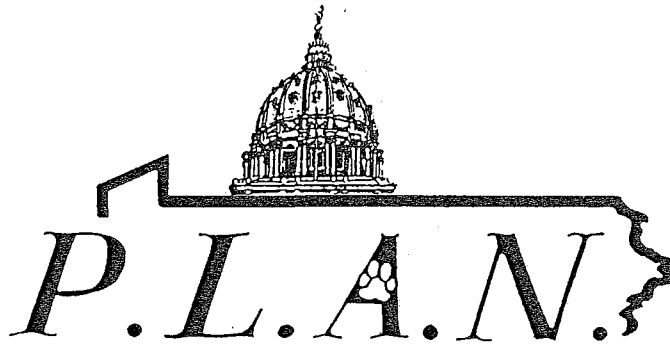


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Pennsylvania Legislative Animal Network

March 15, 2007

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

INDEPENDENT REGULATORY
REVIEW COMMISSION

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Dear Ms. Bender and the Bureau of Dog Law Enforcement,

The Pennsylvania Legislative Animal Network thanks you for the opportunity to comment on the proposed Kennel Regulations published in *The Pennsylvania Bulletin*. *PLAN* continues to lobby in Harrisburg for humane laws and regulations concerning the Commonwealth's animals. We know that much time and devotion have gone into preparing the regulations. We look forward to working with you and all those who are concerned about the welfare of the dogs in the Commonwealth during the promulgation of regulations.

While each commentator may have his or her own agenda, everyone affected by the new kennel regulations must keep in mind the goal: **To protect the dogs of Pennsylvania.** This applies to **all** settings in which dogs may be placed.

Specific Comments

Section 21.1. Definitions

"Establishment" We believe the term should be defined in the statute before being defined in the regulations. This term is mentioned in the Act (Title 3 Section 459, known as The Dog Law).

"Temporary Home" This term does not even appear in The Dog Law, and should not be used in the regulations until given statutory assignment.

Section 21.3. Enforcement and compliance.

Since State Police and local police may enforce The Dog Law, they should be able to enforce the regulations.

Section 21.4. Penalties

May the penalties in The Dog Law under section 903 be applied to civil penalties?

Section 21.4. Penalties (1) (iv) (E)

It would seem more clear to use violations of the PA Crimes Code 5511 currently graded anything above a summary offense instead of the word **heinous**. The Secretary should be able to revoke or deny a license to anyone guilty of animal cruelty, regardless of the state or country in which the offense occurred. This may have to be done through the statute as well. The length of revocation or denial needs to be clarified.

Section 21.4. Penalties (1) (vi) (B) (III)

An owner of a dog must be given an exact length of time to make payments for his or her forfeited dog before the dog is deemed abandoned. The payments must be specific instead of use of the word "timely" payment.

Section 21.4. Penalties (2) (iii) (B)

An owner of a dangerous dog must be given an exact length of time to make payments for his or her dog before the dog is deemed abandoned. The payments must be specific instead of the use of the word "timely" payment.

Section 21.4. Penalties (2) (iv) and (v)

We stress the addition, definition and clarification of the term "unprovoked" attacks. We agree with the Humane Society of the United States when they state, "A dog's actions should not be considered unprovoked if the person being attacked was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime. Nor should any dog be declared dangerous if she was responding to pain or injury, or was protecting herself, her kennel, or her offspring."...

Section 21.14. Kennel licensure provisions (a) (3) (ii)

The use of the term "temporary homes" needs to be in the statute before the regulations. While inspections may be performed at kennels, it remains a question of constitutionality whether a Department employee may enter a private house without a search warrant. The publication of these private homes may be a question of privacy. In the past, trappers requested that their names and addresses be removed from their tagged traps. Only an unpublished identification number secured at the Game Commission remained. A rescue organization that does not maintain a centralized facility would have a difficult time with the reporting and monitoring requirements. Many rescue groups have "foster homes" and no centralized kennel.

Section 21.14. Kennel licensure provisions (a) (5) (i) and (iii) (B) (III) Kennel records

Please add to the information: **sexual status, permanent ID (tattoo or chip)**. It would also be helpful to add the words "if known" relating to dogs and ownership in sections (a) (5) (iii) (B) (II) and (III).

Section 21.14. Kennel licensure provisions (b) Prohibitions on dealing with unlicensed kennels

We suggest this section be deleted as it pertains to shelters and rescue groups. Since it is not a violation of the Dog Law to deal with an unlicensed kennel, this restriction cannot be mandated by the regulations. Shelters and rescue groups often receive dogs at random. There is no way to determine the source from where a dog came in many cases.

Section 21.14. Kennel provisions (c) Health certificate requirement

This section should be modified to address the problems of shelters and rescue groups. It is not a violation of the Dog Law to accept a dog without a health certificate.

Section 21.14. Kennel provisions (c) (4)

The number 100 should be changed to 10.

Section 21.14. Kennel provisions (c) (5)

The Rabies Prevention Act states that dogs under 3 months of age do not need to be vaccinated against rabies. Most veterinarians and vaccine manufacturers state that dogs should not start rabies vaccinations until they are a minimum of 3 months old. This should be clarified in this section.

Section 21.15. Exemptions

We recommend that **all** non-profit animal shelters and rescue groups be exempt from the quarantine time and the doubling of the minimum space requirements. This should not be limited to the small number of kennels that hold Dog Control contracts under section 1002 of the Dog Law. Veterinarians' cages and certain pet shop kennels where puppies are housed for short periods of time (under 2 months) should also be exempt.

Section 21.21. Dog quarters

We support (a) through (d) in this section. We oppose the stacking of cages on top of one another, with the exception of veterinarians and certain pet stores, depending on the cages.

Section 21.22. Housing

The section that was omitted, [**Adult dogs shall be segregated by sex except for health, welfare or breeding reasons.**] should be kept in the regulations. Or did you move that section to **Section 21.23. Space (e) (iii) (F)?**

Section 21.23. Space (b)

We strongly support doubling the required cage size! For a dog who lives his or her entire life in a cage, this is almost a new lease on life! Thank you for recommending this! When 2 or more dogs are housed together, the space should be doubled for each dog.

Section 21.23. Space (e)

PLAN applauds the Department and the Bureau of Dog Law Enforcement for requiring daily exercise for dogs. The dogs who need exercise the most are those who never get

out of their cages for months or even years at a time. When it comes to exercising dogs according to weight, we have heard from different rescue groups and shelters that they prefer to exercise the dogs in compatible groups instead of weight groups. We support that concept. We also support the concept that a shelter or rescue group may have a legitimate reason not to exercise a dog, and a veterinarian may not be available to provide a written exemption prior to the decision.

Section 21.24. Shelter, housing facilities and primary enclosures (b) (7)

We recommend solid surfaces for dogs in cages, whether housed inside or outside.

Section 21.24. Shelter, housing facilities and primary enclosures (b) (10)

As with indoor kennels, the outdoor kennels should be cleaned and sanitized at least every 24 hours as necessary to maintain a healthy environment for the dogs. In certain cases, too much cleaning may be a detriment.

Section 21.24. Shelter, housing facilities and primary enclosures (c)

PLAN supports the elimination of tethering of dogs in licensed kennels. Since the United States Department of Agriculture doesn't permit the use of tethers as a primary means of confinement, we believe Pennsylvania should follow their example.

Section 21.24. Shelter, housing facilities and primary enclosures (d)

We recommend solid surfaces for dogs in cages, whether housed inside or outside.

Section 21.24. Shelter, housing facilities and primary enclosures (f) (11)

The beginning paragraph of this section clearly states on its own what sections (i) through (vii) explain.

Section 21.24. Shelter, housing facilities and primary enclosures (f) (18)

This section should be amended to require that facilities be cleaned and sanitized at least every 24 hours or as often as necessary to maintain a healthy environment for the dogs in a manner consistent with this chapter.

Section 21.25 Temperature control

We recommend the use of ambient temperatures instead of slab temperatures. We recommend nothing less than the Animal Welfare Act requires (a bottom ambient threshold of 45 degrees for all dogs in indoor and sheltered housing facilities). We believe the bottom threshold temperature for outdoor facilities should be the same as the bottom threshold for indoor and sheltered facilities. An ideal ambient temperature range would be 55 degrees to 85 degrees.

Section 21.26 Ventilation in housing facilities

We recommend education of the regulated facilities to understand this section. The wind chill factor as well as relative humidity should be incorporated to insure the health and well-being of the dogs.

Section 21.27. Lighting and electrical systems (b)

We commend you for adding ground fault circuit interrupters to the electrical systems.

Section 21.28. Food, water and bedding (2)

Should this subsection be (a) instead of (2)? We applaud you for stressing that the water in dog bowls may not be frozen.

Section 21.28. Food, water and bedding (3)

Perhaps this should be labeled (b) instead of (3). We recommend the use of paper trays for feeding be acceptable. Many dog facilities use these instead of permanent receptacles.

Section 21.29 Sanitation

You'll probably change the numbering system so it's consistent with the other chapters. Section (1) needs to be amended to state that all areas of the kennel shall be cleaned daily or as often as necessary. This section uses the words sanitized, disinfected and cleaned throughout the paragraph. Perhaps they should be defined. There can be hazards when over sanitizing. When you state, "All areas of the kennel shall be cleaned daily or as often as possible..." we think as possible should be changed to as necessary. We don't think outdoor exercise areas must be free of grass.

Section 21.30 Condition of dog

We would like a state dog warden or other employee of the Department to enter or inspect an individual dog owner for the purpose of enforcing the Dog Law, and require that person order a veterinary check on any dog that exhibits signs of an infection or contagious disease, parasites or the appearance of poor health. This may have to be changed in the statute, and we'd support that. We think the inspector should also be able to require a veterinary check for severely matted dogs and dogs with overgrown toenails. Also, we think the dog warden or other employee of the Department should report animal cruelty to the local humane society police officer or to the police. Records of reports should be part of the dog's permanent record.

Section 21.41. KENNELS—RECORDS General requirements (a)

The dogs' records should always accompany the dog, even when being transported.

Section 21.41. General requirements (e)

Of the 7 new reporting requirements, the only one we would streamline and generalize is (1). Numbers (2) through (7) seem important to record. These records should be available to the Department and state dog wardens upon request, along with the other records required under section 207 of the Dog Law.

Section 21.42. Bills of sale (b)

Doing business with an unlicensed kennel is not a violation of the Dog Law. Shelters and rescue groups may unknowingly receive dogs from an unlicensed kennel.

DOG OR COYOTE DAMAGES

Section 21.61. Conditions and limitations for payments

PLAN has been advocating for well over a decade that the **Pennsylvania Game Commission assume the payment for coyote caused damages.** We still think the Department should investigate the damaged animals or birds, due to the dog wardens' specific training in this area. We will continue to get this changed through statute. We do not support any increased payment for losses.

Section 21.65. Killing of dogs causing damages

We recommend the owner of such dog be given the option to have his or her dog declared a dangerous dog, rather than to have the dog ordered to be euthanized.

FUNDING FOR LOCAL DOG CONTROL PROGRAMS

Section 23.6. Stray dogs

We recommend replacing the term "releasing agency" with "non-profit kennel." Even though releasing agency is defined in the Dog Law, it is only to be used in Article IX—A which is "Sterilization of Dogs and Cats." It states, "The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise."

REIMBURSEMENT FOR HUMANE DISPOSITION OF DOGS AND REIMBURSEMENT FOR LOSSES

Section 25.4. License of dogs before release

We recommend using another term besides "releasing agency."

PLAN applauds Governor Rendell and his staff, the new Dog Law Advisory Board and the other stake holders in these regulations. *PLAN* appreciates the work that has been put into these regulations by all the various groups in addition to the Department and the Bureau of Dog Law Enforcement. Enforcing the current statute and regulations, along with a new compliment at the Bureau, seems to be moving everyone in the right direction. Hopefully, the Department and the Bureau of Dog Law will work with law enforcement agents to enhance the lives of the Commonwealth's dogs. With a new set of regulations, a new statute and a willingness to work together, we can all make Pennsylvania a model state for dogs within time. As my dear friend Dotsie Keith used to say, "Puppies are LOVE, not livestock!" Let's give them the best we can. Thank you for your time and consideration.

Respectfully submitted,

Johnna L. Seeton, HSPO for *PLAN*

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