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SPORTING DOG DEFENSE COALITION

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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U.S. Sportsmen's Alliance Comments on Proposed Pennsylvania Dog Care Regulations

Masters of Foxhounds
Association of
North America

Associated Bird Dog
Clubs of OH

American Brittany
Club, Inc

American Plott Assn.

Arrossan Beagles,
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United Kennel Club, Inc.

VA Bear Hunter's Assn.

VA Houndsman &
Sporting Dogs Assn.

WI Bear Hunters Assn.

Introduction

On December 16, 2006, the Pennsylvania Department of Agriculture proposed sweeping new dog care regulations intended to crack down on "puppy mills". The regulations are called DEPARTMENT OF AGRICULTURE, [7 PA. CODE CHS. 21, 23, 25 AND 27].

The U.S. Sportsmen's Alliance (USSA) is a national advocacy organization representing American hunters and anglers. USSA's Sporting Dog Defense Coalition (SDDC) was founded to protect the interests of the millions of sporting dog enthusiasts that hunt and participate in field trials. Notable members include The Masters of Foxhounds Association of North America, American Brittany Club, American Plott Association, German Shorthair Pointer Club, National German Shorthair Pointer Association, National Hunting Beagle Association and the United Kennel Club.

As a unified force, the coalition finds these regulations to be the most comprehensive, unnecessarily specific set of dog care regulations ever foisted upon the sporting dog community. If enacted, these regulations will cost dog owners thousands of dollars individually; over burden them with a myriad of complicated and sometimes contradictory requirements, and expose otherwise law abiding sporting dog enthusiasts to potential prosecution.

The regulations represent a real threat to the future of hunting, field trialing and training of sporting dogs. What is remarkable about this fact is that this proposal was brought forward without any meaningful dialogue with the sporting dog or field trialing community.

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Kennel License Requirement

Any person that houses 26 or more dogs at one facility in one calendar year must be licensed as a kennel. This will now apply to temporary housing such as at a field trial or fox hunt. A legal analysis and a sampling of SDDC members indicates that a substantial number of field trailers, fox hunters and sporting dog enthusiast will indeed be required to become licensed as a kennel. In public hearings we have heard the Secretary of Agriculture and the Special Deputy Secretary for Dog Law state that they do not think these new regulations cover field trials. We respectfully disagree with that opinion. Perhaps if the sporting dog community had been invited to the table before these regulations were put forth, there would have been a better understanding on the Department's end of what actually happens at a field trial or fox hunt. The following analysis provides a rundown of the sections of the regulations that SDDC members find the most troubling:

Dog Cages and Quarters

The specificity of these requirements will drive the cost of dog care up dramatically even though there are adequate alternatives available in several instances. The stipulation that there must be more or less a wall separating each dog cage from the adjacent cage is one example. This specific distinction does not permit the use of airline style crate cages that have been used commonly by dog owners even though they do an adequate job of keeping waste products from entering the cages of other dogs.

The cage size requirements relating to dog size is also troubling for the same reason. What medical or scientific finding mandates these specific dimensions or dog sizes? The only benefit to requiring specific shelters be approved in writing in advance by attending veterinarian will be for the vets themselves who will be able to charge for their new found authority.

Outdoor Dog Shelters

The regulations state that a shelter and run must be flat and level. Following that, they require a grade that is more than 1/8 inch per foot and less than 6 inches per 10 feet. This is a contradiction. In addition there is no medical reason to require this specific level of grade. It simply will result in higher costs. The regulations ban the presence of rust on a fence of outdoor shelters, and require that immediate repairs be made if a dog run floor has any cracks in the cement. Pennsylvania law does not make this kind of mandate on the fences of playgrounds and city parks. For dog owners considering opting for a gravel run, the specifics of construction spelled out in the regulations will raise the cost to a point that it will make more sense to use concrete.

Exercise Requirements

The sentiment behind the exercise requirement seems well intentioned; however legal experts believe that an actual fox hunt or field trial does not meet this requirement, ironic when considering that these events provide far more than 20 minutes worth of exercise.

The requirement that exercise areas prevent dogs from getting muddy or wet, even in inclement weather seems deliberately written to provide a ready made citation for dog enforcement personnel. Requiring a written excuse for a dog that misses even one day of exercise strains the credibility of the Department submitting these regulations to the public.

Cleaning Records

Requiring that shelters, runs, food bowls and water bowls be sanitized exceeds child care regulations across the state. Sanitizing is a specific term that mandates specific water temperatures. Banning the use of anything but potable water even for spraying out kennels is an unbelievable demand.

Record Keeping

The most egregious aspect of the regulation is the record keeping requirements which are guaranteed to keep sporting dog enthusiasts in jeopardy of being found in violation unless full time clerical staff is hired to meet the paperwork demands generated by this proposal. The record keeping requirements are staggering to consider for hunt clubs and field trials. Requiring that daily records on feeding, exercise, cleaning, and sanitation be maintained once again is more stringent than the state requires from schools and day care centers.

Summary

This proposal will result in higher costs for equipment and construction, staggering veterinary costs, and an ocean of paperwork. All of this is aimed at hobbyists that spend their lives caring for and working with dogs. SIDDC members do not defend poor practices encountered at "puppy mills", however, the U.S. Sportsmen's Alliance and its members are unwilling to agree to these regulations because they ultimately will destroy the very activities that enticed SIDDC members to fall in love with dogs to begin with.

Hearings have revealed that the majority of the members of the Dog Law Advisory board have concerns with the regulations. USSA and its members are joined by the American Kennel Club, United Kennel Club, Pennsylvania Federation of Dog Clubs and many more in opposition to the regulations. Many animal rescue operations and some shelters are on record with their concerns. Only the animal rights lobby consisting of the ASPCA, Humane Society of the United States and some group called Main Line Rescue seem to be pleased with this proposal. While private dialogue has clearly occurred with these organizations the lack thereof with dog enthusiasts is truly dismaying.

The state is to be commended for increasing funding for dog law enforcement personnel and capabilities. USSA and its members request that these poorly written and damaging regulations be withdrawn. The Department of Agriculture should give the increase in enforcement a chance to pay dividends. Shortfalls could then be addressed specifically and hopefully in consultation with the sporting dog community.