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February 18, 2020

Dear Chairman, Committee members and staff,

We appreciate the opportunity to participate in your review of **HB 4014, specifically Section 1**. We respectfully ask that HB 4014 be amended and **Section 1 only be set aside** until further data can be reviewed by interested agencies with respect to the impact of a dog training exemption to the State Structural Specialty code in rural agriculture buildings.

We have lived in rural Washington County for 16 years and in the Hillsboro area for 25 years. We have livestock and grow wheat and oats. We have experienced Ag building dog training first hand and have relevant data to share with you.

We see 2 important areas to consider prior to making changes to the Building Code requirement for dog training:

1. **Reduction in safety and sanitation for the facility and surrounding neighbors:** First, there are no fire hydrants or sewer systems in rural areas. Second, many different types of activities are allowed to apply for local permits on EFU farmland (ORS 215.213), including dog training and dog kennels, even churches. The permitting of these activities is managed at the county level and vary by county. There are state and local dog nuisance laws which vary by county in their implementation. By removing the opportunity for local jurisdictions to apply the state structural specialty building code to manage safety and sanitation in rural areas, many people, livestock and wildlife will be put at risk. HB 4014 Section 1 removes the local oversight in how best to manage those permits in a given community.

In Addendum A, we show how a dog training facility generates at least as much impact as a dog kennel, both of which require a Type III permit in Washington County, and a real-world example of an Ag building dog training facility's risks to occupants and neighbors.

2. **Without the opportunity to apply the state structural building code to manage dog barking noise and physical containment, local livestock and wildlife are put at risk.** Dog barking is known stressor to livestock as dogs are predators and livestock are prey. Metro has done a significant amount of research into this issue as have several livestock experts. We've attached several of those supporting articles in Addendum B

Given the risks involved in removing the application of the Oregon state structural specialty code to dog training in rural areas, **we respectfully ask that the Committee set aside Section 1 of HB 4014** to allow time for local government and other environmental agencies to weigh in.

Sincerely,

Jennifer and Allen Flanagan

## Addendum A Summary

1. Table comparing the impact of noise, dog and human waste generated by dog training in an Ag building per ORS and dog kennels. Dog kennels are regulated using the Oregon state structural code, and kennels can also be permitted on EFU farmland. Attached below as Exhibit A1
2. Real-world example:
  - a. Dog training for agility Ag building located at 29865 SW McNay Rd, zoned AF-20, showing fully enclosed storage, **with minimal ventilation and no fire protection**, of multiple personal RV's and other personal vehicles not used in farming containing gas, diesel and propane. See pdf attachment labeled Flanagan Exhibit A2a against HB 4014
    - i. Also showing the location of agility dog training area, built and used exclusively for agility dog training, with no fire safety and no access for emergency vehicles for people
    - ii. Showing location of Messinger Creek that feeds in the Tualatin River as well as local drinking wells and aquifers
    - iii. Showing location of dog waste areas
  - b. Dog event premium showing that dogs are required to defecate outside of the Ag building where rain water will wash dog waste into the Messinger Creek that feeds in the Tualatin River as well as local drinking wells and aquifers. See pdf labeled Flanagan Exhibit A2b against HB 4014
3. Raw data of noise, traffic, dog and human waste. Attached below as Exhibit A3
4. Clackamas County Dog waste numbers
  - a. <https://www.clackamas.us/news/2019-04-06/clean-up-after-your-pet>
5. Link to Oregon State Structural Specialty Code
  - a. <https://codes.iccsafe.org/content/OSSC2019P1>

## **Addendum B**

Ag buildings are typically open air, uninsulated metal structures which reflect and amplify sound. Barking and yelling by multiple dogs and people can be heard for a significant distance. Research shows that barking and yelling is a stressor to livestock and wildlife. Removing the state structural specialty code assignment removes protection from the stressors to nearby livestock and wildlife, the protection of which should be a priority over commercial and non-commercial group dog training.

1. Metro article discussing the impact of dogs and dog waste on wildlife and waterways. See attached pdf labeled as Flanagan Exhibit B1 against HB 4014
2. Temple Grandin article demonstrating the physiologic impacts of barking and yelling on livestock. See attached pdf labeled as Flanagan Exhibit B2 against HB 4014
3. See barking noise levels in Exhibit A3 below

## Exhibit A1: Impact Comparison of a Dog Training Facility to a Nominal Dog Boarding Kennel

**Summary:** A Dog Training Facility (DTF) which would be allowed under HB 4014 Section 1 without following state structural code such as that applied to a Dog Boarding Kennel (kennel), where the code is applied, could result in significantly greater safety risk, environmental waste, animal containment risk, and vehicular traffic.

An DTF in an existing metal Ag building can generate similar amounts of noise as a Kennel. Dog barking has been determined by public authorities to be capable of generating noise levels which could damage participants hearing, can be heard from long distances, and can present a public and farm nuisance.

Unmitigated Dog Waste in the quantities produced by DTFs and Kennels are have been established by the US EPA as an Environmental Bio Hazard .

Type of Impact	Dog Training Facility (DTF)*	Kennel	Comments
# of People/visits	60/day,	4-6 day	Kennel human occupancy is minimal as most are drop offs
# of Dogs	60 participating per day	30 dogs boarded per day	Average 7 day kennels stay
# of Vehicle Trips	120 trips per day 36,000 trips per year	8-9 Trips per day 2,550 trips per year	Due to daily participation DTF has significantly more traffic
Operational Constraints	Up to 60 participating Dogs per day (6 lessons with 10 dogs) x 365 days per year. No limit on hours of operation or lesson.	Up to 50 'Intact' adult animals. No limit on 'Fixed' animals. 365 days per year	DTFs are allowed to have a comparable scale of operation as compared to Kennel
Human Waste generated	20# a day of fecal matter 6,000# fecal per year 7.5 gallons of liquid Bio/day 2,250 gallons liquid per year 86 # Trash/day 13 tons of trash/year	Negligible – few humans occupy Dog kennels	DTF would generate significantly more Human waste vs. Kennel
Sanitary rules	Minimal regulation if allowed to operate without the structural code.	County and State regulation would apply to bathrooms, drainage, septic etc.	
Dog Waste Generated	45 pounds/day 13,500 pounds/year	22.5 pounds/day 6,700 pounds/year	DTF Dog waste could exceed that generated by a kennel
Dog Waste mitigation	Unclear regulation if state structural standard is removed	County and State regulation require waste shall be disposed of in a sanitary manner as approved by the Department of Health & Human Services.	
Fire, structural, and electrical	Minimal – agricultural standards apply if state	County and State Building Code would	

<b>Safety for people</b>	structural standard is removed. Unsafe, aged Ag buildings could pose Significant risk to people as the building would be occupied by people during all activities	apply. Kennels have minimal risk to people as they are primarily occupied by dogs and not customers.	
<b>Animal Containment</b>	Existing Ag barriers intended for livestock would not be adequate for dog containment	County and State Building and land use Code would apply	Kennels have to have animal containment (fencing or buildings) suitable for dogs of all types.
<b>Dog Noise Level</b>	Up to 85 to 122 dB. Can be continuous with multiple dogs and no sound abatement. Noise above 70 dB over a prolonged period of time may start to damage your hearing. Loud noise above 120 dB can cause immediate harm to your ears.	85 to 122 dB Can be continuous with multiple dogs and no sound abatement	Dog barking is allowed and even encouraged in some dog sports such as Agility, security/defense, obedience, and doggie day care. 120 dB can be compared to a Chainsaw and can cause immediate harm to your ears. 100dB compares to an Airplane taking off Noise above 70 dB over a prolonged period of time may start to damage your hearing.
<b>Noise Generated</b>	10 dogs at a time in partially enclosed or open facilities designed for agriculture use can generate significant Noise for participants and neighboring communities.	Kennels, even in rural areas, are often required to reduce noise or keep animals in indoor facilities	
<b>Noise Abatement Standards</b>	Unclear what standards would apply	County and State Building Code would apply	Kennels have to provide noise mitigation
<b>Noise Safety</b>	Minimal – agricultural standards apply.  DTFs could have risk to participants as they are occupied by people and dogs.	Occupational, County and State Building Code would apply. Kennels have minimal risk to people as they are primarily occupied by dogs.	Noise above 70 dB over a prolonged period of time, such as that generated by a DTF or Kennel may start to damage your hearing. Loud noise above 120 dB can cause immediate harm to your ears.

Assumptions:

1. Dog Training Facility (DTF) accommodates up to 60 dogs per day and 60 persons per ORS 215

2. Only participating people and Dogs are allowed in a DTF (conservative estimate as often Dog Training Activities often include non participating dogs and people such as spectators, family, friends, judges, trainers and non-competing Dogs)
3. Both the Kennel and DTF are allowed to operate 365 days a year as allowed by Oregon law. Due to Holidays, utilization, and capacity – 82% utilization is assumed for both (300 days per year -or- 365 days at 82% capacity)
4. DTF participants make 2 trips or 1 round trip per visit. This is a conservative estimate as All day events and drop off activities may commonly result in 2 or more round trips per visit.
5. Dog Training participants are present in the DTF for activities and every participating dog includes a participating person. Ie. Every dog event or activity involves significant human occupancy.
6. Kennel customers drop off their dogs for an average of 7 days. Therefore one Kennel dog results in 2 round trips per week.
7. Kennel Drop off results in negligible human occupancy of Kennel as the customer usually departs immediately.
8. According to the US Environmental Protection Agency, the average dog discards approximately three quarters of a pound of waste per day. Over the course of one year, it adds up to 275 pounds per dog. The US EPA classifies dog waste as an environmental bio hazard.
9. From the University of Purdue: Most noise in dog kennels is produced by dogs. Sales et al. (1997) have reported that the bark of a single dog can reach 100 dB, and recorded sound levels can range between 85 and 122 dB in kennels. Barking by one dog may become a self- reinforcing behavior and may also stimulate other individuals to vocalize further.

Sources:

US EPA various sources for average human and dog waste generation

University of Purdue extension, Implications for Kennel Welfare, Garvey et al

### Exhibit A3: Illustration and Quantification of Potential Impacts from Dog Training Facilities (DTF)

This exhibit quantifies and illustrates the impacts that could be allowed by the unregulated exemption of Dog Training Activities and Facilities (DTF) under Section 1 of HB4014

- A. Dog Waste: **45# of dog waste a day, 8 tons per year** can be generated by a dog training facility (DTF)

1 dog generates .75# waste/day\* 60 dogs= 45#

45#/day\*365 = 16,425 pounds (8 tons)

- B. Human Waste and Trash: a full time DTF could generate **over 7,000# of Human solid waste, thousands of gallons of liquid Bio waste, and 12 tons of trash** per year.

Solid Biological: **7,300#/year**

The average human generates 1# of solid waste per day

1/3 of participants emit a solid per training day

60 participants\*1#\* 1/3 = 20# per day

20# per day \* 365 days/year = 7,300# /year

Liquid Biological: >2,700 Gal/year

The average human emits 1 pint of liquid waste per sitting

One visit to a DTF results in one sitting/emission

60 participants/day\*1pint\* 8pint/gal = 7.5 gal/day

7.5 Gal /day \*365 = 2,738 Gallons/year

Trash: **over 12 tons per year**

According to the US EPA Americans generate 4.3 pounds of trash per day.

If a participant spent 1/3 of a day at the DTF and there are 60 participants a day 300 days a year (lets assume they take holidays off or some people don't spend all day).

4.3/3\*60\*300 = 25,800# of Trash per year (12 tons)

Section 1 of HB4014 in existing Ag buildings would likely leave this impact largely unmanaged and could apply agricultural standards to commercial and structural uses such as bathrooms, trash, and sanitary considerations.

- C. **Animal Containment:** Pre-existing Agricultural buildings are designed to contain livestock such as cows, horses, sheep etc., or equipment. Agricultural fencing, barriers, and structures are generally inadequate to contain athletic dogs such as those involved in dog performance sports. Exempting DTFs from Structural code regulations could hamper local jurisdictions from requiring adequate containment to protect neighboring farming operations, livestock and wildlife.
- D. **Noise:** According to several sources individual Dogs may generate as much as 100 dB of noise and groups of dogs (such as those in DTFs with 10 participants) may generate 85-120 dB of noise. The CDC has determined that continuous noise of over 70 dB may result in hearing loss. Several sources concur that dog barking generated by groups of dogs can be heard over large distances and are frequently a source of public nuisance.

- E. **Traffic, Access, and Parking:** A DTF could generate 120 additional trips per day and over 40,000 additional trips per year on rural local access roads designed for light use. Exempting a DTF from structural and land use regulations could hamper local jurisdictions from administering adequate traffic and access mitigation for DTFs.

120 participants per day\* 2 trips per participant = 120 trips per day

120 trips per day\* 365 days = 43,800 trips per year

- F. **Safety, Electrical, plumbing and sewage:** By their inherent nature DTFs involve significant human occupation and participation in active sports. Oregon Structural building codes and land use regulations are designed to protect the public and communities in buildings occupied by people. Agricultural buildings are not required to meet the same criteria as they are primarily used by livestock or equipment. When agricultural standards are applied to commercial and public applications such as a DTF, they bypass the very provisions that were intended to protect their participants and adjacent residents. HB4014 will allow individuals to short circuit the regulatory process by building an 'Ag building' on the cheap and then using it for public or commercial Dog Training. It would also allow large dog training events to be conducted in old barns and arenas that while adequate for livestock may not be appropriate for day to day commercial athletic activities of people.
- G. **Effect on neighboring Farming Operations:** Inadequate application of State Building and Structural codes for public and commercial DTFs could adversely affect Neighboring farming operations. Several sources also identify the presence of barking dogs such as those in a DTF described by HB 4014 section 1 as a known contributor to livestock stress. Loose dogs from inadequate containment are also a well known hazard to livestock and individuals involved with farming. Environmental and water contamination from Dog and Human waste can also affect water quality and farming operations.



