection with the Amendments.

1. Whether the Department of Agriculture has the statutory authority to promulgate the regulation under their review.

The Amendments before the IRRC have been promulgated by the Department of Agriculture ("Department") under section 902 of the Dog Law Act (3 P. S. § 459-902) (referred to herein as the "Dog Law"). Section 902 of the Dog Law grants the Department the authority to promulgate rules and regulations to carry out the provisions and intent of the Dog Law. (3 P. S. § 459-902). Accordingly, the Department has proposed the current Amendments in order to continue to provide for the health, safety and welfare of the dogs in Pennsylvania- the original intent of the Pennsylvania Legislature in enacting the Dog Law.

2. Whether the regulation is consistent with the intent of the General Assembly.

Consistent with such intent, the focus of the Department throughout the Amendments is on the health, safety and welfare of dogs in Pennsylvania. The following are only some of the provisions throughout the Amendments in which it is clear that the health of the dogs in Pennsylvania was the Department's primary concern and motivation:

- (i) Cage size and exercise requirements (Section 21.23, Amendment);
- (ii) Shelter, housing facilities, and primary enclosures in which kennel dogs spend their entire existence (Sections 21.24, 21.22, Amendment);
- (iii) Temperature in which dogs must be housed in the outdoor and indoor kennels (Section 21.25);
- (iv) Ventilation of the structures in which dogs are housed (21.26);
- (v) Sanitation (Section 21.29); and
- (vi) Required inspection of dogs (Section 21.30).

It is difficult to argue that the enactment of the Amendments, including without limitation, the foregoing provisions, would be harmful to dogs. The opponents of the Amendment avoid making such an argument because it is, in fact, nonsensical. Instead, they argue that the Department does not have the power to make such Amendments, or that the Department seeks to legislate instead of regulate (arguing that such legislation would be unlawful). The foregoing enumerated provisions, however, in addition to the remaining provisions outlined in the Amendment are clearly consistent with the intent of the General Assembly in its enactment of the Dog Law: to ensure the health and welfare of dogs in Pennsylvania. The Amendments simply clarify certain provisions in the Dog Law which have already been in effect for many years in the Commonwealth but have become outdated or unclear in light of the current state of the dog breeding industry in Pennsylvania.

3. Whether the regulation is in the public interest.

Pursuant to the IRRC's assessment of this criteria, the IRRC reviews the following:

- a. **The economic or fiscal impact of the regulation, including**
 - i. **Direct and indirect costs to the Commonwealth, political subdivisions, and private sector;**
 - ii. **Adverse effect on prices, productivity, or competition;**
 - iii. **The extent to which reports, forms or other paperwork are required and the estimated preparation cost incurred by individuals, businesses, and organizations in the private and public sectors;**
 - iv. **The nature and estimated costs of legal, consulting, or accounting services, which the private or public sector may incur;**
 - v. **The legality, desirability, and feasibility of exempting or setting lesser standards of compliance for individuals or small businesses.**
- b. **The protection of the public health, safety and welfare and the effect on the Commonwealth's natural resources.**

c. **The clarity, feasibility, and reasonableness of the regulation.**

3(a)(i). Direct and indirect costs to the Commonwealth, political subdivisions, and private sector

The Bureau of Dog Law Enforcement is funded solely through the purchase of dog licenses, kennel licenses and dealer licenses. No state monies enter the coffer of the Bureau. Furthermore, there is currently a \$15 million surplus (stated at the 12/13/06 Dog Law Advisory Board Meeting). It has been estimated that the costs to the Department of Agriculture will be approximately \$15,000 per warden for the first year and \$5,000 per warden through year five for the additional time to perform kennel inspections and review required kennel records. The additional costs of staffing, dog warden training and equipment can be met many times over by the above mentioned \$15 million surplus. There would be minimal fiscal impact on the Commonwealth of Pennsylvania.

In addition, the general public is currently paying for the surplus of dogs and cats in the Commonwealth by way of donations and volunteer hours to the many shelters, humane societies and breed rescue organizations. Exhibit "A" attached hereto, shows the results of a questionnaire which was sent to over 200 identified rescues in Pennsylvania. The chart is self explanatory as to the costs in maintaining these facilities. The results to this questionnaire are based on a 37% response. In addition, the Dog Law also gives monetary grants to animal shelters. The costs of these unwanted dogs are what will be burdening the private sector, not the costs to enforce kennel regulations.

The Department has opined that the Amendments may cost the regulated kennel owners in the private sector approximately \$5,000 to \$20,000 per kennel in order to comply with the new requirements. However, in light of the approximately fifteen million dollars (\$15,000,000.00) in revenue generated in 2004 by the combination of all K-1, K-2, K-3, K-4, and K-5 kennels licensed in Lancaster County, Pennsylvania (see Exhibit "B", attached hereto), the minimal \$5,000 to \$20,000 costs per kennel incurred in complying with the new Amendments, could hardly be considered a hardship.

3(a)(ii) Adverse effect on prices, productivity, or competition;

Improving the care and living standards within the kennel facilities would increase the quality of puppies produced and diminish the number of dogs that would be destroyed due to poor health. The ever increasing number of applications to open a breeding kennel is evidence of the profitability of breeding dogs. All licensed breeders would be competing by the same regulations so no single kennel would have an advantage. Producing healthier puppies would reduce the number of refunds or veterinary payments made under the puppy lemon law; resulting in a savings for the breeders.

3(a)(iii). The extent to which reports, forms or other paperwork are required and the estimated preparation cost incurred by individuals, businesses, and organizations in the private and public sectors.

The kennel records to be maintained by a kennel facility for a period of 2 years is vital in maintaining an accurate account of all dogs held in that facility. A kennel license covers all of breeding dogs at the facility and having individual information is vital to public safety. There are many scenarios that proper kennel records would prove to be an advantage to public safety (e.g., a lost dog, a stray dog that has bitten someone, a family pet lost from a boarding kennel, just to name a few.)

A daily record of exercise, cleaning of the cage and feeding/watering schedule is a minor form to complete and is currently being utilized by many shelters. The form itself can be left on the individual cages of the dogs for the workers convenience. These record keeping items should not incur any additional expenses and should be considered part of a daily routine.

The Department has clarified the record-keeping requirements set forth in Section 207 of the Dog Law. In connection with the amended requirements for exercise, feeding, and sanitation, the kennels are required to record such activities. Although the breeders have argued that such record keeping is onerous and will eventually lead breeders to leave Pennsylvania or to go out of business, these regulations could be easily satisfied with a simple chart. If, in fact, the breeders believe that a simple chart will involve such an overwhelming amount of work, then we suggest that they add additional workers to their business.

3a(iv). The nature and estimated costs of legal, consulting, or accounting services, which the private or public sector may incur.

The Department has stated that the amended regulations will not result in a substantial increase in the amount of the Department's paperwork and that the Department will not need to amend any of its forms in connection with the new requirements under the Amendments.

In addition, because the health and safety of the dogs bred in Pennsylvania will be significantly improved by the requirements of the Amendments, it would follow that the number of claims under the Pennsylvania Puppy Lemon law would decrease. Accordingly, any legal costs associated with making claims under the Puppy Lemon Law to the private and public sector will decrease.

3a(v). The legality, desirability, and feasibility of exempting or setting lesser standards of compliance for individuals or small businesses.

Because the Amendments do not extend the scope of the Dog Law to additional kennels, the same small kennels that are exempt under the current regulations will be exempt under the Amendments. The current regulations and the Amendments do not require such small businesses to obtain a kennel license unless it reaches a threshold of keeping, harboring, boarding, sheltering, selling, giving away or in any way transferring a cumulative total of 26 or more dogs of any age in any one calendar year.

3(b). The protection of the public health, safety and welfare and the effect on the Commonwealth's natural resources.

The proposed kennel regulations do attempt to provide a sanitary and mud-free area where the dogs reside. There are many zoonotic diseases which can pass from one dog to another and from dog to humans through air, feces, urine, saliva, blood, milk, and bedding. Dog feces and carcasses should not be permitted to be placed on the fields that are growing human food. Some types of zoonotic diseases are as follows: Campylobacter Infection (most common form of bacteria diarrhea), Cryptosporidium Infection, Dipylidium Infection, Giardia Infection, Hookworm, Leishmania Infection, and Leptospira Infection. According to the EPA's Detecting & Mitigating the Environmental impact of fecal pathogens originating from confined animal feeding operations report "...it is clear that exposure to zoonotic pathogens cause significant human suffering and economic losses in the billions of dollars annually due to lost productivity, treatment of disease, and beach closures. Because of the continuing human disease caused by zoonoses contaminating food and water resources in the US., we believe that the current environmental regulations and conventional animal manure management practices are inadequate for protection of human health and the environment."

Therefore, the proposed regulations on sanitation are vital to the safety of the public and we encourage further regulations to outline the procedures for elimination of dog feces and carcasses.

3(c). The clarity, feasibility, and reasonableness of the regulation.

i. Possible conflict with or duplication of statutes or existing regulations.

Although some groups that oppose the Amendments have stated that Pennsylvania should conform with the requirements for animal care set forth in the Animal Welfare Act by the USDA, the USDA has clearly articulated that the Animal Welfare Act shall not prohibit any State (or a political subdivision of such State) from promulgating standards in addition to those standards promulgated by the USDA. (See 7 U.S.C. sec. (a)(8)). It follows, therefore, that the Animal Welfare Act is not a ceiling, but a floor upon which state standards for the care of animals may be built and improved upon. As a result, the Amendments do not conflict with the Animal Welfare Act, but merely utilize its standards as a baseline. The Animal Welfare Act was enacted by the federal government in an attempt to provide all of the states in the United States with a guideline for the care of animals. However, other states in the United States are not known as the "Puppy Mill Capital of the East". The problem that has arisen in Pennsylvania is the result of years of less restrictive regulations which have become outdated. As a result, the Department has concluded that the additional clarifications set forth in the Dog Law are necessary to address the ever-growing dog breeding industry, including over 2400 licensed dog kennels.

ii. Clarity and lack of ambiguity

The Department has added new definitions to the Amendments in order to clarify the requirements set forth in the Amendments (see Section 206, Amendments). In addition, Department has set forth more specific requirements for the establishment of temperature

controls in indoor and outdoor kennels. (See Section 21.25). The foregoing are examples of just two of the many provisions in the Amendments that clarify previously unclear provisions in the Dog Law.

iii. Need for the regulation

Animal advocates across Pennsylvania & the surrounding states have filed complaints with the attorney generals office dealing with the sick puppies purchased and the conditions with which the breeding dogs and puppies were living. Those complaints have not gone unnoticed. The need for improved living conditions and an environmental enrichment program is clear.

Scientists, veterinarians and animal behaviorists from around the world have researched and documented the need for larger cage sizes, a solid surface in the cages, socialization with humans and animals and an environmental enrichment program to assure the health and wellbeing of the confined dog. These studies cannot be ignored and must be implemented.

The Department has looked to such concerns in proposing the Amendments. For example, under the revised Section 21.21 (b)(c)(d)(e) "Dog Quarters", the provisions seek to provide a sanitary, mud-free area where dogs reside. There are many zoonotic diseases which can pass from one dog to another and from dog to humans through air, feces, urine, saliva, blood, milk, and bedding. The changes made in this section will attempt to alleviate some of those diseases. Zoonotic diseases must be prevented whenever possible.

In addition, the requirements set forth in Section 21.23 of the Amendment provide for additional space in the cages in which the dogs at most kennels will live out their existence and 20 minutes of exercise per day. Clinical research performed throughout the world regarding animals held in research facilities and in shelters substantiates the direct correlation between the size of the cage in which an animal is held and such animal's quality of life. The dogs held in the cages of commercial breeders are no different than those at research facilities. Confinement is the common denominator.

Studies have shown that dogs confined without human interaction, socialization with other dogs, or exercise time would suffer both physically and behaviorally. Therefore, an environmental enrichment program is needed to assure the well-being of our companion animals.

- According to the National Health and Medical Research Council (NHMRC): "If dogs remain confined in a restricted and boring environment, they are likely to develop abnormal behavior (such as continual jumping in the cage, self-mutilation and repetitive behavior)..." Where an outside run is not available, attendants need to provide an opportunity for dogs to leave their normal cage for at least 30 minutes each day." (NHMRC, 2004)
- "Dogs are highly social animals. With varying degrees of social isolation... dogs are likely to develop maladaptive behaviors such as kennel

dog syndrome or the more severe isolation syndrome.” (*Applied Animal Behavior Science*, Hetts, 1992)

- When studying the habits of animals held in research facilities, it was evident that cramped enclosures were associated with a higher prevalence of circling and other stereotypes than relatively large enclosures. This indicated that too small living areas affected the dogs’ behavioral health and hence their general well-being. (Hubrecht et al., 1992)
- An Ohio State University study on the stress of shelter life was reproduced in *Psychological Science* with emphasis on shelter dogs and how they responded to confinement. The study showed that socialization with humans for 20 minutes a day minimized the negative effect of shelter life. (Tuber, D.S. et al, 1999)
- Hubrecht also suggests that the “the height of the enclosure should at least allow the dog(s) to stand on hind legs without touching the roof.”

Certain critics of the Amendments have cited to a study published in *Laboratory Animal Science* (Volume 39, No. 4, July 1989), entitled “The Effects of Cage Sizes and Pair Housing on Exercise of Beagle Dogs” as though this article and its author is the seminal authority in this field of study. However, it should be noted that such article and the study on which the author draws its conclusions, is based upon the study of only six beagles.

In the event that the IRRC is still unclear about the need for the Amendments, we have attached recent newspaper articles as Exhibit “C” to this report. The violations reported in such articles clearly illustrate the need for the Amendments in the current state of the dog breeding industry in Pennsylvania.

iv. Reasonableness of requirements, implementation procedures, and timetables for compliance by the public and private sector.

It is common practice in Pennsylvania and in other states, to assess the reasonableness of proposed regulations by comparing such regulations to analogous laws in other states. Several examples of other states that have enacted similarly

- COLORADO (certain provision highlighted below):
 - (a) The height of the primary enclosure shall be such that the dog can stand up and exercise normal postural movements.
 - (b) Enclosures may have grated flooring provided that the grated material is of adequate gauge to prevent sagging under the weight of the animals. In the event that a dog's feet are small enough to pass through the grated flooring or the dog displays discomfort in standing on the grated surface, then each primary enclosure shall contain a solid resting surface. Solid resting surfaces shall be water resistant, be able to be easily cleaned and

sanitized, and shall be one sq. ft. minimum for small and medium dogs, and two sq. ft. minimum for large dogs.

(c) Minimum space requirements for dogs weighing over 30 pounds will be determined by the Commissioner on an individual basis.

(d) Doubling of the minimum space requirements permits doubling of the number of small, medium and large dogs, respectively, that can be housed therein.

(e) The licensee shall have a plan on file providing for the exercise of puppies that are over 16 weeks of age or over 12 inches in height at the shoulders.

- MINNESOTA:

Exercise – Minn.stat.346.39 subd.5

All animals should be provided the opportunity for exercise at least twice per day. Space should be sufficient for the animals to exercise freely. Once every 12 hours.

Females should be rested for one or more cycles between breedings. Minn. Stat 346.39 subd 5.

Litters should be provided socialization by physical contact with other animals and human beings. It is recommended that litters be handled by humans at least two times a day to prevent future biting behavior.

The ambient temperature other confinement area should be maintained at a minimum of 70 degrees f at floor level and a maximum of 90 degrees f. for animals under seven weeks of age unless authorized in writing by a veterinarian.

- IOWA

Heat, insulation, or Bedding adequate to provide comfort shall be provided when the atmospheric temperature is below 50degrees.

Animals shall be removed from their primary enclosures at least twice in each 24-hour period and exercised, unless the primary enclosure shall be of sufficient size to provide this exercise.

This state specifies in-home kennel. Meaning an individual required to be licensed as a boarding kennel or as a commercial breeder who maintains or harbors nor more than six adult animals in the individuals living quarters.

A sufficient number of employees shall be utilized to provide the required care of animals and maintenance of facilities during normal business hours.

- OKLAHOMA

- (e) Ventilation. Indoor housing of animals shall be adequately ventilated with fresh air to minimize odors and moisture and to provide for the health and comfort of the animals at all times. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.

§ 8-369. Primary enclosure standards.

- e) Exercise areas. One run must be provided for every 18 primary enclosures. The run must be of sufficient size to allow an animal to break into a run. At least two exercise periods per day of 20 minutes each shall be provided.

§ 8-370. Sanitation.

- (a) Cleaning of animal enclosures. Animal waste shall be removed from enclosures daily and/or as often as may be necessary to prevent contamination of the animals and to reduce disease hazards and odors. Cages shall be cleaned as often as may be necessary to maintain sanitary conditions by washing all surfaces with a detergent solution followed by a safe and effective sanitizer. Animals must be removed from the enclosures during the cleaning process and precautions taken to avoid cross contamination.

- (g) Dead animals. Animals that die at the facility shall be stored and disposed of in a manner that will not cause a disease hazard or nuisance.

EXHIBIT A
SHELTER/BREED RESCUE QUESTIONNAIRE
RESULTS

**QUESTIONNAIRE SENT TO OVER 200
REGISTERED RESCUE AGENCIES IN
PENNSYLVANIA- OBTAINED A 37% RETURN**

UAPM initiated a shelter/breed rescue questionnaire to establish statistics on the number of unwanted dogs entering rescue agencies and the cost of caring for those dogs to the agencies and the animal advocates that support them.

It is alarming to see the increase in unwanted dogs from 2001 to 2005.

How much longer can these agencies maintain financial stability when the actual problem is not being addressed?

	2001	2002	2003	2004	2005
Total incoming dogs per year	47534	49813	52004	57617	59434
Number dogs per volunteer	13.7	14.4	15.0	16.7	17.2
Average cost per dog	\$178.11				
Cost of dogs to PA each year	8,461,052	8,866,714	9,256,712	10,255,826	10,579,252

EXHIBIT B

Commercial Dog Kennels / Lancaster County - 2004								
Name	Address	City	Zip	Class	# A	# P	#Sold	USDA
Abner Stoltzfus Kennel	102 #2 S Vintage Rd	Paradise		K1	6		34	
Arcturus Kennel	1608 Main St.	Goodville	17528	K1	11	7	17	
Brookside Kennel	176 Blank Rd	Narvon	17555	K1	4	22	19	
Cider Press Kennel	1360 Cider Press Rd.	Manheim	17545	K1	7	0		
Countryside Kennel	8 Greentree Rd.	Quarryville	17566	K1	21	3	26	
Donwen Kennel	473 Noble Rd.	Christiana	17509	K1	9		0	
Double L Kennel	920 Glenwood Dr.	Ephrata	17522	K1	9		2	
Eli Beiler Knl	143 Voganville Rd	New Holland	17557	K1	14	3	27	
Franklin N. Hoover Knl	428 Wissler Rd.	New Holland	17557	K1	10	1	5	
John Hoover Knl	359 E. Farmersville Rd.	Ephrata	17522	K1	9	0	8	
Lakeside Italian Greyhound	260 Pine Crest Dr.	Denver	17517	K1	22		5	
Laurel knl	209 Lauren Rd.	E.Earl	17519	K1	13		25	
Penny Meadow Farm	207 Governor Stable Rd	Bainbridge	17502	K1	28	4	10	
Sherom Knl	1134 Holtwood Rd.	Holtwood	17532	K1	6		8	
Yellow Hill Knl	499 Yellow Hill Rd.	Narvon	17555	K1	17	2	54	
Total K1 Kennels = 15							240	
Aaron Lapp Knl	355 Hopkins Mill Rd.	Quarryville		K2	24		24	
Beiler Kennel	225A Hollander Rd.	Gordonville	17529	K2	227	15	11	
Cocalico kennel	255 Hickory Rd.	Denver	17517	K2	20	0	31	
Conestoga Kennel	987 Valley View Rd.	New Holland	17557	K2	15	18	48	
Country Club Pet Lodge	440 Stoney Lane	Lancaster	17603	K2	24	1	20	
David Stoltzfus	84 Williams Run Rd	Christiana	17509	K2	38	17	95	X
Dean E. Martin	691 Fivepointville Rd.	Denver	17517	K2	21	4	18	
Esh Kennel	190 Balance Meeting Rd.	Peach Bottom		K2	16	15	0	
Esh Kennel	25 Spring Rd.	Leola	17540	K2	19		0	
Hammertown Kennel	385 Hammertown Rd.	Narvon	17555	K2	9	11	31	
Hickory Meadows Kennel	954 Center Church Rd.	E. Earl	17519	K2	119	9	30	X
Hoovers Knl	140 Fairmount Rd.	Ephrata	17522	K2	16	2	26	
Horseshoe Kenl	113 Horseshoe Rd.	Leola	17540	K2	32	34	100	
Irishtown knl	3016 Irishtown Rd.	Ronks	17572	K2	18	35	74	
Jamar	1931 Lebanon Rd.	Manheim	17545	K2	18	8	26	
Kings Kennel	60 High Rd.	Ephrata	17522	K2	27	0	74	
L.Eugene Wenger Knl	100 Wissler Rd	Lititz	17543	K2	17	9	48	X
Linden Valley knl	3754 Bossler Rd.	E-town	17022	K2	60	7	73	X
Lochranza Knl	1338 Mounain Rd.	Manheim	17545	K2	65	20	4	
Nelson N. Shirk Knl	1636 Main St.	Goodville	17528	K2	16	11	102	X
Rock Run Knl	290 E. Maple Grove Rd	Narvon	17555	K2	15	12	63	
Roman's Kenl	623 Yellow Hill Rd	Narvon	17555	K2	16	3	47	
Ruxton Poodles	933 Anderson Ferry Rd.	Mt.Joy	17552	K2	15		18	
Samuel Beiler Kennel	461 Beachdale Rd.	Bird in Hand	17505	K2	17		6	
Sing Along Knl	514 N.Muddy Creek Rd.	Denver	17517	K2	32	7	27	
Springville	317 Springville Rd.	Kinzer	17535	K2	19	8	28	

Stony Hill Knl	340 E.Farmersville Rd.	Ephrata	17522	K2	25	13	59	X
Twin Birch Knl	651 Weaverland Rd	New Holland	17557	K2	59	6	53	
Total K2 Kennels = 28							1136	
Aaron H.Zimmerman Knl	105 Linden Grove Rd.	New Holland	17557	K3	27	20	43	
Ada M. Martin Knl	330 Pleasant Valley Rd.	Ephrata	17522	K3	6	6	67	
A-F Kennel Allen & Frances Hoover	261 Clouse Lane	E. Earl	17519	K3	22	8	67	
Centerville Kennel	243 Sensenig Rd.	Ephrata	17522	K3	56	13		
Creekview Kennel	231-B Lynwood Rd	Ronks	17572	K3	22	14	40	
Elmer Fisher Kennel	3302-A E. Gordon Rd.	Gordonville	17529	K3	27	13	130	
Garden Spot Kennel	840 Weaverland Rd.	E.Earl	17519	K3	35	27	75	
Highgrade Knl	4406 Marietta Ave.	Columbia	17512	K3	39		30	
Hilltop Kn	33A Catch Comer Rd.	Paradise	17567	K3	10	2	52	
Hutchinson Knl	329 Redwell Rd.	New Holland	17557	K3	85	0	36	X
JR's Knl	835 Kirkwood Pike	Quarryville	17566	K3	20	3	44	
Kevin L Nolt Knl	1603 Lancaster Rd.	Manheim	17545	K3	41	27	29	X
Kinann Knl	5660 Old Philadelphia Pike	Gap	17527	K3	43	23	86	X
Leon Zimmerman Knl	898 Fivepointville Rd	Stevens	17578	K3	82	15	112	X
Little Ridge Knl	79 Ridge Rd.	Christiana	17509	K3	23	15	71	
M-e Knl	301 N.Hershey Ave.	Leola	17540	K3	39	10	48	
Meadow View Knl	336 Brethren Church Rd.	Leola	17540	k3	10	24	113	x
Noah G. Martin Knl	762 Center Church Rd.	E.Earl	17519	K3	43	26	44	X
Peach Valley Knl	520 Kissel Hill Rd.	Lititz	17543	K3	41	11	31	
Pine Hill knl/ Daniel Stoltzfus	54 Elm Rd.	Lititz	17543	K3	36	5	28	X
Pleasant Knls	2952 Irishtown Rd.	Ronks	17572	K3	41	7	35	
Red Rock Knl	5565 Lincoln Hwy	Gap	17527	K3	6		57	
Rocky Ridge Dob Knl	254 Mascot Rd	Ronks	17572	K3	46	26	48	
Rockytop knl	2100 Turkey Hill Rd	Narvon	17555	K3	40	15	75	
Shady Lane Dog Knl	461 Linden Rd.	E.Earl	17519	K3	34	25	76	
StonyLane Knl	450 Walnut Run Rd.	Strasburg	17579	K3	17	4	23	
Sunny Side Knl	881 Mt. Pleasant Rd.	Quarryville	17566	K3	64	28	61	
Vera Cruz Farm Knl	266 Vera Cruz Rd.	Reinholdt	17569	K3	42	10	56	
William Run Knl	22 Williams Rd	Christiana	17509	K3	26	16	67	X
Wilmen's Knl	1015 W.Lexington Rd.	Lititz	17543	K3	25	10	58	
Total K3 Kennels = 30							1702	
Ammon & Anna Weaver Knl	375 Middle Creek Rd.	Lititz	17543	K4	53	23	160	X
Blank Kennel	5846 Old Phila Pike	Salesbury	17527	K4				
Cairnarvon Kennel	125 California Rd.	Caernarvon	17555	K4	29	1	94	
Elvin Martin Knl	148 Rancks Church Rd.	New Holland	17557	K4	103	33	121	X
Emma Brubaker	506 School Rd.	Denver	17517	K4	37	18	86	
Eugene Brubaker	217 Harristown Rd.	Kinzer	17535	K4	38	23	151	X
Fisher Kennel	3310 E. Gordonville Rd.	Gordonville	17529	K4	79	21	130	
Gold Kennel	5757 Old Pla.Pike	Gap	17527	K4	69	24	125	X
Ivan Ray Weaver Knl	914 Centerville Rd.	New Holland	17557	K4	52	0	85	X

Jenloren's	226 Drywells Rd.	Quarryville	17566	K4	60	29	0	
Jonathan Fisher	542 Mt. Vernon Rd.	Gap	17527	K4	37	23	78	
John B Miller	2822 Stumptown Rd	Bird in Hand	17506	K4	36	27	168	X
Lally's Loveable Kennel	145 Fairmount Rd.	Ephrata	17522	K4	32		104	
Locust Patch kennel	654 Mt.Vernon Rd.	Gap	17527	K4	68		89	X
Meadow Brook Knl	161 Clover Dr.	Christiana	17509	K4	32	21	73	X
North Slope Knl	303 Mill Rd.	Ephrata	17522	K4	191	26	121	
Paul S. Nolt Knl	1295 Springville Rd.	E.Earl	17519	K4	19	0	147	
Pequea knl	196 Blank Rd.	Narvon	17555	K4	32	29	77	
Ronks Knl	33 N.Ronks Rd.	Ronks	17572	K4	40	24	87	
Townsedge Knl	85 Archery Rd.	New Providence	17560	K4	50	11	66	
Turkey Hill Knl	300 E. Black Creek Rd.	E.Earl	17519	K4	84	37	203	X
Valley View Knl	355 Hammertown Rd.	Narvon	17555	K4	38	22	79	
Weeping Willow Knl	250 Gehman Rd.	Narvon	17555	K4	98	40	175	X
Total K4 Kennels = 23							2419	
AA Ridgewood Knl/ Tina Young	207 N.Market St.	Elizabethtown	17022	K5	2	20	425	
Allen & Mary Zimmerman Knl	343 Reidenback Rd.	New Holland	17557	K5	294	61	645	X
Amos M.Zimmerman Knl	1555 Weaverland Rd.	E.Earl	17519	K5	881	263	1228	X
Amos Zimmerman Jr.Kn	937 Glenwood Dr.	Ephrata	17522	K5	285	141	703	X
Bel Hollow Kennel	83A. South Belmont Rd.	Paradise	17562	K5	75	22	108	
Clearview Kennel	68 Clearview Rd.	Ronks		K5	573		483	
Conestoga Kennel	1744 Mill Rd.	E.Earl	17519	K5	93	58	278	X
Country Lane Kennel	223 Rafton Rd.	New Providence	17560	K5	462	163	1786	X
Covered Bridge Kennel	1645 Weaverland Rd.	E. Earl	17519	K5	309	133	675	X
David Zimmerman	156 W Metzler Rd	W Earl	17522	K5	147	52	199	X
David Zook Knl	313 Cabin Dr.	Ephrata	17522	K5	167	86	366	X
Ervin S.Zimmerman Knl	400 W.Metzler Rd.	Ephrata	17522	K5	218	19	212	X
Eva S. Weaver Knl	851 Gristmill Rd.	New Holland	17557	K5	105	32	246	
E-Z Puppies Kennel	2223 Main St.	Narvon	17555	K5	58	35	210	
Forest Ridge Stable & Kennel	296 S. Vintage Rd.	Paradise	17562	K5	138	163	1681	X
Glen & Janice Snyder Knl	656 Chestnut Hill Rd	Denver	17517	K5	78	29	154	X
Glenwood Kennel	953 Glenwood Dr.	Ephrata	17522	K5	141	45	280	X
Green Meadow Kennel	445 S. Fairmount Rd.	Ephrata	17522	K5	46	64	206	
Hidden Acres Knl	395 Spring Hollow Rd.	E. Earl	17519	K5	142	68	392	X
Hillside knl	67 Mt.Pleasant Rd.	Paradise	17562	K5	170	51	443	X
J & L Pets #1 & #2 Knl	645 Swamp Church Rd.	Reinholdt	17569	K5	114	36	247	
James S. Zimmerman Knl	84 Hickory Lane	Ephrata	17522	K5	242	70	240	
K & M Puppy Depot	118 Martindale Rd.	Ephrata	17522	K5		14	343	
King Farm Breeders Knl	3527 W. Newport Rd.	Ronks	17572	K5	185	63	351	X
Kings Kennel	329 Centerville	Gordonville	17529	K5	69	26	77	X
L and R Knl	423 Panaram Dr.	Denver	17517	K5	92	68	228	X
Levi Stoltzfus Knl	633 E. Meadow Rd.	Manheim	17545	K5	104	52	300	X
Long Lane Knl	158 Blank Rd.	Narvon	17555	K5	227	45	364	
M&M Knl	2650 Buckwalter Rd.	Manheim	17545	K5	162	26	344	X

Current Prices for Puppies		
Source: Lanc Intelligencer Journal - Lanc Co Breeders		
Time period - Jan 1 thru March 1, 2007		
Breed of Dog	Price Range	Average Price
Akita	\$300 - \$400	\$350
Beagle	\$650	\$650
Bermese Mountain	\$795	\$795
Border Collie	\$100	\$100
Boston Terrier	\$750	\$750
Boxer	\$400 - \$550	\$475
Bulldog Amer Johnson line	\$750	\$750
Bulldog, Eng	\$1,400	\$1,400
Chesapeake Bay Retriever	\$800 - \$850	\$825
Chihuahua	\$195	\$195
Chihuahua / Pom	\$200	\$200
Choc Lab	\$400	\$400
Cocker Spaniel	\$650	\$650
Doberman	\$550	\$550
German Shepherd	\$500 - \$800	\$650
Golden Doodle	\$750	\$750
Golden Retreiver	\$300 - \$600	\$450
Great Dane	\$600	\$600
Great Pyrenees	\$850	\$850
Jack Russell	\$200	\$200
Maltese	\$375	\$375
Pomeranian	\$150 - \$300	\$225
Poodle Mix	\$350 - \$650	\$500
Poodle Toy	\$475 - \$550	\$515
Pug	\$750 - \$950	\$850
Russell Terr	\$100	\$100
Scottish Terrier	\$800	\$800
Shippo	\$400	\$400
Siberian Husky	\$350	\$350
Springer Spaniel, Engl	\$250 - \$300	\$275
Yorkie	\$400 - \$700	\$585
Yorkie Pom	\$350	\$350
Yorkie Poo	\$850	\$850
34 breeds listed		\$17,765
Average price for dog		\$527
Dev By: United Against Puppy Mills 3/07		
xls:kpw-clm		

EXHIBIT C

LancasterOnline.com

Kennel owner to face 7 charges

By Brett Lovelace, Staff
Intelligencer Journal

Published: Feb 22, 2007 1:49 AM EST

LANCASTER COUNTY, PA -

The owner of a Salisbury Township kennel will face trial on seven misdemeanor charges after investigators found hundreds of dogs living in unheated cages littered with feces and urine at his facility, a judge ruled Wednesday.

The charges against Joseph Blank stem from a surprise inspection Dec. 20 of Long Lane Kennel, 158 Blank Road, by the State Bureau of Dog Law Enforcement.

Investigators said they found 328 dogs — including daschunds, pugs, boxers, Yorkshire terriers, Bichons, cocker spaniels, Manchester terriers and shitzus — living in squalid conditions.

Humane League of Lancaster County Officer Debra Lort removed 23 dogs after veterinarian Bryan Langlois examined them.

A 5-week-old pug seized from the kennel was euthanized for medical reasons. The others survived after receiving emergency treatment, Langlois said.

Assistant District Attorney Christine L. Wilson contended in court Wednesday that Blank did not provide the dogs with proper heat or enough room to rest comfortably.

"There were five dogs in one cage," state Dog Warden Melissa Gulick said. "They didn't have room to lie down in a natural position due to overcrowding."

The heating system in one of the buildings that housed 193 dogs was broken while outside temperatures hovered in the mid-40s, she said.

Furthermore, Gulick testified that Blank kept dogs in wire cages littered with feces and stained with urine.

"There was dog feces in their food and smeared on walls," Wilson said. "Cages must be sanitized on a daily basis."

Some of the cages were overcrowded and contained sharp wiring, which could injure the dogs' feet, Gulick said.

About 50 female dogs and their puppies were kept in a separate area, which Gulick said was littered with feces- and urine-stained sawdust.

"In the whelping area, there was a newborn boxer pup that was maybe a week old lying on a wood-covered floor that was covered in dry feces," Gulick said. "There were other boxer puppies in the same condition."

Gulick photographed the kennel conditions. She also said Blank failed to produce

state-required kennel records that documented when dogs were born, died and sold.

Blank, a kennel owner since 1992, said Wednesday that dog-law inspectors didn't give him enough time to clean all 98 cages.

"I clean every day but Sunday," Blank said. "During the first part of the week, I clean in the morning, then switch to the evening. I check the feeders every day and clean the urine with a sponge and sanitizer once a day."

About 30 of Blank's supporters attended the hearing.

Defense attorney Cory J. Miller said Blank maintained the cages, diligently cleaned them, fixed any problems and has never had a customer complaint.

Furthermore, Miller said the case represents a shift in the way the state operates.

"(The case) was an unprecedented, 180-degree turn in the way the (state dog law) bureau applied law that was in place for years," Miller said. "The dog law bureau is supposed to be about education, and if there is a problem, they had allowed 30 days to fix it. Now a policy change was made and charges are filed."

Lort, of the Humane League, also issued Blank seven summary citations for cruelty to animals, which Miller asked Judge Isaac H. Stoltzfus to dismiss on a technicality.

Lort failed to establish jurisdiction after not telling Stoltzfus the Humane League is allowed to investigate animal cruelty cases across the county, Stoltzfus said before dismissing the citations.

Blank will face trial on one count apiece of failure to maintain kennel; failure to maintain sanitary conditions; failure to maintain interior of kennel; failure to provide sufficient space for dogs in a kennel; failure to maintain safe temperatures; failure to keep food free of contamination; failure to remove feces and urine; failure to sanitize kennels; and failure to maintain records.

Stoltzfus found there was not enough evidence to charge Blank with failing to protect dogs from injury.

A trial date has yet to be set.

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LancasterOnline.com

Narvon kennel owner faces charges

By Brett Hambright
Intelligencer Journal

Published: Jan 08, 2007 5:48 PM EST

LANCASTER COUNTY, PA - Charges were recently filed against a Narvon man after officials last month seized 23 dogs from his kennel.

Joseph Blank faces numerous charges for cruelty to animals and sanitation violations, investigators said.

The charges were filed by the Humane Society and the state Bureau of Dog Law Enforcement.

It was unclear Sunday exactly how many charges were filed.

Humane Society agents searched Long Lane Kennel at 158 Blank Road, Narvon, on Dec. 21 and found several puppies and adult dogs of various breeds that were being mistreated, according to investigators.

"There were many that had mange, and several had severe matting," Lancaster County Assistant District Attorney Christine Wilson said Sunday. "One (dog) even had a tumor on the side of its face."

Wilson signed a warrant authorizing the search written by Keith Mohler, a humane police officer for Farm Sanctuary of Pennsylvania.

Mohler declined comment Sunday.

The warrant was written after an inspection of the kennel by dog wardens.

Twenty-three of the 238 dogs being housed at the kennel were removed.

"The dogs that were in need of immediate attention were seized," Wilson said.

Most of the confiscated dogs were treated at Smoketown Veterinary Hospital, 2497 Old Philadelphia Pike, Wilson said.

Despite medical treatment, Wilson said one of the dogs died.

Mange is a parasitic infestation of the skin that can weaken a dog's immune system. Symptoms include hair loss, itching and inflammation. Certain types are contagious.

Matting occurs when a dog isn't properly groomed and can lead to bruising and discomfort for the animal.

Some of the rescued dogs are believed to be in the custody of the Humane League of Lancaster County, but Humane League officials could not be immediately reached for comment Sunday.

Blank, who has a license to own more than 250 dogs, was cited last March for other dog-law violations, according to investigators.

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News & Issues

ALDF Helps Prosecute 'Puppy Mill' Hoarders

08-01-2006



Hundreds of dogs seized in an Oxford, Pennsylvania hoarding case in February are finding their forever homes. The new guardians are so eager to adopt one of the 333 dogs found in an unlicensed kennel that they lined up recently outside the Chester County SPCA to meet the rescued pups. Many of the dogs had been found with skin, ear, eye, and respiratory ailments linked to the dirty living conditions at the kennel, and several had broken bones that were never treated. Sadly, some dogs died shortly after being removed.

Three people, including nationally known breeder Michael Wolf, were convicted in April of failing to provide clean living conditions for the animals. They appealed, but in June pleaded guilty to 60 counts each of animal cruelty. Wolf, a frequent dog show participant in the 1960s and '70s, was put on 15 years of probation, fined \$6300, and ordered to pay more than \$122,000 to the Chester County SPCA for housing and treating the animals. He's also barred from contact with animals during his probation. Two other defendants, Gordon Trottier and Margaret Hills, were also ordered to pay restitution and are forbidden from owning, possessing, or controlling any animals.

These hoarding cases are all too common, and to make things worse, Wolf was operating a "puppy mill": a canine breeding facility that houses dogs in shockingly poor conditions—these greedy business owners are concerned only about profit, not the welfare of the animals. To aid in the prosecution of Wolf, Trottier, and Hills, ALDF advised the Chester County SPCA investigator on processing hoarding cases once animals have been seized. ALDF also contacted the county prosecutor, Assistant District Attorney Lorraine Finnegan, to discuss strategy, possible defense theories, and even to make sentencing recommendations.

In a great win for animals, most of the hoarders' victims were rescued and the defendants were given stiff penalties. Moreover, Governor Edward Rendell has vowed to tighten regulations and make changes at Pennsylvania's Bureau of Dog Law Enforcement, which licenses and inspects the state's 2,400 kennels.

Puppy mill - approximately 100 dogs Allenwood, PA (US)

Date: Jun 17, 2005

Local Map: available

Disposition: Convicted

Abuser/Suspect: Aaron K. Lapp

An Amish man used to spending his days on open land at his Washington Township farm was sentenced to 30 days in County Prison on Jan 23 for operating what county Judge Nancy L. Butts called a "factory for dogs."

Bonnets, long beards and solid-colored clothing were common dress in the courtroom when Aaron Lapp, of 848 Leisure Acres Road, Washington Township, was accompanied by more than 15 traditionally-dressed members of his community ready to act as character witnesses.

Lapp was before Butts on a summary appeal of two charges of operating a kennel without a license and one charge each of possessing dogs without a license and cruelty to animals.

He was appealing the sentence handed down by District Judge C. Roger McRae in October. McRae sentenced Lapp to 145 days in prison and more than \$4,500 in restitution and fines.

On June 17, two SPCA humane society officers and a state dog warden went to Lapp's farm after receiving numerous reports of animal cruelty in regards to the approximately 100 dogs he had on the premises.

Nine dogs in need of "immediate care" were taken into SPCA custody as a result of the search, humane society officer Lawrence Woltz said. Some were matted with dried feces and urine while others had rashes and skin diseases, he said.

Woltz showed a video recording of the farm taken on the day of the search. It showed dogs living in cramped wire cages, kennels overflowing with feces, urine and matted hair and drinking water that was bright green in color.

Most of the cages did not have boards for the dogs to rest their feet from the wire and some dogs were chained outside with no shade, he said.

"It's pretty clear what you're operating is a factory — for dogs," Butts told Lapp as she pronounced sentence. "If you need to grow something to sell it, don't grow animals, grow vegetables."

"If this is the way life is over the mountain, it's going to stop," the judge added. "There's a

way you treat animals and this isn't it.”

Attorneys for both sides spent two hours Monday morning discussing a plea agreement. Lapp agreed to plead guilty to two counts of operating a kennel without a license and one count of owning dogs without a license and to pay a \$200 fine on each count.

As part of the plea agreement, Lapp is to withdraw his current application to obtain a kennel license and will have 30 days to sell or give away nearly 70 dogs still in his care.

Lapp also agreed, though begrudgingly, to plead guilty to cruelty to animals, with no sentencing recommendation.

Mostly stoic throughout the proceedings, Lapp answered the judge's questions with brief two- and three-word statements and had to be asked to speak up on several occasions. He neither apologized nor tried to excuse his actions, except to say he had never beaten the animals.

Butts explained that the cruelty to animal charge covered a broad range of abuses, including neglect.

Butts sentenced Lapp to spend 30 days in prison, fined him \$750 and ordered him to pay \$2,552 restitution to the SPCA. She allowed him 30 days to report to the prison so he can file a second appeal, if he chooses, she said.

Lapp's pleas ended the appeal process, and Butts' order replaced District Judge McRae previous sentence.

Public Defender Eric Linhardt, who represented Lapp, said his client's actions did not warrant prison time and told the judge that a jail sentence would “impose a serious hardship on his family.” Lapp said if was to go to prison he would have to find someone else to milk the cows and take care of the farm.

Though many of Lapp's Amish brethren were in the courtroom to testify as character witnesses, Linhardt called just one witness, Wendy Thomas, a non-Amish woman whose children regularly play at Lapp's farm.

Thomas called herself an “animal rights activist” and said she had worked with the SPCA to “put people in jail.” She said Lapp cares very deeply for his animals and was trying to cure some of the sick ones with “homeopathic” remedies.

“I've seen the extraordinary measures this man goes to take care of his animals,” she said. “I've seen animals mistreated, and I feel this is an injustice here.”

Witnesses for the prosecution viewed the situation a bit differently though. A veterinary technician who groomed one of the dogs taken from Lapp's farm said that matting over the eyes had obscured the dog's vision and matting of the fur on the dog's legs and abdomen prohibited free movement.

Woltz said that the “stench was overwhelming” and the cages were “overflowing” with

feces and urine.

The final witness for the prosecution was Bernadette Miller, a woman who adopted one of the Yorkshire terriers taken from Lapp's farm by the SPCA.

"It was traumatized. It was shaking, very scared. It was an empty shell. It had no personality," she said of the dog's disposition when she first brought it home. "It's a work in progress."

Miller said the dog had to learn how to run, jump and play because it was never exposed to those activities before. She said that she had to take the animal to the veterinarian many times for treatment of its constant vomiting and diarrhea.

In his defense, Lapp said he received a federal license from the U.S. Department of Agriculture to operate the kennel a month before his farm was searched.

But state dog warden Scott Shurer said he had told Lapp several times that he needed a state license to operate a kennel. The federal license is needed to sell animals to pet stores or out-of-state dealers, but the state license is needed for sales to the general public, he said.

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EXHIBIT D

UNITED AGAINST PUPPY MILLS'S COMMENTS ON AMENDMENTS TO PA DOG LAW

21.4 Penalties (iii) Failure of a kennel to comply with licensure provisions

21.4(iii) We support the changes made to this section regarding the penalties for unlicensed kennels, however, the word "may" should be changed to "shall" to dissuade future offenders. The Bureau of Dog Law must be taken seriously and the penalization of offenders for non-compliance with regulations is vital to that end.

States such as Minnesota and Georgia make it a misdemeanor to operate without a kennel license. Delaware imposes a fine to operate without a kennel license. Replacing "shall" with the word "may" in this section removes any doubt as to the penalty being enforced.

21.4 (iv) Revocation, suspension or denial of a kennel license

21.4(iv) We agree that a kennel license or out-of-state dealer license shall be revoked if the licensee is convicted of any violation relating to animal cruelty within the last 10 years. This type of conviction cannot be taken lightly and it is important to the safety of our companion animals and to the general public.

21.21 Dog Quarters

(b)(c)(d)(e) We agree with all the provisions providing a sanitary, mud-free area where dogs reside. There are many zoonotic diseases which can pass from one dog to another and from dog to humans through air, feces, urine, saliva, blood, milk, and bedding. The changes made in this section will attempt to alleviate some of those diseases. Zoonotic diseases must be prevented whenever possible.

21.22 Housing

The veterinarian utilized by the kennel shall be one which is approved and certified by the Bureau of Dog law to ensure consistency and a thorough understanding of the dog laws.

21.23 Space

We agree that the dog space should at a minimum be doubled and exercise should be provided. Dogs sold at pet shops or held for retail should be included in this regulation to provide those dogs with the needed socialization during a very formative time of their lives.

Our opinions are substantiated through clinical research performed throughout the world regarding animals held in research facilities and in shelters. There is a direct correlation between these dogs and those at commercial dog-breeding facilities. Confinement is the common denominator.

Studies will show that dogs confined without human interaction, socialization with other dogs, or exercise time would suffer both physically and behaviorally. Therefore, an environmental enrichment program is needed to assure the well-being of our companion animals.

According to the National Health and Medical Research Council (NHMRC): "If dogs remain confined in a restricted and boring environment, they are likely to develop abnormal behavior (such as continual jumping in the cage, self-mutilation and repetitive behavior)..." Where an outside run is not available, attendants need to provide an opportunity for dogs to leave their normal cage for at least 30 minutes each day." (NHMRC, 2004)

"Dogs are highly social animals. With varying degrees of social isolation...dogs are likely to develop maladaptive behaviors such as kennel dog syndrome or the more severe isolation syndrome." (*Applied Animal Behavior Science*, Hetts, 1992)

When studying the habits of animals held in research facilities, it was evident that cramped enclosures were associated with a higher prevalence of circling and other stereotypes than relatively large enclosures. This indicated that too small living areas affected the dogs' behavioral health and hence their general well-being. (Hubrecht et al., 1992)

An Ohio State University study on the stress of shelter life was reproduced in *Psychological Science* with emphasis on shelter dogs and how they responded to confinement. The study showed that socialization with humans for 20 minutes a day minimized the negative effect of shelter life. (Tuber, D.S. et al, 1999)

Other states base their cage size requirements on the weight of the dog. For instance, Michigan's Department of Agriculture provides 24 square feet for dogs over 65 lbs. and Connecticut provides 16 square feet for dogs over 45 lbs.

Hubrecht also suggests that the "the height of the enclosure should at least allow the dog(s) to stand on hind legs without touching the roof."

Dogs should live on a solid surface with an indoor and outdoor run. The feet of dogs are not intended to walk on wire, which causes physical malformities such as splayed feet. *The American Heritage Dictionary* defines splaying as being spread or turned out. A study conducted at the Berlin Workshop considered the choices of solid or grid floors. They decided that "open-floored systems are sometimes preferred because they are cheaper to maintain and clean, but the majority of the experts recommended solid or at least only partly gridded floors and agreed that dogs prefer solid flooring."(Gartner et al., 1994)

At its 6th meeting, the Council of Europe (established in 1997) determined that the preferred flooring for dog accommodations is a solid, continuous floor with a smooth non-slip finish. They further agreed that a solid resting area should be provided. (2003)

(v) Maintaining records of the exercise time periods will assist the Bureau in verifying that conditions have been met for the proper care of the animals. A shelter in Pennsylvania leaves a clipboard on each cage with information regarding the dog or dogs in the cage. This information includes name, breed, age, history, exercise time, cleaning of cage, feeding schedule, medicine, special needs, etc. This procedure can easily be implemented to conform with the proposed changes in this section.

21.24 Shelter, housing facilities and primary enclosures

(b)(b1)(b.2)(b.3)(b.4)(b.5)(b.6)(b.7)(b.8)(b.9)(b.10)(b.11) As documented in *Dogs: The Ultimate Care Guide*, there are many breeds which cannot tolerate the cold or the heat. Many of the 50 most common are bred in Pennsylvania. The weather in Pennsylvania can be extreme. Breeds such as the Pug, Yorkshire Terrier, Bishon Frise, Pekingese, Miniature Pincher, Dalmatian, and Doberman Pincher cannot tolerate cold or damp conditions. Other breeds such as the Newfoundland and Saint Bernard cannot tolerate warm conditions. This section allows for those dogs to be properly cared for and to provide a dry, clean surface to lie on. United Against Puppy Mills supports the additions in this section and encourages your strong support in their passage.

(b.11c.) At no time should a tether be used as a permanent means of securing a dog to its primary enclosure. Two states have banned the use of tethers as a primary enclosure and limit the tether usage to only 4 hours per day. Virginia legislature is submitting a bill this session to ban the use of tethers. Nevada SB11 plans on being introduced this February which will limit chaining for no more than 9 hours a day.

(f.9) Documentation is very important to assist the dog wardens in completing their inspections. With only 1 or 2 inspections per year, it is virtually impossible for a dog warden to ascertain whether the cleaning, sanitization, food and water were provided. Many humane shelters already utilize a program to document many of these items.

(11.1) The dog must be removed from its enclosure while the enclosure is being cleaned and sanitized. Claims of disinfecting a cage with Clorox bleach while the dog was still inside was made at the Lancaster Task Force meeting (August, 2005). This practice is dangerous to the health and well-being of the breeding dog. Once again, all shelters and humane societies utilize the practice of removing the dog while the cage is being cleaned. Michigan, Delaware, Connecticut, Minnesota, and Tennessee are a just a few of the states that require that a dog be removed during the enclosure's cleaning.

21.25 Temperature Control

As already discussed earlier, it is imperative for the health and well-being of the dogs to have a sufficient heating and air conditioning source. Based on the various breeds that are sold within Pennsylvania, a large number depend upon heat a controlled climate for their well-being. Several states have already implemented a low temperature of 50 degrees Fahrenheit and a maximum temperature of 85 degrees Fahrenheit. These proposed changes will be consistent with industry standards (USDA Guidelines).

21.26 Ventilation in housing facilities

UAPM welcomes any improvement in this area. After researching other data relating to the number of air changes per hour, we have discovered that 6 air changes may still be too low. According to the Council of Europe, the number of air changes per hour in European countries is 15-20. In England it is 10-12. (CoE 2003) Michigan's Department of Agriculture mandates 10-15 air changes every hour.

21.29 Sanitation

(See responses in section 21.24.)

21.30 Condition of dog

UAPM supports the inspection process mandating that each dog be visually observed. A section on the application should be added to confirm that every dog has been observed at each inspection. Training should also be given to the inspectors regarding the various conditions and the action the dog warden should be taking. Other language that should be revised would be: A state dog warden or employee of the department **shall** order a veterinary check on any dog that exhibits signs of an infectious or contagious disease, parasites, or the appearance of poor health.

Other Areas of Concern

Dealer proposal:

Each kennel must keep a record of the dealers they use in selling their dogs along with the number of dogs sold during each transaction. They must submit this list to the Bureau on an annual basis. The Bureau will then substantiate that these dealers have current licenses and will track where the dogs are kept during transportation or when being held for resale. In addition, dealers, while in transit with the animals, must post on the driver's side and rear of the vehicle a placard indicating that dogs are on board. The print cannot be less than 5 inches high per letter.

Devocalization of Dogs:

No dog will be devocalized unless the procedure is done by a veterinarian licensed in the state of Pennsylvania who performs a laser devocalization method in a veterinarian's office.

Position statement of the American Veterinary Medical Association

Canine Devocalization

(Current as of June 2005)

Canine devocalization should only be performed by qualified, licensed veterinarians as a final alternative after behavioral modification efforts to correct excessive vocalization have failed.

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