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March 16, 2007

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

Re: Proposed Dog Regulations

Dear Ms. Bender:

I have been following with some interest the proposed changes to the Dog Law. I have pets, am an avid proponent of Search and Rescue and deplore "puppy mills". Last I am a lawyer who has the unenviable job of applying laws and arguing over their errors, vagaries and omissions. I am concerned on all fronts with the proposed changes

Unless I am reading this incorrectly you are proposing changes to the Dog Law that have nothing to do with regulation of puppy mills or animal abuses. Then it appears that the proposed regulations conflict with the law in what looks like an attempt to avoid the legislature and unconstitutionally delegate law making to an administrative agency.

Next, it appears that the proposal was formulated in substantial part around the concept of creating humane society/ASPCA conditions or the like in licensed kennels. I have worked in and adopted from Humane Societies. While their purposes are noble, their efforts are to "do the best they can" for the dogs in their care. The goal is to keep dogs clean, fed, neutered, medically treated and available to be adopted. Concrete floored kennels are fenced, lined up with other dogs, with little human contact and without a design for human contact. When I worked there, we all knew many dogs would stress and frankly deteriorate because they lack humans in their daily lives.

Sadly the ASPCA and humane societies typically have fewer humans than dogs making it unnecessary and unrealistic to design a dog's kennel and/or life therein around human contact. Your proposal of imposing conditions upon the dogs for "establishments" mimics humane society kennel conditions and not a good, solid breeding facility accounting for socialization, training and teaching good canine habits.

When the AKC and other reputable breeding organizations are opposing your regulations **you should be seriously concerned**. The AKC, the Pennsylvania Federation of Dog Clubs, The PA Sportsmen's Club and the local ag/farm groups are hardly

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proponents of dog exploitation yet they oppose your proposal. There is something missing with your regulation proposal if it is meeting criticisms from these honorable and historically humane groups.

Second it appears that, according to the unspoken part of the proposal yet outspoken public comments to newspapers, the purported intent of the new regulations is to regulate puppy mills. While “puppy mill” like pornography is something we know when we see, it is also in itself hard to define. **But it is the job of these changes then to define it** as most breeding and boarding kennels are NOT and should NOT be treated as puppy mills. Most breeding and boarding kennels should also NOT be nor strive to be ASPCA’s. I would start by not throwing the proverbial baby out with the bath water and ignoring the legal definitions to the different licensed categories as already contained in the Law. I would use the existing definitions but recognize the need to reorganize and refine.

Third, boarding kennels and breeding kennels (the latter only potentially puppy mills) should abide by reasonable regulation with the intent of humane conditions and improving care. Boarding kennels do not require the same socialization of its populations as they are presumably there for short times. Whereas, it is presumed breeding kennels require more attention to bringing up a puppy. The two categories should rationally have different “humane” requirements imposed.

Fourth, “puppy mills” should be the target on the breeding side of the regulatory aisle. You need a clear definition. I know some distinctions between good breeders and “puppy mills” to be:

1. VOLUME - Volume of a puppy mill is in the thousands per year so use such a figure (this fits right into the way your licenses are phrased by numbers of dogs);
2. METHODS OF SALE - Methods of sale at a puppy mill are indiscriminate, open to the public and focused on volume without regard to the intentions, abilities or qualifications of the purchaser;
3. WHOLESALER - Puppy mills often sell to pet stores or wholesalers, not true of breeders;
4. TRAINING - Puppy mills have no dogs they train or keep for show of any kind which normal breeders do;
5. TITLES/REGISTRATIONS - Puppy mills have little to no regard for improving the breed, titling, optimizing dogs in law enforcement, SAR or like service nor any breed registration, whereas reputable breeders do;
6. VETERINARY CARE - Puppy mills do not provide the regular veterinary care usually given to puppies and dogs for optimum quality and life spans.

My suggestions would be to create a definition for “puppy mill” and, as is done with the Dangerous Dog Law provisions, once a finding is made that an outfit is a “puppy mill” then place upon that enterprise reasonable restrictions. I would consult with dog wardens, the AKC, reputable breeders and other such organizations to stylize a proper

definition. I think you will find that these organizations have a better working knowledge and find mills the most loathsome form of commerce.

When you have a good definition of puppy mill then put that in the statute for set requirements to be applied to that. Do NOT apply those requirements to outfits and entities that do not come near the definition of a "puppy mill". When you have a standard legitimately to be placed upon a boarding kennel, which should be placed upon such a facility alone, then write that but do not require that of a breeding kennel.

Responsible, reputable breeding kennels are the rule not the exception. They are entitled to keep doing what it is they do so well and what this society counts on them to do for our benefit. Your proposal simply imposes upon all breeders and kennels (all sizes, all purposes, all types of sales) the most onerous, irrational conditions that will likely put the good breeders out of business and destroy decent dogs. Our police forces and Search and Rescue Groups rely on well bred, socialized, and trained dogs which rarely come through an SPCA or a puppy mill, or environments such as those. Neither entity socializes or trains dogs or tries to improve the breed or acclimate dogs to useful services. There are tens of thousands of good business men and women who have devoted their lives to breeding, training and improving dogs for their partnership with people.

Where would 9/11 workers and the many effected families be if not for their canine companions? Where would the parents of lost children be if not for the constant supply of well trained and hard working dogs selectively chosen from the right breeders? Where would hospitals and nursing homes be without the puppy that grew up into the right dog that can function in that special environment? From where is the blind or handicapped person going to obtain the dog with just the right temperament and abilities to live as family and guide? Where would our hard working law enforcement be if they did not have their canine partners risking lives specially selected for such a daunting job?

We need the responsible breeders who struggle to do the right thing and run their small specialty businesses unhampered by the nonsense that is proposed. When the AKC and Dog Clubs are against these proposed legal changes and I, as a lawyer, can run a train through the contradictions and discrepancies the proposals suggest, it makes you wonder what is the goal of this proposed law. Putting good businesses out of existence and doing away with dogs that can improve so many lives will be the result.

Very truly yours,



TERRY ELIZABETH SILVA

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