

ARTHUR COCCODRILLI, CHAIRMAN 2785  
Independent Regulatory Review Commission  
333 Mkt St. 14<sup>th</sup> Floor  
HARRISBURG PA. 17101

Oct 26, 2009

Dear Chairman Coccodrilli,

The following are comments submitted by Diane L. Burkholder, a Pa. Dog breeder on the proposed regulations developed by the Canine Health Board to fulfill sections of Act 119 in the Dog Law. Section 221 (4) of the act charges the board with a duty to determine standards to provide for the health and well-being of dogs in three specific areas of ventilation, lighting and flooring in class C (Commercial) Kennels

Rather than establishing standards for the health and well being of a dog, the CHB. has instead created animal welfare issues, that, if enacted will be detrimental to man's best friend.

I believe the board has grossly failed in their charge entirely and have created guidelines way beyond anything we see for even human standards and, if enforced will absolutely result in the closing of all Pa. commercial Kennels, therefore we question the competency of the CHB.

The Bureau has failed in its entirety the impact of the costs to the Bureau and the dog law restricted account to purchase the necessary equipment to measure relative humidity, air exchange, temperature and ammonia levels, not to forget particulate matter which also was not their charge. Also they did not take into account the training of the wardens to calibrate and read these measurements with accuracy and the lengthy time required to conduct these inspections. It is also important to note that four million dollars has been removed from the Dog Law restricted accounts, therefore creating serious concerns for future economic

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crisis if these measures are enacted.

Members of Whispering Spring Kennel and myself have voiced their overall concerns of the health and well being of puppies housed in the neonatal unit of the facility with a temperature cap of 86° F. Newly born puppies do not maintain their own body heat for the first week to ten days of their life therefore requiring an average temperature of 90° F. This then would render each such puppy a pending violation of the law.

Also erroneous, with lack of knowledge and understanding are the proposed requirements for 8-20 air exchanges per hour, again especially to puppies in the nursery. Comparative to neonatal units in hospitals which are technically free from cold air and drafts we recommend the same apply for newly born puppies in the neonatal area of class C, or any Kennel facility that houses puppies. This is a big concern and if not addressed will be the demise of many puppies.

Section 28.1.10 proclaims that dogs shall be in good health, free from illness and not stressed.

There is concern in the fact that ~~our~~ because our wardens are not licensed veterinarians they do not qualify to diagnose dogs with any illness lest they misinterpret the symptoms. examples include (i) excessive panting, which may be encouraged solely by a stranger entering their domain. (ii) Elevated body temperature, which

could include a female dog ready to whelp or one in season which naturally causes a rise and fall in body temperature. (iv) Shivering; when a female dog is in active labor she will naturally shiver as the labor process progresses. Shivering can also be associated with excitement such as strange personnel in the kennel (v) huddling of Dogs 12 wks of age or older: Dogs, like people like to cuddle and will huddle together to sleep, puppies and dogs alike. (xi) Moist areas of hair: Act 119 requires unfettered exercise for all dogs in class (c) kennels over twelve weeks of age. If a dog so chooses to wander outdoors on a rainy day there is a huge probability his hair will become wet or moist. Puppies playing with water nipples may acquire moisture on their coat as well. (xii) Diarrhea: Not necessarily does this always indicate the animal in question is sick. Often times through the worming process the consistency of the dog/puppy's stool will soften, sometimes to a diarrhea-like form, but then tighten up again after the procedure. (xiv) Vomiting: Occasionally a canine will gorge themselves at the food dish and regurgitate their food, also a female dog cleans her puppies by licking them when they defecate and urinate. This procedure which is naturally in born may enhance vomiting. (xvii) Presence of Blood; in a kennel situation this is a huge concern in such that it is natural for a female in season to have a bloody discharge for seven to fourteen days and yet again

after she whelps up to six weeks. Death: In ~~not~~ this is a concern to the Pa. class (commercial) kennels because it fails to differentiate what types of death and occasionally due to harsh labors or developmental issues some puppies incidently are born dead. This also does not address a natural cause of death just "death" in general.

~~Whispering Spring~~ ~~Spring~~ ~~Kemel~~ understands the intent of the above section, however this was not the charge of the CHB and we recommended this portion to be deleted in full.

Lighting 28 a.3; The proposed, comprehensive lighting standards are not grounded in sound science. In lighting ranges of 50 to 80 foot candles, humans would need to wear eye protection. How much more then would it be necessary to protect the eyes of dogs.

The question the sensibility in these measure for the fact that again they create instead of prohibit animal welfare issues. Obviously the CHB exceeded their charge in the entire section of lighting and suggest that it be redone. The CHB was only to establish lighting ranges, not the means or methods regarding artificial or natural.

Flooring 28.9.4. He believe the CHB did not properly address flooring options. The only flooring addressed by the CHB is solid which is understood by our staff to already be acceptable in act 119, therefore this illustrates the CHB failed their charge

on flooring as well. It is also believed that sealed tile or sealed concrete may be poor choices for kennel flooring as they reduce traction, especially when wet. It is believed that such flooring as concrete or tile leads to foot and leg degeneration including arthritic and hip issues before dogs reach advanced age and be the cause of their untimely demise.

Most disappointing to ~~me~~, at Whispering Spring Kennel is the fact that as our representatives witnessed the Canine Health Board draft the proposed guidelines we recognized the intent to create "the impossible" for classic <sup>commercial</sup> Kennels. The minutes of the CHB meetings indicate widespread disagreement on the proposed standards and reveal the desire of some of the CHB to glean experience from those who excel in the field, but were waved away with a flourish of the hand with a verbal statement such as "lets forget about ~~experience~~ and create data. To create data for the health and well being without science is not acceptable, neither is it acceptable for neglecting the necessary requirements for mans best friend.

It is ~~my~~ and the entire Whispering Spring Kennel staff's request that the proposed guidelines be dismissed in their entirety and that a new set be established with experienced veterinarians in the field, who shall be screened on their experience and competency to address the distinct areas outlined in

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the regulatory product expected by act 119.

Hastly we voice our concerns of the approval of such regulations by groups such as H.S.U.S who openly admit that none of their monies goes into researching the animals.

Also the I.R.S. recognizes such groups as a public charity, therefore limiting their ability to lobby, and yet they lobby and monetarily support animal legislation heavily, totally disregarding their limits.

We believe the Dept. of Agriculture should be cautious about implementing and supporting such measures that could effect and trickle into other forms of agriculture such as dairy, swine and poultry production.

In closing, we, at Whispering Spring Kennel support the public comments submitted by Michael Glass in its entirety. see attachments.

Respect fully Submitted  
Diane L. Burkholder