

DRAFT
3/12/03

PET FACILITIES LICENSING ADVISORY COUNCIL REPORT

March 12, 2003

INTRODUCTION

In January of 2000 Representative Marc Duff forwarded a bill regarding regulations for kennels, pet dealers, breeders, and animal shelters, that he had been asked to introduce, to DATCP requesting feedback.

DATCP worked with Representative Duff's office to draft a version of the bill that was acceptable to DATCP and the industry. Over the summer a committee, consisting of industry representatives, Representative Duff's office and DATCP, was convened to discuss and redraft the bill. Primary persons involved were: Arnold Baer, HSUS; Sally Krause, Humane Societies; and DATCP representatives Ruth Heike and Dr. Yvonne Bellay.

The resulting legislation was included in the Biennial Budget. Rep. Duff worked with DATCP and included program revenue funding of \$135,500 in FY 01-02 and \$271,100 in FY 02-03, and 7.0 FTE. This money would be generated by \$1.50 (neutered) – \$2.00 (unneutered) increases in dog licenses, fees for pet facility licenses, and penalties for operating without a license.

The Governor vetoed funding and staff but signed remaining provisions into law. Governor's veto message indicated he was vetoing staff and funding partly because the effective date of the program was not until March 2004, DATCP could request staff and funding in FY03-05 biennium. Existing law requires DATCP to adopt rules; complete inspections of licensed entities at least once every two years and administer the licensing program starting March 1, 2004. DATCP is required to convene an advisory council to provide recommendations on rule content.

DATCP convened an advisory council consisting of 15 industry and animal interest representatives and extended an open invitation to Representative Duff's office.

Eileen Rohde, Elkhart Lake WI
Rescue Groups

Sally Krause, Delavan WI
Humane Societies

Wallace Havens, Sun Prairie WI
Pet Dealers

Susan VandeSande, Neenah WI
Representing Pet Breeders

Fred Nothnagel, DVM, Madison WI
Representing Veterinarians

Betsy Lipscomb, Cedarburg WI
Representing Cat Fanciers

Pam Thomas Elkhorn WI
Representing Dog Organizations

Mary Hopkins Madison WI
Representing Pet Stores

Jim Brigham Madison WI
Representing Trainers

Rich Urben Madison WI
Representing Boarding Kennels

Wm. F. Wenzel, Prairie du Sac WI
Representing County Pounds

Arnold Baer, Milwaukee WI
Representing HSUS

Kate Erdman, La Crosse WI
Representing Consumer

Dr. John Kolpanen, Sussex WI
Representing USDA

Kara Neher Madison, WI
Representing Division of Trade and Consumer Protection

The committee met from March 2002 through December of 2002. Experts graciously agreed to come and speak at these meetings providing valuable information on facility standards, transportation, record keeping and socialization. The following individuals provided information:

Brian Holmes, University of Wisconsin Professor of Biological Systems
Engineering in the College of Agriculture and Life Sciences.

Lisa Patefield, Animal Facilities Consultant

Donna Clemons, DVM Covance Laboratories

Mike Coch, DVM Covance Laboratories

Jean Pare, DVM UW School Veterinary Medicine Clinical Assistant Professor

John Kolpanen, DVM USDA

John Synder HSUS

Patricia McConnel, PhD

In addition, the committee was provided Colorado's and Pennsylvania's rules to use for reference.

GENERAL COMMENTS AND SUGGESTIONS

The committee separated this task into 5 areas for discussion: Facility Standards, Housing Systems, Record Keeping, Transportation, Humane Care, and Socialization. For purposes of these recommendations the council defined primary enclosure as cages and adjoining structures with unrestricted access available to the animal for over 75% of the time. The Pet Facility Licensing Advisory Council made the following recommendations for inclusion in the DATCP rule.

FACILITIES STANDARDS

The facilities standards discussion addressed three areas, ventilation, construction materials and sanitation.

All facilities must have hot and cold water available and accessible washrooms or sinks shall be provided for staff.

Ventilation

The committee felt that in the case of a revocation of license or fine being contested general language would be more enforceable than specific values of allowable air contaminants or a velocity of air movement standard. These types of standards are different in each situation and should be determined by an expert. The recommendation is that the rule should state that facilities have adequate ventilation as to keep drafts, odors, ammonia and moisture at levels that promote the health and well being of the animals. The key indicator of adequacy in any situation is the health and well being of the animal.

Construction Materials

Facilities must be constructed and maintained in a manner that does not pose a physical hazard to the animals. Rules need to be applicable and acceptable to both new and existing facilities. The committee made the following recommendations regarding the materials and the construction of facilities:

Primary Enclosures

Primary enclosures with wire flooring must meet the following criteria:

- Wire is of an adequate gauge to prevent sagging.
- Wire must be flat or mesh
- No part of the animal can be able to fit through flooring.

Existing facilities that currently have round wire flooring must replace flooring prior to first renewal of license, in the interim a resting area must be provided.

Where stacking of primary enclosures is occurring the bottoms must prevent material from falling through onto animals housed below.

Pens and Runs

Design, construction and strength must be adequate to contain the animal, keep other animals out, and be maintained and kept in good repair.

Facilities shall be constructed and maintained as to be impervious to moisture and may be readily sanitized. All surfaces that come into contact with animals must be impervious to moisture or surface must be replaceable.

Prohibited Materials

The council recommends that all metal barrels and drums used as housing, temporary or permanent, be prohibited.

Sanitation

All areas of the facility must be cleaned as often as necessary to prevent accumulation of dirt, debris, food waste, excreta, and other health or disease hazards. During cleanings care must be taken to ensure that animals do not become harmed, wet or distressed in the process, and no standing water will be allowed. A written cleaning plan can be provided as an educational tool. In addition to these over all requirements the following recommendations were regarding specific aspects of the facility.

Primary Enclosures

Enclosures must be thoroughly cleaned between occupants.

Furniture, Toys, Water and Food Dishes

The council made the following recommendations for cleaning and sanitizing items within primary enclosures.

- Water and food dishes and resting benches should be cleaned daily

- Toys, bedding, self-feeders, and self-waters must be cleaned and disinfected between animal groups, more often as necessary. Furnishings that are not cleanable must be disposed of between animals or as necessary.

Food Storage

All opened food should be stored in a pest and waterproof container and unopened-bagged food must be stored off of the ground.

Secondary Enclosures

When gravel, sand or dirt are used in pens and runs, soiled material must be removed and replaced as necessary.

HOUSING SYSTEMS

The recommendation of the council is that all facilities have an exercise area or provide exercise for animals housed without available runs, dogs must be given the chance to exercise at least 3 times a day.

Primary Enclosures

Enclosures must allow for normal physiological and behavioral needs, social interaction/development of hierarchies, and animals to be clean and dry.

Depending on the type of operation and animal, different sizes of primary enclosures are necessary.

Breeding facilities

USDA requirements for size shall apply.

Pounds, Rescues, Shelters, Training and Boarding kennels

Cats

A litter box will not be included as part of the floor space calculation unless it has a flat hooded cover. Animals must be able to make normal postural movements, allowing them to turn freely, stand, sit and fully extend. Enclosures must be a minimum of 21 inches high and meet minimum floor space requirements are:

Weight	Area
<2lbs	2.5 ft ²
2-5 lbs	3.0 ft ²
6-10 lbs	4.0 ft ²
>10 <20lbs	5.0 ft ²

When multiple animals are housed in an enclosure, initial size is based on the largest animal plus ½ the size requirement for additional animals.

Dogs

Space provided must allow for normal postural movement. Dogs must be able to turn around, lay down, stretch, and stand with ease. In addition the council recommends that

the rules identify four categories of animal size; 1) small (up to 16 inches) 2) medium (up to 22 inches) 3) large (up to 26 inches) 4) Giant Breeds (over 26 inches). Associated with these categories the Department should specify a foot by foot space requirement (4 ft x 6 ft), rather than have a square footage requirement. For multiple animals in an enclosure, initial size is based on the largest animal plus ½ the size requirement for additional animals.

Out Door Housing

Out door housing is an acceptable form of housing for dogs if the following criteria are met:

- Incompatible animals are kept separate
- No more than 12 to a group
- Animals are not old, young or infirm
- Animals have free access to an area where ambient temperature is maintained between 45⁰s and 85⁰s, and temperatures are not outside of this range for more than 4 consecutive hours.

Tethering of dogs is not a desirable housing arrangement and it is recommended that it not be allowable as permanent housing or containment for dogs. The council recognized that there are times when tethering is necessary and acceptable on temporary basis. Tethering is allowed from sunrise to sunset and is subject to weather conditions and type of animal. Tethers may be used for a longer duration in the case of an emergency. A variance or permit maybe sought through the department. Whenever a dog is tethered the following criteria must be met:

- Tethers must be at least 30 inches long
- Tethered dogs must be wearing a well fitted non-tightening collar
- Tethered dogs cannot come in to contact with each other or other animals
- Tethered dogs must have adequate shelter provided
- Tethering must be done in a humane fashion.

It is recommended that exemptions be made for specific circumstances and breeds. Transient shelters, and facilities that breed, train, or house Arctic dog breeds or Arctic breed crosses, *specifically for the purpose of pulling dog sleds*, may request a waiver for tethering and average temperature maintenance. Requests should be submitted in writing to the designated state official for approval. These waivers are subject to review at anytime.

Illumination

Light must be provided to create normal photoperiods, allow for thorough cleaning and observation of animals. The appropriate light spectrum must be provided as applicable to species.

Crating

Crating is an acceptable housing system at shelters and boarding kennels. Boarding kennels must obtain the consent of the owner or have a veterinarian's approval of crating for medical purposes.

Isolation Areas

Isolation areas must be provided. These areas must meet all the standards established under primary enclosures for size, illumination, temperature, etc. These areas must be thoroughly sanitized between animals.

Boarders and trainers must provide an isolation area that is a segregated area for suspect animals. It must be adequate to prevent contamination of other animals, limited traffic of persons and animals and controlled airflow that does not move to healthy animals. Sick animals must receive veterinarian care as soon as possible.

Shelter and pounds (**Rescues**) must have a minimum of one isolation room that is a separate room where traffic of persons and animals can be limited and a controlled ventilation system in place so that contaminated air does not flow over healthy animals.

RECORD KEEPING

All licensees must keep required records for 5 years. These records must be made available to the department for review or copying within 48 hours upon request. Current year records must be made available immediately upon request.

Initial applications filed with department should include an agreement signed by the licensee indicating that they are aware of and familiar with the regulations and will comply with them.

A licensee will notify the department of changes in address, changes in the status/scope of their operation, transfer of business, name change, and going out of business.

Dealers, Breeders, Pounds, Shelters, and Rescues

Dealers, breeders, shelters and rescues shall file an annual report to the Department. The annual report will consist of;

- How many animals the facility started the year with.
- How many were acquired during the year
- How many were sold, adopted out, or given away during the year
- How many died during the year
- How many were born during the year

Licensee's must keep the following record and make them available upon request.

Health Records:

- Breed, color, sex, and date of birth

- Inoculations received – Dates, Veterinarian administering
- Treatments prescribed – Dates, Veterinarian administering
- Nonprescription drugs given, when and what.
- Any occurrence of injury to the animal
- Any occurrence of injury caused by animal to other animals and/or humans

Point of disposition information¹:

- Name and address of purchaser and address where the animal is kept (if different than purchasers.)
- License number if licensed with DATCP and/or USDA
- Description including unique identifiers (i.e. tattoo's)

Point of acquisition information:

- Name, address of person animal acquired from
- Number from an official form of identification
- License number if licensed with DATCP/USDA
- Vehicle license plate number
- Description of animal including any identifying marks

Boarders and Trainers

Borders and Trainers must retain the following records on each animal, and make them available to department staff upon request:

- Name of animal owner and address
- Date brought in/went home
- Incident reports
- Record of current vaccination status
- Veterinarian contact

Health Advisory Posting in Pet Stores

Pet stores must post by all reptile displays a poster illustrating the health risks involved with the handling of reptiles and safe handling directions. Posters can be obtained from the Department, PJAC, or one can be created by the pet store, however it must be clearly visible and easy to read.

TRANSPORTATION

A transporting vehicle is any truck, car, trailer, airplane, ship, other motorized vehicles, railroad cars, or horse drawn conveyance, used for transporting animals. Persons

¹ Pet stores - applicable to Dogs, Cats, Reptiles, and Psittacine birds only

transporting their own animals for personal use, such as to shows and exhibitions are exempt to this rule.

Age for transportation

Dogs must be 49 days old before they can be shipped without the dam and cats must be 56 days old before shipped without the queen. In exigent circumstances, younger animals may travel without the dam or queen with approval from authorized department staff.

Identification in Transit

All animals must be individually identified while in transit. Individual animal identification shall include age, sex, breed, name of animal, name of owner, and brief physical description detailing any distinctive markings.

When shelters, pound and rescue organizations pick up an animal, it must be accompanied by a brief physical description, location of pick-up and time of pick – up. This information must be available within the transporting vehicle during transport.

Temperature

The temperature must be safely maintained in animal areas of the vehicle as necessary to prevent hypothermia or hyperthermia of the animals being transported.

Temporary Primary Enclosures

Acceptable enclosures for transporting animals are compartments, transport cages, or crates. These enclosures must meet the following criteria:

1. Strong enough to contain the dogs and cats securely and comfortably and to withstand the normal rigors of transportation
2. 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 hand holds are provided on its exterior, that 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 to be clearly marked on top and on one or more sides with words “Live Animals” in letters at least

1 inch 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 must be nontoxic and not harmful to the health or well-being of the animal
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 fluid, outside of the enclosure. If a slatted or mesh floor is used in the enclosure, it must 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 must contain enough previously unused litter to absorb and cover excreta. The litter must be of a suitably absorbent material that is safe and nontoxic to the animal.
9. Such enclosures shall have ventilation to ensure the comfort and health of the pet animals at all times and be constructed or positioned in the vehicle in such manner that each animal in the vehicle has access to sufficient air for normal breathing.
10. Primary enclosures used to transport live dogs and cats must be large enough to ensure that each animal contained in the primary enclosure has enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position.

Temporary primary enclosures must be able to be cleaned and sanitized, unless they are disposed of after one use. The enclosures must be cleaned and sanitized between animals or more often if necessary.

Amount of Time on Transporting Vehicle Pre departure Post arrival.

Animals may only be on the vehicle for a maximum of 4 hours prior to departure. If no contact can be made with the consignee within 24 hours after arrival at the destination, animals must be returned to seller. If contact has been made, the consignee must take custody within 48 hours or animals must be returned to seller. The care of the animals must be maintained until custody is transferred

Care in Transit

Dogs

Dogs should be observed every 4 hours for general health and to assure that there are no physical signs of distress. They shall be removed from the vehicle a minimum of every 8 hours and allowed to urinate, defecate, and obtain exercise.

Cats

Cats shall be observed every 4 hours for general health and to assure that there are no physical signs of distress. Cats that are in the vehicle for over 6 hours must be provided with a litter box that takes up no more than 50% of the enclosure.

Feeding requirements

Pet animals shall be fed consistent with the nutritional needs for the age of the animal, at least once a day, except when under special veterinary care. The food shall be of appropriate nutritional value necessary to meet the normal daily needs for the condition and size of the animal.

If potable water is not continually available to the pet animals, it must be offered to animals as often as necessary to prevent dehydration or heat prostration, except when under special veterinary care.

Open food and water containers shall be accessible to the pet animal and located to minimize contamination by excreta.

Container Cleaning

All objects inside of the temporary primary enclosure must meet the same standards of cleaning and sanitation as primary enclosures in facility standards

Vehicle Requirements

The animal cargo space shall be so constructed and maintained as to minimize the ingress of exhaust from the vehicle's engine.

HUMANE CARE

Age for transfer of custody

Custody of puppies may not be transferred until the puppy is a minimum of 49 days old. Custody for kittens may not be transferred until the kitten is a minimum of 56 days old. Custody may only be transferred at an earlier date if it is medically necessary.

Whelping areas

All licensed persons must provide a whelping area. Animals must be moved to the whelping area a minimum of one week before anticipated birth.

Humane Disposal

Euthanasia must be done by lethal injection, unless inappropriate for animal (mice). In circumstances where waiting would cause undue suffering for the animal, euthanasia must be carried out as humanely as possible.

Compatibility

Animals that are housed in the same primary enclosure must be compatible, with the following restrictions:

- a) Females in season must be separated from non neutered males except in purposeful breeding.
- b) Any animal exhibiting a vicious or overly aggressive disposition must be housed separately.

- c) Puppies or kittens 4 months of age or less may not be housed in the same primary enclosure with adult dogs or cats other than their dams or foster dams.
- d) Any species may not be housed in the same primary enclosure with any other species of animals, unless they are compatible
- e) Animals that have, or are suspected of having, a contagious disease must be isolated from healthy animals as directed by a veterinarian. When an entire group or room of dogs and cats is known to have or believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

Veterinary Care

Must be provided as necessary to maintain the good health of the animal. Animals that appear sick or injured must be treated.

Handling

All animals must be handled in a humane manner, causing the animal no physical injury or harm.

Observation

All animals must be observed once every 12 hours

Cleanliness and grooming of animals

Animals must be groomed (coat must be maintained) consistent with good health for the animal.

Breeding

Breeding of animals cannot take place until the animal has reached 12 months of age for both cats and dogs. An exception will be made if a veterinarian, for the health of the animal recommends a different age.

Dogs and cats may only be breed a total of three times in two years, except if a different frequency is recommended by a veterinarian, for the health of the animal.

Adequacy of Staff

Facilities must have enough staff available to provide for the health and welfare of animals. Staff must have adequate training for dealing with duties.

SOCIALIZATION

Handling (Interaction with animals and humans)

For proper social development of animals the council recommends that dogs be handled by a human for a minimum of 10 minutes a day, 7 days a week beginning at 2 weeks of age continuing to adulthood (18 months). Cats also must be handled by humans a minimum of 10 minutes a day, 7 days a week 2 weeks to adulthood (8 months).

Environmental Enrichment

When animals reach 3 weeks of age they must be provided with environmental enrichment. Enrichment consists of providing a variety of sights, sounds and textures in a non-injurious species-specific manner.

Whelping and Queening Areas

Dogs must have a separate space to eliminate within the whelping area, the dam must be able to remove the puppies from the primary whelping box. Cats must be provided with a litter box in the queening area.

Within the whelping and queening area dams and queens must have an area where they can isolate themselves from their puppies or kittens. Additionally, dams and queens must be removed from the whelping area and separated from the puppies or kittens, a minimum of once a day for 30 minutes.

Once a puppy is removed from the dam, it must be provided with the ability and opportunity to eliminate away from where it eats, drinks and sleeps.

Adult Animals

Animals must be provided with species specific, animal appropriate activities that promote positive interaction, with a human or other compatible animals and takes place outside of the primary enclosure for a minimum of 30 minutes a day, 7 days a week.

CONCLUSION

The advisory council put a considerable amount of time and effort into formulating these rule recommendations. They gave a lot of consideration to the needs of the industry, the animals and the consumer. These rules are needed to protect animals, to aid the consumer in purchasing a healthy animal, and to create an even playing field for respectable pet stores, dealers, breeders, kennels, boarders and trainers.