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March 15, 2007

Pennsylvania Department of Agriculture
Bureau of Dog Law Enforcement
Attn: Mary Bender
2301 North Cameron St
Harrisburg, PA 17110-9408

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RECEIVED
INDEPENDENT REGULATORY
REVIEW COMMISSION
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Pennsylvania Veterinary
Medical Association
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Re: Dog Law Enforcement, Proposed Regulation #2-152 (#2559)

Dear Director Bender:

On behalf of the Pennsylvania Veterinary Medical Association, I thank you for the opportunity to provide comments on the proposed revisions to the Pennsylvania Dog Law. Our Association commends Governor Ed Rendell, Secretary of Agriculture Dennis Wolff, Special Deputy Secretary Jessie Smith, and you on your obvious commitment to the welfare and well-being of the Commonwealth's animals and in particular the dogs protected by the proposed dog law revisions. Ultimately, it is in everyone's best interest to work together to develop regulations which: 1) ensure the welfare of the dogs involved and 2) ensure the financial security of the dog breeders, SPCAs, and rescue groups so they can all continue their respective missions.

Our comments related to the proposed revisions primarily focus on the importance of education as a major component ensuring the welfare of dogs and facilitating compliance with the final regulations that are approved. An educational component is non-existent in the regulations as proposed. The physical plant details, which seem to be a significant part of proposed regulations, are only a fraction of the whole picture of what is necessary for the welfare of the animal. Nothing is more crucial to animal welfare than veterinary care, including animal behavior and socialization needs, wellness care, genetic and breed counseling, and disease management.

Our meetings with various stakeholders including the Pennsylvania Professional Pet Breeders Association, Pennsylvania Society for Biomedical Research, American Canine Association, and the Federated Humane Societies of Pennsylvania have supported our strong belief that education is a key factor to improve the welfare of the animals involved. Up-to-date, thorough education of breeders and kennel owners and rescue groups on veterinary standards, sound breeding practices, and proper animal husbandry is essential. We were encouraged by the enthusiastic agreement of the professional breeders with whom we met that education is crucial and were equally impressed that they are supportive of requiring continuing education related to licensure of kennels. To that end, the Pennsylvania Veterinary Medical Association welcomes the opportunity to assist with the development of educational tools and opportunities for breeders and kennel operators. Similarly, we are eager to assist with the development of training for kennel inspectors and dog law wardens on veterinary standards of care, animal husbandry, and improvement of communications with kennel owners and operators as to deviations from the standards within their facilities and constructive, cost-effective ways to achieve compliance.

Our Association also supports the addition of at least one veterinarian to serve on the Dog Law Enforcement team to assist with compliance. We encourage the Department to hire at least one veterinarian for the team that possesses at least 5 years of small animal practice or shelter medicine experience. We offer the assistance of a team of volunteer veterinarians to assist with kennel inspections

around the state as a stop gap measure in the absence of an employee veterinarian and as a source of expertise once one or more is hired.

Overall, as related to how the current proposed regulations have been drafted, PVMA supports implementing the kennel standards outlined in the Animal Welfare Act in lieu of what is proposed. Adopting the Animal Welfare Act standards would bring Pennsylvania in line with federal standards and would provide a higher standard than is currently in place. It would also provide a well-functioning model of a compliance system that works and inspector training that has already been developed and tested through long-standing use in USDA accredited kennels. A "one size fits all" approach is not the one to take. What should be required of commercial dog breeders should not be the same as required by boarding kennels, shelters, and rescues or for that matter, biomedical research facilities. Biomedical research facilities are inspected regularly by the USDA and must meet the strict standards of the federal Animal Welfare Act. Shelters and rescues operate on very limited financial resources and have no choice in the animals they take in and fill a very important need within the communities they serve. Boarding kennels are utilized by dogs on a limited time basis unlike commercial breeders' dogs which spend most or their entire life in these facilities.

Many of the proposed regulations are simply too much imposed control. Examples include:

- Paperwork is prohibitive.
- Engineering standards will have negative impact on all who might have to tear out facilities to replace them with new ones which are compliant with the proposed regulations. The related costs of becoming compliant will not be \$20,000 per facility, as "guesstimated." It will run into the hundreds of thousands if not millions of dollars for some facilities and institutions. This will have great consequences for the biomedical facilities within the Commonwealth and could result in companies relocating to other states.
- Exercise for the long-term kenneled dogs is good, but finding the manpower to accomplish this will be difficult. Larger cages may accomplish both - more area for activity, as well as exercise. Dogs must be encouraged to exercise in either situation.

Our comments and concerns regarding specific sections of the regulations are as follows:

§ 21.1. Definitions. Establishment – We seek clarification to ensure that veterinary practices are exempt from those premises described under the "establishment" definition. Veterinary practices are already subject to the Veterinary Medicine Practice Act and facility inspection under the Practice Act.

§ 21.4. (v) Seizure of dogs (A) Seizure. (B) Return of seized dog. – Veterinary expenses should be added to the listed expenses the owner of the seized or impounded dog or the person from whom the dog was seized are responsible for. The owner or person the dog was seized from should be responsible for any veterinary care provided to the animal. That expense is an undue burden on the agency which is responsible for keeping the dog.

2) Article V and V-A penalty provisions., iii. – Failure to register and restrain a dangerous dog – veterinary expenses should be added to the reasonable costs outlined. The owner or person the dog was seized from should be responsible for any veterinary care provided to the animal. That expense is an undue burden on the agency which is responsible for keeping the dog.

References to "insure" should be ensure throughout the document unless the reference is related to insurance. "Ensure" means to make sure, make certain, or guarantee. That is the intent of the language used. §21.21 Dog quarters. (a), §21.24. Shelter(s), housing facilities and primary enclosures. (b.5) and (b.10) all have "insure" vs. "ensure".

§ 21.14. Kennel Licensure Provisions. (A) For Kennel Class 1 through Kennel Class V licensed kennels all of the following information. (3) - "principle" address should be "principal" address.

References to the "secretary" and to the "department" throughout the document should be changed to read "Secretary" and "Department" because they refer to proper nouns – Secretary of Agriculture and Department of Agriculture.

In regards to the recordkeeping requirements as outlined in **Kennels – Records §21.41. General requirements.**, timeframes for how long records must be kept should be outlined and the Department should also consider a standardized record form that must be used.

Identification of dogs – a reliable and consistent standard should be addressed in the regulations related to identification of dogs. There is no clear way outlined in the proposed regulations to identify the dogs for recordkeeping purposes. A permanent ID model as used in the USDA's national ID system could be a possible way to address the issue of identity of individual dogs.

Finally, because of the financial impact of the regulations as they are currently proposed and the feasibility of many, if not all, affected stakeholders to become compliant with them, we support a gradual and incremental change in required standards.

We appreciate the opportunity to provide our comments and offer our collective veterinary expertise and experience as a readily available resource to your Bureau and the Department of Agriculture. If you have any questions regarding our comments, please feel free to contact Charlene Wandzilak, Executive Director at 717-533-7934 or cwandzilak@pavma.org.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary A. Bryant, VMD". The signature is written in black ink and is positioned above the typed name and title.

Mary A. Bryant, VMD
President

Cc: Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
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Harrisburg, PA 17101