

Pennsylvania House Agriculture and Rural Affairs Committee

Hearing on House Bill 2525

Testimony of the Pennsylvania Veterinary Medical Association

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Honorable Majority Chair Hanna, Honorable Minority Chair Hershey, Honorable Majority Vice-Chair Haluska, Honorable Minority Vice-Chair Dr. Bastian, and distinguished members of the House Agriculture and Rural Affairs Committee, thank you for the opportunity to provide testimony today on House Bill 2525.

My name is Dr. Robert Lavan. In my life as a veterinarian, I have been a mixed practice practitioner for 2 years and a small animal practitioner for 10 years. I am here representing the Pennsylvania Veterinary Medical Association and its 1,900 member veterinarians. I currently serve as the Chair of the PVMA Legislative and Regulatory Affairs Committee.

On behalf of PVMA, I commend Governor Rendell, Secretary Wolff, Special Deputy Secretary Smith, prime sponsor Representative Casorio, and the members of this Committee on their obvious commitment to the welfare and well-being of the Commonwealth's animals and in particular the dogs protected by the proposed dog law revisions.

We as an Association believe strongly in advancing the welfare of all animals and our mission statement speaks to this belief. It is central to all we do. To accomplish this, we recognize that compromise is often a necessary way to accomplish what is best for the animals and collaboration with others is an excellent way of improving the situation for all involved. We are currently working on the development of a quality assurance program with the Pennsylvania Professional Dog Breeders Association to help achieve the goal of improving the quality of life and welfare of all dogs housed in commercial breeding kennels.

My comments for today's hearing were developed through the thoughtful deliberation of a group of more than 20 veterinarians involved in many aspects of animal care. Veterinarians, as a profession and collectively as represented by our Association, view animal health and well-being as paramount but believe there is a critical balance between emotion-based thinking and scientific fact when it comes to animal welfare. Our focus today is on the importance of a valid veterinarian-client-patient relationship between a commercial breeder and a Pennsylvania licensed veterinarian, an established veterinary care program for all dogs housed in commercial breeding kennels to ensure routine care of the dogs and a readily available veterinarian in emergency situations, and finally, and most importantly, the welfare of dogs.

Cage Size – PVMA supports the increased cage size as recommended in HB 2525. However, we do not oppose the inclusion of 2 dogs in the cage because of the companionship and social benefits provided to the dogs which is an important aspect of the overall welfare of the dogs.

Solid Flooring – Perhaps one of the most contentious issues related to the physical plant details of the primary enclosure as outlined in the legislation, is the issue of solid flooring.

PVMA opposes the solid flooring requirement for primary enclosures.

Solid flooring creates an unsanitary condition for the dogs in these cages which is not in the best interest of the dogs or their health. Resting boards were eliminated from the Pennsylvania Dog Law because of this issue. Even with the allowance for a small wire floor area in the primary enclosure, the dogs will still urinate and defecate on the solid floor area. They are not trained to do otherwise. We would recommend that some type of flooring be used that allows for the comfort, safety, and prevention of injury of the dogs and moderate drainage of the cage. As a suitable compromise that still ensures the welfare of the dogs, we recommend that the floor of any primary enclosure must be strong enough so that the floor does not sag or bend between the structural supports. The floor should be constructed of a heavier, thicker grid of material that allows for drainage of urine and feces through slots in the grids. The slots should

be small enough that the dogs' feet cannot become entrapped in the slots and the grids must be constructed of or coated with a material that is soft yet impervious such as slatted flooring similar to that used in research settings or metal strand flooring with vinyl or plastic coating or a similar material that is kept in good repair.

Exercise – PVMA supports the requirement of exercise of the dogs outside of their primary enclosures. However, we do not support the provision for the exercise area to be necessarily outdoors. We recommend that the focus be on allowing the dogs to be removed from their cages or having access to a run on a regular basis so that they can exercise and not on mandating that this space is outside. In Pennsylvania, many times throughout the year there are extreme temperatures which do not create a good environment for the dogs and their tolerance of extreme weather conditions varies by breed. In addition, implementation of this provision would be unfeasible in many cases. The important part of this provision is that the dogs be exercised outside of their primary enclosure. Where the exercise takes place and how, should not be mandated.

We do not support the USDA allowance of placing 2 dogs in a cage as the accepted "exercise plan." All exercise plans should be based on the recommendations of a veterinarian and should provide the dogs with access to some form of exercise (run or exercise area) on regular basis outside of their primary enclosure. Regular exercise and socialization are important factors in the overall welfare of all dogs.

Rabies Vaccinations – PVMA supports the provision related to the administration of rabies vaccinations by veterinarians but would recommend that the provision to be broadened to allow for the vaccinations to be administered under the supervision of a veterinarian as well. This would be consistent with the current Pennsylvania Rabies Law. This provision will ensure that a breeder is working in cooperation with a veterinarian and that the dogs and puppies housed in these kennels receive regular care that results in the best outcomes for the dogs.

For the sake of accuracy, we also recommend that all references in the bill to "rabies shots" be changed to properly refer to this as "rabies vaccinations."

Examinations by Veterinarians – PVMA supports the provision which calls for the examination of a dog by a veterinarian at least once a year or at each pregnancy, whichever occurs more frequently. This provision will ensure that a breeder is working in cooperation with a veterinarian and that the dogs and puppies housed in these kennels receive regular care that results in the best outcomes for the dogs.

Euthanasia – PVMA supports this provision as well. However, we recommend that an exemption be added to the language which would allow a veterinarian to euthanize a dog in an emergency situation, without prior notification to the department, if in his or her professional judgment, the dog is suffering. Veterinarians are held to professional conduct standards set by the Veterinary Medicine Practice Act and related rules and regulations as well as professional ethics that call upon the profession to alleviate the suffering of an animal. Following the euthanasia procedure, the veterinarian could then sign a report of the findings and submit it to the Department.

Program of Veterinary Care – PVMA supports the provision calling for an established program of veterinary care. This provision will ensure that a breeder is working in cooperation with a veterinarian and that the dogs and puppies housed in these kennels receive regular care that results in the best outcomes for the dogs. The welfare of the dog relies on a solid and effective relationship between the veterinarian and the dog's owner as partners in the care of the dog.

Temperature and Ventilation – PVMA supports the provisions the legislation makes related to the temperature range for kennels. However, we recommend that language be added to reflect that while ambient temperature, humidity, and ventilation should meet the minimum standards

recommended in this statute, that the recommendations of the attending veterinarian and allowances for breed and population density variances be taken into consideration as well (6 air change per hour may be acceptable for a smaller group of small dogs to sufficiently keep them comfortable but it may not be sufficient for a larger group of dogs or a larger breed such as a Siberian Husky or German Shepherd.)

Dog Warden Inspections and Training – PVMA recommends that training be required on the special needs of bitches with their puppies in whelping areas. It has come to our attention that if inspections are done in the whelping areas with large numbers of inspectors, the bitches often exhibit signs of stress from being exposed to strangers and their instincts call for her to protect her “den area.” Signs of stress include injuring or killing her puppies or aborting her litter. To ensure the welfare of the dogs, we recommend a provision be added to ensure that the dog wardens receive training on behavior patterns in dogs such as outlined. .

Also related to the section on training, we support and commend the drafters of the legislation on the addition of training on biosecurity risks, techniques, and protocols as a requirement for dog wardens. Recognition of biosecurity risks and use of proper techniques and protocols ensures the welfare of the dogs housed in kennels and decreases the chance of unnecessary health risks being spread from one kennel to another.

Conclusion

In conclusion, PVMA supports efforts to improve the Pennsylvania Dog Law and recommends that the Law meet or exceed USDA regulations for commercial breeding kennels. We commend the efforts of the Governor, his Administration, the Pennsylvania Department of Agriculture, the Pennsylvania General Assembly, and the Dog Law Advisory Board to improve the quality of life for dogs in all kennel settings. We support wholeheartedly what is in the best interest of the welfare of all animals. We support many of the provisions outlined in this

legislative bill but encourage the House of Representatives and specifically, this Committee to thoroughly review the language in the bill and its unintended and intended ramifications. .

Sometimes the best intentions have unintended consequences. While everyone is not in agreement about whether or not commercial breeding kennels should be eliminated and some argue that the intent of the Administration is to do just that, we feel that positive changes related to improving life for the dogs, development of programs and cooperative initiatives with the breeders, and better enforcement of the laws, are the most effective and best way to ensure the welfare of the dogs which we all as stakeholders seek to advance. By creating an environment which is prohibitive and punitive, even excellent commercial kennels will close and the problem kennels or "puppy mills" will simply go underground or out of state with their operations. This will not improve the situation for these dogs, it will worsen it. Other states and countries may have fewer regulations related to commercial breeding kennels and animal welfare. No one interested in the welfare of the dogs wants illegal kennels to operate without the required compliance with state laws and regulations. Furthermore, if the demand remains constant for puppies but the supply decreases, it will promote increased imports from kennels which are less regulated than those in Pennsylvania and the United States. None of these options are in the best interest of the welfare of the dogs.

A telling example of unintended consequences of well intended legislation is the current situation with unwanted horses. States across the U.S. banned the slaughter of horses for human consumption and now these 90,000-100,000 unwanted horses per year are being shipped to places such as Mexico where there are no regulatory agencies in place such as the USDA to ensure that these animals are treated humanely. We do not want something similar to happen with Pennsylvania's dogs.