



PENNSYLVANIA ADOPTS FINAL KENNEL REGULATIONS

The Issue:

The Pennsylvania Independent Regulatory Review Commission (IRRC) held a public hearing on August 19, 2010 to review a regulation promulgated by the Department of Agriculture implementing amendments to the Dog Law that went into effect last year. Those amendments were passed in the form of House Bill 2525 in 2008. The new regulation imposes substantive standards on ventilation requirements, lighting and flooring 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. The Department then submitted a proposed rule to implement the new law, but subsequently withdrew and revised that rule. Significant provisions of the final rule include the following:

- **Ventilation.** A mechanical form of ventilation is required in any area of a kennel where dogs are present when ambient air temperature reaches 85 degrees Fahrenheit. "Mechanical ventilation" is defined for purposes of this rule 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." Specific facility features are mandated in the event of malfunction of the mechanical ventilation.
- **Humidity.** The rule also specifies required humidity levels, dependent on the temperature. It sets forth standards for levels of ammonia and carbon monoxide in the facility as well.
- **Lighting.** Every kennel must have "a mix of natural and artificial light," to include 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.
- **Flooring.** 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:

The Department made some revisions to this final form regulation consistent with objections raised by PIJAC and other stakeholders. However, PIJAC still finds some provisions of this rulemaking to be impractical and unnecessary in their final form, and has concerns about certain costs associated with compliance.

Result:

The IRRC's approval of this rule clears the way for full implementation. This *PetAlert* only summarizes key provisions. Those who are affected by the rule may view a copy of the final form regulation 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.

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The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIJAC and its many exciting campaigns, please visit: www.pijac.org and www.dontmesswithmypet.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

On behalf of pets, responsible pet owners, and the pet industry, we thank you!