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Our mission is to **IMPROVE, EDUCATE and ASSIST** any dog breeder or facility that desires to maintain character and reputation as a responsible dog breeder.



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October 26, 2009

The Honorable Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: Canine Health Board Standards for Commercial Kennels

Dear Chairman Coccodrilli,

The following comments are submitted on behalf of members of the PA Kennel Assurance Program (PA KAP) regarding proposed regulations developed by the Canine Health Board (CHB) to fulfill sections of Act 119 in the Dog Law.

Section 221(f) of Act 119 charges CHB with the duty of determining standards for Class C (Commercial) Kennels to provide for the health and well being of dogs in three specific areas: ventilation, lighting and flooring.

Rather than establishing standards for the health and well being of dogs relating to the three designated areas, the CHB has created guidelines that will absolutely result in animal welfare issues. CHB has grossly failed in their charge, which has caused the PA KAP to question their competency.

CHB has failed to address in its entirety the impact of the costs to the Bureau of Dog Law Enforcement (Bureau) to:

1. Purchase the necessary equipment to measure relative humidity, airborne particulate matter, air exchange, temperature and ammonia.
2. Train wardens to calibrate and accurately read measurements.
3. Provide additional man hours for the increased time required to complete lengthy inspections of Class C Kennels.

The proposed standards, if enacted, will further burden the Dog Law restricted account, creating serious concerns for future economic stability.

Members of PA KAP have concerns regarding the health and well being of puppies housed with a temperature cap of 86 degrees F in the neonatal unit of Class C Kennels. Newborn puppies do not maintain their own body heat for the first week to ten days of life, thereby requiring an average temperature of 90 degrees F. The proposed standards would render each puppy in the neonatal unit with a pending violation of the law.

The proposed requirement of eight to twenty air exchanges per hour further exhibits the erroneous thinking and lack of knowledge and understanding by CHB, and creates additional risk to newborn puppies. Similar to hospital neonatal units, PA KAP recommends that newborn puppies require housing that is free from cold air and drafts.

§ 28a.2. Ventilation. (9) indicates that "Dogs may not exhibit conditions or signs of illness or stress ..." Dog wardens are not licensed veterinarians and do not qualify to assess and diagnose illness in dogs. We have grave concerns that wardens may misinterpret symptoms such as:

- (i) Excessive panting. Excessive panting may be encouraged solely by a stranger entering their domain.
- (ii) Elevated body temperature. Female dogs ready to whelp or one in season often exhibit natural rises and falls in body temperature.
- (iv) Shivering. Shivering may be associated with excitement when a stranger is in the kennel.
- (v) Huddling of dogs 12 weeks of age or older. Like people, dogs and puppies like to cuddle and often huddle together while sleeping.
- (xi) Moist areas of hair. Act 119 requires unfettered exercise for all adult dogs in Class C Kennels. If a dog chooses to wander outdoors on a rainy day, there is a great probability that hair will be wet. Puppies playing with water nipples may acquire moisture on their coat.
- (xii) Diarrhea. Diarrhea is not necessarily an indicator of illness or disease in dogs. During the worming process, the dog's stool will soften, sometimes to a diarrhea like form. Upon completion of treatment, the stool returns to normal.
- (xiv) Vomiting. Occasionally a canine will engorge himself, resulting in regurgitation. A female dog cleans her puppies by licking them when they defecate and urinate. This inborn trait can enhance vomiting.
- (xvi) Presence of blood. Female dogs have bloody discharge for seven to fourteen days in season, and up to six weeks after whelping.
- (xvii) Death. This requirement is open to misinterpretation due to its failure to properly differentiate and clarify the type of deaths. Some puppies are born dead due to harsh labors or developmental issues. In addition, it does not address natural deaths that occur at the end life.

PA KAP members understand the intent of Section 28a.2.9, however, CHB has gone beyond the scope of the charge they were given. The health of dogs should only be assessed and diagnosed by licensed veterinarians, who are trained professionals equipped to do so. We highly recommend Section 28a.2.9 be deleted in full.

§ 28a.3. Lighting. The proposed comprehensive lighting standards are not grounded in sound science. In lighting ranges of 50 to 80 foot candles, human beings would need to wear eye protection. How much more would it then be necessary to protect the eyes of dogs? Rather than protecting the animals, these measures create animal welfare issues, causing us to question the sensibility of this requirement. Once again, the CHB

exceeded their charge to establish lighting ranges and PA KAP recommends the entire lighting section be revised. The means and method used to address lighting (artificial or natural) should be addressed by kennel owners and professionals who serve them.

§ 28a.4. Flooring. Solid flooring, the only flooring addressed by CHB, has already been determined acceptable in Act 119. The CHB again failed to meet its charge to properly address additional flooring options. Sealed concrete or tile may be poor choices for kennel flooring due to the reduction of traction, especially when wet. Such flooring can lead to foot and leg degeneration, including arthritic and hip conditions, before dogs reach advanced age, resulting in untimely demise.

Most disappointing to PA KAP is the fact that our representatives witnessed and did nothing as the CHB drafted its proposal with the intent to create "unattainable standards" for Class C Kennels. Meeting Minutes from the CHB indicate widespread disagreement on the proposed standards and revealed the desire of some members of CHB to glean from the experience of those who excel in the dog breeding industry. Rather than consult with dog breeding experts, leaders on the CHB chose to dismiss the suggestion to do so with the wave of a hand, while stating, "Let's forget about experience and create data." Creating data without science to address a dog's health and well being is not acceptable. Neither is it acceptable for regulating the requirements needed to promote the care and welfare of man's best friend.

PA KAP respectfully requests that the guidelines established by the CHB be dismissed in their entirety. It is imperative that standards be established in conjunction with licensed veterinarians, who are screened by their experience and competency, with the duty of determining standards for Class C (Commercial) Kennels to provide for the health and well being of dogs in the three specific areas of ventilation, lighting and flooring. The Pennsylvania Dept. of Agriculture should be cautious about implementing and supporting unrealistic standards that could then trickle into other industries, such as dairy, swine and poultry production.

Thank you for taking the time to review and consider our concerns regarding the proposed standards for Class C Kennels. We welcome your feedback and look forward to working with you on behalf of the health and well being of dogs born and bred throughout Pennsylvania.

Sincerely,



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