

Pennsylvania Federation of Dog Clubs

Comments on HB 2525

Chairman Hanna, Chairman Hershey, members of the committee, thank you for the opportunity to testify on House Bill 2525, which would make significant changes to Pennsylvania's Dog Law. I am Julian Prager, a Board Member and the Legislative Chair of the Pennsylvania Federation of Dog Clubs and a member of the Governor's Dog Law Advisory Board. The Federation represents a range of non-profit organizations in the Commonwealth whose objectives are the promotion of the general welfare of dogs and dog owners, education of the public about dog activities, responsible dog ownership, and informing the public about dog-related legislative and regulatory issues. PFDC has worked for years to implement improved dog laws and reasonable regulations to protect dogs, those engaged in showing dogs and members of the public. Beside me, although not testifying today, is Nina Schaefer, the President of the Federation and a member of the Board of Directors of the American Kennel Club, who is available to assist me in the response to questions from committee members.

When the department initiated its misguided regulatory process over a year ago, we wrote detailed, specific comments regarding inappropriate regulations proposed for all kennels. Our concern was, and is, to make sure that there are no unintended consequences of these regulations and laws for those we represent. We worked with members of the DLAB to draft enforceable regulations that made sense and would achieve the department's goals without impacting negatively on all kennels.

We recognized that the law itself was both flawed and did not provide the department with the authority to issue regulations it sought to implement. With the assistance of input from this committee, the revisions to the law moved forward and the regulations were withdrawn.

Our goal was to completely rewrite the dog law to bring it fully into the 21st century by amending and reenacting it to address fundamental flaws, making its provisions more understandable to the public and consolidating disparate provisions. We drafted such a

proposal, but, for strategic reasons, the department did not want to do this.

Our approach would prevent another regulatory debacle by writing much of the current regulatory plan into law and separating out requirements by the type of kennel. This would prevent future problems in regulatory drafting and permit rules to differentiate appropriately among the types of kennels. Although we still believe having the law set standards for different types of kennels is a desirable and necessary legislative goal, we recognize that it will not happen at this time.

The Federation is concerned primarily with the general effect of the proposed law, not the specifics of how commercial kennels are regulated. The department's first draft of the law was not as well crafted as we had hoped, but the department was open to comments from stakeholders and many of these were incorporated in the version submitted to the legislature. We have continued to discuss these issues with the Department, with some encouraging results. We are pleased by the manner in which the department has worked with us to resolve a number of issues going to the fundamental fairness of the statute and look forward to resolving our outstanding concerns. Movement has been made by all parties towards a bill we can agree upon.

There are a number of areas where the proposed statutory requirements in the bill before you are still over-broad or the provisions applied to commercial kennels set a dangerous precedent for all kennels and we have been unable to reach a compromise with the department. Some examples are:

1. We believe that the department should not be able to apply both criminal and civil sanctions under the dog law for the same offense. A fine of \$1,000 for each violation is sufficient to penalize a violator in the first instance and - if the department thinks it is insufficient - criminal sanctions should not be piled upon criminal penalties. This is separate and distinguishable from any criminal sanctions that may apply to cases of abuse under the cruelty law. We still do not see which violations might not be covered by the definition of abuse, but would require other criminal sanctions in the first instance and for which a penalty of \$1,000 for a single violation would not be sufficient.

2. The statute needs to clarify that although Dog Wardens have the right to inspect all kennels and all dogs this does not include a private home, or parts of a private home, that does not house dogs. This tracks the requirement of Section 901(a) that warrants are needed to enter homes or other buildings, but is unclear in other sections granting the right to inspect establishments that by definition include homes. Certainly, if there is probable cause to believe a violation is taking place in the home, the department has the right to obtain a warrant, but absent that, homes should be clearly off limits during an inspection if dogs are not housed there.

3. Dogs training for, traveling to or participating in conformation or performance dog shows or hunting activities should not be required to wear collars. Sections 202, 207(d), 213 and 802 should to be amended to reflect this. Owners may be required to have proof of licensure, either by carrying the license or a copy of the kennel license during transportation, but traveling, training or working with collars can cause injury to dogs and should not be required.

4. We have reservations concerning the temperature restrictions for housing in 207(h)(6) since they are not related to the breed of dog being raised and different breeds have different tolerances for heat and cold. Absent scientific evidence to support a specific standard (evidence that the veterinarians on the DLAB say does not exist), we don't believe the temperatures used are valid for all breeds and housing conditions. This was the single most difficult issue the DLAB members dealt with and we were unable to reach a satisfactory resolution that was generally applicable.

5. We have issues with the requirement of 207(h)(2)(vi) that dogs have to be protected from conditions that are uncomfortable. There is no objective measure of comfort and the above-mentioned temperature requirements may make some dogs uncomfortable, especially arctic breeds, creating a catch-22. We favor the incorporation of objective standards for compliance with statutes and regulations grounded in scientific fact or sound animal husbandry practices. Subjective standards, violations of which bring about