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October 27, 2009

Hon. Arthur Coccodrilli
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Mr. Coccodrilli:

The Pennsylvania Department of Agriculture recently promulgated *Regulation 2-170, Canine Health Board Standards for Commercial Kennels*, required under the Dog Law as amended by Act 119 of 2008. Since then many individuals and organizations have provided comments in an effort to assist IRRC in its regulatory review.

As Chairman of the House Agriculture and Rural Affairs Committee, I am pleased to comment on the proposed regulation. The act established the Canine Health Board comprised of veterinarians who, by training and practice, understand the care and treatment of canines. The board was authorized to issue temporary guidelines and regulations specifically regarding appropriate auxiliary ventilation requirements, humidity standards, and ammonia and lighting ranges. In addition, the board was given discretionary authority to establish additional flooring options and alternatives to accessing exercise areas.

I appreciate the efforts of board members who donated their time and expertise in developing the proposed regulation, particularly given the statutory time constraints. As required under the act, the Pennsylvania Department of Agriculture promulgated the board's temporary guidelines as a regulation. Although the department was unable to modify the board's proposed regulation initially, the department is required to respond to comments and may make changes prior to delivering a final-form regulation.

Testimony and written comments at the department's recent hearing expressed genuine concern about compliance with the proposed regulation. Specifically, kennel owners suggest the lighting and ventilation standards may be too restrictive due to vague standards or variables beyond the control of kennel owners. Others noted the board's disregard of the explicit authority granted to identify additional flooring options. Recently renovated kennels may have flooring that is not harmful but may not comply with the proposed standard.

The act was never intended to eliminate the commercial breeding of dogs in the Commonwealth. I encourage the department to consider the legitimate concerns of responsible dog breeders and revise the proposed regulation to accommodate these concerns.

Very truly yours,

Mike Hanna
Chairman

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