

**State of Connecticut Regulation Concerning Dog Pounds
Summary of Public Comments and Department of Agriculture Response
August 17, 2023**

The Department of Agriculture (DOAG) received six (6) written comments during the public comment period. The following is a summary of the subject matter addressed in the comments, and DOAG's response **in red**:

1. Name: Solveira , Rachel Submission

Date: 3/12/2023

Agency: Department of Agriculture

Subject: Municipal Dog Pound Regulations

Tracking Number: PR2023-009

As President of the Connecticut Animal Care & Control Officer alliance and an Animal Control Officer and Municipal Shelter Manager with over 26 years experience in the field I am in favor of the new proposed regulations. I have worked in Grandfathered municipal shelters and new ones. They older shelters with inefficient heating and cooling is truly deplorable. The animals AND the workers suffer from lack of heat and air conditioning. It's time to fix this issue. I agree with the other provisions but the temperature control is most important. Thank you for the consideration.

No response necessary.

2. Name: Halm, Allyson Submission Date: 3/13/2023 Agency: Department of Agriculture Subject: Municipal Dog Pound Regulations Tracking Number: PR2023-009 This is an opportunity to start referring to "Dog Pounds" as Municipal Animal Shelters. The reference to 'Dog pounds" is obsolete. Indoor Run, Outdoor Run & Primary Enclosure definitions are too vague. Sec. 22-336-34 Primary Enclosures, Runs and Exercise areas, (b) (1) The reference to the weight of animals is very difficult to follow, as well as the space for cats. These new regulations causes question, as to who actually put them together. One can only hope that people who actually work at local municipal shelters were consulted.

The term "Dog pound" is in statute. The regulations cannot change that term in the regulations. The terms Indoor Run, Outdoor Run & Primary Enclosure are defined, and then used with specific structural sizing requirements within the regulations to provide clarity and flexibility in compliance.

3. Name: Linker, Susan Submission Date: 4/12/2023 Agency: Department of Agriculture Subject: Municipal Dog Pound Regulations Tracking Number: PR2023-009 On behalf of Our Companions Animal Rescue, I am most grateful for the opportunity to comment on the proposed regulations for Dog Pounds/Municipal Shelters. It is commendable that these policies are being updated after nearly 60 years. It is also very encouraging that the grandfather clause that prevented shelters from being updated has been removed. Given the infrequency of such regulatory updates, I was anticipating that the new proposed regulations would contain more evolved and advanced animal husbandry practice requirements. You may know that recently, private animal shelters in our State were mandated to follow certain very important animal care and facility requirements, yet some of these requirements were not

included in the proposed updated regulations for municipal shelters. These should be considered the bare minimum, insofar as protections are concerned, and mandated for all shelters. It doesn't make sense to require something of one segment of the shelter system and not another. These critical provisions would require that: ? Veterinary care is provided by a Connecticut-licensed veterinarian in a timely manner and that, when necessary, immediate emergency veterinary care shall be provided; ? 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; ? Uneaten food shall be discarded after twenty-four (24) hours and in no case shall food offered to one animal be subsequently offered to another animal; ? Dogs and cats shall be kept clean, protected and free from contamination by excrement, urine, or other foreign matter; ? Dogs and cats shall be provided with enrichment and exercise to prevent physical atrophy, unless medically restricted by a Connecticut licensed veterinarian; Species of animals shall be separated by a physical wall or barrier that reduces sound transfer; and Cats, if housed together, shall be housed in compatible groups without overcrowding. Routine and emergency veterinary care should be an essential requirement for any animal facility. At a minimum, providing exercise and enrichment, and mitigating noise levels and inter-species stress also should be required at any facility that cares for animals. Please consider the inclusion of all of the above requirements in the final regulations so that animals in municipal facilities are given the same level of care as those who reside in private shelters.

The commenter requests changes to make the dog pounds regulations like animal shelters. However, the facilities serve different purposes. Dog pounds are generally short-term holding facilities for lost, injured and seized animals. The proposed regulations require the dog pound to have a designated CT licensed veterinarian identified and available to provide "...to provide veterinary care for each dog, cat, and other domestic animal, when necessary." See proposed regulation 22-336-37(c). The regulations do provide for proper health, safety and nutrition of the animals in proposed regulations sections 22-336-35 through 22-336-38.

They are provided with a safe space for living and exercising (unless contraindicated by a veterinarian). Housing of animals is addressed in 22-336-34. Exercise is provided through the structural size requirements for enclosures. Given the limited resources of dog pounds, separate mandatory enrichment for animals is not required, but certainly encouraged to the extent of available staffing resources.

The structure construction standards provide for reduced sound transfer by requiring a solid wall up to 4 feet in height. Further sound reduction would be cost prohibitive for dog pounds to comply with.

I am also extremely concerned about the fiscal note that exists in these proposed updated regulations, which states, These regulations provide new standards for facilities and animal care in municipal dog pounds. As compliance determinations are complaint based, there is not an ongoing inspection program required for these facilities so the financial impact should be minimal for the State.? When did the Department of Agriculture decide that annual inspections should no longer be required for municipal shelters? This should be of tremendous concern for anyone with animal welfare in mind. We all know that without annual inspections there is no transparency in the provision of care, safety monitoring and accountability. Every animal facility in the State, including dog training centers and grooming businesses are inspected at least annually. More than once a year, a State Animal Control Officer inspects the dog

training room here at Our Companions Animal Rescue. It doesn't make sense that dog training and grooming centers, where animals come and go, would be considered a higher risk and higher priority for oversight than a municipal facility that shelters and cares for animals. Furthermore, sadly, most Municipal Animal Control Shelters were purposely built in areas of least public visibility, like transfer stations and town dumps. To rely on a complaint-based system for inspections is irresponsible and unethical and would represent a missed opportunity to have a significant impact on the safety of our community's animals. Isn't this the reason for any regulation?

The commenter comments that the regulations don't require annual inspections. These regulations are not intended to impose requirements not mandated by statute, nor address internal agency procedures. At the present time, all dog pounds are inspected annually and upon complaint. The statute C.G.S. 22-336 already grants the Commissioner the authority to conduct inspections and further regulatory language is unnecessary.

To create stronger, effective protections for those in our community? Having regulations that are designed not to be enforced is completely meaningless. I do hope that these comments may serve to inspire the inclusion of stronger requirements in the final regulations; and most importantly, the requirement for regular annual inspections by the State. If I may be of assistance as you move forward in finalizing these crucial and long-anticipated regulations, I hope you will contact me. I feel confident that, as fellow residents of the State of Connecticut, we all want to ensure the safety and well-being of animals in our care, and I ask that you please do all you can in this regard. Based on the history of these regulations, it may be decades from now before any further protections are put into place. This is an opportunity to make a real and lasting difference. We look to you as policymakers to promulgate the most responsible, ethical, and efficacious public policy possible. Thank you for your time and consideration. Sincerely, Susan Linker

No response necessary.

4. Comments on State of CT Regulation of Department of Agriculture Concerning Dog Pounds: The regulations show absolutely no consideration for the care of any animal housed in a facility which are governed by these standards. Why the Department of Agriculture even bothered to rewrite the regulations is beyond comprehension. Where is the kindness and compassion for stray and abandoned pets? Why is it still called "dog pound" when they house other species as well?

The term "Dog pound" is in statute. The regulations cannot change that term in the regulations.

They don't address regional facilities so what standards are those facilities held to?

Per C.G.S. 22-331a, regional pounds must comply with C.G.S. 22-336 requirements for dog pounds. "Any pound facility operated pursuant to this section shall meet the construction, maintenance and sanitation standards established pursuant to section 22-336 and any regulations adopted pursuant to said section, including, but not limited to, standards for the handling and transportation of dogs and other domestic animals."

Dog Pound Structure Requirements 22-336-33 Dog kennels Proposed by DoAg 2023 Is suggesting a 4 foot solid surface with up to 6 feet of chain link fencing- this is dangerous to a dogs mental and physical wellbeing, from an injury perspective, encourages fighting between kennels and does not reduce sound issues. This is damaging to a dogs mental wellbeing as it is stressful to be trapped in an already stress full

environment. There are so many more options in kenneling available why are we using the same type of kennel systems that are 60 years old. Section 22-336-33 Cat enclosures Proposed by DoAg 2023 Each primary enclosure housing cats must be at least 24 in. high (60.96 cm); (ii) Cats up to and including 8.8 lbs (4 kg) must be provided with at least 3.0 ft² (0.28 m²); (iii) Cats over 8.8 lbs (4 kg) must be provided with at least 4.0 ft² (0.37 m²); (iv) Each queen with nursing kittens must be provided with an additional amount of floor space, based on her breed and behavioral characteristics ASV guidelines suggest cats need at least 11 sq ft, Less than 2 feet of triangulated distance between litterbox, resting place and feeding area has been shown to adversely affect food intake for cats (Figure 1) (Bourgeois 2004). Cats housed in cages with 11 square feet of floor space were found to be significantly less stressed than those with only 5.3 square feet of space (Kessler 1999b).

The structure requirements adopt the current USDA recommended structure size standards for dogs and cats, as well as maintaining the existing size requirements as an option for dog pounds.

Veterinary care CT DoAG Is only addressing the issue of contagious disease and not injured or ill upon intake From NY state regulations All incoming animals shall be assessed within two hours after 9 intake by a trained animal shelter staff member to determine if any 10 physical abnormalities exist that require immediate veterinary attention 11 in accordance with the shelter's written protocol for emergency care, as 12 required by section four hundred twenty-three of this article. 13 4. Each animal shelter shall have the ability to provide for veteri14 nary assessment and humane care in a timely fashion through in-house 15 facilities or at an off-site location. 16 5. Pursuant to the written protocol for emergency veterinary care 17 required by section four hundred twenty-three of this article, each 18 animal shelter shall provide appropriate and timely veterinary care for 19 any animal that is in distress, experiencing pain, or showing signs of 20 significant illness or injury. 21 6. Each animal shelter shall recognize and treat acute and chronic 22 pain appropriately, as set forth in article twenty-six of this chapter. 23 The legal status regarding the ownership of any animal shall not prevent 24 treatment to relieve suffering. 25 7.

The proposed regulations require the dog pound to have a designated CT licensed veterinarian identified and available to provide "...to provide veterinary care for each dog, cat, and other domestic animal, when necessary." See proposed regulation 22-336-37(c).

Nutrition Proposed by DoAg 2023 Suggesting that animals need to be fed every day (including weekends and holidays) this is embarrassing for CT, feeding sexually immature animals twice a day, this is archaic. From NY state regulations Food shall be provided at least once daily for adult animals, at least twice daily for animals less than six months of age, and at least 23 three times daily for animals less than two months of age. From ASV At minimum, healthy adult dogs and cats (over 6 months old) must be fed at least once per day (CDA 2009; CFA 2009). Ideally, dogs should be fed twice daily (New Zealand 1998); cats should ideally be fed multiple small meals or encouraged to forage throughout the day (Vogt 2010). If food is not available to cats all day, at minimum, they should be offered food twice daily. Healthy puppies and kittens must be fed small amounts frequently or have food constantly available through the day (free-choice) to support higher metabolic rates and help prevent life-threatening fluctuations in their blood glucose levels (hypoglycemia). Debilitated, underweight, pregnant, and lactating animals should receive more frequent feedings to support increased metabolic needs. Veterinary input should be sought when developing a feeding protocol for a population of animals, or when treating starved animals or individuals with unique nutritional and health needs

The feeding requirements in proposed regulation 22-336-37 adopt current nationally recognized feeding standards for animals at the dog pound, and provide for adjustment based on the needs of the specific animals as stated in 22-336-37(a).

5. April 13, 2023 The Honorable Bryan Hurlburt, Commissioner Connecticut Department of Agriculture 450 Columbus Blvd., Suite 701 Hartford, CT 06103 Re: Comments on CT Department of Agriculture Proposed Regulations Concerning Dog Pounds (PR2023-009) On behalf of Connecticut Votes for Animals, a grass roots animal advocacy organization and its animal advocates throughout the state, we are providing comments concerning the Department's proposed regulations governing municipal animal facilities (Dog Pounds). To say revisions to a 1964 set of rules are long overdue is an understatement. In the intervening 59 years animal welfare has evolved and undergone significant improvements in how animals are treated and kept safe. We know that the Department of Agriculture began a review of the regulations more than four years ago. We will not speculate why it has taken so long to bring them forward for public comment, but we are nevertheless grateful that they will finally get an appropriate airing. There are model municipal animal shelter facilities throughout the state. Facilities that are progressive and thoughtful in the treatment, safety and well-being of the animals in their care. Many of these facilities are proud to call themselves "animal shelters" disregarding Connecticut's antiquated statutory reference to "dog pounds". It reflects a level of respect for the animals and for their towns. For these shelters, the impact of these regulations is inconsequential. These shelters should, however, be held out as models for other towns in the state to look at and learn from. The Department's proposed rules reflect only a portion of what is currently recognized as appropriate standards of care for animals. While there are shortcomings in the draft regulations, we hope they will be remedied by the comments made through this rulemaking process. CT Votes for Animals (CVA) associates itself with the comments submitted by Our Companions Animal Rescue and with the Humane Society of the United States and urges the additions in their statements be incorporated into the rules. CVA recommends the following in addition to the noted comments by the parties above. • To instill a level of excellence in the treatment of animals in municipal facilities, the regulations should make clear that all facilities, enclosures, and other places where animals are kept by the animal shelter shall meet or exceed the proposed standards.

No response necessary.

Further CVA recommends the following additions taken from the Association of Shelter Veterinarians 2022 Guidelines for Standards of Care in Animal Shelters¹ • Animals must be able to make normal postural adjustments within their primary enclosure, including standing and walking several steps, sitting normally, laying down at full body length, and holding the tail completely erect.

The structure sizing requirements take into account these postural adjustments. Proposed regulation 22-336-34(a) specifically states: "A primary enclosure shall be provided for each dog, cat, and other domestic animal, and shall be of sufficient size and design as to allow each dog, cat, and other domestic animal 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."

- When natural lighting is not available and artificial light is used, it should approximate natural light in duration and intensity to support circadian rhythm.

The lighting requirements reflect reasonable requirements for dog pounds and allow for species adjustments as needed.

- It is unacceptable to spray primary enclosures while animals are inside them.
- Shelters must have comprehensive protocols in place for recognizing and mitigating stress and associated negative emotions including fear, anxiety, and frustration.
- Prey species must be housed away from predatory species at all times.
- Enrichment must be given the same significance as other components of animal care, such as nutrition and medical care, and is never considered optional.

The proposed regulations provide reasonable standards to protect the health and safety of the animals while they are at the dog pound. They are provided with a safe space for living, and exercising, unless contraindicated by a veterinarian. All cleaning products must be used only in accordance with the manufacturer's directions as stated in proposed regulation 22-336-38(c). Housing of animals is addressed in 22-336-34. Exercise is provided through the structure size requirements for enclosures. Given the limited resources of dog pounds, separate mandatory enrichment for animals is not required, but certainly encouraged to the extent of available staffing resources.

Lastly, CVA is very disappointed in the Department's inspection and enforcement policy for municipal shelters as reflected in its Fiscal Note: "Explanation of State Impact of Regulation: These regulations provide new standards for facilities and animal care in municipal dog pounds. As compliance determinations are complaint based, there is not an ongoing inspection program required for these facilities so the financial impact should be minimal for the State." Given the recent rash of shelter violations, failure to have routine visits to ensure the safety of animals in the town's care is shortsighted and inhumane. Without proper oversight and routine visits, there is no ability to intervene until cases reach tragic conditions. As we've seen recently, when this happens there has been heartache for the animals and the towns have born additional expenses. To address this concern, CVA recommends the following language explicitly outlining oversight and inspection requirements be added to regulations for municipal shelters: 1 Checklist of Key Statements 2022 ASV Guidelines Standards of Care in Animal Shelters • The commissioner, State Veterinarian, Chief Animal Control Officer or any state animal control officer may at any time inspect any municipal shelter or cause such animal shelter to be inspected by a Connecticut licensed veterinarian appointed by the commissioner. If, such municipal animal shelter does not meet the standards, the commissioner may issue such orders as [he] the commissioner deems necessary for the correction of such conditions. CT Votes for Animals appreciates the opportunity to provide comments on the Department of Agriculture's Proposed Rules Concerning Dog Pounds. We look forward to seeing the Department's responses. Sincerely, Jo-Anne Basile Executive Director

The commenter comments that the regulations don't require annual inspections. These regulations are not intended to impose requirements not mandated by statute, nor address internal agency procedures. At the present time, all dog pounds are inspected annually and upon complaint. The statute C.G.S. 22-336 already grants the Commissioner the authority to conduct inspections and further regulatory language is unnecessary.



April 13, 2023

On behalf of the Connecticut-based supporters of The Humane Society of the United States, please accept these comments to the proposed Department of Agriculture (DoAG) regulations for municipal shelters, Tracking Number [PR2023-009](#).

Some suggestions to improve the quality of these proposed regulations¹:

- Explicitly state access to veterinary care and required immediate veterinary care for emergencies.
- Add “On a daily basis, the animal shelter shall, with consideration of differences in species, breed, age, and condition, ensure that dogs and cats are kept clean, dry, and protected and free from contamination by excrement, urine, or other foreign matter.”
Add “Dogs and cats shall be provided with enrichment and exercise to prevent physical atrophy, unless medically restricted by a Connecticut licensed veterinarian.”
- Add “Species of animals shall be separated by a physical wall or barrier that reduces sound transfer.”
- Add “Litters of dogs and cats shall not be permanently separated from their dams before eight (8) weeks of age, unless medically necessary as determined by a Connecticut licensed veterinarian.”
Add “No cat or dog shall be sold, adopted, transferred, or offered for sale, adoption, or transfer that is under the age of eight (8) weeks.”
Add “Cages and enclosures shall be unoccupied during cleaning and disinfecting.”

The agency offers the following responses to commenter’s comments:

The proposed regulations require the dog pound to have a designated CT licensed veterinarian identified and available to provide “...to provide veterinary care for each dog, cat, and other domestic animal, when necessary.” See proposed regulation 22-336-37(c).

The proposed regulations require the dog pound to keep enclosures clean and sanitary. The animals’ health and safety is to be monitored by the staff and if cleaning is necessary that is required. The agency does not think it necessary to specify a specific cleaning schedule for the animals.

They are provided with a safe space for living and exercising (unless contraindicated by a veterinarian). Housing of animals is addressed in 22-336-34. Exercise is provided through the structure size requirements for enclosures. Given the limited resources of dog pounds, separate mandatory

enrichment for animals is not required, but certainly encouraged to the extent of available staffing resources.

The structure construction standards provide for reduced sound transfer by requiring a solid wall up to 4 feet in height. Further sound reduction would be cost prohibitive for dog pounds to comply with.

Adoption restrictions are already covered in CGS 22-354(a).

All cleaning products must be used only in accordance with the manufacturer's directions as stated in proposed regulation 22-336-38(c).

DoAG has been justifiably criticized for the unreasonable length of time -- 4.5 years² -- it took them to promulgate regulations for private shelters. DoAG's relative speediness in filing PR2023-009 may be due to pressure from 2023's [HB 5575](#),³ which would, in part, make it so municipal shelters must keep room temperatures between 55- and 80-degrees Fahrenheit. DoAG has been critical of HB 5575. An excerpt from [DoAG's testimony on HB 5575](#),⁴ reads:

“...without a reference to a penalty such as infraction or similar this would not be enforceable. Should this proposal continue through the legislative process, I request that the enforcement issue be addressed appropriately...”

¹ For further guidance, please see the “Guidelines for Standards of Care in Animals Shelters,” by the Association of Shelter Veterinarians (<https://www.sheltervet.org/guidelines-for-standards-of-care-in-animal-shelters>), which was just updated in December 2022, and HumanePro.org, an online resource that covers all aspects of shelter operations.

² [PA17-167/HB 6334](#) did not get finalized until late 2021 (2021-008A).

³ HB 5575 had a public hearing on 2/15/23 and passed out of the Environment Committee on 3/10/23 with a vote of 33-0. There were 30 testimonies in support, and none in opposition.

⁴ Curiously, DoAG's testimony is dated with “INSERT DATE HERE” highlighted in yellow.

But the above should be of no concern since current law already has a clear mechanism of enforcement. CGS 22-336 states:

"The commissioner may inspect any dog pound or other facility where impounded dogs or other domestic animals are kept and may issue such orders as the commissioner deems necessary to correct any improper conditions found to exist. If such orders are not complied with, the commissioner may request the Attorney General to bring an action for their enforcement, including suit for an injunction in the judicial district in which the dog pound or facility is located."

The lack of enforcement is the problem. A statement in [PR2023-009's Fiscal Note](#) confirms DoAG's shortcomings in ensuring regulatory compliance:

"Explanation of State Impact of Regulation: These regulations provide new standards for facilities and animal care in municipal dog pounds. As compliance determinations

are complaint based, there is not an ongoing inspection program required for these facilities so the financial impact should be minimal for the State."

In light of the serious violations exposed in recent years, failure to have routine inspections to ensure the safety of animals in municipal shelters is irresponsible and reckless, and a disservice to the people of Connecticut, who want proper oversight to ensure that animals are treated humanely.

Thank you for your time and consideration.

Yours truly,

A handwritten signature in blue ink that reads "Annie Hornish". The signature is fluid and cursive, with a long horizontal stroke at the end.

Annie Hornish

Connecticut Senior State Director
The Humane Society of the United States
Cell: (860) 966-1819

Email: ahornish@humanesociety.org

No response necessary.

In addition, please note that since the date of closing the public comment period, PA 23-138 was adopted that mandated certain requirements for dog pounds that were covered by these draft regulations. Items that are now addressed in PA 23-138 have been deleted from these draft regulations.