

**CHAPTER 28a. COMMERCIAL KENNEL CANINE
HEALTH REGULATIONS****GENERAL PROVISIONS**

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Authority

The provisions of this Chapter 28a issued under sections 221(g) and 902 of the Dog Law (3 P. S. §§ 459-221(g) and 459-902), unless otherwise noted.

Source

The provisions of this Chapter 28a adopted November 26, 2010, effective November 27, 2010, 40 Pa.B. 6903, unless otherwise noted.

GENERAL PROVISIONS**§ 28a.1. Definitions.**

The following words and terms, when used in this chapter have the following meanings, unless the context clearly indicated otherwise.

ANSI/U.L. Standard 2034 and IAS 6-96—Independent laboratory testing standards for carbon monoxide detectors.

CFM—Cubic Feet per Minute—A measurement of the flow of a gas or liquid that indicates how much volume in cubic feet pass by a stationary point in one minute.

Circulation or circulated air—The air that is mixed within a room and typically provides heating and cooling.

Commercial kennel—A kennel that breeds or whelps dogs and does one of the following:

- (i) Sells or transfers any dog to a dealer or pet shop kennel.
- (ii) Sells or transfers more than 60 dogs per calendar year.

Diurnal light cycle—The daily lighting cycle provided by artificial or natural light, or both, which shall be 12 hours of light and 12 hours without light. The 12 hours of light shall coincide with and be provided during normal daylight hours.

Excessive light—Direct, undiffused light from either the sun or artificial light, such as from a lighting fixture of an intensity that is 12 foot candles or more greater than the maximum foot candles of light required by this chapter, which is placed or directed in a manner such that the light is allowed to or is shining directly into a primary enclosure of a dog.

Fresh air ventilation—That portion of circulated air that is from the outdoors.

Full-spectrum lighting—

(i) Full-spectrum light is light that covers the electromagnetic spectrum from infrared through near-ultraviolet, or all wavelengths that are useful to plant or animal life; in particular, sunlight is considered full spectrum, even though the solar spectral distribution reaching Earth changes with time of day, latitude, and atmospheric conditions.

(ii) When applied to an electrical light bulb the term implies the product emulates natural light.

Heat Index (HI) or Temperature and Humidity Index (THI)—An index, published by the United States National Weather Service, that combines air temperature and relative humidity to determine the human-perceived equivalent temperature. Heat Index values are calculated based on temperature measurements taken in the shade. Exposure to full sunshine can increase index values by up to 15° Fahrenheit and strong winds carrying very hot, dry air will add heat to the body. (United States National Weather Service).

Mechanical ventilation—Ventilation produced by operation of a machine. So long as its operation results in compliance with the standards established in this chapter, a mechanical ventilation system may range from very basic, such as an exhaust fan, to more sophisticated systems such as a HVAC system with temperature and humidity controls.

Primary enclosure—

(i) The primary structure that restricts a dog's ability to move in a limited amount of space, such as a room, cage or compartment.

(ii) The term does not include a run described in section 207(i)(6) of the act (3 P. S. § 459-207(i)(6)).

Professional engineer—

(i) An individual licensed and registered under the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2) or a successor statute to engage in the practice of engineering.

(ii) The term does not include a person who is exempt from licensure and registration under section 5(b) of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 152(b)).

Ventilation or ventilating—The process of “changing” or replacing air in any space to control temperature and humidity or remove moisture, odors, smoke, heat, dust, airborne bacteria, carbon monoxide, carbon dioxide, and to replenish oxygen. Ventilation includes both the exchange of air to the outside as well

as circulation of air within the building. Ventilation is used to remove unpleasant smells and excessive moisture, introduce outside air and to keep interior building air circulating, to prevent stagnation of the interior air.

§ 28a.2. Ventilation.

(a) *General requirements.* Each area of a commercial kennel and commercial kennel housing facility where a dog is housed, kept or present, including primary enclosures, must utilize a functional, mechanical ventilation system that provides ventilation in a manner that meets the requirements of this section and §§ 28a.3—28a.6. The kennel owner or operator shall assure the mechanical ventilation system is functional, in operation at all times and meets the standards and requirements of this section. The kennel owner or operator shall also assure the auxiliary ventilation system, humidity control system and carbon monoxide detectors are functional, operational and operated or operating in a manner that meets the standards and requirements of this section and §§ 28a.3—28a.6.

(b) *Certification of ventilation system.* The kennel owner shall supply the following information to the Department:

(1) Written certification under the signature and seal of a professional engineer verifying the professional engineer has inspected the ventilation system to be certified, acknowledging familiarity with the requirements of the act and this chapter and certifying that the ventilation system of the kennel meets all of the standards and requirements of this section and §§ 28a.3—28a.6. In addition, the certification must contain the following information:

(i) The total cubic feet of the kennel and kennel housing facility, and the cubic feet of each separate room or area of the kennel and kennel housing facility where a dog is kept, housed or present.

(ii) A description of the mechanical ventilation equipment to be utilized in each room or area of the kennel and kennel housing facility where a dog is kept, housed or present, including primary enclosures. The description must include the cubic feet per minute capacity of that equipment.

(iii) A description of the humidity control system, devices or equipment to be utilized, including the total capacity of the system, devices or equipment.

(iv) A description of the auxiliary ventilation system, devices or equipment to be utilized.

(v) The highest total number of dogs that will be kept, held or present in the kennel and kennel housing facility, including primary enclosures, at any time.

(vi) The location where every device for measuring temperature and humidity required under § 28a.4(b)(1) (relating to humidity levels) should be installed to accurately measure temperature and humidity as required by this chapter in each area and room within the kennel and kennel housing facility where a dog is housed, kept or present, including primary enclosures.

(2) The certification shall be submitted to the Department by May 30, 2011, for all commercial kennels licensed as of that date, and thereafter, the certification shall be submitted as part of all commercial kennel license applications; and within 90 days of any change to the volume, cubic feet or linear dimensions of the kennel housing facility where a dog is kept, housed or present, including primary enclosures, a change in the highest total number of dogs kept, held or present, or a change to the volumetric, capacity, circulation or air exchange portions of the ventilation system or a change in any part of the auxiliary ventilation or humidity control system.

(3) A new certification is not required for the submission of a commercial kennel license application, if the commercial kennel submitting the kennel license application was licensed in the previous year, submitted a valid certification in that year and there have been not changes to the volume, cubic feet or linear dimensions of the kennel or kennel classification since the submission of the last kennel license application and certification. In that instance, the certification submitted with the most recent commercial kennel license application may be resubmitted.

(4) The information submitted to the Department will be kept as part of the kennel's records.

(c) *Inspection.*

(1) *Inspection.* A State dog warden or other employee of the Department inspecting the kennel will at a minimum assure that:

(i) The mechanical ventilation system is functional, operational and in operation.

(ii) The auxiliary ventilation system is available, functional and operational and, where the temperature in the kennel exceeds 85° Fahrenheit, that the auxiliary ventilation system is in operation.

(iii) The humidity control system is available, functional and operational and operating or operated in a manner that meets the standards and requirements of § 28a.4.

(2) *Assurance of compliance.* A State dog warden or other employee of the Department inspecting the kennel may take ventilation, temperature, humidity and ammonia level readings and measurements to assure compliance with this chapter.

(d) *Recertification.* The Department may require recertification by a professional engineer where the ventilation, auxiliary ventilation, humidity or ammonia levels or standards fail to comply with the requirements of this chapter.

(e) *Ventilation and circulation.* Kennels and housing facilities where a dog is housed, kept or present, including primary enclosures, shall be equipped with mechanical ventilation equipment that physically moves air and can provide ventilation, fresh air ventilation, circulation, heating, dehumidification and filtration meeting the standards of this chapter. This equipment includes: air handlers, roof top units, dehumidifiers, furnaces, unit heaters and heat pumps.

(f) *Standards.* The standards established in this subsection shall be met at all times that a dog is housed, kept or present in the kennel or kennel housing facility, including primary enclosures:

(1) *General.* Ventilation and circulation of air shall be provided and distributed throughout the entire area of the kennel and kennel housing facility, at the required volumetric rates and in the manner required by this chapter in all rooms or areas of the kennel and housing facility where a dog is housed, kept or present, including primary enclosures.

(2) *Circulation and volumetric rates.* Minimum circulation rates in each area or room of a kennel and housing facility, including primary enclosures, where a dog is housed, kept or present shall be maintained at all times at a total volumetric airflow of 100 cubic feet per minute (CFM) per dog. Volumetric air flow rates may be required to be increased as set forth in § 28a.3 (relating to auxiliary ventilation).

(3) *Design capacity.* The mechanical ventilation equipment employed to physically circulate and move the air shall be designed, rated and able to circulate and move the required volume of air based on the highest total number of dogs held in the kennel and kennel housing facility, including primary enclosures, at any one time and shall do so in a manner meeting all requirements of this section.

(4) *Fresh air rates.* At least 30 CFM per dog of the circulated air shall be fresh air; the rest may be recirculated air.

(5) *Filtration.* Filtration of circulated air shall be by disposable filters rated at a minimum efficiency reporting value (MERV) of 8 or higher.

(i) Evidence of the MERV filtration level shall be the information printed by the manufacturer on the filters.

(ii) At a minimum, filters shall be replaced quarterly in equipment serving areas of the kennel and kennel housing facility, including primary enclosures, that houses dogs.

(6) *Design and placement.* Ventilation shall provide circulation at the height of the dog, meaning the ventilation system shall be designed and placed in such a manner that each dog is in the moving air stream provided by the ventilation.

(g) *Mechanical malfunction or failure.* In the event of a mechanical system malfunction or failure, the kennel and kennel housing facility must have windows, doors, skylights, or other openings in the structure that are operable and may be opened to provide natural ventilation and the auxiliary ventilation techniques established in § 28a.3 may be utilized. In the event of a mechanical system malfunction or failure resulting in a failure to meet the requirements set forth in this section and §§ 28a.3—28a.5, the kennel owner shall do all of the following:

(1) *Kennel temperatures below 85° Fahrenheit.* Take steps to correct the malfunction or failure immediately and restore the kennel and kennel housing

facility, including primary enclosures, to a condition complying with this section and §§ 28a.3—28a.5 within 72 hours of the occurrence of the malfunction or failure. If at any time during the 72-hour period the temperature in the kennel or kennel housing facility, including the primary enclosures exceeds 85° Fahrenheit, the kennel owner shall follow and comply with subparagraph (2).

(2) *Kennel temperatures in excess of 85° Fahrenheit.* Take steps to correct the malfunction or failure immediately and restore the kennel and kennel housing facility, including primary enclosures, to a condition complying with this section and §§ 28a.3—28a.5 within 4 hours of the malfunction or failure. If the malfunction or failure cannot be, or is not, corrected so that the kennel and kennel housing facility, including primary enclosures, is compliant with this section and §§ 28a.3—28a.5 within 4 hours of the occurrence of the malfunction or failure, immediately notify the kennel's veterinarian and consult on the steps to be taken to protect the health and well being of the dogs, as well as, contemporaneously keep records of the following:

(i) The time of the malfunction or failure.

(ii) Temperature and humidity readings every 4 hours thereafter until the temperature is reduced to below 85° Fahrenheit.

(iii) The time of the notification to the kennel's veterinarian and all steps taken to protect the health and well being of the dogs.

(3) *Malfunctions or failures reaching or exceeding 24 hours.* If a failure or malfunction reaches or exceeds 24 hours, immediately notify the Department of the steps being taken to address the malfunction or failure and to protect the health and well being of the dogs. If notification to the Department is required after 4:00 p.m. on a weekday or on a weekend or holiday the kennel owner shall notify the Department by 9:00 a.m. of the next Department business day.

(4) Upon the occurrence of a malfunction or failure requiring the notification set forth in paragraph (2), notify the Department of the date and time the kennel and kennel housing facility, including the primary enclosures were restored to compliance with this section and §§ 28a.3—28a.5.

(h) *Illness or stress.* If upon inspection, dogs exhibit conditions or signs of illness or stress associated with poor or improper ventilation, air circulation, auxiliary ventilation or humidity levels the State dog warden or other employee of the Department performing the inspection may take appropriate measurements and readings in all areas of the kennel where the illness or stress is present to determine if the kennel is in compliance with all provisions of this chapter relating to ventilation, auxiliary ventilation, humidity and ammonia levels and may require a recertification under subsection (d) be provided within a time period specified, but in no event shall the time period specified be more than 30 days or less than 7 days. Signs of illness or stress associated with poor or improper levels of ventilation, air circulation, auxiliary ventilation or humidity, ammonia or carbon monoxide levels include:

- (1) Respiratory distress, such as excessive panting, breathing problems and hyperventilation.
- (2) Signs of heat distress or heat stroke, including excessive panting, hyperventilation, increased salivation, gums that are dry, pale, grayish and tacky, rapid pulse, weakness, confusion, inattentive behavior, vomiting, elevated body temperature or rectal bleeding.
- (3) Matted, puffy, red or crusted eyes.
- (4) Listlessness.
- (5) Fungal and skin diseases.

Cross References

This section cited in 7 Pa. Code § 28a.4 (relating to humidity levels).

§ 28a.3. Auxiliary ventilation.

(a) *General.* When temperatures, in any part of a kennel and kennel housing facility where a dog is housed, kept or present, including primary enclosures, rise above 85° Fahrenheit, auxiliary ventilation shall be provided to the dogs in that part of the kennel and kennel housing facility, including primary enclosures. The auxiliary ventilation must provide the increased volumetric air flow rates and humidity control required by this chapter and be operated in addition to, not in place of, all other ventilation and humidity requirements in this chapter. Auxiliary ventilation systems may be utilized in the event of a primary ventilation system failure or malfunction.

(b) *Types of auxiliary ventilation.* Auxiliary ventilation devices and techniques may include:

- (1) Utilizing fans or air circulation equipment that increases the total volumetric airflow from 100 CFM per dog to 200 CFM per dog, either by utilizing any additional capacity the current mechanical ventilation system may provide or by adding additional fans or circulating equipment. The proper humidity levels, as established in § 28a.4 (relating to humidity levels), shall be maintained at all times.
- (2) Providing cooling by moving or circulating air over cool water coils or piping, cooling towers or ice or providing cooling directly to the primary enclosure or space occupied by the dog by a means capable of cooling the enclosure or floor upon which the dog lays or walks, such as piping or coils capable of carrying cool water under or within the flooring system, and at the same time increasing the total volumetric airflow from 100 CFM per dog to 200 CFM per dog, either by utilizing any additional capacity the current mechanical ventilation system may provide or by adding additional fans or circulating equipment. The proper humidity levels, as established in § 28a.4, shall be maintained at all times.
- (3) Air conditioning sufficient to reduce temperature and humidity levels in the kennel to the required levels.

(4) Geothermal systems sufficient to reduce temperature and humidity levels in the kennel to the required levels.

Cross References

This section cited in 7 Pa. Code § 28a.2 (relating to ventilation).

§ 28a.4. Humidity levels.

(a) *General standards.* A kennel and kennel housing facility, where a dog is housed, kept or present, including primary enclosures must meet the following humidity levels:

(1) *Temperatures below 85° Fahrenheit.* When temperatures in the kennel or kennel housing facility, where any dog is housed, kept or present, including primary enclosures, are below 85° Fahrenheit, relative humidity levels shall be kept between 30% and 70%.

(2) *Temperatures above 85° Fahrenheit.* When temperatures, in any part of the kennel or kennel housing facility, where a dog is housed, kept or present, including primary enclosures, rise above 85° Fahrenheit, the relative humidity level shall be reduced to a level that will accomplish a Heat Index value of 85 or lower.

(3) *Four-hour window.* Once the temperature in any part of the kennel or kennel housing facility, where a dog is housed, kept or present, exceeds 85° Fahrenheit, the kennel owner shall have 4 hours to accomplish and maintain a Heat Index of 85 HI or lower, as required under paragraph (2). At no time during that 4-hour time period or at any other time shall the Heat Index value ever exceed 90 HI in any area, room or part of the kennel or housing facility, where a dog is housed kept or present, including primary enclosures. If within 4 hours, the kennel owner is unable to accomplish and maintain a Heat Index of 85 HI or lower, the kennel owner shall immediately notify the kennel's veterinarian and consult on the steps to be taken to protect the health and well being of the dogs, as well as contemporaneously keep the records required under § 28a.2(g)(2)(ii)—(iii) (relating to ventilation). If such a failure to accomplish and maintain a Heat Index of 85 HI or lower exceeds 24 hours, the kennel owner shall contact the Department in the manner prescribed and provide it with the information required under § 28a.2(g)(3) and (4).

(4) *Calculation of HI.*

(i) The tool that shall be utilized to determine the HI value and thereby the proper humidity levels when temperatures rise above 85° Fahrenheit shall be the Temperature and Humidity Index of the National Weather Service or its successor standard. This is also available at the National Weather Service web site at <http://www.crh.noaa.gov/> and then search HI; the HI Calculator is located at <http://www.hpc.ncep.noaa.gov/html/heatindex.shtml>.

(ii) A chart setting forth the Heat Index values is set forth in Appendix A. (Examples of the Heat Index values are: 86° Fahrenheit and 40% humidity = HI of 85° Fahrenheit; and 90° Fahrenheit and 20% humidity = HI of 86° Fahrenheit.)

(5) *Condensation.* Humidity levels, other than during times of cleaning and sanitizing, may not rise to the level where condensation occurs in any area of the kennel, kennel housing facility or primary enclosures where a dog is housed, kept or present.

(b) *Measurement and control standards.*

(1) Temperature and humidity levels shall be measured in each area or room within the kennel and housing facility where a dog is housed, kept or present and shall be measured and recorded by either a humidity gauge and a temperature gauge or by a thermo-hygrometer, which shall be installed in each room of the kennel and housing facility in which a dog is housed, kept or present.

(2) The measuring devices will be provided by and be the property of the Department and meet the following minimum standards:

(i) The device will not require hard wiring, and may be operated by batteries.

(ii) The device will store temperature and humidity data on an hourly basis and for a time period of at least 6 months.

(iii) The device will be rated as accurate to within 1° Fahrenheit.

(iv) The device will be rated as accurate to within plus or minus 2% relative humidity from 10% to 90% relative humidity.

(3) Evidence of humidity control devices shall be either dedicated dehumidifiers in each room and area of the kennel and housing facility in which a dog is housed, kept or present or may be air conditioning equipment. The equipment utilized must have documented dehumidification capability.

(4) If air conditioning is utilized, the cooling capacity shall be at least 35 Btu/hr per square foot (1 ton of cooling for every 350 square feet) of animal area as demonstrated by nameplate cooling capability on the cooling equipment.

(5) The humidity gauge and temperature gauge or thermo-hygrometer installed and provided by the Department may not be tampered with, destroyed, incapacitated, reset or disturbed, including downloading of data, by any person other than a State dog warden or an authorized employee of the Department.

(6) If such a device is tampered with, destroyed, incapacitated, reset or disturbed, it shall be the responsibility of the kennel owner to notify the Department within 24 hours on normal business days and by 9:00 a.m. of the next Department business day if the occurrence is on a weekend or holiday.

(7) The Department will remove and have the device checked for proper calibration and accuracy according to manufacturer specifications. The Depart-

ment will replace any removed device with an accurate and properly calibrated humidity and temperature gauge or thermo-hygrometer.

(8) Data taken from these devices may not be used as the sole basis for a civil penalty or criminal penalty under section 903(a) or (b) of the act (3 P. S. § 459-903 (a) and (b)) for violation of this section.

Cross References

This section cited in 7 Pa. Code § 28a.2 (relating to ventilation); and 7 Pa. Code § 28a.3 (relating to auxiliary ventilation).

§ 28a.5. Ammonia levels.

(a) *Levels.* Ammonia levels in all areas and rooms of the kennel and kennel housing facility, where a dog is housed, kept or present, including primary enclosures may not be greater than 15 ppm (parts per million) except within 30 minutes of the completion of active sanitation of that primary enclosure.

(b) *Measurements.* Ammonia level measurements shall be taken at the level of the dogs.

Cross References

This section cited in 7 Pa. Code § 28a.2 (relating to ventilation).

§ 28a.6. Carbon monoxide detectors.

A kennel or kennel housing facility utilizing any carbon monoxide emitting device, shall install and maintain functioning carbon monoxide detectors in each room or area of the kennel and kennel housing facility in which a dog is housed, kept or present. The carbon monoxide detectors must meet or exceed the UL standard 2034 or the IAS 6-96 standard, or its successor standards.

Cross References

This section cited in 7 Pa. Code § 28a.2 (relating to ventilation).

§ 28a.7. Lighting.

(a) *General lighting standard for commercial kennels.* Lighting in commercial kennels may be provided by natural or artificial light, or both. Whether lighting is provided by natural or artificial light, or both, the following standards shall be met:

(1) There shall be ample lighting by natural or artificial means to provide sufficient illumination to allow routine inspection of the kennel, housing facility and primary enclosures and observation of the dogs at any time and to assure proper cleaning and good housekeeping practices and for the well-being of the dogs.

(2) Lighting shall be uniformly diffused throughout the kennel and housing facility where a dog is housed, kept or present, including primary enclosures.

(3) All areas of the kennel and housing facility in which a dog is housed, kept or present, including primary enclosures, shall be provided a regular diurnal cycle through natural or artificial light, or both.

(4) The lighting range provided during the 12-hour light period of the diurnal cycle shall be 40 to 60 foot candles or 430—650 lux, in all areas and rooms of the kennel and kennel housing facility, including primary enclosures, where a dog is housed, kept or present.

(5) Primary enclosures and other areas of the kennel and kennel housing facility in which a dog is housed, kept or present shall be placed or located in a manner that protects each dog from exposure to excessive light.

(b) *Specific lighting standards.* The following specific standards are in addition to, not in place of, all other requirements meeting the general lighting standards established in this section. The following specific standards apply:

(1) *Natural light.* Where kennel and housing facility lighting is provided by natural light, any window or opening, with the exception of the openings that provide for unfettered access to the exercise area, which provides natural light shall be covered with a transparent material such as glass or hard plastic and remain unobstructed.

(2) *Artificial light.* Where kennel or kennel housing facility lighting is provided by artificial lighting the following standards apply:

(i) The artificial lighting shall be provided by full spectrum lighting.

(ii) Lighting sources and systems shall be kept in good repair and functional and may not have any bulb or part of the system in disrepair, such as being unable to produce light, burned out or emitting irregular bursts of light, such as when a ballast is in disrepair.

(iii) Light sources, whether their primary purpose is to provide heat or light, shall be provided in a manner that prevents dogs from being injured (that is, through contact with the light, fixture, bulb, switch or cord or through electrocution).

§ 28a.8. Flooring.

For dogs over 12 weeks of age, the flooring in commercial kennels must meet the following standards:

(1) *General requirements of the act.*

(i) The floors of all primary enclosures must be impervious to moisture, as required under section 207(h)(9) of the act (3 P. S. § 459-207(h)(9)).

(ii) The flooring must comply with the flooring standards established in section 207(i)(3)(i) of the act, which states “The floor of the primary enclosure shall be strong enough so that the floor does not sag or bend between the structural supports, shall not be able to be destroyed through digging or chewing by the dogs housed in the primary enclosure, shall not permit the feet of any dog housed in the primary enclosure to pass through any open-

ing, shall not be metal strand whether or not it is coated, shall allow for moderate drainage of fluids and shall not be sloped more than 0.25 inches per foot.”

(2) *Flooring constructed with slats.* Section 207(i)(3)(ii) of the act allows floors to be constructed with slats if the floor is in compliance with the general requirements of the act, established in section 207(i)(3)(i), and set forth in paragraph (1) and meets the following conditions:

- (i) The floor is flat.
- (ii) The floor has spaces between the slats that are no more than 0.5 inch in width.
- (iii) The floor has spaces between the slats that run the length or the width of the floor, but not both.
- (iv) The floor has slats that are no less than 3.5 inches in width.
- (v) All of the slats are level with the slat next to it within a single primary enclosure.

(3) *Additional flooring options.* Any flooring options that may be approved by the Canine Health Board, under the authority in section 207(i)(3)(iii) of the act, must meet the standards in section 221(f) of the act (3 P. S. § 459-221(f)), and the additional flooring requirements established under subsection (d).

(4) *Additional flooring requirements.*

(i) Solid flooring is approved and shall be sloped to a drain that is properly maintained, such as being free of debris and in good repair, so that the drain is functioning and capable of rapidly removing waste and water and keeping animals dry.

(ii) Any drain must have a drain cover which is securely fixed and made of a noncorrosive substance.

(iii) Flooring may not be made of a material, that when exposed to a heat source such as the direct rays of the sun, a lamp or radiant heating can rise to temperatures that may cause injury to the skin, feet or pads of a dog.

(iv) The flooring may not splay the feet of a dog, cause or result in damage such as cuts, swelling or ulceration to the pads of a dog's foot or allow the dog toe or toenail to slip between any openings in the floor thereby causing injury.

(v) Radiant heat flooring, or a floor cooling system, may be utilized to temper the dogs' primary enclosure, but may not be utilized as the primary heating or cooling mechanism. The temperature of that flooring must be able to be regulated in a manner that assures it will not rise or fall to levels that would cause injury to a dog's skin feet or pads or cause hypothermia, hyperthermia, heat stress or heat stroke.

(vi) The surface of the flooring must be constructed of a material or in a manner that it will provide the dogs with footing that is not slippery or slick, so that the dog will have traction and may stand, walk and move about

without falling, slipping, sliding or causing injury to its legs, hips or back. Utilizing nonslip coating and textures are one means of providing sure footing.

(vii) Flooring must be made of material that is impervious to moisture, capable of being cleaned on a daily basis or as often as necessary as required under the act and § 21.29 (relating to sanitation) and capable of being sanitized in accordance with section 207(h)(14) (3 P.S. § 459-207(h)(14)) of the act.

(viii) Flooring may not be made of or coated with materials that can be chewed and readily ingested, or are toxic to dogs, or both.

Authority

The provisions of this § 28a.8 amended under section 902 of the Dog Law (3 P.S. § 459-902).

Source

The provisions of this § 28a.8 amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2623. Immediately preceding text appears at serial pages (353913) to (353914) and (385865).

§ 28a.9. Scope and effective date.

- (a) *Scope.* This chapter applies only to commercial kennels.
 (b) *Effective Date.* This chapter is effective on July 1, 2011.

Appendix A

85 HI

Heat Index from Temperature and Humidity

The following chart delineates the relative humidity level that shall be reached and maintained to achieve a Heat Index value of 85.

When air temperature in any part of the kennel or kennel housing facility, where any dog is housed, kept or present, including primary enclosures rises above 85° Fahrenheit the following relative humidity levels shall be achieved and maintained.

<i>Temperature (air) in Fahrenheit</i>	<i>Relative Humidity (RH)</i>
86° Fahrenheit	40% RH or less
87° Fahrenheit	34% RH or less
88° Fahrenheit	28% RH or less
89° Fahrenheit	21% RH or less
90° Fahrenheit	11% RH or less
91° Fahrenheit	6% RH or less
92° Fahrenheit	1% RH or less

Note: At temperatures in excess of 92° Fahrenheit there is no relative humidity level that will allow an HI of 85 to be achieved.

**90 HI
Four-Hour Window**

Heat Index from Temperature and Humidity

The following chart delineates the relative humidity levels that may not be exceeded at any time.

Once the air temperature in any part of the kennel or kennel housing facility, where a dog is housed, kept or present, exceeds 85° Fahrenheit, the kennel owner shall have no more than 4 hours to accomplish and maintain a Heat Index of 85 HI or lower, as required by this chapter. At no time during that 4-hour time period or at any other time shall the Heat Index value ever exceed 90 HI in any area, room or part of the kennel or housing facility, where a dog is housed kept or present, including primary enclosures.

<i>Temperature (air) in Fahrenheit</i>	<i>Relative Humidity (RH)</i>
86° Fahrenheit	58% RH or less
87° Fahrenheit	53% RH or less
88° Fahrenheit	48% RH or less
89° Fahrenheit	43% RH or less
90° Fahrenheit	39% RH or less
91° Fahrenheit	35% RH or less
92° Fahrenheit	30% RH or less
93° Fahrenheit	25% RH or less
94° Fahrenheit	20% RH or less
95° Fahrenheit	13% RH or less
96° Fahrenheit	10% RH or less
97° Fahrenheit	7% RH or less
98° Fahrenheit	3% RH or less

Note: At temperatures in excess of 98° Fahrenheit there is no relative humidity level that will allow an HI of 90 to be achieved.

Cross References

This Appendix A cited in 7 Pa. Code § 28a.4 (relating to humidity levels).

[Next page is 28b-1.]