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**From:** Karen Overall [kloverall@gmail.com]  
**Sent:** Thursday, August 12, 2010 5:12 PM  
**To:** IRRC  
**Subject:** Public comment for Regulation #2-170 Canine Health Board Standards for Commercial Kennels  
**Attachments:** Public comment re CHB and dog regs\_Overall\_12August2010.doc

I have attached the following letter to be included in the public comments for the Canine Health Board Standards for Commercial Kennels. Please let me know if you have any difficulty uploading the document or if you have any questions.

Sincerely, Karen L. Overall

Karen L. Overall, MA, VMD, PhD, Diplomate ACVB, ABS CAAB  
10 County Lane  
Glen Mills, PA 19342  
610.399.3009 (home - unlisted)

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Public comment re: Commercial Kennel Canine Health Final Form Regulations,

As a member of the Canine Health Board (CHB) that was charged with creating some of these guidelines, I'd like to comment on their development and outcome.

While not perfect, these guidelines will provide vastly improved conditions for dogs in commercial breeding facilities in PA. No one should lose sight of the extent of the improvement or of how essential such improvement is.

- The dogs will get access to full spectrum lighting, essential for development, and be protected from direct light. It would be optimal if the original low level lighting, as recommended by the CHB, had been maintained. Some of the CHB's concerns can be mitigated by well-trained wardens who do their jobs well and as they should. Poor light hides disease, abuse and neglect and someone will need to teach the wardens this and ensure that they act on such teachings.
- While these temperature and humidity guidelines were not all that I would wish, there are multiple factors that adversely affected the CHB's best efforts. The Statute allows a temperature of up to 85 degrees F without restrictions. This was based on old NRC guidelines that assumed HVAC or equivalent systems. The Statute constrained the CHB's ability to jointly work with temperature, humidity and airflow guidelines to maximum effect. That said, given these constraints, the CHB did the best job possible by requiring that the physiological needs of dogs be understood and met.
- There are few temperature regulation data on dogs. One of the only studies available focused on lethality - an extreme measure of welfare - and was conducted by the FAA which was interested in safely transporting dogs by air. It is attached to the regulations. I found and provided this study and other studies related to temperature tolerance and oxygenation to the attorneys charged with wordsmithing, and also tried to provide the education needed to understand the extremely complex and not easily transparent concepts involved so that the attorneys could craft the best document possible. This effort appears to have been successful. It's important to understand that the FAA study is very restrictive and studied only 40, 6-7 month old intact, male beagles, weighing 18-23 pounds. This is not your basic dog at a commercial facility in PA. The FAA study evaluated the temperature range of 85-105 degrees F and RH of 30-90% solely for lethality. Because of the restrictions of this study I recommended that we act in an extremely conservative manner when guided by these data. As noted in the justification, published heat indices for other species are not relevant for dogs, who cool by evaporative panting. If the air is saturated, dogs cannot cool, although they continue to pant, therefore, the only option available to us at temperatures up to 86 degrees F was to substantially decrease the humidity. The

limitations provided by the constructed heat index and the need to meet the noted targets are more restrictive than is apparent at first glance. Even with the 4 hour window, permitted by federal law during transport, breeders will now be constrained to tightly regulate temperature, humidity and their interaction. Passive means for doing so will not suffice. Again, the outcome for the dogs will depend on the number, integrity, training, intelligence, diligence and monitoring of the wardens. Simply, if any dog is panting continuously and engaging in no other behavior, that dog is in extremis. If all the dogs are doing so, one could argue that this is neglect or abuse. It is for this reason the CHB insisted on the specific behaviors to be monitored. If such monitoring occurs, lives of dogs in commercial breeding facilities will be greatly improved.

- The number, integrity, training, intelligence, diligence and monitoring of the wardens are concerns because of limitations of resources. Because inspection records for commercial kennels are in the public domain, wardens can be aided by a diligent public, and, such diligence – especially in light of the monitoring changes required of the kennel owners – is essential. My biggest surprise in serving on the CHB was the general concern that commercial kennel breeders would do everything in their power to skirt, avoid and otherwise escape any regulations. In light of this, scientifically valid training and assessment of the wardens is essential.

The regulation pertaining to pregnant and nursing bitches is a Departmental one, created in an attempt to improve the conditions for pregnant and nursing bitches in ways not specified by the Statute. This Department regulation sets a lower bound – not an upper bound – for care, and breeders should and can be encouraged by the public to exceed it. This regulation should be and likely will need to be revisited and improved upon in the future. The original Statute states that dogs less than 12 weeks of age can be kept on wire flooring through which no body part could pass. In the absence of streaming video, the role for integrity, training, intelligence, diligence and monitoring of the wardens will be no greater anywhere than it will be for ensuring no body part can pass through the wire flooring for these dogs.

The Department's regulation does not preclude breeders from allowing breeding and nursing bitches maximally flexible conditions. In truth, the kennel owners can now choose to place the required whelping box a primary enclosure that meets the standards of section I.3.i. and so provide dogs older than 12 weeks of age with complete access to solid flooring and essential exercise, while simultaneously substantially enhancing the welfare, health and behavioral well-being of the puppies. Then, once weaned (which usually occurs at 5-7 weeks), puppies could be placed on wire until 12 weeks of age, if desired. There is no requirement that puppies of any age be maintained on wire flooring and we should move towards completely excluding wire/mesh flooring of any kind.

This interpretation that puppies can be kept on solid flooring – while not immediately apparent - provides an environment that is clean, hygienic and favorable for the development of nervous and immune systems, and much needed early exposure to solid flooring which allows puppies to have normal social interactions and to have some early

control over their own movement and environment during the essential period when they are learning to walk.

I understand that these regulations are the result of a legislative process that does not always facilitate implementing the best and most helpful medical and scientific information. We also should remember that these are MINIMUM standards, not BEST PRACTICES, and that they can be revised. Regardless, the regulations provide a much needed and improved set of conditions for these completely dependent and innocent dogs and should be so respected by IRRC.

Sincerely,

Karen L. Overall, MA, VMD, PhD, Diplomate ACVB, ABS Certified Applied Animal Behaviorist  
10 County Lane  
Glen Mills, PA 19342