

#2785

From: Kaufman, Kim
Sent: Tuesday, October 27, 2009 2:00 PM
To: Wilmarth, Fiona E.; Jewett, John H.; Stephens, Michael J.; Johnson, Leslie A. Lewis; Outreach; Gelnett, Wanda B.; Cooper, Kathy
Subject: Fw: Canine Health Board Proposed Regulation - Public Comment
Attachments: CHB Proposed Reg Not Be Approved.doc

FYI

From: Judy
To: suewest@state.pa.us ; Kaufman, Kim
Sent: Tue Oct 27 15:02:03 2009
Subject: Canine Health Board Proposed Regulation - Public Comment
To whom it may concern:
Attached is my public comment with regards to the Canine Health Boards proposed Regulations.
Thank-you,
Judith Comstock

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2009 OCT 27 PM 2:25
INDEPENDENT REGULATORY
COMMISSION

To whom it may concern:

I have read some of the public comments submitted by people and the fact that they want these proposed regulations to pass, so that dogs don't freeze, live in dark rooms or in poorly ventilated buildings that are commercial kennels in Pennsylvania. These statements are not even issues under the new dog law that was effective October 9th, 2009.

Let's take a look at some FACTS under the new dog law's provision for heating, ventilation, and lighting that was effective October 9, 2009 in commercial kennels in Pennsylvania.

Heating

207(h)(6) Housing facilities for dogs must be sufficiently heated and cooled to protect the dogs from temperature or humidity extremes and to provide for their health and well-being. If dogs are present, the ambient temperature in the facility must not fall below 50 degrees F. The ambient temperature must not rise above 85 degrees F when dogs are present, unless the requirements of paragraph (7) are met.

It must be at least 50 degrees.

Ventilation

207(h)(7) Housing facilities for dogs must be sufficiently ventilated at all times when dogs are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels and to prevent moisture condensation. The Canine Health Board shall determine auxiliary ventilation to be provided if the ambient air temperature is 85 degrees F or higher. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs housed therein. The appropriate ventilation, humidity and ammonia ranges shall be determined by the Canine Health Board.

It is already in law that states "Housing facilities for dogs must be sufficiently ventilated at all times when dogs are present to provide for their health and well-being..."

Lighting

207(h)(8) Housing facilities for dogs must be lighted well enough to permit routine inspection and cleaning of the facility and observation of the dogs. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout housing facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning and observation of animals at any time and for the well-being of the animals. Primary enclosures must be placed so as to protect the dogs from excessive light. The appropriate lighting ranges shall be determined by the Canine Health Board.

Dogs under the current law must have a regular diurnal lighting of either natural or artificial light.

So what then is the real concern with these proposed regulations??

It is how the Canine Health Board (CHB) has not done the job that they were charged with: to IMPLEMENT REASONABLE standards as set forth WITHIN THE LAW .

Here is one example with regards to lighting were the CHB has gone outside the law.

This is what the law states:

207(h)(8) Housing facilities for dogs must be lighted well enough to permit routine inspection and cleaning of the facility and observation of the dogs. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout housing facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning and observation of animals at any time and for the well-being of the animals. Primary enclosures must be placed so as to protect the dogs from excessive light. The appropriate lighting ranges shall be determined by the Canine Health Board.

This is what the CHB has proposed:

Lighting. 28a.3. §

Natural lighting is important to the development of dogs. Each kennel shall have a mix of natural and artificial light, provided in the following manners...

As you can see the CHB has taken “natural OR artificial light” and replaced it with “natural AND artificial light”. I could see if one of the CHB members made this mistake and was then corrected by the remaining eight members, however when I see nine out of nine members changing something to that degree I do not see it as a mistake at all. I clearly see it as intent to change the law.

The PVMA (Pennsylvania Veterinary Medical Association) does not support these proposed regulations, however all nine members of the CHB, are members of the PVMA. That is a red flag to me and it says that these members have not done their job and are not even supported by their own colleagues.

I also see somewhat of a hidden agenda in proposed regulations such as this one:

Lighting sources may not have a visible flicker. (iv)

I know of only one light source that continually flickers and that, to me, seems to be aimed at a certain people.

I am not against regulations or laws that reasonably promote the health and well being of our canine companions, but I am totally against what I see happening here with these proposed regulations.

I strongly recommend that these proposed regulations are not approved.

Here are links below for the PA dog law, CHB proposed regulations, PVMA membership directory and the CHB member listing.

1) PA Dog Law Link

http://www.agriculture.state.pa.us/agriculture/lib/agriculture/doglawfiles/act119_2008.pdf

2) Canine Health Board Proposed Regulations Published on September 12, 2009 Link

<http://www.pabulletin.com/secure/data/vol39/39-37/1682.html>

3) PVMA Membership Directory Link

<http://www.pavma.org/search.cfm>

4) CHB Board Members Link

<http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?a=3&q=153149&tx=0>

Judith Comstock

Comstock's Country Kennel

Ulster, PA