

## § 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).

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