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

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INDEPENDENT REGULATORY
REVIEW COMMISSION

3/15/07

Dear Ms. Bender:

I am submitting the following comments regarding the proposed changes to the regulations governing kennels. I apologize for the late submission. I will try to keep my comments succinct and to the point.

Sec 21.23

- a) Requiring that the dog be able to lie in lateral recumbency without any part of his body, including the tip of his tail, touching a wall of the enclosure is very difficult to meet. If adopted, this would apply to any breed of dog housed. A giant breed dog such as a Great Dane or Mastiff, even at a well-constructed, spacious boarding kennel is unlikely to be able to lie as described without a paw or tail touching a wall. The square-footage recommendation made in another section is probably a better approach.
- e) Under the exercise requirement
 - (C) Requiring that the exercise area be such that every dog in the kennel is able to be exercised for at least 20 minutes without "becoming wet, matted, or muddy" is a well-intentioned idea. In practice, consider a boarding kennel with outdoor runs. Whether the dogs are allowed out into their runs for a time to exercise (as the dog owners are expecting), or if they are leash-walked (which would cost the kennel more money and increase boarding fees across the board) the dogs are going to get wet if it is raining or snowing. Would you require that such boarding kennels build indoor arenas for foul-weather exercise?
 - (E) Putting size regulations on dogs exercised together also creates problems. A dog owner with dogs at a boarding kennel might want his Jack Russell Terrier to share a playtime with his Samoyed; indeed, he might want them to share an indoor room with outdoor run. This commonly encountered situation would now be against the law.

Sec 21.24

- f) Housing facilities – general
 - (5) The wording in this item would not allow for a trash container in the food preparation room of a large boarding kennel.
 - (11) (ii) "Floor or surface drains must be at least 6 inches in diameter." This requirement can certainly be accomplished for new construction, though I would be more than willing to discuss the necessity of it at a technical level. But what about kennels which are already in existence? Some floor drain systems might extend in a network under the entire kennel. Will the requirement be that the entire kennel be razed and rebuilt with 6 inch diameter drains? Please consider the wording carefully.
 - (iii) "...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..". Why? This modification might be appropriate in some situations, but entirely unnecessary in others. For example, if there is a 5 inch high masonry threshold, built as part of the wall of the kennel, between the indoor room and outdoor run sections of the dog's enclosure, with the concrete run sloping away from the threshold toward an outdoor drain at the opposite end of the run (away from the building). In this situation, the addition of the described gutter would be superfluous to drainage and would decrease the level of sanitation. Better perhaps to require the above **only** in the case that the outdoor run is at the same or a higher level than the indoor room **and** with no physical boundary between the two preventing the flow of outdoor water into the indoor room.

(iv) "Outdoor kennel runs must be sloped to a gutter located immediately outside of the end of the end fence of each run...". Again, this is fine for new construction, but what about existing kennels built with gutters running transversely through the middle of the set of runs, with grating covering the gutters; needless to say, such runs are built with both halves of the run sloped slightly toward the grated gutter.

Better in this case perhaps to require the above for new construction, and require more broadly that existing construction have adequate drainage systems so that water drains from the runs and the dogs are not at physical risk.

(iv) The issue here is the same as that in the two items immediately above. If some part of the flooring in an existing kennel does not quite meet the 1/8 inch per foot requirement, is the solution to tear down the entire kennel and rebuild it from the ground up? Make it a requirement for new construction. Require that existing kennels be kept clean and dry.

The above problems are the ones I found on a first reading of the proposed regulations. The business of writing regulations/legislation admittedly has attendant to it a giant potential minefield of unforeseen problems and consequences. The comment period is therefore most valuable in trying to prevent passing entirely unworkable regulations. Please take my comments above, and the many others you have no doubt received, as the constructive critique they were intended to be.

Thank you for the opportunity to give feedback before passing the regulations.

Sincerely:



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