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Federated Humane Societies of Pennsylvania

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Reply to:
Anne Irwin
Bucks County SPCA
P.O. Box 277
Lahaska, PA 18931

October 27, 2009

Sue West, Director
PA Department of Agriculture
Bureau of Dog Law Enforcement
2301 N. Cameron St.
Harrisburg, PA 17110

Dear Sue:

I am writing to comment on the Canine Health Board Standards for Commercial Kennels. The Federated Humane Societies of PA supports the aims of providing good air quality for dogs in kennels, comfortable temperatures, safe and secure flooring, and adequate lighting. Our concerns about the regulations as they are written are that they are confusing and because of that they may be difficult and costly to enforce. Regulations serve two primary purposes: to provide a clear, unambiguous guide to the standards required that can be understood by the regulated and the regulators alike, and to provide an effective framework for enforcement if violations occur. The proposed standards are complicated and hard to understand. Unlike other sections of the kennel regulations, they are prescriptive in terms of how inspection is to be done, and that sets up a situation that would make successful prosecution for violations difficult. We are concerned about the cost both in man hours and equipment that will be required. Special equipment will be needed for every dog warden or team of wardens to measure relative humidity, ammonia levels, particulate matter and air velocity. Such equipment will need to be accurate, reliable, portable and durable for hard use in the field. Is such equipment available and at what cost?

The ventilation section contains specific requirements about temperature, ammonia levels, relative humidity, particulate matter and air exchanges, but then includes a subsection (10), which is vague and subjective concerning dog odor, stale air and lack of air flow. It might make more sense to include general language like this at the beginning of the section on ventilation, moving from a general description to more specific requirements. Then excessive dog odor, noxious odors, condensation on surfaces or apparent lack of air flow could trigger measurements of specific levels, but otherwise such measurements might not be necessary. In other words if the kennel feels and smells comfortable fewer measurements would be required. Is it the intent of the regulations to require all of the measurements in every kennel inspection?

In order to measure ammonia, particulate matter, relative humidity and air exchanges at shoulder level of 10 percent of dogs and at every intake or exhaust vent (is this meant to be intake AND exhaust vent?) wardens will likely need to get into the enclosures with dogs. This creates a

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new set of potential problems and wear and tear on wardens and equipment. There will be many measurements taken and recorded in a kennel with hundreds of dogs. How is violation computed from those measurements? Are the readings averaged, or will one unacceptable reading among many trigger a violation? This should be clarified. The prescriptive requirements for inspection set the stage for failure in court. What if the warden miscalculates and does not take readings on a full 10 percent of dogs or at shoulder height? Imagine the challenge of taking multiple readings at shoulder height of small dogs. How will the measurements be documented?

The standards require that information be provided in order to calculate air exchanges, but do not provide the formula to make the calculation. The regulated community and those enforcing the regulations should have access to the formula that will be used.

If the Department hires an engineer or consults with an engineer is the cost to be borne by the Department?

The list of prohibited diseases and conditions is baffling in the section on ventilation. In the real world dogs occasionally become ill or injured for a variety of reasons. Disease and injury cannot be prevented by edict. Presence of dogs with these conditions might trigger closer measurement of air quality levels, and many of these conditions should trigger an order for a veterinary examination. Their presence does not necessarily indicate a problem with ventilation.

The requirement that glass windows and skylights be clear seems at odds with the requirement that dogs shall be protected from excessive light. Translucent glass provides natural light without the direct glare of the sun.

These comments are meant to be practical and to bring to your attention some of the realities of enforcement in the field, and to assure effective prosecution when necessary. Dog wardens are charged with inspecting all classes of kennels and their inspections help to assure the wellbeing of dogs in kennels. If these questions are addressed it will help assure that their time and resources will be used in the most effective way on behalf of dogs in Pennsylvania.

Sincerely,



Anne Irwin
President, and Legislative Chairman