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Pennsylvania Independent Regulatory Review Commission
 333 Market Street
 14th Floor
 Harrisburg, PA 17110
Delivered Via Email

August 17, 2010

RE: Comments on Department of Agriculture Canine Health Board Standards for Commercial Kennels

To Whom It May Concern:

On behalf of the 225,160 ASPCA supporters who are residents of Pennsylvania, the ASPCA respectfully submits this comment on the proposed Commercial Kennel Canine Health Regulations published (after being previously withdrawn) in the July 31, 2010 edition of the Pennsylvania Bulletin.

It is our position that there is an oversight in the current dog law regarding nursing mothers with puppies. While the law is clear that dogs over 12 weeks of age cannot be housed on wire flooring and must have access to an outdoor exercise run at all times, there is nothing in the law that specifically addresses mothers with unweaned puppies. The Dog Law, as amended in 2008, does not authorize the Department to require puppies under 12 weeks of age to be housed on solid flooring or to have unfettered access to an outdoor exercise area. It is also not humane to separate nursing puppies from their mothers prior to weaning. We believe that the proper remedy for this ambiguity is to seek clarification to the Dog Law itself at the next legislative opportunity to ensure that the will of the citizens of Pennsylvania is carried out.

However, we also recognize that it is in the best interest of the dogs to move the proposed regulations, which include critical temperature, humidity, and ventilation requirements, through the regulatory process as quickly as possible. Without these critical provisions, dogs will continue to suffer in record high summer temperatures without adequate and enforceable standards for ventilation, humidity, carbon monoxide, and lighting. We therefore recommend that the regulations be approved by IRRC as they currently stand, with the caveat that the provision relating to flooring for mothers with nursing puppies will need to be changed if and when the law itself is corrected, in order to clarify the requirements for and ensure humane treatment of this specific subset of dogs. The compromise proposed by the Department of Agriculture, which would require that at least 50% of the flooring for nursing mothers with puppies be solid, should be adopted in the interim in order to ensure that nursing mothers are not forced to live entirely on wire flooring during whelping. If the Department's current interpretation of the law with

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respect to nursing mothers is found, either through legislation or litigation, to be incorrect, then the regulations will need to be changed accordingly at that time.

The above comments are respectfully submitted in an attempt to ensure that the final regulations adequately provide for the well-being of dogs housed in Pennsylvania's commercial breeding facilities. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Cori A. Menkin", with a long horizontal flourish extending to the right.

Cori A. Menkin, Esq

#2785

From: corim@aspc.org
Sent: Tuesday, August 17, 2010 9:02 AM
To: IRRC
Cc: Smith, James M.
Subject: Resend -- ASPCA Comment
Attachments: ASPCA comment Canine Health Board Standards 8-16-10.pdf

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To Whom It may Concern:

Attached please find the ASPCA's official comment on the Canine Health Board Regulations to be considered on August 19th. Please do not hesitate to contact me with any questions or concerns. Thank you. Resending as I believe it did not go through the first time.

Sincerely,

Cori A. Menkin, Esq.
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