



PENNSYLVANIA PUBLISHES KENNEL REGULATIONS

**** PUBLIC MEETING AUG. 19th ****

The Issue:

The Pennsylvania Independent Regulatory Review Commission (IRRC) has announced it will hold a public hearing on August 19, 2010 concerning a proposed rulemaking from 2009. The rule was promulgated to codify changes in the Dog Law brought about by passage of House Bill 2525, which was signed into law in 2008. The proposed rulemaking, the “Canine Health Board Standards for Commercial Kennels” (17 PA. Code Chapters 28 and 28a), encompasses substantive requirements covering ventilation, lighting and flooring standards in commercial kennels.

The Impact:

The basis of this rulemaking is legislation that was first introduced in February 2007 in conjunction with withdrawal of a separate rulemaking that had generated unprecedented opposition. House Bill 2525, amending Pennsylvania’s Dog Law, included some of the provisions of that rulemaking but underwent several amendments as the result of pressure by PIJAC and a number of other stakeholder groups. These groups, including PIJAC, offered comments in response to the proposed rule and that rule, in “final form” will be the subject the IRRC hearing. Significant provisions of the rule include the following:

- **Ventilation.** The proposal states that “each area of the kennel where dogs are present must utilize a functional, mechanical ventilation system that provides ventilation to satisfy the requirements of this section. The rulemaking defines “mechanical ventilation” as “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.”
- It also includes an extensive list of standards for different temperatures, humidity levels, ammonia levels, carbon monoxide levels, requirements for air changes, and emergency plans.
- **Lighting.** A kennel must have a mix of natural and artificial light. Each dog must have exposure to light from natural sources passing through external windows, external sky lights or other external openings. Artificial lighting must provide full spectrum lighting between 50 to 80 foot candles at standing shoulder level of the dogs for daytime lighting. Night time artificial lighting must be one to five foot candles at standing shoulder level of the dogs of lighting. Any artificial lighting provided must approximately coincide with the natural daytime cycle.
- **Flooring.** For dogs over 12 weeks of age, a solid floor may be used and it must be sloped to a drain that is free of debris and in good repair. Flooring may not be metal or any other material with high thermal conductance. This does not exclude the use of radiant heat flooring, or a flooring system intended to cool, provided that a dog has an area to escape the affected area if it gets too warm or too cold. 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.

PIJAC Position:

In comments on this proposal, PIJAC expressed concerns that provisions of the rule exceed, or conflict with, the requirements of the statute itself. Regulations are authorized by specific statutory authority and should be confined to the scope of that authority.

Recommended Action:

Persons concerned about the impact of this rule are urged to attend the IRRC meeting being held on August 19, 2010. That meeting is scheduled to begin at 10:00 a.m., 14th floor conference room, 333 Market Street, Harrisburg, PA. A copy of the final form regulation may be accessed at:

<http://www.irrc.state.pa.us/Documents/SRCDocuments/Regulations/2785/AGENCY/Document-18907.pdf>

Should you have questions concerning this rulemaking, contact PIJAC's Michael Maddox via email at Michael@pijac.org or by phone at 202-452-1525.