

**Gelnett, Wanda B.**

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**From:** Bill Sordoni [billsordoni@yahoo.com]  
**Sent:** Thursday, March 15, 2007 6:07 PM  
**To:** IRRRC  
**Subject:** Dog Law Comments

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INDEPENDENT REGULATORY  
REVIEW COMMISSION



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To Whom It May Concern,

Attached please find an electronic copy of a letter recently mailed to the Bureau of Dog Law Enforcement containing comments on the proposed changes to regulations.

Sincerely,  
William E. Sordoni  
Business Manager  
DeCoverly Kennels, Inc.

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March 13, 2007

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

Dear Ms. Bender:

DeCoverly Kennels, Inc. operates a world class breeding and training kennel near Lake Winola, Pennsylvania. We breed the Ryman line of English Setters and also offer hunting dog training and all-breed obedience. We have been breeding our 100 year old line of setters since 1972 and have over three decades of experience in operating our kennel.

We are writing to comment on the proposed amendments to the Pennsylvania dog law regulations issued on December 16, 2006. We firmly believe that inhumane and substandard kennel conditions should not be tolerated. However, we do not believe that many of the proposed regulatory changes are necessary or that they would materially have a beneficial outcome if adopted.

We do believe that Pennsylvania needs to do more to enforce existing laws. Unfortunately, many of the proposed regulations will only serve to impede and harm those of us that are currently running professional operations where the health and welfare of the dogs is already paramount.

The following pages contain the specific items that we are concerned about, along with our corresponding comments (in **bold red** and prefaced with "DKI:" for DeCoverly Kennels, Inc.). We sincerely hope these items receive additional thought and consideration from the Bureau.

Sincerely,

William E. Sordoni  
Business Manager  
DeCoverly Kennels, Inc.

## § 21.14. Kennel licensure provisions.

### (5) *Kennel records.*

DKI: Record keeping provisions as set forth are burdensome to kennel operators and do not help to ensure the health and welfare of dogs.

(c) *Health certificate requirement.* A dog entering this Commonwealth from another state, commonwealth or country shall have a health certificate. A 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 the health certificate which shall become part of their records. In accordance with section 214 of the act (3 P. S. § 459-214), it shall be unlawful to transport any dog into this Commonwealth, except dogs temporarily in this Commonwealth as defined in section 212 of the act (3 P. S. § 459-212), without a certificate of health prepared by a licensed doctor of veterinary medicine. The health certificate or a copy thereof must accompany the dog while in this Commonwealth.

DKI: An exception should be added for dogs being professionally trained by a licensed kennel.

## § 21.23. Space.

(a) Primary enclosures **[shall] must** be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position. **The dog shall be able to lie in a lateral recumbence (on its side or back) with legs fully extended, without head, tail, legs, back or feet touching any side of the enclosure.**

DKI: We are unclear of the definition of "Primary Enclosure" as used above and as used previously in section 21.21(e).

**In addition to the space requirements, each dog shall receive 20 minutes of exercise per day. Dogs shall be observed and supervised during exercise and shall be exercised the following manner:**

**(i) Walked on a leash by a handler or put in an exercise area.**

**(ii) An exercise area must meet the following criteria:**

**(A) The space per dog must be consistent with § 21.24(b)(3) (relating to shelter, housing facilities and primary enclosures).**

**(B) Fencing must be adequate to prevent dogs from escaping from the exercise area and shall be kept in good repair and free of rust, jagged edges or other defects which could cause injury to the dogs.**

**(C) The exercise area must be equipped in a manner to allow dogs to be exercised even during inclement weather and to protect the dogs from becoming wet, matted or muddy during the exercise.**

**DKI: This would require each kennel to incur the expense of constructing an indoor exercise facility for use during inclement weather, and for the dogs to be transported to such facility. Dogs can safely and effectively be exercised outdoors whilst becoming wet.**

**(iii) Dogs put in an exercise area shall be segregated in the following manner:**

**(A) Small dogs (35 pounds and less) shall be exercised together and may not be put in the same exercise area with medium or large dogs.**

**(B) Medium sized dogs (36 pounds but less than 60 pounds) shall be exercised together and may not be put in the same exercise area with small or large dogs.**

**(C) Large sized dogs (61 pounds but less than 90 pounds) shall be exercised together and may not be put in the same exercise area with small or medium dogs.**

**(D) Giant sized dogs (91 pounds and greater) shall be exercised together and may not be put in the same exercise area with small, medium or large dogs.**

**DKI: These requirements should be rewritten to separate dogs by relative weight rather than specific weight (i.e. exercising dogs that weigh within a certain weight of each other). The size categories listed are arbitrary and will not keep size mismatched dogs apart.**

**(F) Spayed and neutered dogs may be exercised together. Otherwise males and females shall be separated and may not be exercised at the same time in the same exercise enclosure.**

**DKI: Exclusions should include breeding pairs and sexually immature puppies.**

**(v) Daily records of exercise shall be kept for each dog in the kennel. The records, at a minimum, must set forth:**

**(A) The breed, color, markings, sex, approximate weight and age of each dog or when applicable, the microchip number of each dog.**

**(B) The date and the time period each dog was exercised and whether the exercise was on a leash or in an exercise area.**

**DKI: An exception should be where the dogs are provided constant access to exercise areas.**

**§ 21.24. [Shelters] Shelter, housing facilities and primary enclosures.**

**(10) Outdoor facilities must be constructed and maintained in a manner and in an area that assures adequate and proper drainage and elimination of standing water, pooled water and mud--even in times of severe weather conditions. The outdoor facility and drainage system must be constructed to insure the animals stay dry and are not subjected to wet, muddy or unsanitary conditions. Outdoor facilities shall be cleaned of all feces and sanitized to wash away urine, and kill all parasites, fungus and other disease causing elements. The facilities shall be cleaned and sanitized every 24 hours and in a manner consistent with this chapter.**

**DKI: There should be an exception for the build-up of heavy snow and ice in outdoor runs. Dogs compact this into an ice pack that is extremely difficult to remove but is frozen and not a health hazard. The only other way to enact the above provision is in an indoor facility, which is not financially practical.**

\* \* \* \* \*

**(f) *Housing facilities--general.* The following criteria apply to both indoor and outdoor facilities:**

**(8) Records shall be kept in accordance with the act and §§ 21.14(a)(5) and 21.41 (relating to kennel licensure provisions; and general requirements) must evidence, among the other provisions, the date and time of day following conditions were met:**

- (i) The housing facility was cleaned.**
- (ii) The housing facility was sanitized.**
- (iii) Each individual cage, dog box or primary enclosure was cleaned.**
- (iv) Each food and water bowl was sanitized.**
- (v) New food and potable water was provided each dog.**

**DKI: There is no practical reason for keeping these records. The existing unannounced spot inspections remain the best tool for ensuring that these cleaning provisions are met.**

- (ii) Floor or surface drains and gutters must be at least 6 inches in diameter.**

**DKI: This is unnecessary, the requirement should be focused on water flow not drain size.**

- (iii) Where an indoor kennel has outside runs attached, drains or gutters shall be installed between the indoor and outdoor section of the kennel for sanitation and drainage purposes. Half round pipe shall be installed in these areas to permit the dog to walk through. The indoor kennel and the outdoor run must be separated by a guillotine, swinging or sliding door or some other device or means approved by the Department, to allow isolation of the dogs during cleaning operations.**

**DKI: An exception should include cases where both the indoor and outdoor portions of the run have individual drainage.**

(vii) **The floor or surface of the indoor or outdoor kennel must be sloped, situated and constructed in a manner which assures the urine and feces are eliminated from the areas occupied by the dog or dogs housed in that enclosure and in a manner to assure the urine and feces do not wash into the area occupied by another dog. The kennel floor or surface must be sloped (at least 1/8-inch per foot) to the gutter or drain to allow for quick water drainage and drying.**

**DKI: Solid partitions that prevent the passing of urine, feces, etc. should also be considered acceptable.**

### **§ 21.25. Temperature control.**

\* \* \* \* \*

§ 21.26. Ventilation in **[indoor]** housing facilities.

**(b) Other requirements. In indoor, sheltered and outdoor facilities, [Auxiliary] auxiliary ventilation and air movement from fans, blowers or air conditioners shall be provided when the ambient temperature is 85° F (29.5° C) or higher. The relative humidity shall be maintained at a level that ensures the health and well-being of the dog housed therein in accordance with generally accepted husbandry practices.**

**DKI: Water misters should also be allowed for cooling.**

### **§ 21.28. Food, water and bedding.**

**[(c)] (3) Food and water receptacles shall be accessible to dogs kept in the kennel and shall be located to avoid contamination by excreta. The receptacles [shall] must be durable, meaning a dog cannot destroy or ingest parts of the receptacle, and shall be kept clean and sanitized in accordance with this section. Self-feeders and waterers may be used but shall be sanitized [regularly] on a daily basis to prevent [molding] mold, deterioration, contamination or caking of feed.**

**DKI: Correctly designed and maintained self feeders do not need to be sanitized on a daily basis. Their ability to maintain the freshness and therefore safety of the food should be the ultimate criteria.**

**[(d) If bedding is] (4) Bedding used in primary enclosures, [it] shall be kept clean and maintained in that manner on a daily basis. Bedding must be free of stools, urine, vomit and other contaminants.**

**DKI: Bedding in dog boxes, where the bedding is not in contact with urine, feces, etc., does not and should not need to be changed every day.**

### **§ 21.29. Sanitation.**

**(5) One of the causes of bacterial skin infections and bacterial ear infections in kennels is the high humidity in the kennels. For this reason, when cleaning or sanitizing the kennels animals shall be removed from their primary enclosure and runs prior to cleaning or sanitizing the primary enclosure or run. The runs and floor areas associated with the primary enclosure shall be squeegee dried and the primary enclosure shall be dried prior to putting the animal back in the run or primary enclosure**

**DKI: Squeegeeing is unnecessary for properly drained runs.**

## **KENNELS--RECORDS**

### **§ 21.41. General requirements.**

\* \* \* \* \*

**(e) In addition to the records required under section 207 of the act, every keeper of a kennel shall keep a record of the following for each dog housed in the facility:**

**(1) The date, time and detail of daily feedings, cleaning of kennel, and changing and refreshing potable water.**

**(2) The date, time and detail of exercise activity of the dog.**

**(3) The date, time and detail of any medication administered to a dog.**

**(4) Any accident or incident in which the dog is injured.**

**(5) The date and time of any veterinary care administered.**

**(6) Records of veterinary care for each dog.**

**(6) Any veterinary ordered or voluntary protocol for vaccination, medication or other recommendation for medical treatment of the dogs.**

**DKI: Health records of dogs are necessary and essential to quality care. These extreme requirements do not further the health and welfare of the animals but do excessively burden kennel operators.**