

# STATEMENTS OF POLICY

## Title 7—AGRICULTURE

### CANINE HEALTH BOARD

[ 7 PA. CODE CH. 28 ]

#### Temporary Guidelines Standards for Commercial Kennels

The Canine Health Board (Board), under section 221(g) of the Dog Law (act) (3 P. S. § 459-221(g)), proposes to create Chapter 28 of Title 7 of the *Pennsylvania Code*. Section 221(f) of the act charges the Board with the duty to determine standards to provide for the health and well being of dogs in narrow specific areas of lighting, ventilation and floors in commercial kennels. The Board is to issue these temporary guidelines and promulgate them as regulations under section 221(g) of the act. The Board proposes to create specific standards that will protect the health and well being of dogs in commercial kennels (Class C kennels).

#### *Background*

The temporary guidelines are required by the act and are a precursor to the regulation which will be promulgated to protect the health and well being of dogs in Class C kennels. The intent of the temporary guidelines and the regulations which will follow them is to create ventilation, flooring and lighting standards that will protect the health and well being of dogs housed in Class C kennels. These provisions are necessary as the act created the Board and directed it to address these limited issues.

The major features of the temporary guidelines are summarized as follows:

#### *Summary of Major Features*

##### *Section 28.1. Ventilation.*

Standards are established to satisfy the directive of section 207(h)(7) of the act (3 P. S. § 459-207(h)(7)). Specifically, the temporary guidelines specify what conditions in dogs result from poor ventilation. The temporary guidelines then set forth specific standards that must be met to ensure that these conditions do not develop. The specifics include that ventilation must be achieved through a mechanical system that will allow for 8—20 air changes an hour, keep consistent moderate humidity, keep the kennel from becoming too hot, to keep ammonia levels and particulate matter low, and to keep odor minimized as it is a sign of disease and bacteria growth.

##### *Section 28.2. Lighting.*

Lighting standards of both natural and artificial light are created in accordance with 207(h)(8) of the act. As natural light is important to the development of dogs, all Class C kennels must provide natural light.

##### *Section 28.3. Flooring.*

The Board has approved solid flooring to be appropriate for use in Class C kennels as well as the flooring already approved in the legislation in accordance with 207(i)(3) of the act.

#### *Fiscal Impact*

##### *Commonwealth*

The temporary guidelines will not impose significant additional fiscal impacts upon the Bureau of Dog Law Enforcement (Bureau). However, once the final regulations are in place additional fiscal impacts will be imposed. Those costs will be paid for entirely from the Dog Law Restricted Account. No general fund money will be used. The Department of Agriculture (Department) will provide an estimate of costs to the Bureau for compliance with any new regulatory standards upon publication of the proposed regulations.

##### *Political Subdivisions*

The temporary guidelines will impose no costs nor have a fiscal impact upon political subdivisions. The regulations do not impose any additional burden of enforcement or review on political subdivisions.

##### *Private Sector*

The temporary guidelines will not impose additional costs on the regulated community. However, once the final regulations are published, Class C kennels will likely have to make some changes to comply with the lighting, ventilations and flooring requirements. The costs to the regulated community will be varied, depending on the size and condition of the existing kennel. The Department will provide an estimate of costs on existing Class C kennels for compliance with the new standards upon publication of the proposed regulations.

##### *General Public*

The temporary guidelines will not affect purchasers of dogs. The final regulations may affect purchasers of dogs. The Department will address this in the proposed regulations.

##### *Paperwork Requirements*

The temporary guidelines will not result in a substantial increase in paperwork. The Department will not have to develop new application forms or review procedures, but in some cases may want to amend current forms.

##### *Public Comment Period*

Interested persons are invited to submit written comments regarding the temporary guidelines within 30 days following publication in the *Pennsylvania Bulletin*. The comment to the temporary guidelines should be mailed to the Department of Agriculture, Bureau of Dog Law Enforcement, 2301 North Cameron Street, Room 102, Harrisburg, PA 17110, who will then forward the comments to the Board.

**Fiscal Note:** 2A-01. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* Title 7 of the Pa. Code is amended by adding §§ 28.1—28.3 to read as set forth in Annex A.)

#### **Annex A**

**TITLE 7. DEPARTMENT OF AGRICULTURE  
PART II. DOG LAW ENFORCEMENT BUREAU  
CHAPTER 28. CANINE HEALTH BOARD  
STANDARDS FOR COMMERCIAL KENNELS  
GENERAL PROVISIONS**

Sec.	
28.1.	Ventilation.
28.2.	Lighting.
28.3.	Flooring.

### § 28.1. Ventilation.

Proper ventilation helps ensure that dogs are healthy and not stressed. Each kennel shall utilize a functional, mechanical ventilation, heating and cooling system that provides ventilation and cooling to satisfy the requirements of this section. The following standards shall be met at all times a dog is present in the facility:

(1) Each area of the kennel where dogs are housed shall utilize a mechanical ventilation system that provides ventilation, heating and cooling.

(2) Cooling must be used to keep the temperature below 86° Fahrenheit.

(3) When the temperature is 50—75° Fahrenheit, the relative humidity must be in the range of 40—60%. The relative humidity shall be measured at standing shoulder level of 10% of the dogs in the kennel, randomly selected from all rooms. Relative humidity may not be measured in a primary enclosure within 30 minutes of the completion of active cleaning of that primary enclosure.

(4) When the temperature is above 75° Fahrenheit, the relative humidity must be 1—50%. The relative humidity shall be measured at standing shoulder level of 10% of the dogs in the kennel, randomly selected from all rooms. Relative humidity may not be measured in a primary enclosure within 30 minutes of the completion of active cleaning of that primary enclosure.

(5) Ammonia levels must be less than 10 parts per million. The ammonia level shall be measured at shoulder level of dogs housed in the primary enclosure of 10% of the dogs in the kennel at standing shoulder height, randomly selected from all rooms, as well as on the floor of the four corners of the housing facility and at least one location on the floor along each wall of the facility. Ammonia in a primary enclosure may not be measured within 30 minutes of the completion of active cleaning of that primary enclosure.

(6) Carbon monoxide shall be maintained below detectable levels in all areas of the kennel. Kennels shall install and maintain carbon monoxide detectors with the ability to monitor the carbon monoxide level throughout the entire facility. The detectors must meet or exceed the UL standard 2034 or the IAS 6-96 standard, or its successor standards.

(7) In the event of a mechanical system malfunction, the kennel must have windows, doors, skylights, or other openings in the structure that shall be operable to maintain ventilation. In the event of a mechanical system malfunction, the kennel shall contact the Bureau of Dog Law Enforcement and consult on the steps to be taken to protect the health and well being of the dogs and shall take steps to correct the malfunction immediately.

(8) Particulate matter from dander, hair, food, bodily fluids, and other sources in a primary enclosure shall be below 10 milligrams per meter cubed. The particulate matter may be measured at shoulder level of dogs housed in the primary enclosure of 10% of the dogs in the kennel. The particulate matter may not be measured within 30 minutes of the completion of active cleaning of that primary enclosure.

(9) The following apply to air changes:

(i) The kennel shall provide between 8—20 air changes of 100% fresh air per hour in each room of the facility that houses dogs.

(A) The air changes shall be calculated using the following information supplied by the kennel to the Department:

(I) The volume of the facility.

(II) The linear dimensions of the facility.

(III) The number of primary enclosures.

(IV) The cubic feet occupied by each primary enclosure.

(V) The dimensions of all intake or exhaust vents of any fans as well as their capacity, or other system specifications.

(B) The information shall be submitted to the Department by \_\_\_\_\_ (*Editor's Note: The blank refers to a date within 90 days of publication of final rulemaking.*), and within 90 days of any change to the volume of the facility, the linear dimensions of the facility, the number of primary enclosures, or the dimensions of the opening and exhaust vents of any fans. The information submitted to the Department shall be kept as part of the kennel's records.

(ii) Air velocity measurements shall be taken at every kennel inspection at all intake vents or all exhaust vents and at shoulder level of dogs housed in the primary enclosure for 10% of the dogs in the kennel randomly selected from each room. Each air velocity measure and air change as calculated as measured at the vents and primary enclosures shall be recorded on the kennel inspection report.

(iii) The kennel owner shall be in violation if:

(A) The computed air change rate based on the data submitted under subparagraph (i) is not 8—20 air changes per hour or if the air change rate as measured at the vents is not 8—20 air changes per hour, and there is a simultaneous noncompliance of paragraphs (1)—(8) or (10)—(13).

(B) If the measured velocity reading at standing dog shoulder height does not result in a computation of 8—20 air changes in the primary enclosure and the air change in subparagraph (i) is satisfactory, a violation will not be issued unless there is a simultaneous noncompliance of paragraphs (1)—(8) or (10)—(13).

(iv) If a violation under subparagraph (iii) is found, a kennel shall bring the air system into compliance.

(v) The Department may hire or consult with an engineer to inspect and recommend improvements to be made to come into compliance with this paragraph.

(10) Dogs shall be in good health, free from illness and not stressed. Signs of illness and stress associated with poor ventilation include:

(i) Excessive panting.

(ii) Elevated body temperature.

(iii) Active avoidance of areas of the kennel.

(iv) Shivering.

(v) Huddling of dogs 12 weeks of age or older.

(vi) Mucous dripping from the nose of a dog.

(vii) Redness or crusting of eyes or nose.

(viii) Runny eyes.

(ix) Blindness.

(x) Coughing or sneezing.

(xi) Moist areas of hair.

- (xii) Diarrhea.
- (xiii) Bloody diarrhea.
- (xiv) Vomiting.
- (xv) Listlessness.
- (xvi) Presence of blood.
- (xvii) Death.

(11) The air in the facility may not have excessive dog odor, other noxious odors, stale air, moisture condensation on surfaces, or lack of air flow.

(12) Recirculated air shall be filtered with small particle, nonozone producing air filters.

(13) Ventilation systems must comply with the latest edition of applicable codes.

(14) Neonates under 3 weeks of age should be housed towards the higher end of the applicable temperature range.

### § 28.2. Lighting.

Natural lighting is important to the development of dogs. Each kennel shall have a mix of natural and artificial light, provided as follows:

#### (1) *Natural light.*

(i) Each dog shall have exposure to light from natural sources passing through external windows and, or sky lights to experience the natural diurnal cycle.

(ii) Windows must be transparent.

(iii) The minimum net glazed area within each room where dogs are housed may not be less than 8% of the floor space.

(iv) Dogs shall be protected from excessive light.

(v) Outdoor exercise areas shall have a shaded area as well as an unshaded area. The shaded and the unshaded area shall be large enough that each can be used by all dogs in the exercise area simultaneously.

(vi) If a kennel is granted a waiver for indoor exercise under section 207(i)(6)(x)(B) of the Dog Law (3 P. S. § 459-207(i)(6)(x)(B)), each primary enclosure must have transparent windows that allow natural light to come into each primary enclosure and provide dogs with an unobstructed view of the outdoor environment.

(vii) If a kennel is granted a waiver for indoor exercise under section 207(i)(6)(x)(B) of the Dog Law, full spectrum lighting shall be provided for the entirety of the daytime cycles in areas that house dogs.

#### (2) *Artificial light.*

(i) Artificial, indoor, daytime lighting must provide full spectrum lighting between 50—80 foot candles at standing shoulder level of the dogs for daytime lighting.

(ii) Night time artificial lighting must be 1—5 foot candles at standing shoulder level of the dogs of lighting.

(iii) Artificial lighting shall each be provided to approximately coincide with the natural diurnal cycle.

(iv) Lighting sources may not have an open flame.

(v) Lighting sources may not have a visible flicker.

(vi) Light sources, whether their primary purpose is to provide heat or light, shall be provided in a manner that prevents dogs from touching a light, fixture, bulb, switch or cord.

(3) Lighting must comply with the latest edition of applicable codes.

### § 28.3. Flooring.

Proper flooring is essential for normal behavior and proper orthopedic development of the dogs. Flooring must meet the standards in the legislation or as follows:

(1) In addition to the flooring already approved in the Dog Law (3 P. S. §§ 459-101—459-1206), solid flooring is approved for use.

(2) Solid flooring must be sloped to a drain that is free of debris and in good repair.

(3) Drain covers shall be provided and shall be securely fixed and made of noncorrosive substance.

(4) Flooring may not be metal nor any other material with high thermal conductance. This provision does not exclude the use of radiant heat flooring, or a flooring system to cool, provided that a dog has an area to escape the heat if it gets too warm or too cold.

(5) Floors and drains must comply with the latest edition of applicable codes.

(6) The surface of the flooring must provide the dogs with good footing. Examples include sealed concrete, painted concrete, epoxy flooring, sealed wood, textured and sealed tile.

(7) The flooring shall be cleaned in accordance with section 207(h)(14) of the Dog Law (3 P. S. § 459-207(h)(14)) and may be subject to microbial assessment.

(8) Flooring may not be made of nor coated with materials that are toxic to dogs.

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