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**Sent:** Tuesday, October 27, 2009 4:53 PM  
**To:** dhain@pahouse.net; IRRRC; kebersole@pasen.gov; Kennedy, David C. (AG); Kerry Golden; MULLER, JENNIFER; Smith, Jessie L; Thall, Gregory (GC); wgevans@pasenate.com  
**Subject:** FW: Comments on proposed dog law  
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**From:** lilam@aspca.org [mailto:lilam@aspca.org]  
**Sent:** Tuesday, October 27, 2009 1:11 PM  
**To:** AG, CHBcomments  
**Subject:** Comments on proposed dog law

I am supporting these comments in support of the proposed regulations for commercial dog kennels.  
Thank you

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October 25, 2009

Dear Secretary Smith:

I respectfully submit the following comments in support of the Department of Agriculture's proposed regulations to 7 PA code Ch. 28a regarding standards for commercial kennels. The notice was published in the September 12, 2009 issue of the Pennsylvania Bulletin (Vol. 39, No. 37). I am the Vice President of Veterinary Outreach and Veterinary Advisor to the American Society for the Prevention of Cruelty to Animals (ASPCA). I have over 30 years experience working with shelters and developing the field of shelter medicine; I co-edited the only two veterinary textbooks on the subject, *Shelter Medicine for Veterinarians and Staff* (Miller and Zawistowski 2004) and *Infectious Disease Management in Animal Shelters* (Miller and Hurley 2009) and teach shelter medicine at Cornell and U Penn and various other colleges, conferences and on the Internet. I am also the recipient of the 2008 American Veterinary Medical Association (AVMA) animal welfare award and the 2005 Hills Animal Welfare and Humane Ethics award from the American Animal Hospital Association (AAHA). I also served on the National Institute of Health (NIH) committee that researched and wrote the 2009 report for the National Research Council (NRC) entitled *The Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research*.

### **Background:**

The Bureau of Dog Law Enforcement within the Department of Agriculture is charged with implementing and enforcing the Dog Law, which was passed to ensure the humane care and treatment of dogs in the Commonwealth. In 2008, the Pennsylvania legislature passed significant amendments to the Dog Law and created the Canine Health Board to establish appropriate ventilation, humidity, ammonia, and lighting ranges for commercial kennels, as well as consider alternative flooring options to those set forth in the law. The proposed regulations are the result of the Canine Health Board's recommendations for those standards.

### **Comment**

The Five Freedoms that were developed by the Farm Animal Welfare Council in the United Kingdom assert that farm animals should be 1) free from hunger and thirst, 2) free from discomfort, 3) free from pain, injury or disease, 4) free to express normal behavior and 5) free from fear and distress. It is clear that dogs should be given these same considerations and their welfare should receive the highest priority whenever regulations that govern the conditions under which they are housed are being considered.

It is imperative to meet the physical, behavioral and mental needs of dogs when evaluating factors that are essential for maintaining their health and well being during confinement in communal or colony kennel environments (Miller and Hurley 2009). When weighing all these factors, the value of providing good ventilation and reducing stress levels cannot be overemphasized. Stress reduction can be correlated with providing animals with comfort. In addition to providing the minimum standard of 8-10 air exchanges with fresh air every hour (Miller and Zawistowski, 2004), air must be the appropriate temperature and humidity to ensure the comfort of animals. Even "minor" distress can have a negative effect on an animal's physiological and emotional well-being (<http://www.psyeta.org/hia/vol8/russell.html>) Animals who are too hot or cold or subjected to wide fluctuations in temperatures are subject to stress, which also lowers their resistance to disease (Miller and Hurley 2009). It is not sufficient to consider temperature alone, as high humidity levels will increase the actual discomfort the animal feels. The heat index (sometimes called the apparent temperature) is a measure of the contribution that high temperature and high humidity make in reducing the body's ability to cool itself. It is a more accurate measure of how hot it really feels when the effects of humidity are added to high temperature. In order to get a true reading, it is important to measure temperature and humidity levels at the actual level of the animal's body as it may be different from the levels in other areas of the room. Random sampling of various areas of the facility is also important because of the possibility of variations from room to room. It should also be noted that high humidity contributes to environmental conditions that enable certain pathogens such as fungi to proliferate. These proposed regulations will address these concerns.

When assessing air quality, it is also important to maintain ammonia fumes at safe levels. In humans, excessive ammonia levels may be irritating to skin, eyes, throat, and lungs and cause coughing, lacrimation (tearing), a burning sensation, laryngitis, severe pulmonary and gastrointestinal irritation, nausea and vomiting, diarrhea, abdominal pains, pulmonary edema, dyspnea, bronchospasm, chest pain, blisters and cold and clammy skin, etc. In extreme cases, ammonia gas can also cause thermal injury. Exposure to very high concentrations of ammonia produces severe burns of the cornea and upper airway and can even lead to lung damage and death. Much more research has been performed regarding the effects of ammonia levels on swine and humans than for dogs; recent research has shown that to minimize the health risk to both humans and animals, levels should be maintained below 10ppm (Nebraska Swine Report 2000). In the absence of more definitive research specific to dog health and the fact that dogs (and some humans) will be constantly rather than intermittently exposed in kennels, this health standard should be applied.

Wellness and stress reduction (and minimization of disease transmission) in animal populations can be aided greatly by providing animals the opportunity to live in comfortable environmental conditions and to engage in normal behaviors as much as possible (Miller and Hurley 2009). Dogs have natural circadian rhythms that generally result in them being awake during the day and asleep at night. Therefore, in order to promote and support natural behavior, reduce stress and maintain health and well being, it is important to provide access to natural or artificial light conditions, as well as darkness. Prolonged exposure to excessive light or darkness or flickering lights should be avoided.

## **Conclusion**

Veterinary research is ongoing in the area of animal welfare. It is widely acknowledged that unnecessary pain, stress, distress or suffering should be minimized in research animals, even though controversy may exist over the exact definition of each term (Institute of Laboratory Resources (ILAR)). However, controversy or lack of specific research data should not be used as an excuse to justify providing inferior canine husbandry in commercial kennels. Whenever there is uncertainty about the science regarding a regulatory standard that addresses husbandry, welfare or quality of life, it is not unreasonable to utilize a recommendation similar to the one set forth by the American College of Veterinary Anesthesiologists (ACVA) regarding pain. ACVA states that when unsure, assume that if a procedure is painful to humans, it will also be painful to animals. Advocating for the highest standards for housing dogs in kennels is not only in the best interest of the dogs but industry as well. Animals who are stressed, unhealthy or suffering a poor quality of life are less productive, and maintaining them in poor quality conditions reflects badly on society as well as the managers directly charged with their care.

For the foregoing reasons, I would like to submit these comments in support of the proposed regulations.

Respectfully yours,

Lila Miller, BS, DVM