

**Kennels, Pet Shops, Grooming Facilities, Training Facilities, Animal Importers, and
Animal Shelters
Summary of Public Comments and Department of Agriculture Response
February 17, 2021**

The Department of Agriculture (DoAg) received nine (9) written comments during the public comment period. The following is a summary of the subject matter addressed in the comments, and DoAg's response:

Commenter 1: Arnold Goldman, DVM, MPH

Specifically, the commenter stated as follows:

It is essential that regulations be standardized across all forms of animal care and housing venues such that disease control and prevention measures be adequate and appropriate to prevent introduction and perpetuation of disease among the animals native to our jurisdiction, Connecticut. With the innovation and growth of animal importation processes across state and national borders into Connecticut over the last 15 years, the risk of disease introduction, especially novel and zoonotic disease introduction, has increased, and therefore applying the public and animal health oriented disease risk mitigation strategies to these settings has become far more important than ever before. Much as we regulate the movement and husbandry of large animals, such as horses and food animal species, we must look at regulatory controls in small animals the same way: with the dual goals of mitigating disease introduction risk into Connecticut and also the duty to ensure that animal husbandry is adequate by a written standard, and never casually considered. These regulatory enhancements will go far towards ensuring both goals.

DoAg response to commenter 1: Commenter is not requesting any changes to the proposed regulations.

Commenter 2: JoAnne Basille – CT Votes for Animals

Specifically, the commenter states as follows:

June 16, 2020

The Honorable Bryan Hurlburt, Commissioner
Connecticut Department of Agriculture
450 Columbus Blvd., Suite 701
Hartford, CT 06103

Re: Comment on CT Department of Agriculture Proposed Regulations Concerning Kennels, Pet Shops, Grooming Facilities, Training Facilities, Animal Importers, and Animal Shelters (PR2017060)

Dear Commissioner Hurlburt:

Connecticut Votes for Animals, a grass roots advocacy organization representing 5,500 concerned animal advocates throughout the state, strongly supports adoption of the Department of Agriculture's proposed rule regarding licensing animal shelters. Overall, the proposed rules reflect the intent of the implementing legislation (Public Act No. 17-167) and we urge their adoption with several additions. CVA supports the comments submitted by the American Society for the Prevention of Cruelty to Animals (ASPCA) and Our Companions Animal Rescue and urge the additions as noted in their comments be incorporated into the rules. These recommendations are focused on shelter care and care during transport and are consistent with shelter and transport standards published by the Association of Shelter Veterinarians (ASV), ASPCA, the American Veterinary Medical Association (AVMA), and The Association for Animal Welfare Advancement¹

CVA played a strong role in advocating for the development and passage of the 2017 law (Public Act No.

17-167) AN ACT REQUIRING THE REGISTRATION OF ANIMAL SHELTERS. The purpose was to ensure that facilities which house Connecticut's adoptable pets are subject to State licensing and meet humane standards of care and facility upkeep. Among the various facilities in the state that deal with

¹ Shelter Care Checklists: Putting ASV Guidelines Into Action. American Society for the Prevention of Cruelty to Animals (ASPCA). https://www.aspcapro.org/sites/default/files/aspca-asv-checklist-2014_0.pdf. [accessed 2020 June 6]; S. Newbury, M.K. Blinn, P.A. Bushby, C.B. Cox, J.D. Dinnage, B.

Griffin, K. Hurley, N. Isaza, W. Jones, L. Miller, J. O'Quinn, G.J. Patronek, M. Smith-Blackmore, M. Spindel. Guidelines for Standards of Care in Animal Shelters. Association of Shelter Veterinarians. <https://www.sheltervet.org/assets/docs/shelter-standardsoct2011-wforward.pdf>. [accessed 2020 June 6]; Non-Emergency Relocation of Dogs and Cats for Adoption Within the United States: Best Practices. American Veterinary Medical Association (AVMA). <https://www.avma.org/sites/default/files/2020-03/AVF-TransportAdoptionBestPractices.pdf>. [accessed 2020 June 14]; Companion Animal Transport Programs Best Practices. The Association for Animal Welfare Advancement. https://cdn.ymaws.com/theaawa.org/resource/resmgr/files/2019/BP_Updated_March2019.pdf. [accessed 2020 June 14].

domestic and companion animals, i.e. pet shops, municipal animal shelters, grooming facilities and more; only the State's private shelters are not licensed and subject to State oversight.

CVA believes it is important to note the overwhelming majority of private non-profit animal shelters and rescues in the State are well run and staffed by dedicated professionals and a core of selfless volunteers. These shelters offer a place of comfort and safety for animals that have been abandoned by people and provide a safe haven until these animals can be placed in a forever home.

However, well-meaning shelters sometimes get overwhelmed and are unable to provide a safe environment for animals. Unfortunately, we've witnessed a few such high-profile cases in the State over the last several years. Without standards of care and proper oversight there is no ability to intervene until the cases reach tragic conditions and charges of animal cruelty. In these instances, not only has there been heartache for the animals, but towns have borne extraordinary expenses.

The goal of Public Act No. 17-167 is an effort to remedy this situation by licensing and providing oversight to shelters so that situations can be identified early, and corrective action put in place. We believe the Department's proposed rules form a sound baseline but could be further improved with the suggested additions contained in the ASPCA's comments and recommended guidelines from organizations representing veterinary expertise.

CVA is pleased that the proposed rules are finally on track for adoption. For the record, we want to comment on our disappointment that it took close to 3 years from enactment of the law to release of the proposed rules. On multiple occasions CVA made its concerns about the delay in releasing the regulations known to the policy and administrative agencies and the prior Governor's office. While there may be legitimate reasons for some delay, it is hard to fathom

under what circumstances proposed simple and straightforward rules would take almost 3 years to promulgate. But worst of all, without the regulations in place the Department of Agriculture has lacked needed oversight authority and as a result there have been real consequences to the delay that threatened the health and welfare of animals. Once again, CVA appreciates that these necessary rules will be in place shortly.

CVA thanks the Department of Agriculture for bringing these proposed rules to license animal shelters forward and believes they should be adopted with the additions as noted.

DoAg response to commenter 2: Commenter is not requesting any changes to the proposed regulations.

Commenter 3: Debora M. Bresch, Esq ASPCA

Specifically, the commenter states as follows:

June 16, 2020

The Honorable Bryan Hurlburt, Commissioner
Connecticut Department of Agriculture
450 Columbus Blvd., Suite 701
Hartford, CT 06103

Re: Comment on CT Department of Agriculture Proposed Regulations Concerning Kennels, Pet Shops, Grooming Facilities, Training Facilities, Animal Importers, and Animal Shelters (PR2017-060)

Dear Commissioner Hurlburt:

On behalf of the 70,000 Connecticut supporters of the American Society for the Prevention of Cruelty to Animals (ASPCA), I submit this comment in response to the Department of Agriculture's Proposed Regulations Concerning Kennels, Pet Shops, Grooming Facilities, Training Facilities, Animal Importers, and Animal Shelters. The genesis of these regulations was the passage of P.A. 17-167 requiring, among other things, the promulgation of regulations to address sanitation, disease, the humane treatment of dogs and cats and public safety in private brick and mortar shelters. The importance of such regulations is clear: Minimum operational standards for shelters protect the mental and physical health of populations of animals housed within the shelter. In particular, such minimum standards can help ensure that shelters are places where health or behavioral problems are not exacerbated but instead are appropriately managed, ultimately facilitating adoption.

Our recommendations focus on animal care in shelters and during transport and are consistent with shelter and transport standards published by the ASPCA, Association of Shelter Veterinarians (ASV), the American Veterinary Medical Association (AVMA), and The Association for Animal Welfare Advancement.¹

1 Shelter Care Checklists: Putting ASV Guidelines Into Action. American Society for the Prevention of Cruelty to Animals (ASPCA). https://www.aspcapro.org/sites/default/files/aspca-asv-checklist-2014_0.pdf. [accessed 2020 June 6]; S. Newbury, M.K. Blinn, P.A. Bushby, C.B. Cox, J.D. Dinnage, B. Griffin, K. Hurley, N. Isaza, W.

Jones, L. Miller, J. O'Quinn, G.J. Patronek, M. Smith-Blackmore, M. Spindel. Guidelines for Standards of Care in Animal Shelters. Association of Shelter Veterinarians. <https://www.sheltervet.org/assets/docs/shelterstandards-oct2011-wforward.pdf>. [accessed 2020 June 6]; Non-Emergency Relocation of Dogs and Cats for Adoption Within the United States: Best Practices. American Veterinary Medical Association (AVMA).

We make no comment on the proposed pet shop regulations as we believe that further regulation is not the appropriate response to the inherent cruelty of the pet shop animal trade. We continue to urge its prohibition.

Our recommendations are as follows:

Private Shelters

Primary Enclosure

- Dogs and cats shall be able to hold their tails erect when in a normal standing position.
- Cats shall have a minimum of 30 cubic feet per cat and more than two feet of triangulated distance between litter box, resting place and feeding area – especially important as length of stay increases. "
- The separation between food, urination and defecation and resting areas shall be maximized for all animals.
- The interior of the primary enclosure shall have no sharp points or edges and no protrusions that could injure the animal contained in it. (This recommendation is already in the proposed importer standards.)
- Tethering shall never be used as a means of confinement.
- Cages or crates intended for short-term temporary confinement or travel shall never be used as primary enclosures.
- Primary enclosures shall have adequate clean and dry bedding to allow animals to maintain appropriate body temperature.

DoAg response to comment: Commenter notes that the enclosure sizes are not specified for the animals. The sizing regulations adopt the USDA guidelines for enclosure sizing for dogs as a safe harbor standard. The enclosure sizing for other animals sets a standard based on safety and comfort of the animals. The department thinks that the shelters should have the flexibility to achieve this standard without imposing specific enclosure size requirements. Commenter inquired in a number of situations about providing specified methods for achieving compliance with these regulations. The department thinks that individual animal shelters can meet these requirements based on the day to day operational needs of their facilities, without imposing mandatory operational methods.

Surfaces/Drainage in Shelter Kennels

<https://www.avma.org/sites/default/files/2020-03/AWF-TransportAdoptionBestPractices.pdf>. [accessed 2020 June 14]; Companion Animal Transport Programs Best Practices. The Association for Animal Welfare Advancement.

https://cdn.ymaws.com/theaawa.org/resource/resmgr/files/2019/BP_Updated_March2019.pdf. [accessed 2020 June 14].

- Adequate drainage shall be provided, with floors gently sloped to enable waste and water to run off into the drains.
- Drains located in common areas shall be carefully cleaned and disinfected prior to allowing animals access to the area.
- Drain covers shall be designed to prevent animals' toes from being caught in the drain.

DoAg response to comment: The enclosures must comply with building code requirements. The regulations require that all enclosures must keep the animals in a safe and comfortable manner. Commenter noted a number of situations seeking more specific methods for achieving compliance with these regulations. The department thinks that individual animal shelters can meet these requirements based on the day to day operational needs of their facilities, without imposing mandatory operational methods.

Lighting

- The facility shall be designed to offer as much natural light as possible (i.e., not merely be considered fungible with artificial light).
- Light and darkness shall be provided specifically to support the natural (circadian) rhythms of wakefulness and sleep.

DoAg response to comment: Commenter noted a certain lighting conditions, seeking more specific methods for achieving compliance with these regulations. The department thinks that individual animal shelters can meet these requirements based on the day to day operational needs of their facilities, without imposing fixed schedules or operational methods.

Ventilation/Temperature

- Per AVMA recommendations for dogs and cats, the ambient temperature shall be above 60, not 55, degrees Fahrenheit and below 80 degrees Fahrenheit, with the relative humidity between 30-70%.
- Temperature, humidity levels, and air quality shall be evaluated at the level of the animal's body within the animal's enclosure.
- Animals shall be monitored individually to ensure their comfort and to ensure they can adequately maintain their body temperature. If animals appear too cold (i.e., shivering or huddling together for warmth) or too hot (i.e., excessive panting), necessary measures shall be taken to ensure animal comfort and safety (i.e., adjustments to the thermostat, additional bedding, fans, movement to another area of the shelter, health evaluation, etc.).

DoAg response to comment: Commenter noted the range of temperature permitted, seeking a narrower range of temperature permitted for the animals. The department thinks that the

current proposed range is adequate to protect the animals at a shelter. The department thinks that individual animal shelters can meet these requirements based on the day to day operational needs of their facilities, without imposing additional mandatory operational methods.

Noise

- Noise shall be minimized in animal areas. However, as seeing other dogs can improve dogs' wellbeing, humanely reducing barking or reducing its auditory impact should be accomplished through means other than preventing visual contact.

DoAg response to comment: Commenter suggests the department use methods other than barriers to prevent sound transference among dogs. The department's proposed regulation only applies to the separation of species, not animals of the same species.

Sanitation

- Whether during cleaning or disinfection, it is an unacceptable practice to spray down kennels or cages while animals are inside them. When water, cleaning, or disinfecting agents will be sprayed in or near the area of the primary enclosure, animals shall be removed from the cage or kennel, or separated from the area being cleaned by guillotine or compartment doors to prevent splatter, soaking of the animals, and stress.
- Animal bedding shall be laundered in a machine with detergent when soiled and thoroughly dried before reuse or disposed of appropriately.
- Premises shall be kept free from clutter that may pose a safety concern.

DoAg response to comment: This is addressed in the proposed regulations, as the animal can't be in the enclosure while it is being cleaned and disinfected. Commenter noted certain cleaning practices, seeking more specific methods for achieving compliance with these regulations. The department thinks that individual animal shelters can meet these requirements based on the day to day operational needs of their facilities, without imposing additional mandatory operational methods.

Veterinary Care

- The legal status of the animal shall never prevent treatment to relieve suffering, which may include euthanasia if suffering cannot be alleviated.

Animal Importers (i.e., Transport) Primary Enclosure

- Primary enclosures shall be large enough for each animal to stand and sit erect, to turn around normally while standing and to lie down with legs extended. o If more than one animal is in the primary enclosure, each animal shall have enough space to lie down comfortably at the same time without needing to lie on top of one another.

o Puppies and kittens no younger than 4 weeks old and no older than 8 weeks old shall be transported with their mother in a space large enough for her to lie down on her side with legs extended (for comfort and to facilitate nursing).

- Primary enclosures shall have solid, leak-proof bottoms and adequate absorbent bedding. A slatted or meshed floor is unacceptable for transport.
- Unfamiliar animals shall not be transported together in the same primary enclosure.
- Each enclosure shall be easily reached and removed from the transporting vehicle by the driver/handler(s).
- Each animal shall be visible at all times without moving the animal's primary enclosure within the transporting vehicle or removing it from the vehicle.
- Care shall be taken not to stack crates and cages in a manner that overloads the vehicle, increases animal stress and discomfort, compromises ventilation or air quality, allows waste material to fall from the cage above into the cage below, interferes with care and observation, or hinders emergency removal.

DoAg response to comment: Each of commenter's comments are addressed in the proposed regulations, with the exception of the enclosures having solid, leak-proof bottoms. The department regulations will allow wire and mesh bottoms so long as the animal cannot put any part of its body between the slats or through the holes in the mesh.

Ventilation/Temperature

- The ambient temperature shall be kept above 60, not 55, degrees Fahrenheit and below 80 degrees Fahrenheit. A thermometer shall be placed in the animal area of the vehicle at the level of the animals where it is visible at all times.
- Attention shall be paid to the provision of shade, because even in comfortable temperatures, a vehicle parked in full sun can rapidly exceed safe temperature levels.
- Fresh air free of exhaust fumes shall be ensured.
- Animals shall not be left unattended in a transport vehicle, regardless of HVAC, for more than one hour.

DoAg response to comment: Commenter noted the range of temperatures permitted, seeking a narrower range of temperatures permitted for the animals. The department thinks that the current proposed range is adequate to protect the animals during transport. The department thinks that importers can meet these transport requirements based on the day to day operational needs, without imposing additional mandatory operational methods.

Care During Transport/Veterinary Care

- Animals destined for transport shall be vaccinated prior to or upon intake at the organization of origin.
- In addition to any examinations required by state or federal regulations, all animals being transported shall be examined within 24 hours of transport for any problems.
- The vehicle driver or animal attendant shall have sufficient training in animal health, welfare and safety issues to recognize and respond to animal needs during transport.
- Length of transport:
 - Animals shall not be in transit for more than 24 hours.
 - Maximum transport time to an intermediate or final destination shall include no more than 12 hours confined to the transport vehicle, including load time.
 - Trips that exceed 12 hours shall be broken up with an overnight rest stop at an intermediary location, and animals shall be allowed the opportunity to exercise and eliminate outside of the transport vehicle during that stop.
 - In accordance with the Animal Welfare Act (AWA), the driver/handler(s) shall observe dogs and cats as often as circumstances allow but not less than once every 4 hours, at which time, the driver/handler(s) shall provide animals with water and clean the transport area, including transport kennels, as needed.

DoAg response to comment: The commenter is seeking to include mandates outside of the department's jurisdictional authority, particularly out of state activities.

Recordkeeping

- Clearly written health records that describe health status and identify animals (health certificate, rabies certificate and a copy of shelter record) shall accompany each animal.

DoAg response to comment: The commenter is seeking to include mandates within these regulations that are outside of the department's authority under the governing statute.

Commercial Kennels, Grooming Facilities, Training Facilities

- The interior of the primary enclosure shall have no sharp points or edges and no protrusions that could injure the animal contained in it.
- Dogs and cats shall be able to hold their tails erect when in a normal standing position.

DoAg response to comment: Commenter seeks to introduce an additional requirement for enclosure sizes. The sizing regulations maintain the existing department sizing minimum requirements or allow the use of the USDA guidelines for enclosure sizing. The proposed

regulations require that the facilities for housing dogs and cats shall be structurally sound and shall be maintained in good repair to prevent injury to the dogs and cats. The department thinks that commercial kennels can meet these safety requirements based on their day to day operational needs, without imposing additional mandatory operational methods.

Thank you in advance for your consideration of our recommended additions to the Department's proposed regulations.

DoAg Response to Commenter 3: see DoAg responses above in red.

Commenter 4: Darcie Robinson

Name: Robinson, Darcie

Submission Date: 6/16/2020

Agency: Department of Agriculture

Subject: Kennels, Pet Shops, Grooming Facilities, Training Facilities,
Animal Importers, and Animal Shelters

Tracking Number: PR2017-060

Commissioner Hurlburt,

My name is Darcie Robinson and I have worked in the pet industry for over 30 years. Pet stores are highly regulated. We only use USDA licensed breeders whose inspection reports are available to the public. We have a twenty day health warranty and six months against congenital defects. We are routinely inspected by the CT state Department of Agriculture. The health and welfare of both people and their pets is vitally important so I beg the question, why are shelters, rescues including retail rescues, and hobby breeders completely unregulated?

This lack of accountability in the organizations listed above creates a situation in which our public safety is at risk. In these retail rescue situations, the rescuers operate under the guise of not-for-profit when in reality they are purchasing puppies and older dogs alike and reselling them under the label of rescue. There is no regulation on this practice or the sources from which these animals come. Aside from the unethical nature of this practice, there is no veterinary care or corresponding documentation which would prove these animals do not pose any potential threat to the public. As seen before the ban of dogs being imported from Egypt for retail rescue, this practice was directly linked to a spike in the number of rabies cases in the US. With the proper regulation and enforcement of these operations, serious threats to public health and safety could be avoided in the future.

On sites like Petfinder, multiple puppies are brought into the state of Connecticut from the southern United States every week. These animals are "rehomed" as rescues with no documentation of origin, no record of veterinary care, no consumer protections including health warranties, and no indication of histories of aggression. Many family members and friends have "rescued" dogs ending up with veterinary bills totaling somewhere in the thousands, or in some cases dead, with no help from the rescue organization. The failure of our system to regulate these kinds of organizations in a way that ensures the cleanliness and safety of the animals they house has led to the numerous injuries and deaths of dogs in our state. Countless customers that come through our doors have rescued dogs that have had problems with aggression that were never disclosed by rescue organizations resulting in severe bodily harm or fatalities as in the case of Annie Hornish.

I ask you again Commissioner Hurlburt why are there no regulations for shelters, rescues including retail rescue, and hobby breeders? How many more people need to be hurt, both financially and physically, by the lack of accountability on the part of organizations that bring sick animals into our state from other parts of the country and internationally as well. We strictly adhere to the guidelines meant to protect both animals and people alike by the United States Department of Agriculture. Why do other organizations not need to do the same? According to the USDA Report on the Importation of Live Dogs into the US (2019), 1.06 million live dogs are imported into the US every year. With no regulation or documentation in organizations like retail rescues, how do we know the relevant history of these dogs? By allowing these organizations to continue their unregulated practices, public health in our state and country will continue to be at risk. If we truly care about public health and the well being of our pets in this state, why would we not regulate ALL animals entering in the same way? I am calling for three simple things: regulations for all organizations bringing dogs into Connecticut regardless of non-profit status, detailed records of veterinary care that prove the upholding of each animal's well being, and the disclosure of pertinent histories of aggressive behavior to protect our citizens and pets alike.

DoAg Response to Commenter 4: The current regulations govern commercial kennels, dog training facilities, pet shops, and grooming establishments. See R.C.S.A. Section 22-344 -1 through 31. These proposed regulations will update the regulations for these facilities and add regulations for animal importers, and animal shelters. These are all of the facilities that are regulated under C.G.S. Section 22-344.

Commenter 5: Susan Linker, Our Companions

RE: Proposed Regulations concerning kennels, pet shops, grooming facilities, training facilities, animal importers and animal shelters

Sent via Email: doAg.regulations@ct.gov

Dear Commissioner Hurlburt:

On behalf of Our Companions Animal Rescue (OC), a nonprofit organization operating a Sanctuary on 47 acres in Ashford, CT, I submit this testimony in response to the Department of Agriculture's above- referenced draft regulations.

Our Companions appreciates the Department's efforts to provide clear and humane standards for the care of animals in private shelters and other facilities that house animals in our state. Our Companions Animal Rescue agrees and supports the proposed changes presented by the American Society for the Prevention of Cruelty to Animals (ASPCA), which reflect the standards and care recommended by the ASPCA, the Association of Shelter Veterinarians (ASV), the American Veterinary Medical Association (AVMA), and The Association for Animal Welfare Advancement (AAWA).¹

DoAg response to comment: Please see the department's response to commenter 3 above.

I would also suggest that pet shops be required to house animals on solid floors as is required for all other facilities, instead of harmful wire flooring. In addition, pet shops should be required to maintain on premises the statutorily required Certificate of Origin (CGS §22-354(b)) for each dog offered for sale for a minimum of two years after the date of sale, transfer or other disposition of the dog. Finally, Our Companions understands that the American Kennel Club (AKC) intends to file on the proposed rules and OC wants to comment specifically on their proposed changes to the definition section which

¹Shelter Care Checklists: Putting ASV Guidelines Into Action. American Society for the Prevention of Cruelty to Animals (ASPCA). https://www.aspcapro.org/sites/default/files/aspca-asv-checklist-2014_O.pdf. [accessed 2020 June 6]; S. Newbury, M.K. Blinn, P.A. Bushby, C.B. Cox, J.D. Dinnage, B. Griffin, K. Hurley, N. Isaza, W. Jones, L. Miller, J.O'Quinn, G.J. Patronek, M. Smith-Blackmore, M. Spindel. Guidelines for Standards of Care in Animal Shelters. Association of Shelter Veterinarians. <https://www.sheltervet.org/assets/docs/shelter-standard-oct2011-wforward.pdf>. [accessed 2020 June 6]; Non-Emergency Relocation of Dogs and Cats for Adoption Within the United States: Best Practices. American Veterinary Medical Association (AVMA). <https://www.avma.org/sites/default/files/2010-03/AVF-TransportAdoptionBestPractices.pdf>. [accessed 2020 June 14]; Companion Animal Transport Programs Best Practices. The Association for Animal Welfare Advancement.

recommends adopting "A uniform standard "quarantine" period of at least 48 hours for animals imported into the Connecticut animal shelters and foster homes..."

DoAg response to comment: The department regulations will allow wire and mesh bottoms so long as the animal cannot put any part of its body between the slats or through the holes in the mesh. A blanket ban on wire or grid flooring would not be appropriate, as wire flooring, or similar is appropriate for certain species of animals, under certain conditions, provided the animals' safety and comfort is maintained. The commenter is seeking to include mandates within these regulations that are outside of the department's authority under the governing statute related to quarantines.

Currently, CT regulations relating to importation (CGS § 22-344f) require that animal importers must, not later than 48 hours after importing a dog or cat into the state and before offering the animal for sale, adoption, or transfer, and every 90 days until the transaction is complete, have a state-licensed veterinarian examine the animal. The importer cannot sell, transfer, or give an imported animal up for adoption unless a state-licensed veterinarian examined the animal within the 15 days before the transaction and issued the importer a certificate attesting to the animal's good health. The importer must maintain records of the veterinarian services for three years after they were rendered.

We find these current provisions to be necessary and adequate to prevent animals from spreading illness. The AKC's proposal to require quarantine in an "Isolation Facility" or a "Quarantine Room" is inappropriate because such facilities do not exist in our state and are not required as a predicate to any other facility housing animals.

DoAg response to comment: The commenter is seeking to include mandates within these regulations that are outside of the department's authority under the governing statute.

Thank you in advance for your consideration of our recommendations to the Department's proposed regulations.

DoAg Response to Commenter 5: see responses above in red.

Commenter 6: Stacey Ober – American Kennel Club

Comments by the American Kennel Club on Proposed Regulations for Kennels, Pet Shops, Grooming Facilities, Training Facilities, Animal Importers, and Animal Shelters. (Tracking number PR2017-060).

Founded in 1884, the American Kennel Club (AKC) is America's only not-for-profit all-breed dog registry devoted to the study, breeding, exhibiting, and advancement of purebred dogs. AKC demonstrates its commitment to responsible dog ownership and breeding through a variety of educational programs, humane programs, a multi-million-dollar commitment to canine health research through the AKC Canine Health Foundation, and by conducting thousands of kennel inspections each year. Our kennel inspections program, which includes a flexible, comprehensive, performance-based care and conditions policy for the welfare of all dogs, has conducted more than 70,000 inspections of people who have registered their dogs with AKC since 2000.

Breed rescue is a strong and longstanding part of the hobby breeder tradition. In fact, our breed rescue network is one of the largest in the United States. Hobby breeders' particular expertise with a breed can make them exceptional foster homes for dogs in breed-specific rescue programs, which result in successful rehabilitation and life-long placements of dogs in permanent homes.

Multiple factors have contributed to an exponential increase in the number of dogs being imported for rehoming. Large-scale pet sterilization¹ and the associated decline in available puppies; social pressure to adopt a shelter pet rather than buy a puppy from a breeder; and defamation campaigns waged against breeders and pet stores have resulted in an increase in “puppy mill” and rescue dogs being imported both into the United States and between U.S. states to supply shelters and rescues. While the federal Animal Welfare Act currently regulates the breeding, care, conditions, and other standards of welfare for professionally bred pets, pets that are labelled as “shelter” or “rescue” pets have generally not been subject to the same requirements. The unregulated treatment of dogs in

¹ According to the American Pet Products Association, approximately 80% of American dogs have been spayed or neutered, including 75% of males and 85% of females. American Pet Products Association, APPA 2019-2020 National Pet Owners Survey (2019).

“rescue” animal mills has proven to present public health and animal safety concerns.² We share these concerns regarding public health and safety as a result of unchecked transport and placement of dogs, some proven feral and semi-feral, in foster and permanent homes.

With those concerns at the forefront of today's public policy considerations, it is imperative that laws and regulations better protect health and safety. To that end, a fair two-pronged public policy approach will ultimately demonstrate appreciation for the differences in sources of dogs by addressing specific supply chain problems; impose appropriate care, operations, and facility standards; and ensure proper and efficient enforcement of those standards. The first prong is ensuring that all dogs entering the United States are healthy, fully vaccinated, accompanied by a health certificate from an accredited veterinary authority in the country of origin, and are microchipped so individual health records can be verified upon arrival here. To achieve these goals, the American Kennel Club is advocating for the enactment of the recently-introduced Healthy Dog Importation Act of 2020.³

The second prong is ensuring that reasonable and appropriate state care and facility standards for animal care facilities are adopted and implemented. The American Kennel Club appreciates the Connecticut Department of Agriculture's effort in developing the proposed new standards and facility requirements for animal shelters and the amendments to the state's rules applying to kennels, pet shops, grooming facilities, training facilities, and animal importers.

Thank you for the opportunity to comment on the Department's long-anticipated proposed regulation of animal shelters and importers. We have determined them to be fair and appropriate and we are pleased to express general support for the proposed care and facility standards, and to provide recommendations to further strengthen the proposal.

To prevent harm, injury, and death to other animals or people, please consider the following:

I. The requirements for commercial kennels and pet shops include "isolation" for any dog or cat that has or is suspected of having a contagious disease, while for animal shelters only "physical separation" is required. We believe a uniform standard "quarantine" period of at least 48 hours should be adopted for animals imported into Connecticut animal shelters and foster homes, prior to permanent placement. To that end, we recommend adding the following definition to Sec. 22-344-22. Definitions:

"Quarantine" means the confinement of an Animal, whether or not pursuant to an order of the Department to prohibit other animal contact by restricting the Animal to an Isolation Facility or Quarantine Room for the purposes of: (1) observing if the Animal displays signs of contagious or infectious illness, and (2) minimizing the risk of the Animal spreading such contagious or infectious illness to humans and/or other animals.

² For example, see Dubovi, EJ and Njaa, B. 2008. Canine influenza. *Vet Clin North Am Small Anim Pract* 38: 827-835; Breitschwerdt, EB and Maggi RG, 2008. Comparative medical features of canine and human bartonellosis, *Clin Microbiol Infect.* 2009 Dec; 15 Supple 2:106-7; Centers

for Disease Control and Prevention, Rabies in a Dog Imported from Egypt with a False Rabies Vaccination Certificate, December 28, 2015.

3 H.R. 6921, 116th Congress, 2020. See also <https://abraham.house.gov/media-center/press-releases/abraham-introduces-healthy-dog-importation-act-protect-animal-and-public> (accessed June 10, 2020).

II. To ensure the safety of consumers, we also believe it is important that those in the animal-care chain be required to report whether a dog has demonstrated overly-aggressive behavior.

Under Sec. 22-344-82. Animal Shelter Minimum Standards of Animal Care, we recommend adding a new subsection (d):

(d) Dogs or cats that are housed individually in a primary enclosure due to overly aggressive or vicious disposition must be specifically identified as such in the animals' written health records and the information must be shared with any prospective foster home or new owner.

Under Sec. 22-344-75. Animal Importer Minimum Standards of Animal Care, we recommend adding a new subsection (d):

(d) Dogs or cats that are transported individually in a primary enclosure due to overly aggressive or vicious disposition under (c)(3) must be specifically identified as such in the animals' written health records and the information must be made available upon an animal's temporary or permanent placement.

The American Kennel Club is pleased to also express support for the updated care, health, facility, operational, and recordkeeping standards that apply to kennels, pet shops, grooming facilities, and training facilities.

The American Kennel Club thanks the Connecticut Department of Agriculture for its consideration of these comments and recommendations. We appreciate the Department's recognition of the value of working with stakeholders to ensure that quality oversight for the purpose of ensuring the wellbeing of licensees' animals and the people who make a home for them takes accurate data into account and reflects scientific principles and effective real-world experience in animal husbandry and care.

Questions may be addressed to:

Stacey Ober, Legislative Analyst/Community Outreach Coordinator-New England, Government Relations, American Kennel Club, 8051 Arco Corporate Drive, Suite 100, Raleigh, NC 27617 or Stacey.Ober@akc.org.

DoAg Response to Commenter 6: The commenter has proposed that by all imported animals be quarantined in an Isolation Facility or Quarantine Room for a period of time. Under the proposed regulations, shelter would only be required to maintain physical separation. The department believes that the physical separation requirement is adequate for shelters, taking into consideration the risk involved, as well as the expense required to build and maintain such an isolation facility or quarantine room.

The commenter has also proposed that all licensed shelters and importers maintain records and disclose whether a dog has demonstrated overly-aggressive behavior. This proposed standard would be too vague for the department to enforce.

Commenter 7: David Howenstine – Rover

Re: PR2017-060, Comment on Proposed Regulation
Kennels, Pet Shops, Grooming Facilities, Training Facilities, Animal Importers and
Animal Shelters

Dear Commissioner Hurlburt,

On behalf of Rover, we are writing to respectfully submit comments on the Department of Agriculture's proposed Regulations Concerning Kennels, Pet Shops, Grooming Facilities, Training Facilities, Animal Importers, and Animal Shelters (PR2017-060). Rover operates a website and app that provide Connecticut's vibrant community of pet lovers with an online directory to find and offer home-based pet care, such as pet sitting and dog walking.

We commend the Department's dedication to the well-being of pets and appreciate the intent of the proposed regulations. To avoid any inadvertent confusion for Connecticut residents, and have consistency between the regulations and C.G.S. § 22-344(a)(3), we wish to clarify that the proposed regulations do not apply to home-based pet sitters exempted from obtaining a commercial license under C.G.S. § 22-344(a)(3).

In 2019, the Connecticut General Assembly enacted and Governor Ned Lamont signed Public Act 19-156 to establish an exemption from commercial kennel licensing requirements for home-based pet sitters boarding three or fewer cats or dogs. This bill clarified that Connecticut did not intend to apply kennel licensing to small-scale pet sitters who may watch a limited number of pets in their home. The bill adopted C.G.S. § 22-344(a)(3), which states: "[N]o person who boards three or fewer cats or dogs in his or her residence shall be required to obtain a commercial license pursuant to this subsection."

The Notice of Intent explains that the proposed regulations were promulgated under the authority of C.G.S. § 22-344. A review of the plain language of C.G.S. § 22-344(a)(1) confirms that the statute grants the Commissioner authority to issue regulations as to sanitation, disease, and humane treatment of dogs and cats and the protection of public safety for purposes of establishing requirements that must be satisfied to obtain a commercial kennel license. Consistent with this statutory scheme, we understand that the sections of the proposed regulations addressing commercial kennels would not apply to home-based pet sitters who the General Assembly determined do not need to apply for or obtain a commercial kennel license. The Regulatory Flexibility Analysis appears to confirm this understanding by noting that "PA 19-156 provided an exemption for those that board 3 or fewer cats or dogs in their residence from licensure as a Commercial Kennel." To the extent a different application were intended, we respectfully submit that the language of Public Act 19-156 and the General Assembly's intent in

passing the law preclude application of the proposed regulations to small-scale, home-based pet sitters.

Thank you for your consideration and for your work on behalf of pets in Connecticut.

DoAg Response to Commenter 7: Commenter is not requesting any changes to the proposed regulations.

Commenter 8: James Bias, CT Humane Society

State of Connecticut
Regulation of
**Department of
Agriculture
Concerning
Kennels, Pet Shops, Grooming Facilities, Training Facilities, Animal Importers,
and Animal Shelters.**

(NEW) Sec. 22-344-32. Definitions

For the purposes of sections 22-344-33 through 22-344-90, inclusive:

- (1) "CFR" means the Code of Federal Regulations.
- (2) "Clean" means the thorough removal of organic material and debris.
- (3) "Disinfect" means a process that will eliminate pathogens in a given area through the treatment of a clean surface with an approved chemical following the manufacturer's label directions, or by the application of hot water of at least 180 degrees F (82.2 degrees C).
- (4) "Primary enclosure" means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, cage, or compartment.

DoAg response to comment: Further definition of these terms are not necessary as they are commonly used terms in the animal care field. Commenter has asked for numerous other definitions of commonly used terms throughout the proposed regulations, To the extent not individually addressed in these comments, the department does not think it necessary to add further definitions of commonly used terms in the animal care field.

(NEW) Sec. 22-344-33. Condition of Commercial Kennel Facilities.

(a) The facilities for housing dogs and cats shall be structurally sound and shall be maintained in good repair to prevent injury to the dogs and cats, to contain the dogs and cats and to restrict the entrance of other animals.

(b) Outdoor group exercise areas for dogs, if provided, shall: 1) have adequate drainage, 2) have proper fencing, with a minimum height of six (6) feet, to prevent escape of any dog, and 3) be kept in a safe and sanitary condition. The surface of outdoor group exercise areas shall be kept in a sanitary condition. The surface of outdoor group exercise areas shall be replaced when necessary in order to maintain a sanitary condition.

DoAg response to comment: Commenter notes that a number of the adjectives used create subjective standards for compliance. The terms used are commonly understood terms in the animal care field, such as “good repair”

(NEW) Sec. 22-344-34. Commercial Kennel Facilities Walls, Ceilings, and Floors.

The commercial kennel walls and floors shall be constructed of impervious surfaces, including, but not limited to, tile, sealed cement or concrete block treated with epoxy paint, that can be cleaned and disinfected. Ceilings shall be kept clean and free of accumulated dust and debris.

(NEW) Sec. 22-344-35. Commercial Kennel Facilities Runs, Inside Primary Enclosures and Exercise areas.

(a) All primary enclosures for dogs and cats shall be indoors.

(b) Primary enclosures for each dog shall be of sufficient size and design as to allow each dog to stand, sit, lie down, turn around, and make other normal postural adjustments without obstruction, interference, or impediment by the presence of food, water bowls, equipment, or other animals, unless different space requirements are medically required by a Connecticut licensed veterinarian, and shall meet the following minimum space criteria:

(1) For dogs weighing not more than twenty-five pounds, five square feet per dog; for dogs weighing more than twenty-five pounds but not more than forty-five pounds, nine square feet per dog; and for dogs weighing over forty-five pounds, sixteen square feet per dog; or

(2) Provide space equal to or more than the space requirements for dogs pursuant to 9 CFR

3.6(a)(2)(xi) and 9 CFR 3.8(c)(1)(iii), as amended from time to time.

(3) Dogs shall not share a same primary enclosure, except dams or foster dams and their puppies

(4) C.

(c) Exercise areas for dogs shall meet the following minimum criteria:

(1) Inside or outside runs shall be provided and shall be not less than thirty-six inches wide for a dog weighing not more than forty-five pounds; forty-eight inches wide for a dog weighing more than forty-five pounds. The minimum length of runs shall be ten feet;

(2) Two times the area provided for in subsection (b)(2) of this section if individually housed; or

(3) An area equal to the number of dogs multiplied by the area provided for in subsection (b)(2) of this section, if housed as a group.

(d) Primary enclosures for cats shall meet the following minimum criteria:

(1) Each primary enclosure for housing cats shall be at least 24 inches high;

(2) Each cat shall be provided with a total of at least 8.0 square feet of space, on one or more levels accessible to the cat;

(3) Any cat with nursing kittens shall be provided with an additional amount of floor space equivalent to at least 5 percent of the minimum requirement in subsection (d)(2) for the cat multiplied by the number of nursing kittens;

(4) All primary enclosures shall contain a receptacle with sufficient clean litter for excreta and body wastes. The minimum space required by this subsection is exclusive of any food or water pans.

(5) Each primary enclosure for cats shall contain an elevated resting surface that, in the aggregate, is large enough to hold all the occupants of the primary enclosure at the same time comfortably.

(e) Whenever dogs or cats are kept in groups the following shall apply:

(1) Females in heat (estrus) shall not be kept with males, except for breeding purposes;

(2) Any dog or cat exhibiting a vicious or overly aggressive disposition shall be kept separately;

(3) Puppies or kittens 4 months of age or less shall not be kept with adult dogs or cats other than their dams or foster dams; and

(4) Any dog or cat that has or is suspected of having a contagious disease shall be isolated from healthy animals, as directed by a Connecticut licensed veterinarian.

(f) Commercial kennels which keep dogs only during daytime hours shall comply with the following space requirements for primary enclosures and exercise areas:

(1) Subsections (b) and (c) of this section; or

(2) Subsection (c)(3) of this section.

(3) In all events, subsection (e) of this section shall be complied with.

DoAg response to comment: Commenter notes that the enclosure sizes seem small. The sizing regulations maintain the existing department sizing minimum requirements or allow the use of the USDA guidelines for enclosure sizing. Commenter raised the issue of shared enclosures by dogs that are housemates. The department agrees with this suggestion and has amended the proposed regs to allow sharing of primary enclosures by dogs owned by the same individual. Exercise area is already mandated by the proposed regulations. Amount of time can't be mandated as this is dependent on the weather and the breed of dog affected.

(NEW) Sec. 22-344-36. Commercial Kennel Facilities Ventilation, Temperature.

A commercial kennel shall meet the following minimum standards with respect to indoor ventilation and temperature:

(a) A commercial kennel shall provide ventilation sufficient to maintain healthy air quality, and adequate ambient conditions necessary to minimize odor, ammonia levels,

disease transmission risk, and unnecessary stress on the dogs and cats; and

(b) A commercial kennel shall provide a mechanical heating and cooling of appropriate design and capacity to maintain an indoor ambient temperature of between fifty-five (55) and eighty (80) degrees Fahrenheit, unless other temperatures are medically required by a Connecticut licensed veterinarian.

DoAg response to comment: Commenter asks questions about the ventilation system requirements. The department has added a requirement that the ventilation system be a mechanical system, and not merely passive. We have modified this regulation to match the requirement for animal shelter regulations for ventilation. Further definition of these terms are not necessary as they are commonly used terms in the animal care field.

(NEW) Sec. 22-344-37. Commercial Kennel Facilities Sanitation.

(a) Environmental sanitation shall be adequate to keep vermin at a minimum. Trash and food containers shall be kept closed or covered when not in use.

(b) All removable resting surfaces, furniture-type fixtures, equipment or objects within the facility shall be constructed in a manner or made of materials that allow them to be cleaned and disinfected, or removed or replaced when worn or soiled.

(c) Excreta and all food waste shall be removed as often as necessary, but at a minimum, at least once daily, from all runs, primary enclosures, and exercise areas. Runs and all hard surfaces shall be clean and disinfected. Excreta and all food waste shall be disposed of in a sanitary manner.

DoAg response to comment: Commenter inquired about providing more specific concrete deadlines for completing sanitation tasks on specific schedules, and using specified methods. The department thinks that individual commercial kennels can meet these sanitation requirements based on the day to day operational needs of their facilities without imposing fixed schedules or operational methods. To the extent not individually addressed in these comments, the department does not think it necessary to add further definitions of commonly used terms in the animal care field.

(NEW) Sec. 22-344-38. Commercial Kennel Records, Health requirements

(a) Commercial kennels shall maintain records of all dogs and cats for two (2) years with at least the following minimum information:

- (1) name and address of owner or person responsible for animal, the date of entry, and the date of release;
- (2) description of animal including breed, sex, age and color marking;
- (3) veterinary care if provided, which shall include date, times, name and dosage of

medication provided, and name of person administering product or procedure; and

(4) proof of current rabies vaccination and town license for dogs.

(b) The records required by subsection (a) shall be maintained at the commercial kennel, and shall be readily available for inspection by any designated agent of the commissioner.

(c) Each commercial kennel shall have on file at their place of business, a written emergency plan describing procedures for both natural and man-made disasters such as a fire, flood, extreme weather conditions, power failure or utility disruptions and chemical or toxic spills. The emergency plan shall include procedures for training staff about disaster preparedness, staff's specific responsibilities during a disaster, relocation process (if appropriate), and contacting appropriate emergency response agencies and owners of animals in the care and custody of the licensee.

(NEW) Sec. 22-344-39 through Sec. 22-344-44. Reserved for future use.

(NEW) Sec. 22-344-45. Pet Shop Structural Standards.

The facilities for housing animals shall be structurally sound and shall be maintained in good repair to prevent injury to the animals. All buildings, premises, and surfaces that come in contact with animals shall be maintained in a sanitary manner. Equipment shall be available for the proper storage or disposal of waste material to control vermin, insects and noxious odors. Pet shops shall take effective measures to control and prevent the infestation of animals or premises with external parasites, insects, and vermin. The burning of any excreta, bedding or debris on the premises is prohibited.

(NEW) Sec. 22-344-46. Pet Shop Enclosures.

(a) Enclosures for all animals shall be suited to the species of animals, structurally sound and maintained in good repair to protect animals from injury and escape. Enclosures shall be constructed and maintained so as to enable the animals to remain clean and dry when appropriate for the species. All animals shall be kept in proper enclosures except when cleaning said enclosures, exhibiting animals, and providing veterinary care. Birds acclimated to open perches shall be exempt from the enclosure requirement.

(b) Walls and floors of enclosures shall be constructed of nonabsorbent, nonporous materials impervious to moisture. If wire or grid flooring is used it must be made of galvanized, stainless steel, or plastic coated wire and be of adequate gauge to support the animal(s) without sagging and to prevent the animals' feet from passing through the openings. Enclosures in current use shall be cleaned and disinfected daily or more if necessary to maintain a sanitary condition.

(c) Enclosures shall be designed and constructed as to provide adequate physical

comfort to the animals. Each animal must be provided with sufficient space to turn about freely and easily stand, sit or lie in a comfortable natural position. Animals that are group housed must be maintained in compatible groups. No female dog or cat in season (estrus) shall be housed in the same primary enclosure with male animals.

(NEW) Sec. 22-344-47. Pet Shop Housing Facilities Temperatures, Ventilation.

(a) Pet shops shall be sufficiently heated and cooled to protect animals from the heat and cold, and to provide for their health and comfort at all times. The temperature of the air surrounding animals shall be maintained, under normal conditions, at a minimum of 65 degrees F and a maximum of 78 degrees F, except for those species of animals which require higher temperatures. Animals shall be provided protection from the direct rays of the sun.

(b) Housing for animals shall be adequately ventilated in such a manner as to minimize drafts, offensive odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be deemed adequate only if mechanical ventilation, such as exhaust fans, exhaust vents or air conditioning is provided and operating properly.

(NEW) Sec. 22-344-48. Pet Shop Lighting.

Pet shop facilities housing animals shall have ample well distributed light by natural or artificial means, or both, providing a minimum of 30 lumens for a minimum of eight hours in each twenty-four hour period, except where contraindicated for health reasons. Enclosures shall be so placed as to protect animals from excessive illumination except for those species which require it.

(NEW) Sec. 22-344-49. Pet Shop Animal Health.

(a) Animals shall be provided with food that is wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to maintain animals in good health. Animals, other than certain reptiles which according to normal husbandry practices for their species are not fed at least once daily, must be fed at least once a day, including Sundays and holidays, except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally recognized accepted practices. In the case of immature animals, they shall be fed at least two times per day, except when continuous self-feeders are provided. Feeding pans shall be disinfected daily. Self-feeders may be used for the feeding of dry food provided they are cleaned and disinfected regularly to prevent molding or caking of food. If disposable food receptacles are used, they must be discarded after each feeding. Food shall be stored in facilities which adequately protect food and supplies against deterioration, molding or contamination by vermin or insects.

(b) Potable water shall be provided at all times to each animal in accordance with its needs, except as directed by hibernation, veterinary treatment or other professionally recognized accepted practices. Water containers shall be designed and of sufficient number to provide and dispense adequate quantities of water for the particular species and must be placed in such a way as to prevent spillage. Water containers shall be cleaned and disinfected at least once each day, except that sipper-tube type water bottles, if used, must be kept clean and disinfected, and must be cleaned and disinfected prior to an animal being placed in an enclosure.

(c) All dogs and cats received for resale shall be housed, separate from other dogs and cats on the premises for a minimum of 48 hours before being released to a purchaser. Each animal shall be observed daily by the licensee or his representative in order to recognize general symptoms of injury, illness or disease. Any dog or cat that exhibits symptoms of injury, illness or disease shall be isolated and treated as prescribed by a veterinarian. Any such dog or cat shall be verified by a veterinarian to be healthy before such dog or cat can be offered for sale.

(d) Each pet shop shall consult with a Connecticut licensed veterinarian to determine the place and period of time necessary for exercise for dogs confined in cages. Dogs confined in cages shall be removed at least once daily for exercise. Each pet shop shall follow the advice of the Connecticut licensed veterinarian.

(e) Each pet shop shall have on file at their place of business, a written emergency plan describing procedures for both natural and man-made disasters such as a fire, flood, extreme weather conditions, power failure or utility disruptions and chemical or toxic spills. The emergency plan shall include procedures for training staff about disaster preparedness, staff's specific responsibilities during a disaster, relocation process (if appropriate), and contacting appropriate emergency response agencies.

(NEW) Sec. 22-344-50. Pet Shop Prohibited sales.

The exhibition, sale or offer for sale by a pet shop of any of the following listed animals is prohibited:

- (1) Chicks, ducks or other poultry, unless licensed under Section 22-326s of the General Statutes.
- (2) Foxes (*Urocyon eineroarg-enteus*; *Vulpes fulva*).
- (3) Raccoons (*Procyon Lotor*).
- (4) Skunks (*Mephitis*).
- (5) Venomous reptiles.
- (6) Venomous amphibians.
- (7) Venomous arachnids.
- (8) Turtles, except those sold or offered for sale in accordance with sections 19a-36

or 26-78 of the General Statutes and Connecticut Department of Health Services regulation 19a-36-A46.

(9) Monk or Quaker Parakeets (*Myiopsitta Monachus*).

(10) All animals listed under section 26-40a of the General Statutes as potentially dangerous wild animals.

(11) Any animal which exhibits:

(A) Obvious signs of infectious disease such as upper respiratory infection, distemper, parvovirus, coronavirus, hepatitis, leptospirosis, rabies or other similar diseases. (Not to be construed to include incubating diseases.)

(B) Obvious signs of nutritional disease which may include rickets and emaciation.

(C) Obvious signs of severe parasitism- extreme enough to be influencing its general health.

(D) Fractures or congenital abnormalities affecting its general health.

(NEW) Sec. 22-344-51. Pet Shop Records.

(a) The owner or operator of a pet shop shall maintain the following records regarding each dog or cat obtained by the pet shop:

(1) Name and address of person, firm or corporation from whom animal was obtained, date thereof and United States Department of Agriculture (USDA) dealer license number if applicable.

(2) Description of dog or cat including species, breed, sex, color and distinctive markings, physical condition and health, age and USDA animal identification number if applicable.

(3) Name and address of person, firm or corporation to whom dog or cat was sold or ownership was transferred and date thereof.

(4) Disposition of dog or cat, if not sold or transferred, including euthanasia and method, mortality and cause, if known, escape, or other specific circumstance, and date thereof.

(5) For each dog or cat receiving medical care, the type of service rendered, date and veterinarian's name.

(6) If applicable the USDA individual health certificate and identification form (VS form 18-1)

(b) The information required by subsections (a) (1) and (2) of this section shall be entered into a bound logbook with all pages consecutively numbered, or an electronic record system, within 72 hours of receipt of the dog or cat. The information required by subsections (a)(3) through (5) of this section shall be entered into the logbook or electronic record system within 72 hours of the event which is being recorded. Any entry in the log-book which is not adjacent to the original entry describing the animal shall refer to such entry, in order to track the animal's disposition and care.

(c) The records required by subsection (a) shall be maintained at the pet shop for a minimum of two years after the date of sale, transfer or other disposition of the dog or cat addressed by the record, and shall be readily available for inspection and copying by any designated agent of the commissioner.

(d) The licensee of a pet shop shall, within 72 hours of receipt of a dog or cat, mail or deliver a copy of the USDA individual health certificate and identification form (VS form 18-1) to the State Veterinarian.

(e) Pet shops shall retain a record of the name and address of any purchaser of any red-eared slider turtle with distinctive aberrant color patterns, including albino or amelanistic specimens, on a form prescribed by the commissioner.

(NEW) Sec. 22-344-52 through Sec. 22-344-54. Reserved for future use. (NEW) Sec. 22-344-55. Grooming Facility Room requirements.

Any grooming facility established in a residence shall be in a room, separate from living quarters, at least one hundred forty-four (144) square feet in size, with a separate outside entrance. Adequate lighting and ventilation shall be provided.

(NEW) Sec. 22-344-56. Grooming Facility Walls, Ceilings, and Floors.

The walls and ceiling of the facility shall be painted, paneled or of other suitable materials. Floors shall be covered with a non-toxic easily cleaned water impervious material.

(NEW) Sec. 22-344-57. Grooming Facility Grooming equipment.

A grooming facility shall be equipped with at least the following: a bathing tub, a grooming table, hot and cold running water, a dryer, clippers, combs, brushes and shears. All equipment shall be sterilized after each use and kept in a sanitary manner.

(NEW) Sec. 22-344-58. Grooming Facility Drying cages.

Drying cages shall be kept cleaned and disinfected and shall be of sufficient size to accommodate the dog contained comfortably.

(NEW) Sec. 22-344-59. Grooming Facility Exercise area. Keeping dogs overnight.

There shall be an indoor or outdoor exercise area for dogs being detained for grooming for periods exceeding four hours, measuring at least three feet by eight feet, with covered top provided. Dogs shall not be kept overnight, unless the grooming facility is also licensed as a commercial kennel.

(NEW) Sec. 22-344-60. Grooming Facility Sanitation of grooming and exercise areas.

The grooming area and exercise area, if required, shall be kept cleaned and disinfected at all times.

(NEW) Sec. 22-344-61 through Sec. 22-344-64. Reserved for future use.

(NEW) Sec. 22-344-65. Training Facility - Facility for housing dogs for training.

The facility for housing dogs for training shall be subject to the established regulations set forth for commercial kennels, section 22-344-32 through Section 22-344-37, and further the training facility shall be separate from a residence or living quarters.

(NEW) Sec. 22-344-66. Training Facility Posting for public safety.

For reasons of public safety the building or area in which a guard or attack dog is located must be posted with bilingual (English and Spanish) or visual guard dog signs at least eight inches by twelve inches, that shall not be more than 200 feet apart, and shall be at all property comers and at every entrance into the building and area.

(NEW) Sec. 22-344-67. Training Facility- Outside training facilities.

If guard or attack dogs are located outside a facility or a building, the area must be enclosed by at least a six foot secure chain link fence.

(NEW) Sec. 22-344-68. Training Facility - Gates and entrances to a facility.

All gates and entrances to a facility where guard or attack dogs are housed, used or trained must be kept secured to ensure public safety.

(NEW) Sec. 22-344-69. Training Facility Control of noise.

In order to control noise, a sight barrier shall be installed in such a manner as to break the dog's line of sight.

(NEW) Sec. 22-344-70. Training Facility Prohibited training procedures.

Any type of training that would detrimentally affect the dog's health, safety or welfare, or the welfare of the public is prohibited. The following procedures are specifically forbidden:

- (1) Use of electric or battery devices (collar, prods, etc.);
- (2) Kicking, beating, hanging or any other kind of physical abuse, and
- (3) Withholding of food or water or reasonable comfort in order to promote aggression.

(NEW) Sec. 22-344-71 through Sec. 22-344-74. Reserved for future use.

(NEW) Sec. 22-344-75. Animal Importer Minimum Standards of Animal Care.

An animal importer shall comply with the following standards of care when transporting dogs and cats to and within this state:

(a) The dog or cat shall be contained in a primary enclosure such as a compartment, transport cage, carton, or crate. Primary enclosures used to transport dogs and cats shall be constructed so that:

(1) The primary enclosure is strong enough to contain the dogs and cats securely and comfortably and to withstand the normal rigors of transportation;

(2) The interior of the primary enclosure has no sharp points or edges and no protrusions that could injure the animal contained in it;

(3) The dog or cat is at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to persons or animals nearby;

(4) The dog or cat can be easily and quickly removed from the enclosure in an emergency;

(5) Unless the enclosure is permanently affixed to the conveyance, adequate devices such as handles or handholds are provided on its exterior, and enable the enclosure to be lifted without tilting

it, and ensure that anyone handling the enclosure will not come into physical contact with the animal contained inside;

(6) Unless the enclosure is permanently affixed to the conveyance, it is clearly marked on top and on one or more sides with the words "Live Animals," in letters at least 1 inch (2.5 cm.) high, and with arrows or other markings to indicate the correct upright position of the primary enclosure;

(7) Any material, treatment, paint, preservative, or other chemical used in or on the enclosure is nontoxic to the animal and not harmful to the health or well-being of the animal; and

(8) The primary enclosure has a solid, leak-proof bottom or a removable, leak-proof collection tray under a slatted or mesh floor that prevents seepage of waste products, such as excreta and body fluids, outside of the enclosure. If a slatted or mesh floor is used in the enclosure, it shall be designed and constructed so that the animal cannot put any part of its body between the slats or through the holes in the mesh. Unless the dogs and cats are on raised slatted floors or raised floors made of mesh, the primary enclosure shall contain enough previously unused litter to absorb and cover excreta. The litter shall be of a suitably absorbent material that is safe and nontoxic to the dogs and cats.

(b) Primary enclosures used to hold or transport dogs or cats shall be cleaned and disinfected before each use. The interior of vehicles used to transport dogs and cats shall be kept clean and free of litter. If the dogs or cats are in transit for more than 24 hours,

the enclosures shall be cleaned and any litter replaced, or other methods, such as moving the animals to another enclosure, shall be utilized to prevent the soiling of the dogs or cats by body wastes. If it becomes necessary to remove the dog or cat from the enclosure in order to clean, or to move the dog or cat to another enclosure, this procedure shall be completed in a way that safeguards the dog or cat from injury and prevents escape.

(c) Dog and cats shall be transported in a manner that minimizes stress and complies with the following:

- (1) Dogs or cats transported in the same primary enclosure shall be of the same species and be maintained in compatible groups;
- (2) Puppies or kittens 4 months of age or less shall not be transported in the same primary enclosure with adult dogs or cats other than their dams;
- (3) Dogs or cats that are overly aggressive or exhibit a vicious disposition shall be transported individually in a primary enclosure;
- (4) No female dog or cat in heat (estrus) shall be transported in the same primary enclosure with any male dog or cat;
- (5) During vehicle transportation the temperature within the cargo space where dog or cats are held during transport shall not exceed 80 °P (26.7 °C) or fall below 55 °P (12.8 °C);
- (6) Each dog and cat that is 16 weeks of age or more shall be offered food at least once every 24 hours. Puppies and kittens less than 16 weeks of age shall be offered food at least once every 12 hours. Each dog and cat shall be offered potable water at least once every 4 hours; and
- (7) The animal importer licensee, the operator of the transport vehicle, or a person accompanying the operator, shall observe each dog or cat not less than once every 4 hours, to ensure compliance with this subsection and take such corrective action as may be necessary to comply with these regulations.

DoAg response to comment: Commenter inquires about adding companion animals. The department notes that the statute governing importers only applies to dogs and cats. Commenter has asked for numerous other definitions of commonly used terms. To the extent not individually addressed in these comments, the department does not think it necessary to add further definitions of commonly used terms in the animal care field. Commenter notes concerns about animal's ability to reach outside of container. The department thinks the proposed language is adequate to address this concern without other changes. The commenter inquires about the correct material for absorbing excreta. The department has modified the language to address this issue for both dogs and cats. The commenter made several suggestions about the space where the animals are being held and the terminology has been modified to adopt the commenter's suggestion to delete the term "overly" and "cargo". The commenter objected to the frequency of the feeding schedule. However, the department thinks that the frequency

proposed is adequate and proper for the animals during transport.

(NEW) Sec. 22-344-76 through Sec. 22-344-79. Reserved for future use.

(NEW) Sec. 22-344-80. Animal Shelter Standards and Facility Requirements, phase-in date for certain subsections.

(a) Animal shelter facilities shall meet or exceed the following minimum standards:

(1) All buildings and premises shall be kept in good repair and in sanitary condition;

(2) Walls and floors shall be constructed of impervious surfaces, including, but not limited to: tile, sealed cement or concrete block treated with epoxy paint that can be cleaned and disinfected.

Ceilings shall be kept clean and free of accumulated dust and debris. All equipment used shall be free of rust;

(3) Carpeted flooring is prohibited in areas where animals are housed, treated, or fed;

(4) All removable resting surfaces, bedding, furniture-type fixtures, equipment or objects within the facility shall be constructed in a manner or made of materials that allow them to be cleaned and disinfected, or removed or replaced when worn or soiled.

(5) A washing area shall be provided with hot and cold running water dedicated to cleaning animals, and all of the equipment related to their care. The washing area shall be large enough to accommodate cleaning and disinfection of all items associated with the care of animals, including enclosures, removable resting surfaces, bedding, furniture-type fixtures, equipment, food bowls, water bowls, and toys;

(6) Natural or artificial illumination shall be maintained during daylight hours in all areas and rooms **in** which dogs and cats are kept. Natural or artificial illumination shall be well distributed and adequate to provide thorough observation of the facility and its enclosures, cages, and dogs and cats. Artificial illumination shall be available for non-daylight hours. Cages and enclosures in use shall be situated in a manner as to protect dogs and cats from excessive, constant, or stressful illumination;

(7) Equipment shall be maintained and used in a way that ensures the proper and legal storage or disposal of wastes and potentially disease-contaminated material including, but not limited to, medical supplies, syringes, and needles;

(8) Effective control measures to prevent the infestation of animals and premises by external parasites, insects, or vermin shall be maintained at all times;

(9) Dog and cat food **in** original packaging shall be stored at least twelve (12) inches above the floor on clean racks, dollies or other clean surfaces, in such a manner as to protect from contamination. Unsealed bags of dog food shall be stored in covered metal or covered heavy duty plastic containers at least twelve (12) inches above the floor on clean racks, dollies or other clean surfaces, in such a manner as to protect

from contamination; and

(10) Dog and cat cages or enclosures shall be equipped with a solid floor.

(b) Subsections (2), (3) and (4) of section 22-344-80(a) shall become effective one year after the effective date of sections 22-344-80 through 22-344-82.

(c) Each animal shelter shall have on file at their place of business, a written emergency plan describing procedures for both natural and man-made disasters such as a fire, flood, extreme weather conditions, power failure or utility disruptions and chemical or toxic spills. The emergency plan shall include procedures for training staff about disaster preparedness, staff's specific responsibilities during a disaster, relocation process (if appropriate), and contacting appropriate emergency response agencies.

DoAg response to comment: Commenter asks for addition of a definition of animal shelter. It is already defined in 22-344(f). Commenter has asked for numerous other definitions of commonly used terms. To the extent not individually addressed in these comments, the department does not think it necessary to add further definitions of commonly used terms in the animal care field. The commenter inquires about the use of rugs. The proposed regs would not ban the use of area rugs. Commenter inquired in a number of situations about providing more specific concrete deadlines for completing tasks on specific schedules, and using specified methods for achieving compliance with these regulations. The department thinks that individual animal shelters can meet these requirements based on the day to day operational needs of their facilities without imposing fixed schedules or operational methods. The commenter makes reference to cleaning standard for "runs", but this term is not used in the animal shelter proposed regulations, only the commercial kennel regulations. Commenter suggested modifying the storage of food and the department agrees with the suggestion. The storage requirements have been modified to allow more flexibility in the storage methods. Commenter disagrees with the requirement that each facility have an emergency plan prepared by the organization. Commenter suggests that the state provide such a plan. The department disagrees with this suggestion. It would be inappropriate and impossible for the state to create an emergency plan for every animal shelter in the state. The plan needs to be specific to the facility. A number of national, state and local organizations are available to help with creation of emergency plans for animal shelters.

(NEW) Sec. 22-344-81. Animal Shelter Ventilation and Temperature Standards, phase-in date for certain subsection.

(a) An animal shelter shall meet the following minimum standards with respect to ventilation and temperature:

(1) An animal shelter shall provide mechanical ventilation sufficient to maintain healthy air quality, and adequate ambient conditions necessary to minimize odor,

ammonia levels, disease transmission risk, and unnecessary stress on the dogs and cats due to uncomfortable temperatures or environmental conditions; and

- (2) An animal shelter shall provide mechanical heating and cooling systems of appropriate design

and capacity to maintain an indoor ambient temperature of between fifty-five (55) and eighty (80) degrees Fahrenheit, unless other temperatures are medically required by a Connecticut licensed veterinarian.

(b) Subsection (2) of section 22-344-81 shall become effective one year after the effective date of sections 22-344-380 through 22-344-82.

DoAg response too comment: Commenter inquires if the standard will require an HVAC engineer to evaluate the design of the mechanical ventilation system for adequacy. The department notes that an HVAC professional may need to be consulted for the proper design and maintenance of a mechanical ventilation system.

(NEW) Sec. 22-344-82. Animal Shelter Minimum Standards of Animal Care.

(a) All facilities, enclosures, and other places where dogs and cats are kept by an animal shelter shall meet or exceed the following standards:

- (1) Be of sufficient size and design as to allow each dog or cat to stand, sit, lie down, turn around, and make other normal postural adjustments without obstruction, interference, or impediment by the presence of food, water bowls, equipment, or other animals, unless different space requirements are medically required by a Connecticut licensed veterinarian. For the purposes of this section facilities which provide space equal to or more than the space requirements for dogs pursuant to 9 CFR 3.6(a)(2)(xi) and 9 CFR 3.8(c)(1)(iii), as amended from time to time, shall be deemed to be in compliance with respect to dogs;

- (2) Be cleaned and disinfected at least daily, always before introducing a new animal into the enclosure, and more often if necessary, to maintain sanitary conditions. Cages and enclosures shall be unoccupied during disinfecting,

- (3) There shall be adequate shelter from the sun and inclement weather when animals are outside.

(b) The animal shelter shall provide sufficient staffing adequate to ensure the proper care of dogs and cats on a daily basis. The animal shelter shall, with consideration of differences in species, breed, age, and condition, ensure that:

- (1) Dogs and cats are kept clean and dry. No dogs or cats shall be permitted to roam outside. No dogs and cats shall be permitted outside unless they are acclimated to and can tolerate the climatic conditions likely to be encountered during the period of time they are outside. A working outdoor thermometer shall be provided.

- (2) Veterinary care is provided by a Connecticut licensed veterinarian in a timely

manner and that when necessary, immediate emergency veterinary care shall be provided;

(3) Medications and treatments shall only be administered under the advice or in accordance with written protocols provided by a Connecticut licensed veterinarian, and all medications shall be stored and administered in accordance with federal and state regulations;

(4) Dogs and cats diagnosed and/or under treatment for a communicable disease shall be physically separated from healthy animals to minimize the risk of disease transmission;

(5) Dogs and cats shall have unimpeded access to fresh, wholesome, nutritious food and clean potable drinking water at appropriate intervals, considering the breed, age and species of such animals;

(6) Uneaten food shall be discarded after 24 hours and in no case shall food offered to one animal be subsequently offered to another animal;

(7) Dogs and cats shall be provided with appropriately sized clean and disinfected bowls, dishes, or other containers for food and water;

(8) Dogs and cats shall be kept clean, protected and free from contamination by excrement, urine, or other foreign matter;

(9) Dogs and cats shall be provided with proper and adequate enrichment and exercise to avoid excessive emotional stress and any physical atrophy, unless medically restricted by a Connecticut licensed veterinarian;

(10) Species of animals shall be separated by a physical wall that reduces sound transfer;

(11) Cats, if housed together, shall be housed in compatible groups without overcrowding; and

(12) Litters of dogs and cats shall not be permanently removed from their dams before eight (8) weeks of age.

(c) Unneutered male dogs and cats over three (3) months of age shall be housed separately from female animals.

DoAg response to comment: Commenter notes that the enclosure sizes are not specified for the animals. The sizing regulations adopt the USDA guidelines for enclosure sizing for dogs as a safe harbor standard. The enclosure sizing for other animals sets a standard based on the safety and comfort of the animals. The department thinks that the shelters should have the flexibility to achieve this standard without imposing specific enclosure size requirements. Commenter has asked for numerous other definitions of commonly used terms throughout the proposed regulations, To the extent not individually addressed in these comments, the department does not think it necessary to add further definitions of commonly used terms in the animal care field. Commenter inquired in a number of situations about providing more specific concrete deadlines for completing tasks on specific schedules, and using specified methods for

achieving compliance with these regulations. The department thinks that individual animal shelters can meet these requirements based on the day to day operational needs of their facilities, without imposing fixed schedules or additional mandatory operational methods.

Commenter raised the issue of the legal minimum age for separating litters from their dams. The department agrees that 8 weeks is too restrictive and has modified it to 4 weeks. The department has added language prohibiting the transfer of animals less than 8 weeks of age, the minimum age limit for transfer and importation of dogs and cats. Commenter suggested a higher age limit for allowing cross gender housing of animals. The department disagrees with this suggestion as animals can become sexually mature as young as 4-6 months of age. Since the shelter will generally not know the exact date of birth, the lower age limit is intended to protect all of the animals at the shelter.

(NEW) Sec. 22-344-83 through 22-344-89. Reserved for future use.

(NEW) Sec. 22-344-90. Application Procedures for Commercial Kennels, Pet Shops, Grooming Facilities, Training Facilities, and Animal Shelters.

(a) Applicants for a commercial kennel, pet shop, grooming facility or training facility license and new registrations for an animal shelter may request a pre-application inspection or review of plans for a new kennel, pet shop, grooming facility or training facility license and new registrations of animal shelter facilities at any time prior to actual filing of the application for a license or prior to registering. Such pre-inspection or plan review may be conducted by the commissioner or the commissioner's designated agent, and the results, if any, shall be made available in writing to the applicant. Such pre-application inspection or plan review shall not be considered an approval of any license or registration, or to operate, nor shall it bind the commissioner or the commissioner's designated agent.

(b) Initial applications for commercial kennel, pet shop, grooming facility or training facility license and initial applications for registration of an animal shelter facilities shall be made at least 30 days prior to the planned opening for the facility and shall contain the following information, on a form provided by the department:

- (1) Legal name and any trade name of the commercial kennel, pet shop, grooming facility, training facility or animal shelter;
- (2) Complete physical address of the commercial kennel, pet shop, grooming facility, training facility or animal shelter;
- (3) Mailing address of the commercial kennel, pet shop, grooming facility, training facility or animal shelter;
- (4) The name of the operator or manager of the commercial kennel, pet shop, grooming facility, training facility or animal shelter;

- (5) The name of the principal owner or owners of the commercial kennel, pet shop, grooming facility, training facility or animal shelter;
 - (6) The business phone number;
 - (7) The name and phone number of a responsible person who may be reached during an emergency;
 - (8) The name, address and phone number of a person upon whom service may be made;
 - (9) Certification by the zoning enforcement official that the facility conforms to the zoning regulations of the municipality wherein the facility is located; and
 - (10) A copy of the floor plan which includes design capacity for each species housed in the facility, dimensions and depicts wash rooms, treatment areas, isolation areas, pens, runs, primary enclosures, walkways, mechanical rooms, common areas, exercise areas and building entrances.
- (c) Facilities shall comply with all applicable state and local building, fire, electrical and public health codes or ordinances.

(NEW) Sec. 22-344-91 through 22-344-94. Reserved for future use.

R-39 Rev. 02/2012

Statement of Purpose

To update existing regulations for commercial kennels, pet shops, grooming facilities, training facilities and animal importers. The regulations are required by C.G.S. § 22-344 and will provide standards and facility requirements for animal shelters, including standards for buildings and premises; ventilation and temperature; animal care requirements which include requirements concerning staffing, size and design requirements for facilities and enclosures, cleaning, access and temperature standards, and requirements concerning feeding and access to clean water. The regulations also contain a section which prohibits breeding of animals housed in animal shelters.

Commenter 9: Jacob Hupp, CT Sportsmen's Alliance

This email should serve as a follow up to a voicemail I left you last month. I am reaching out to discuss some concerns about CT Department of Ag regulations that prohibit dog training facilities from using electronic training devices including e-collars. A partner of ours in

Connecticut has been told they will be fined at their next inspection should they continue training with e-collars, even though this regulation was never previously enforced at this training facility by other facility inspectors, until this year. With the advent of new technologies e-collars have become much more controlled and safe since this regulation was enacted in 1983. Another concern is private citizens are allowed to use e-collars but professional trainers are prohibited. Professional trainers should most certainly be able to train using appropriate e-collar methods, even more so than private citizens, especially for sporting dogs as they provide a safety net so fewer dogs become lost or injured. Are there any ways to address this outdated regulation prior to December or is there a process for citizens to petition the department for rulemaking? It is a shame to see well respected business owners and highly effective dog trainers livelihoods threatened by overreaching and outdated regulations. If there is someone more appropriate to reach out to please let me know, your contact was shared with me by a contact at AKC. Thank you.

Best,

Jacob Hupp
Sportsmen's Alliance-Associate Director of State Services

DoAg response to comment:

The department recognizes the use of electronic collars as a training tool and will permit their use in accordance with the manufacturer's guidelines for safe use.