

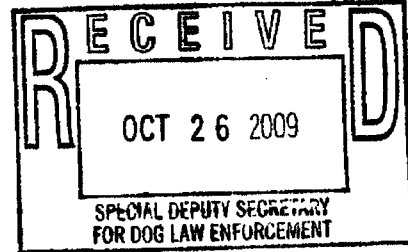
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INDEPENDENT REGULATORY
REVIEW COMMISSION



October 23, 2009

Canine Health Board
c/o Department of Agriculture
Room 210
2301 North Cameron Street
Harrisburg, PA 17110-9408

Re: Comments to Proposed Rulemaking published
September 12, 2009
Canine Health Board Standards for Commercial Kennels

To the Canine Health Board:

I am an Industrial/Commercial Electrical Contractor operating in the state of PA for twenty-six years. These many years of experience installing the most elementary designed to the most sophisticatedly designed environmental control systems, allows me the firsthand knowledge to make informed comments on the Canine Health Board Standards For Commercial Kennels. I have installed electrical and mechanical systems in a wide variety of buildings from industrial plants to expensive horse stables, hospitals and schools, nursing homes and daycare centers, greenhouse horticultural complexes, medical facilities, veterinary clinics and emergency veterinary hospitals and kennels. I am familiar with the types of systems you are requiring in the Canine Health Board regulations. Thank you for your work and commitment to the improvement of kennel conditions. I hope you will carry out the requirements set down in the law. I ask you to incorporate suggestions from my comments and from persons like myself who design and install building systems that meet specifications like the ones you are proposing.

Thousands of dogs will rely on what comes of this work to improve their lives, and setting minimum humane environmental quality standards is at least a start. The public has demanded that their government take action now to alleviate the inhumane conditions in Pennsylvania Commercial Kennels and you have been commissioned to do so. It can not be stated strongly enough, that all the good regulations in the world will do nothing to improve conditions in the kennels if they are not enforced. Once finalized the standards adopted as the result of this endeavor must be quickly and equally enforced on all kennels. The dogs can wait no longer.

The following are my comments and suggestions for specific sections contained in the proposed regulations:

28a.1. Definitions.

(Mechanical Ventilation)

The seasonal changes affecting a kennel facility in a climate such as Pennsylvania vary from season to season , and day to night, in such a wide range in both temperature, and humidity levels, that the installation of a “ basic” system such as an exhaust fan can not satisfy the requirements set forth in this document. The only way to guarantee the standards you are proposing is to have an engineered mechanical system designed by a licensed professional mechanical engineer, and will require that the kennel facility have uninterrupted electrical service to maintain the systems specified. Please do not be influenced by those who say that these standards are too elaborate and too difficult to attain. The fact is these systems are installed in the buildings we inhabit and work in, the world over, every day, when modern standards of construction and codes are dictated. This initial investment in a properly constructed facility is normally required of businesses and should not be perceived as any excessive burden. You have not called for the construction of a nuclear power plant - only the normal mechanical systems incorporated into buildings that are built to code. The standards you propose can not be reliably achieved by some primitive pneumatic system, or by intermittent power from a generator system.

28a.2. Ventilation.

(1) The opportunity is made within this paragraph for dogs to be removed to the exterior of a building to escape excessive indoor temperatures . You have not mandated an outside high temperature limit which would require the dogs to be returned to the building to escape outside heat and humidity. This will allow the kennel operator to indefinitely (under no temperature restrictions) house the dogs outside. It makes no sense to be concerned about excess inside heat and humidity and ignore those very same harmful outside conditions commonplace during our summers in Pennsylvania. Therefore regulations should be set that state minimum, and maximum temperatures for outside containment, and that mandate the return of the dogs to the protection of a temperature controlled environment indoors that also protects the dogs from excessive heat, humidity, and cold.

The regulations are correct in not allowing dogs to be present in portions of the facility that do not meet your temperature requirements. Additionally, the board must recognize that sporadic maintenance of the required temperature and humidity levels within the kennel building envelope can not be permitted. If the dogs are outside and if mechanical

systems are allowed to be turned off, or operated in the high and low range of environmental control, a very sick building can result. Diseases, molds, and viruses can grow within the building's structural, ventilation, and mechanical components. This is an environment that spawns the very unhealthful conditions that this document intends to prevent.

It is the purpose of these regulations to attain healthier conditions for the dogs inside the kennel, but it can not be overlooked that healthy dogs require care and attention from humans who will also (we hope) be spending many hours attending to the needs of the dogs. These kennel buildings must be constructed so that staff (humans) are also protected from an unhealthful work environment. The state must send in state employees to inspect these facilities, these workers spend many hours inside these kennels. It would be negligent to recommend conditions that could expose them to pathogens and other health risks. Again, the state can not have it both ways, the mechanical systems must be code compliant, healthily designed, constantly maintained and constantly monitored.

(6) In order to guarantee the constant prescribed environmental conditions, an environmental monitoring system should be required in all kennels. These readily available systems are easily installed, and provide accurate recordings of temperature, and humidity levels, and can record and keep day to day records for an entire year for review. Inspectors could easily see if the temperature and humidity requirements have been consistently met. These systems are readily attached to a call out system to alert someone to abnormal conditions within the monitored area when personnel are not onsite. These monitoring systems can be accessed from a computer or phone that is set up to receive the information. This type of monitoring system is employed commonly by industries which handle food, medicines, and by horticultural businesses such as greenhouses. This simple system would be a incredible advancement in the enforcement toolbox available to state inspectors.

(8) 8-20 air exchanges per hour must be achieved and is easily done. It does require that intake and exhaust ports are balanced with the proper cfm (cubic feet per minute) fans throughout the building, designed and placed to provide a humane air velocity at the shoulder height of the dogs. But, a maximum accepted air velocity standard must be established at that shoulder height, so that dogs do not live in a wind tunnel. At some point a closed system must be employed to maintain these standards, and therefore specifications for this requirement must be established so that a licensed mechanical engineer can readily design a system to meet your requirements. You do not want the dogs trapped in an irritating draft of air current. Balanced ventilation systems are done everyday in buildings, and this can easily be achieved in a kennel that is constructed with modern materials, and with modern and professional design. The dogs deserve no less. They will be spending years in these conditions and your mission is to provide a healthy environment.

In addition to the concern of excessive air velocity, what has not been addressed is the noise levels, which the dogs may be subjected to from mechanical systems.

Maximum decibel levels must be established. A dog's hearing is much more acute than a human's, and that sensitivity demands that a humane level be identified, and adopted as part of this document. Again, an engineered mechanical system can be readily designed to operate quietly.

28a.3. Lighting

Access to the proper light levels is not only a healthful but also a humane condition which must be guaranteed.

1 (ii) The reference to "glazed area" leaves open the potential for the possibility of plastic film being utilized as glazing. A specific definition of glazing should be established excluding plastic film from such use.

(v) (vi) No dog should be sentenced to a life without access to the natural world. Kennels not able to provide access to outside exercise areas should not be permitted regardless of the lighting level within the facility.

(iv)&(v) The intent of these two sentences is to provide opportunity for some alternative to electrically sustained artificial lighting. Those alternate choices (if not passive such as skylights or windows) will be from some form of light emission generated from an in-room combustible fuel apparatus. For reasons of safety and reliability these type of apparatuses should be strictly prohibited.

In conclusion, I would like to say these regulations should be adopted. They should not be weakened by any means, nor be influenced by persons who simply do not have the required technical knowledge of mechanical building systems, or by persons who do not want to spend money to upgrade their kennels. I understand that you are feeling pressure from special interest groups who do not want to modernize kennel facilities. But those exact attitudes (that you can raise hundreds of dogs without modern facilities) is what has brought about the very sickening substandard conditions now infesting these kennels. If we are to make progress and advance the law (Act 119) you cannot backslide into the centuries past. Modern code compliant building systems must be specified. The people of this state want this industry cleaned up. The nation is watching and asking, will Pennsylvania truly take steps to change the conditions in puppy mills and begin to repair its damaged reputation.

Sincerely,



Barry Longenecker
Coordinator, PACK "Providence Against Cruel Kennels"