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2007 MAR 30 PM 3:05

INDEPENDENT REGULATORY
REVIEW COMMISSION

March 16, 2007

Ms. Mary Bender
Director
Bureau of dog Law Enforcement
Department of Agriculture
2301 North Cameron Street, Room 102
Harrisburg, PA 17110-9408

Re: Dog Law Enforcement, Proposed Regulation #2-152#2559)

Dear Ms. Bender

The Bureau of Dog Law Enforcement should have a veterinarian placed in upper management at the level of Mary Bender and Jessie Smith. Additionally, one or more veterinarians should be added to assist with Kennel inspections. Veterinarians possess the knowledge to immediately assess a kennel and help the Dog Wardens. They also can play a significant role in the education of the kennel owners so that deficiencies, if recognized, don't reoccur.

All kennels, humane societies, SPCA's, and rescue organizations need a documented veterinarian-client-animal relationship, to ensure routine care of animals and a readily available veterinarian in emergency situations.

I support annual continuing education for re-license of a kennel.

I support education for kennel owners, humane societies and rescue groups, to better understand the veterinary implications of their operations. Additionally continuing education for Dog Wardens and the Kennel Compliance Specialists will help in uniform application of what ever regulations are finally approved.

I recommend that the Pennsylvania Department of Agriculture align the regulations for the care of dogs with those established by the United States Department of Agriculture by adopting the standards found in the appropriate sections of CFR Title 9 Chapter 1 subchapter A Parts 1-3. The following bullet points are written to support this recommendation.

- The best method to improve the standards of dog care in Pennsylvania is to have strong enforcement of regulations that benefit the animals, are workable for the regulated community, and insure a high quality program of veterinary care.
- Many of the proposed state regulations are overly prescriptive, overly burdensome, not based on scientific evidence, and will not achieve the outcome desired, namely the humane treatment of dogs within the Commonwealth.
- There is a multitude of ways in which dogs may be housed which benefit their well-being yet the proposed state regulations are so prescriptive in nature that only very few housing arrangements will be allowed.
- Housing that provides unique environments is precluded in the proposed state regulations.
- Regulations as rigid as those proposed by the state offer little hope that new scientific discoveries about the manner in which dogs should be housed can be implemented.
- A high quality program of veterinary care insures animal well-being and should be an integral component of any animal care program.
- By adopting and enforcing the well-established and working Federal regulations, which include the requirement for a program of veterinary care, a program for dog exercise, and allow for acceptable variation in housing methods, the Commonwealth will:
 - i. Insure consistency of definitions among the regulators and regulated community.
 - ii. Enable the state to maximize its efforts by working with the Federal government to share information, training and enforcement methods that will better the lives of dogs within Pennsylvania.
 - iii. Align with other states that have recently rewritten their Dog Law regulations to improve the standard of care of kennel dogs within their states.
- Adoption of the Federal standards provides several advantages:
 1. They have been used and tested.
 2. They offer flexibility while not jeopardizing the humane treatment of the dogs.
 3. They are enforceable.
 4. They contain a section requiring adequate veterinary care which is critical to a quality animal care program.

5. The definitions in the Federal standards are technically accurate and universally understood by the regulators, the courts, and the regulated community.
6. If both Pennsylvania and the Federal government were to enforce the same standards, Pennsylvania would be able to leverage a working relationship with USDA.
 - a. Resources could be pooled.
 - b. Information could be shared.
 - c. Enforcement efforts could be multiplied and made easier.
 - d. Joint training programs for the regulators as well as the regulated community could take place with the Federal government helping to facilitate such educational programs, reducing costs for the Commonwealth.

In order to benefit the taxpayers of the Commonwealth, the regulated community, the Department of Agriculture, and most importantly the dogs within our Commonwealth, we urge the Department to drop the proposed regulations and adopt the standards established by the United States Department of Agriculture in the appropriate sections of CFR Title 9 Chapter 1 subchapter A Parts 1-3 and to increase the Department's enforcement efforts. New regulations, without enforcement, will do nothing to improve the welfare of dogs in Pennsylvania.

Research Exemption

Biomedical Research facilities, named "Research Kennels" in Pennsylvania Dog Law P.L. 284 No. 225, are unique in nature and requirements when compared with other kennels such as breeding or boarding.

- In many cases "one-size fits all" requirements will not work for research facilities.
- There is additional impetus by the facility to ensure the proper housing of dogs as it is required not only for ethical reasons but also for quality science.
- Research facilities invest heavily not only in facility construction and maintenance but also in veterinary oversight and personnel training.
- Biomedical research facilities are registered with the United States Department of Agriculture (USDA) and are inspected, by law, at least once annually, without notice, by the USDA.

- This comprehensive inspection, unlike most other entities regulated by the USDA, must be conducted by a graduate veterinarian (Veterinary Medical Officer) who is specially trained by the USDA.
- The regulations established for research facilities include many provisions that are not required by the USDA for licensed breeders, exhibitors, or transporters.
 - This includes the establishment of an Institutional Animal Care and Use Committee (IACUC).
 - This committee is charged with overseeing all animal care and use at the institution.
 - This Committee must:
 - Include a veterinarian with programmatic responsibilities.
 - Include a person who is not affiliated with the institution whose role is to represent general community interest in the proper care and treatment of animals.
 - Inspect the facility and review the program of animal care at least every six months.
 - The VMO from USDA's facility inspections include examination of the IACUC's inspection reports.
 - The attending veterinarian or his/her trained designee must observe each animal daily under strict guidelines.

Biomedical research facilities have unique concerns and needs. Because of these unique requirements and the multitude of animal welfare regulations currently placed on our research facilities with both comprehensive internal and external oversight, **I recommend that research kennels that are registered with the USDA under the Federal Animal Welfare Act, currently under Federal Government inspection and undergo no less than one Federal Government inspection annually, be exempt from the proposed regulations.**

Without such an exemption and an adoption of the proposed regulations as published in the Pennsylvania Bulletin of December 16, 2006, research that benefits both animals and humans, conducted at academic institutions, such as the University of Pennsylvania, will be severely curtailed or halted and the health of humans and other animals will be put at risk.

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DLAB Member