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

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 INDEPENDENT REGULATORY
 FEEDBACK COMMISSION

RE: PA Dog Law Draft Regulations

March 15, 2007

To Whom it May Concern:

As the nation's leading pet specialty retailer, PetSmart, Inc., appreciates the opportunity to comment on proposed changes to regulations in the Pennsylvania Dog Law.

PetSmart has more than 900 stores and 33,000 associates in North America, with 35 stores and about 1,400 associates located in Pennsylvania. We collectively groomed 6.4 million dogs and trained more than 320,000 dogs in 2006, and boarded or cared for thousands more in our in-store PetSmart PetsHotels and Doggie Day Camps – a rapidly growing part of our business.

We have invested heavily in providing pets and their owners, whom we like to call Pet Parents, with as safe and healthy (and even fun) environment as possible. So we take great interest in the State's proposed changes to its Dog Law.

We applaud the State's desire to update its regulations so that pets are provided a safe and healthy environment, and we share its concern for pets. PetSmart has worked hard to establish and enforce our own standards for pet care at our vendors' facilities, in our stores and hotels to augment those provided through regulation.

The sheer volume of our business, coupled with our experience and success in operating day camps and hotels, gives us a unique, and we believe, credible, perspective from which to comment on the proposed changes to the Dog Law.

Unlike most pet retailers, however, PetSmart does not sell dogs and cats in our stores, but instead donates retail space and partners with local shelters and rescue groups to find homes for homeless pets through our in-store PetSmart Charities Adoptions Centers. In 2006, we found homes for more than 378,000 dogs and cats, more than 6,000 of these in the State of Pennsylvania. Because in-store adoptions are integral to our culture and fill

an important societal need, we are also interested in how the regulations might impact this important part of our business.

The standards we have established for pet care in our stores, adoption centers and hotels lead the industry, and we're continually seeking ways to improve them. We are supportive of regulations that protect consumers from unscrupulous breeders and dealers and pets from unsafe and unsanitary conditions, and we work hard to meet or exceed the standards placed on us through regulation. Unfortunately, our review of the State's recommended changes to the Dog Law leave us with the conclusion that in its attempt to improve regulations, the State is creating unintentional and potentially significant negative consequences for responsible pet retailers and service providers.

PetSmart's concerns can be broadly placed in three categories:

- Considerable ambiguity and confusion in the regulations. The State is taking a "one size fits all" approach to rule making. As it strives to bring tighter controls to one class, the State is unintentionally or intentionally also forcing rules on other classes that we believe are counterproductive.
- New reporting and record keeping requirements that we consider excessive and largely unsubstantiated by any clear, demonstrable need.
- New health and sanitation requirements that we believe to be unreasonable or unnecessary and unsupported by any credible studies.

Ambiguity and One Size Fits All Approach

PetSmart urges the State to restructure the proposed regulations to more clearly delineate between kennels – breeding versus boarding facilities – retailers, shelters and adoption facilities, and service providers such as groomers and day camps. We experienced considerable difficulty attempting to sort these out. Overall, we found the regulations to be extremely confusing and were left with many unanswered questions, some of which we address below.

Central to our concerns is the State's definitions of "Establishment" and "Temporary Home" as stated in its Annex "A" Definitions. To reduce confusion and duplicity and bring clarity to the regulations we respectfully offer proposed changes to these definitions in our Attachment. Our reasons for these changes are outlined in the Attachment. (See Attachment A.)

We further are concerned by the State's proposed changes to licensing requirements (21.14. Kennel Licensure Provisions). Since we have PetsHotel boarding facilities, grooming facilities where pets are kenneled for short periods of time while waiting for pick up by pet parents, as well as separate facilities for holding adoptable cats and dogs in our stores, would separate licenses be required of each? It would seem administratively unnecessary to require this and counter to the apparent definition of "establishment". Moreover, if the adoption facility requires a separate license, who holds it – the store or the adoption partner?

Overall, it is very difficult to determine what regulations apply to each kind of license since many of the sections appear to apply to breeders and retailers of dogs and not necessarily boarders and other service providers such as grooming and day care facilities. An example of this is found on Pages 24-25 of Annex A. In our opinion, many of these provisions could be further delineated to clearly designate their application.

Note: adoption facilities in PetSmart stores are maintained primarily by local, non-profit adoption partners. PetSmart receives no funds collected in the adoption process.

Records and Reporting

We can appreciate the State's desire for pet breeders, retailers and service providers to keep and maintain records. We view it as good business. However, we believe the proposed requirement for kennels to keep extensive records of each dog for a period of two years as found in Section 21.14. (5) to be excessive and arbitrary, particularly if the definition of kennel includes those who keep or board dogs on a temporary basis. We maintain extensive records of the dogs we board for a period of one year from the date of the pet's last visit. Extending this period to two years would lead to additional storage costs with no foreseeable added benefit.

If this requirement is intended to apply to our adoption partners (shelters and rescue groups), it should be clear about who keeps the medical portion of the record. In our case, this record is kept by the adoption partner as the owner of the dogs for adoption. Our adoption partners keep the adoption contracts we require to be signed for six months. In our experience, this has proven adequate in addressing any health issues or concerns.

We recommend boarding records be kept for one year and adoption groups retain responsibility for keeping records of pets they adopt out, regardless of the facility from which they are adopted.

We are further confused by the entire provision found in Section 21.14 (a) (5) (B) of Annex A, also concerning record keeping.

"For Boarding Kennel Class I through Boarding Kennel Class III licensed kennels and Nonprofit Kennel licensees any of the following which is applicable:"

First, we can find no practical reason to group boarding kennels with non-profit kennels given the differences in these businesses. Second, is the language intended to mean that satisfying any one element of the provision meets the requirements of the provision? Third, the provision, at least in part, is contradictory to Section 901-A of the Act which applies only to a "releasing agency" which is not a boarding kennel.

Regarding Health Certificates, in Section 21.14. (c), the proposed language states: *Any dog entering the Commonwealth from another state, commonwealth or country shall have a health certificate. Any person, licensed kennel, establishment or temporary home accepting a dog from another State, Commonwealth or country shall assure a health*

certificate accompanies each dog and copy and record such health certificate which shall become part of their record.

This provision does not appear to add any value to a boarding facility, adoption center, or grooming salon. Our customers are local and not traveling from out of state, so this provision is not applicable. For adoptions, the pets are usually stray pets that have been rescued and the origin of the pet is unknown.

Shelters, housing facilities and primary enclosures. Section 21.24. (f) (8)

The proposed regulation states: *Records shall be kept in accordance with the act and sections 14(a)(5) and 41 of this chapter and shall evidence, among the other provisions, the date and time of day the housing facility was:*

- (i.) Cleaned*
- (ii.) Sanitized*
- (iii.) Each individual cage, dog box or primary enclosure was cleaned*
- (iv.) Each food and water bowl was sanitized*
- (v.) The date and time new food and potable water was provided each dog*

Although we can agree with the intent, we are concerned that the State is taking reporting to the extreme by requiring details that only add to the cost burden of pet care but do little or nothing in the way of returning value. We have attached the checklists we employ in our PetsHotels as examples for the State to consider in establishing record keeping systems for boarding facilities. (See Attachments B and C.)

Health and Safety

As with record keeping, we can appreciate and applaud the State's desires to have important health data at its disposal. PetSmart has invested heavily in this area and devoted considerable resources toward developing processes and systems to protect our pet guests, associates and customers. However, we have a number of serious concerns in the direction the State is taking in this regard.

Quarantine. Section 21.22 (d). *Puppies not born in the receiving kennel facility or establishment, that are brought into a kennel from another kennel facility or acquired from another person shall be quarantined from other dogs and puppies in the receiving kennel facility for a minimum of 14 days or for such time period necessary to allow for treatment...*

This does not seem applicable or reasonable for boarding facilities, yet the regulations are not clear as to what types of facilities or businesses this regulation applies. The regulation also should provide clarity for those who deal with pet adoptions. Can these pets be quarantined at the partner's facility and then brought to the store for adoption (as in PetSmart's case) or would they be required to be quarantined at the store? If quarantine is required at the store, such a provision would place a substantial roadblock in the way of pet adoptions, a consequence we don't believe the State desires.

Space Requirements. Section 21.23. (b) *Each dog housed in a primary enclosure shall be provided with twice the minimum amount of floor space set forth below.*

First, it is unclear as to whether this requirement applies to pets in an establishment or temporary home as the State has proposed to define these terms, or to temporary day housing such as might be the case in a grooming salon, in addition to pets that are being housed in a boarding kennel. As a major player in the pet boarding industry, we have serious concerns about the State's direction with respect to space requirements.

PetSmart has invested heavily in overnight boarding and designed its suites based on USDA cage standards and under the direction of veterinarians and pet behaviorists. The State's recommended increase in kennel/cage sizes is not consistent with federal guidelines for long-term housing and, as best we can determine, not supported by any credible studies. If applied to overnight boarding facilities such as our PetsHotels, such an increase would require substantial remodeling of our facilities at considerable cost to the Company. The resultant price increases to the consumer would be prohibitive. The same holds true if this standard is applied to other areas of the business such as grooming and adoptions, where pets are housed temporarily on a daily basis.

We urge the State to maintain its current requirements (without doubling), which have been approved by multiple other states as well as humane organizations. (Please see Attachments D and E for a review of these regulations and guidelines.)

Exercise. Section 21.23. (e). We strongly oppose the State's recommended new exercise requirements. While it might seem logical to segregate dogs by size for exercise, our experience shows that pets do best in group settings when they are classed by temperament, with size being only one factor considered. The level of activity of the pet is equally important to size and should not be dismissed. In our playtimes, many small-breed dogs that are very energetic do much better with the larger, more active dogs and vice versa.

When group play is monitored full time by trained staff (as it is at PetSmart), a pet discovered to need a more calm environment can be easily relocated to another group without the need for size provisions. The proposed regulations are rife with absolutes that are not practicable or even achievable for commercial day care settings.

Similarly, the proposed concession in the requirement that only spayed and neutered dogs may be exercised together is unreasonable. We regularly and routinely place non-spayed female dogs in day camp (group play, or exercise) with neutered dogs with no problems whatsoever. However, PetSmart does not allow non-neutered males in group play due to hormonal influence on aggressive behavior. This practice has served us well and we recommend that only non-neutered male dogs be excluded from group exercise with dogs of the opposite sex.

Drainage. 21.24. (11) (ii) We believe the provision requiring certain size floor drains (6-inch diameter) to be more about the size and less about what is effective for the

circumstances. In our Playrooms, for example, our circular drains are 4 inches diameter. These are more than adequate because this is not an area where we need a large amount of drainage. These drains are not used for flushing solid waste. And the smaller drain cover provides less opportunity for a pet to be injured on the cover itself. The guest rooms in our PetsHotels have a trench drain system that is four inches wide that runs the entire width of the room. Again, we have found this system effective and reasonable and have difficulty reconciling it with the State's requirement for a 6-inch diameter drain. The new regulations would require significant modifications at considerable cost and with no improved efficacy.

Food Storage. 21.24. (14). We can appreciate the State's desire to keep food stored for pets safe from contamination, spoilage and vermin infestation. However, we believe its requirement to have leak proof containers with tightly fitted lids to be excessive and inflexible. There are other ways to keep foodstuffs safe such as compartmentalization, Ziploc bags and general room sanitation and rodent/pest control methods. In our PetsHotels, it is not unusual for a pet parent to bring in a 40-lbs. bag of food if he or she has a large pet that might be staying for an extended period. We believe the requirement to require food in leak proof containers with tightly fitting lids does not take any of these other factors into consideration and would create unnecessary hardships and expense.

Ventilation Requirements. 21.26. (a) (4). The requirement to have doors and windows available that can be opened to provide ventilation in the event of a HVAC system malfunction provides only one form of backup protection. The financial and other implications of this requirement to boarding facilities that are exclusively indoor, as is the case with PetSmart's hotels, would be significant and are unnecessary. Our hotel boarding facilities, which are integrated into our retail stores, do not have windows and doors leading to the outside. This is for the safety and protection of our pet guests. We employ ventilation systems that fully change out the air in the facilities more than a dozen times an hour. If required, installing windows and doors would lead to extensive and costly remodeling at the least, and in most cases, could not be done based on the design and location of our stores.

We believe the regulation should provide more flexibility and allow for equally protective systems, including those that are much more sophisticated than simply opening windows and doors. For example, facilities that use auxiliary air movement should be allowed to have secondary protection measures such as an HVAC monitoring system and a backup plan in place for emergency situations, such as electrical generators, as an option to the windows and doors. And we are unclear how the regulation requiring separate ventilation would apply to in-store adoption efforts, where dogs are housed in temporary kennels on the sales floor for the day.

Summary

As stated earlier, we have numerous concerns in virtually every category of the proposed changes to the regulations. What we have outlined in this document are some of those we consider to be of greatest concern. In addition, we question the State's ability to

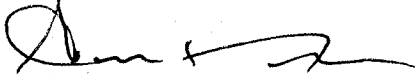
adequately enforce these regulations without making a substantial taxpayer investment in resources.

And finally, please know that as a member of the Pet Industry Joint Advisory Council, a national organization representing breeders, vendors and retailers, we support the concerns the Council has forwarded to your agency regarding these proposed changes.

We respectfully ask the State's consideration of our concerns, the questions we have raised and our recommended changes.

We again thank the State for the opportunity to comment. We would be happy to work with State regulatory officials, sharing our knowledge and experience as you move forward with these changes. We also are available to answer any questions you may have.

Sincerely,



Adel Karam
Regional Vice President

cc: Kim Kramer
Jennifer Browning
Jeff Schultz
Bruce Richardson
Marshall Meyers, PIJAC

ATTACHMENT A

PetSmart's Suggested Changes to Annex "A" Definitions

CHAPTER 21. GENERAL PROVISIONS; KENNELS; LICENSURE; DOG-CAUSED DAMAGES

GENERAL PROVISIONS

§ 21.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Establishment- The premises including any public or private, home, homestead, place of business or operations which shall include all of the land, property, housing facilities or any combination thereof, of any individual or person, organization or business, including a dealer, on, in or through which any dog is kept, bred, harbored, boarded, sheltered, maintained, or sold, that does not otherwise meet the definition of a boarding kennel or temporary home as defined in this Chapter.^{12 3}

Deleted: the

Deleted: which shall include all of the land, property, housing facilities or any combination thereof

Deleted: given away, exchanged or in any way transferred

Deleted: .

Deleted: Establishment shall encompass all of the individuals or persons residing thereon.

Deleted: it may be public or private and includes an individual person

Deleted: organization, business or operation, which utilizes offsite or temporary homes to keep, maintain, breed, train, harbor, board, shelter, sell, give away, adopt, exchange, or in any way transfer dogs

Deleted: .

Deleted: or

Deleted: owner

Deleted: keeps

Temporary home- A place (other than a licensed kennel of any kind, veterinary office, or establishment) including a personal home, land, property, premises or housing facility or any combination thereof where an individual, person, business or operations,⁴ or keeper, maintains, breeds, harbors, boards or shelters a dog or dogs on behalf of another person, organization,

¹ Kennel is already defined and has governing provisions. To eliminate duplicity and reduce confusion, the term establishment should distinguished from "kennel" and "temporary home."

² "Establishment" is a place, not a person. This reference is inappropriate and should be deleted.

³ This is redundant. The sentence as written causes confusion not clarity and should be deleted. Necessary terms are included in prior sentences.

⁴ By definition, an owner would not be a temporary home for a dog.

business or operation for the purpose of later, giving away, adopting, or exchanging or transferring such dog or dogs to their owner.⁵

Deleted: selling

Deleted: or transferring such dog or dogs

⁵ By its definition here, a temporary home is operated on behalf of another person or entity. To allow to allow a temporary home to sell dogs would circumvent fitting into the establishment definition by having a 3rd party operate the establishment. By deleting the language, and restricting activities to giving away, etc. temporary home retains its intended meaning.

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Pet Care 1st Shift Checklist

Date _____

Supervisor Tasks	Initials	Comments
Conduct "walk through" with Night Pet Care Specialist		
Collect 2 Way Radios		
Schedule Pet Care Specialists for shift tasks		
Schedule hotel Exit Baths and Nail Trims		
Schedule Group Play Time and Individual Play Time		
Check occupied room and suite numbers to Service Cards		
Print AM medication labels		
Review AM feeding labels		
Prepare and deliver AM medications		
Prepare and deliver noon medications		
Print today's Exercise and Treat Worksheet		

PCS Name	Pet Care Specialist Tasks	Initials	Comments
	Review Check In and Check Out Summary Worksheets		
	Review Exercise and Treat Worksheets		
	Read, initial Pet Care Communication Log		
	Conduct walks		
	Prepare and deliver AM meals		
	Ensure pets have eaten		
	Prepare and deliver Treat Time; clean and sanitize machine		
	Conduct Exit Baths, Nail Trims (if any)		
	Clean Atrium standard rooms and suites, special care and care for pets		Row Row Row Row
	Clean Kitty Cottages and provide TLC		
	Conduct Group Play Time		
	Conduct Individual Play Time (if any)		
	Clean Play Rooms		
	Clean Relief Rooms		
	Prepare and deliver Snack Kong™		
	Prepare and deliver noon meals and/or treats (if any)		
	Prepare and deliver Treat Time		
	Collect Snack Kong™ and Treat Time		
	Wash and dry Kitchen utensils		
	Clean and restock Kitchen		
	Clean and prepare Cleaning Carts		
	Wash and dry laundry		
	Empty and refill mop buckets		
	Empty and refill sanitation buckets		
	Empty and line poop trash cans		
	Remove trash to Trash Dumpster		

ATTACHMENT C

Figure 2: Sample completed by Pet Care Specialists

Service Card

Max Abbott
107

Owner: **Abbott, Jennifer & John** 19601 North 27th Avenue Phoenix, AZ 85027

Home: (623) 587-2823 Mobile: (623) 587-2808 Mobile 2: (623) 587-6831

Due In: 06/01/2006 9:00 AM Breed: **Labrador Retriever** Alert: **DEAF**

Due Out: 06/09/2006 9:00 PM Sex: **Neutered Dog**

Groom: 06/09/2006 Jacob Color: **Chocolate** Vet: **Abc Animal Hospital**

Promise: **8:00 PM** Marking: Vet Phone: (281) 495-9445

Age: 8 yr 7 mo Emergency: (480) 507-2782 Mike Jones

Notes: B>Give extra bedding; No wet food---gets diarrhea. G>Top Dog with Hypo shampoo; Put cotton in ears when bathing.; Blow out coat really well.

- 8 Boarding
- 9 Feeding, Owners Food (nutro Lamb & Rice) - 1 1/2 cups - AM + PM - NO WET FOOD--WILL GET DIARRHEA
- 9 Feeding, Owners Treat (nutro Biscuits) - 2 biscuits - NOON
- 4 Medication, Epi-otic Ear Drops - 3 drops in each ear - AM
- 8 Bizzy Bundle
- 1 Bath and Brush
- 1 The Top Dog Package

GROOM

Med
Exercise
Treat

Drop-Off Inventory

Foods Meds

Personal items Treats

1. Food - 2 large Ziploc^s 3. 1 bottle Epiotic med

2. Treats - 1 large Ziploc 4. Blue Plush dog

Exit Checklist

	Yes	No
Looks and feels good?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Smells clean?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Personal items gathered and cleaned?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Care Comments

Max was a little nervous the first day but was a pet hotel pro by day 2! XM 6/2 Max loved his 2 treats -- thanks, Mom + Dad! XM 6/5 Max enjoyed Playtime everyday -- he made friends with all the pups, especially Jake and Liza. XM 6/7

Activity Chart

Date	Diet			Treats		Paid Exercise		Daily Walks		Eliminations	
	AM	Noon	PM	AM	PM	AM	PM	AM	PM	AM	PM
06/01	X	X	None	X	X	X	X	X	X	0	0
06/02	1/2	X	1/2	XM	XM	XM	X	1/2	1/2	1,1	1,1
06/03	3/4	X	3/4	XM	XM	LJ	X	1/2	1/2	1,3	1,1
06/04	All	X	3/4	KL	KL	LJ	X	1/2	1/2	1,1	3,1
06/05	All	X	All	KL	JJ	AB	X	ms	ms	1	1,1
06/06	All	X	All	XM	JJ	AB	X	ms	1/2	3,1	1
06/07	3/4	X	3/4	KL	XM	XM	X	ms	ms	1	1,3
06/08	All	X	All	ms	ms	XM	X	1/2	1/2	1,1	1,3
06/09	All	X	1/2	XM	XM	KL	X	1/2	ms	1,1	1

PP Food Only
Group

ATTACHMENT D

PetSmart, Inc.

Summary of Standards for Minimum Kennel Size for Dogs

Federal Standards. Measure the length of the dog in inches, from the tip of its nose to the base of its tail, and add six inches. Calculate the square of the resulting sum. Then divide this number by 144 for the required area in square feet.

If L is the dog's length in inches, and A is the required area in square feet, then the formula is as follows:

$$A = (L+6)^2 / 144$$

Humane Society of the United States. Confined dogs should have room to move about. Dogs over 50 pounds should have at least 4 feet by 6 feet enclosures (24 square feet); dogs between 36 and 50 pounds should have at least 4 feet by 5 feet enclosures (20 square feet); dogs between 10 and 35 pounds should have at least 3 feet by 4 feet enclosures (12 square feet.) Confined dogs should be exercised in runs of at least 4 feet by 10 feet twice daily, or walked on a leash for at least 20 minutes twice a day.

Kennels with runs should be at least 4 feet by 6 feet, with 4 feet by 8 feet runs.

American Boarding Kennel Association. Primary enclosures must be large enough for dogs to stand up, lie down, and turn around comfortably.

Colorado. Colorado has two sets of standards. For dogs without access to runs or exercise areas, the formula for minimum enclosure area is as follows. Measure the length of the dog in inches, from the tip of its nose to the base of its tail, and add six inches. Calculate the square of the resulting sum. Then divide this number by 144. Then multiply the resulting number by 2 for the required area in square feet. The maximum required area is 24 square feet, and the minimum required area is 6 square feet.

If L is the dog's length in inches, and A is the required area in square feet, then the formula is as follows:

$$A = ((L+6)^2 / 144) \times 2$$

With "A" no less than 6 or greater than 24.

For dogs with access to a run or exercise area, the standards for minimum area are as follows. Dogs under 10 inches high: 4.5 square feet; dogs between 10 and 16 inches high: 6 square feet; dogs between 16 and 22 inches high: 9 square feet; dogs between 22 and 26 inches high: 12 square feet; dogs between 26 and 30 inches high: 16 square feet; dogs over 30 inches high: 18 square feet.

The required height is 1-1/2 the height of the dog at the shoulder, with a maximum required height of 48 inches and a minimum required height of 18 inches.

Minnesota. Measure the length of the animal in inches, from the tip of its nose to the base of its tail, and increase the measurement by 25%. Calculate the square of the resulting number. Then divide this number by 144 for the required area in square feet.

If L is the animal's length in inches, and A is the required area in square feet, then the formula is as follows:

$$A = (L \times 1.25)^2 / 144$$

New Jersey. Measure the length of the dog in inches, from the tip of its nose to the base of its tail, and add six inches. Calculate the square of the resulting sum. Then divide this number by 144 for the required area in square feet.

If L is the dog's length in inches, and A is the required area in square feet, then the formula is as follows:

$$A = (L+6)^2 / 144$$

Dogs in enclosures less than double the size of this minimum must be exercised in a run at least twice per day, or walked at least 20 minutes per day.

Pennsylvania. Measure the length of the dog in inches, from the tip of its nose to the base of its tail, and add six inches. Calculate the square of the resulting sum. Then divide this number by 144 for the required area in square feet.

If L is the dog's length in inches, and A is the required area in square feet, then the formula is as follows:

$$A = (L+6)^2 / 144$$

The height of a primary enclosure must exceed the height of the head of the tallest dog in the enclosure by 6 inches.

ATTACHMENT E

PetSmart PetsHotels Overview of Behavior and Kennel Space

Points:

- How much space in the building is irrelevant if the dog does not have access to it for the majority of its day.
- What matters most in terms of size is primary enclosure size where the dog will spend the majority of its day. However:
 - No scientific peer-reviewed research has been done examining effects of kennel enclosure size at boarding kennels.
 - Existing science on primary enclosures has examined dogs in shelters or research facilities where they are kept long-term.
 - Increasing primary enclosure size up to 70ft² does not appear to alter a dog's activity once you are at a size that allows the dog to stand, turn, and lie comfortably and normally.
 - More important than cages size for dog welfare is social interactions (with humans and /or other dogs) and environmental enrichment to keep them mentally stimulated.
 - Visual contact with other dogs as well as controlled noise levels are important to dog welfare.
 - Primary enclosures are not suited for exercising dogs, increasing space to 60ft²/dog would not give a dog sufficient space (or more importantly motivation) to exercise unless the dog were doing stereotypic behavior such as pacing or wall-bouncing.
 - Standards in the US tend to follow USDA guidelines which were intended for dogs housed long-term in research facilities. These calculate space as the (length of the dog + 6 inches) x (length of the dog + 6 inches). This can be divided by 144 to get the size in feet.
 - Giant breeds of dogs, this calculation would result in a maximum primary enclosure area of 18ft². PetSmart's 4x6 kennels = 24 ft² while suites are even larger.
 - Standards in other countries are either in this range or may use those adopted by the UK Home Office.

Scientific Research

There have been a number of studies on the effects of exercise, and pen size (e.g., Campbell *et al.* 1988, Hughes *et al.* 1989, Bebak and Beck 1993, Hetts *et al.* 1992). There is no evidence that providing extra exercise *per se* improves welfare (Clark *et al.* 1991), although walks outside the enclosure are undoubtedly enjoyed.

Wells, D.L (2004). **A review of environmental enrichment for kennelled dogs, *Canis familiaris*.** *Applied Animal Behaviour Science* 85:307-317.

- Furniture and enrichment in cages is likely to be just as important as size.

Hubrecht, R.C., Serpell, J.A., Poole, T.B., 1992. **Correlates of pen size and housing conditions on the behaviour of kennelled dogs.** *Applied Animal Behaviour Science* 34, 365–383.

- Again, looking here it seems that socialization and enrichment are more important than just physical space. Dogs need stimulation.
- No difference in activity level for dogs housed in 4.1m² (44.1ft²) or 6.8m² (73ft²) pens. Other studies on primary enclosures have also showed similar things. ***So increasing pen size beyond Bow Wow's 60ft²/dog doesn't really do anything.

Hetts, S., J.D. Clark, J.P. Calpin, C.E. Arnold and J.M. Mateo (1992). **Influence of housing conditions on beagle behaviour.** *Applied Animal Behaviour Science* 34:137-155.

- The results indicate that spatial area and activity are not likely to be the most important factors to be considered when evaluating psychosocial well-being of dogs. In assessing the psychosocial well-being of dogs, social isolation may be as harmful or more harmful than spatial restriction.

Standards in US (this repeats some of Gary's information)

- USDA-APHIS standards
 - 9 CFR Ch. 1 section 3.6 paragraph (2)(xii) specify that primary enclosures for dogs and cats must "provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner.
 - 9 CFR Ch. 1 section 3.6 paragraph c(1)(ii) also states regarding space that "each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144. The calculation is: (length of dog in inches + 6) X (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = required floor space in feet."
 - 9 CFR Ch. 1 section 3.6 paragraph c(1)(iii) also states regarding height of primary enclosures that "the interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.
 - Legislation being proposed in CA regulating pet stores would use the USDA standards for space.
- California's Companion Animal Protection Act specifies that establishments which house dogs or cats must provide housing that 2(1) ensures that floor space at least is "at least the minimum floor space as determined by the Schedule using the cat or dog length of the animal being housed". "3 The shortest length and width dimensions of the housing unit shall be not less than (a) the cat length or dog length of the longest cat or dog housed in the housing unit; or (b) 35 centimetres, whichever is greater. (EC682/03)"
- Colorado based theirs on CA and say that all primary enclosures shall allow each pet animal to turn around, exercise normal postural movements, and to experience necessary socialization with cage mates. All measurements correspond to USDA recommendations.
 - By their calculations that would require the following:
 - x-small dogs up to 10 inches high – 4.5 sq. ft.
 - small dogs up to 16 inches high – 6.0 sq. ft.
 - medium dogs up to 22 inches high – 9.0 sq. ft.