



**Testimony of the Pennsylvania Farm Bureau
Before the House Agriculture and Rural Affairs
Committee**

Regarding House Bill 2525

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June 12, 2008

Good morning. My name is Kristina Watson. I am the Regulatory Reform Director for the Pennsylvania Farm Bureau, an organization representing the interests of over 44,000 rural and farm family members. We are pleased to have this opportunity to briefly address the House Agriculture and Rural Affairs Committee on House Bill 2525.

Before I begin, I want to be clear that Pennsylvania Farm Bureau does not condone the inhumane treatment of dogs. Indeed, our members have established policies that wholeheartedly embrace the humane treatment of all animals – dogs included. However, we also do not support establishment of mandated standards for animal care that are arbitrary or based subjectively on what is “good” for the animals. Animal husbandry standards should be based on sound and objective scientific analysis, and should provide a reasonable opportunity for compliance. Standards that are virtually impossible for responsible commercial kennels to legally and economically comply with are not acceptable.

We have serious concerns about several points within the bill which are covered in this testimony. These include: proposed requirements which exceed the Animal Welfare Act (AWA); the solid flooring mandate; setting of fees by regulation; and requiring that only vets may administer rabies vaccinations.

Requirements for Kennels should be Consistent with the Animal Welfare Act

If additional standards are needed in Pennsylvania Law to ensure the health and well-being of dogs, such standards should follow those set forth in USDA’s Animal Welfare Act (AWA). Minimum cage size and exercise requirements are two major areas of concern.

House Bill 2525 doubles the AWA space requirement for individual dogs in a primary enclosure. In addition to requiring major infrastructure changes in kennels, this requirement is contrary to scientific findings regarding behavior patterns of dogs and space.¹

House Bill 2525's requirements for exercise also exceed the AWA. The required standards for exercise of facilities (runs required to be adjacent to primary enclosures and size requirements) would require major infrastructure changes to existing kennels. USDA regulations recognize that kennel operators who have and follow a veterinary-approved program of exercise of dogs are in compliance with the exercise requirements. USDA regulations also recognize the value in pairing dogs to accommodate exercise and socialization needs, something HB 2525 does not consider.

Farm Bureau recommends that housing and exercise standards for commercial kennels under HB 2525 mirror the Animal Welfare Act standards.

Solid Flooring

The Pennsylvania Veterinary Medical Association (PVMA) has stated that they believe solid flooring is detrimental, rather than beneficial, to dog health because it creates unsanitary conditions. *Farm Bureau's recommends that instead of solid flooring, legislation should require smaller gauge, vinyl coated metal strand flooring that is kept in good repair.*

¹ "The Effects of Cage Sizes and Pair Housing on Exercise of Beagle Dogs," *Laboratory Animal Science* (Volume 39, No. 4, July 1989). See additional information at end of document.

Department of Agriculture should not be Given Unlimited Discretion To Establish Dog License Fees By Regulation

HB 2525 would essentially give the Department of Agriculture unlimited discretionary authority to set license fees by regulation, including fees to be charged to the numerous classes of commercial kennel licenses (to be established under HB 2525). There is a particular concern that this authority can be used to price larger classes of commercial kennels out of business by raising the license fees to exorbitant levels. Elimination of the Dog Law's current establishment of fees by statute would also seriously reduce the legislature's future ability to oversee and control the agency's administrative operations and future need for the agency to demonstrate it is operating in an effective and fiscally responsible manner. *Farm Bureau recommends that the proposed provisions in HB 2525 to give the Department of Agriculture unlimited discretion to establish license fees by regulation be removed from the bill. The legislature should continue to set fees by statute.*

Kennel owners should be permitted to administer rabies vaccines

We strongly believe kennel operators should have the same ability to administer vaccines to their dogs as farmers and others employing animal husbandry practices are authorized to do for their animals. The current veterinary shortage would make it very difficult for vets to visit kennels once per month to administer rabies vaccinations. Since HB 2525 would require that kennels have an attending veterinarian, this professional should be able to provide any needed oversight over kennel owners. *Farm Bureau recommends that the current ability of kennel owners to vaccinate their own animals should remain the same.*

In addition to our major concerns discussed above, Farm Bureau believes that the following issues should also be considered by the Committee.

No Automatic Revocation of Kennel Licenses for Violating the Cruelty to Animals Law

Current law allows the Department the discretion to revoke kennel licenses for Animal Cruelty Law convictions. Summary violations resulting from conduct that many would not consider as grossly negligent or willful should not necessarily result in an automatic revocation of the license. Automatic revocations could easily lead to unjust actions against otherwise responsible kennel owners. *Farm Bureau recommends that the legislature maintains the law as currently written.*

No Sanctions for Exercise of Common Constitutional Rights

Proposed language would unequivocally impose penalties upon any operator of a commercial kennel to give permission to state dog wardens to access every portion of the kennel premises at any time. Even highly regulated industries have basic constitutional provisions against arbitrary and excessive intrusions of premises. Kennel owners should have the ability to say no without being in violation of the law and subject to possible criminal penalties. *Farm Bureau recommends that language be inserted to clarify the time, manner and purpose for which entry is authorized.*

Probable Cause Standards should not be Statutorily Defined.

HB 2525 attempts to establish by statute a threshold of probable cause for dog wardens to act in entering any premises without judicial review. This is below the threshold established through court interpretations of state and federal constitutions. *Farm Bureau recommends that this provision should be removed from House Bill 2525.*

Statutes should not attempt to diminish standards for probable causes required for warrantless searches of premises under state and federal constitutions.

Imposition of Compounded and Criminal Penalties.

The new legislation would allow the Department much latitude in imposing additional penalties on kennel operators for violations of kennel standards, without any effort to prescribe standards to guide the Department in determining whether additional penalties are appropriate, as well as, impose criminal penalties regardless of 'intent' to violate the Dog Law. There is a concern that this will lead to inconsistent and arbitrary assessments of penalties. *Farm Bureau recommends that significant changes need to be made to ensure that the exercise of the Department's discretionary authority in assessing penalties is consistent, and that the penalties assessment are consistent with the degree of harm that a kennel operator's violation has caused.*

Remaining Drafting Concerns

House Bill 2525 still has lingering drafting concerns, particularly regarding language. Language should not be ambiguous or subjective. Examples: 'comfortable' and 'uncomfortable,' 'adequate,' 'maintainable,' etc. *Farm Bureau recommends that all language should be clear, definable and understandable to all regulated parties.*

Conclusion

While House Bill 2525 offers improvement over the 2006 proposed regulations, there are still portions of the bill that remain burdensome and impractical for commercial kennel owners. Some provisions of the bill lack a scientific basis for their inclusion – these instances are most readily seen in the solid flooring issue and the areas which exceed the Animal Welfare Act. Many responsible commercial breeders – who run

kennels that have never had a major compliance issue with PDA and are licensed by USDA – have expressed a very real concern that, if enacted, House Bill 2525 will put them out of business.

In conclusion, Farm Bureau asks the House Agriculture and Rural Affairs Committee to look with a critical eye on this bill. Ascertain that the penalties and fines are clearly defined and not excessive. Examine the provisions to ensure that a reasonable and scientific justification exists for their inclusion. And above all, make sure that this bill will not put a large segment of responsible kennel operators out of business. We looking forward to working with the legislature and all interested parties in achieving these goals.