



## **Submission to the Public Consultation on the Review of Dog Breeding Establishment Guidelines, Ireland.**

**28<sup>th</sup> February 2017**

The purpose of the Dog Breeding Reform Group (DBRG) is to promote and support initiatives and reforms that will effectively improve dog welfare related to: a) genetic and breed health; and b) breeding, rearing and selling practices.

The group comprises scientists, veterinary specialists, animal welfare law experts, representatives from animal welfare organisations and dog breeders. Last, but not least, our membership includes dog owners who have direct experience of what happens when things go wrong as a result of poor breeding practices. Our Members details are provided at:

<http://www.dogbreedingreformgroup.uk/members.html>

Contact details for this Submission:

Dog Breeding Reform Group (DBRG)

Bradley Cottage

5 Ellerncroft Road

Wotton-under-Edge

GL12 7AX

Email: [info@dogbreedingreformgroup.uk](mailto:info@dogbreedingreformgroup.uk)

Tel.: 01453 843944

The Dog Breeding Reform Group (DBRG) is grateful for the opportunity to contribute to the consultation, and is very pleased that the Irish Government is undertaking the Review of the Guidelines for the Dog Breeding Establishments Act (DBEA) 2010 to progress the welfare of dogs and puppies involved in dog breeding.

### **1 General**

1.1 We detail our comments on specific sections below. In general, we view the proposed revisions to be positive and useful ones.

1.2 We note in particular the addition of further guidelines to encourage full and effective socialisation of puppies and strongly support this.

1.3 The addition of guidelines to encourage minimum levels of exercise, and to require suitable 'enhancement and enrichment' activities for both breeding dogs and puppies is also particularly valuable.

1.4 The proposed enhanced requirements for the welfare of whelping bitches are also important and valuable.

1.5 The requirements for training of staff and for minimum staffing levels for the numbers of dogs kept are important steps, but do not go far enough. The proposed ratio of 1 member of staff to 30 dogs is inadequate to provide proper care and to meet other expectations of the Guidelines. We recommend a minimum of 1 full-time member of staff to 20 adult dogs. Guidelines should be provided to local authorities for the increase of this ratio above the minimum depending on such factors as breed of dogs kept and DBE facilities.

1.6 The requirement for a full animal health programme to be agreed with a veterinary practitioner is also very valuable. However, despite the useful inclusion of reference to care to be taken in selection of breeding parents, the Guidelines do not adequately emphasise the importance of this. It is essential, for example, that puppies are not produced from closely-related parents (in-breeding), that they are not bred from if they are 'carriers' of hereditary disease (except in certain circumstances), and that breeders take responsibility for avoiding extremes of conformation if offspring that adversely affect health and welfare. Clearer guidelines are needed on these points.

1.7 We are concerned that the status of the Guidelines themselves is not sufficiently emphasised in the Act. It should be clear to local authorities that the expectation is that a local authority must apply these Guidelines, registering dog breeders only if they meet the requirements, except in specific circumstances that can be clearly justified. The Guidelines should have statutory force.

1.8 Guideline Part 2,1.4 states that, *'In processing the application, the local authority may visit the premises and/or may request further information. In such instances the local authority will give at least 24 hours notice for the initial assessment visit'*. DBRG's view is that this is inadequate. It is absolutely essential that all applicants for Registration receive a full visit and inspection. It is also essential that each premises may be subject to unannounced visits at any time subsequent to Registration. It is also essential that further inspection occurs before annual re-registration. Without these provisions the Act is substantially undermined. Appropriate inspection reports should be completed and retained by the authority in all cases.

1.9 Whether the Act is effective in improving dog welfare will depend on proper application of the Guidelines and effective enforcement by local authorities. It is essential that there is consistency in approach between authorities. It would be valuable to have a level of Government 'oversight' of local authority practice. This might occur through a dedicated part-time 'Inspectorate' funded by a levy on dog breeder registration fees. Such an Inspectorate might periodically review licence reports produced by registering authorities, visit a sample of DBEs, and feedback and discuss findings with local authority officials for continuous improvement.

1.10 The training and skills of local authority officials is key. We recommend that the Government develops guidance on training content and activities for local authority officials including veterinary practitioners concerning the Registration of DBEs. We note that evaluation of areas such as the approach taken by a DBE to the socialisation of puppies, and enhancement and enrichment for dogs is not straightforward and requires educational support. There are a range of materials available that may be helpful. (See for example <https://cariadcampaign.blog/guides/>)

1.11 It is important that in Registering DBEs that inspections adopt an 'evidence-based' approach. Inspecting officials must ensure, as far as possible, that they collect evidence that shows the Guidelines are being met. This might include details of employment of staff, cleaning schedules, microchip records, details of activities undertaken to provide enrichment, records of visitors for socialisation of puppies and many others). The Government should provide guidance to local authorities of the kinds of corroborating evidence that might be sought and recorded.

1.12 We note that the current definition of dog breeding establishment requiring registration is one where not less than 6 bitches more than 6 months old are kept which are capable of being used for breeding purposes (Dog Breeding Establishments Act, 2010, Part 1, 2). While this is strictly a matter for review of the Act itself, we believe that this is too high a threshold which leaves far too many DBEs unscrutinised. DBRG suggests that any premises with not less than 3 bitches (meeting the above criteria) is required to be registered (though our preference would be for 2 bitches). This threshold would be consistent with that in the Breeding of Dogs (Wales) Regulations, 2014, and the recently published proposals by DEFRA for revision of the licensing regime in England.

1.13 While this too is a matter for review of the Act itself, but bears on guidelines for best practice, we recommend that the Government introduces a ban on the sale of puppies below 8 weeks. This should apply both to Registered and unregistered premises below threshold. There is much evidence of adverse effects on health and welfare if puppies are separated from the dam below this age. It appears likely that this provision will shortly be introduced in England, and is already required for licensed breeders under the Breeding of Dogs (Wales) Regulations 2014.

1.14 It is important that the Guidelines and Government expectations for practice in DBEs is widely publicised and clearly communicated particularly to the breeders themselves. If breeders understand fully what is expected of them in advance of application for Registration then it should be more straightforward for them to comply and commit to improvement.

1.15 Currently many commercial breeders in Ireland are located remotely (e.g. in rural areas) and operate by selling puppies on through a network of dealers and pet shops (as well as through other routes). This process is often detrimental to the welfare of puppies and the interests of consumers. It has the effect of concealing the standards of the breeders themselves (e.g. from

the public), creates risks of transmission of infectious disease, places puppies at risk during key periods for socialisation, and encourages impulse buying without adequate research. We recommend that sale through third-parties is banned and that there is a requirement that the purchasing arrangement is between the breeder and the final consumer/owner.

1.16 We note that there are a very large number of DBEs in Ireland, including many breeders of large scale, some of which are Registered and others not. Canine Breeders Ireland (CBI) have emphasised that the major market is in the U.K. rather than Ireland itself. Estimates of number of puppies imported to the U.K. of up to 100,000 per annum have been suggested by the ISPCA including significant numbers likely produced illegally. Failure of breeding standards in Ireland, including failure to properly protect health, and to properly socialise puppies, can therefore have direct consequences and costs for the U.K. as well as in Ireland. There is therefore a responsibility on the Irish Government to be rigorous in its approach to avoid transmitting problems. This responsibility we suggest relates also to the need for rigorous application of the Balai Directive to prevent puppies below 15 weeks and without relevant health certification being imported into the U.K.

## **2 Specific**

### **2.1 Part 1**

Guideline revision 1.1.5 is important as a 'General Standard' (that there should be, *'an environment that allows all dogs to express normal behaviour and in particular to provide adequate socialisation and exercise for all dogs'*).

Guideline revision 2.1.5 requiring submission of relevant site plans should assist inspecting officials, as well as aiding inspection under planning regulations. Such plans will also assist where later unapproved changes are made to the site that may impact on dog welfare.

Guideline revisions 2.2.3, 2.2.4 and 2.2.5 to provide for whelping bitches are valuable. The health and lack of stress of the bitch is very important for puppy development.

We suggest that an additional Guideline following 2.3.1 is introduced which recommends that, wherever possible, dogs are housed in pairs or in groups. There is now considerable evidence that group or paired housing reduces stress and abnormal behaviour, as well as providing additional stimulation.

Guideline revision 2.3.3 detailing minimum kennel sizes will be useful for inspecting officials in practice. It should however be clearly defined what is meant by 'free access to exercise' and 'limited access to exercise'. It must also be clear that these dimensions relate to 'kennels' (ie accommodation only) and not exercise areas or 'runs' which must be additional.

Under section 2.4 relating to Temperature, we suggest a further Guideline that a breeding premises should install max/min thermometers at appropriate locations and maintain records of daily maximum and minimum temperatures.

Guideline 2.7 relating to ventilation is insufficiently stringent. Poor ventilation can be very harmful to dog welfare. We suggest that this Guideline is reworded to state, ***'Suitable ventilation must be provided which ensures adequate airflow, which prevents dampness, draughts, noxious odours, and assists in the prevention of infectious disease'***.

Revised Guidelines 2.8.1 and 2.8.2 are, in general, valuable and should assist in the comfort and protection of dogs kept. DBRG does not, however, support the use of sawdust as a bedding material as it may create breathing problems, cause irritation and become too easily disturbed and distributed. Nor do we support the use of straw as it is a hazard for skin disease. Guidelines should additionally emphasise that used bedding (including perishable substrates such as shredded paper) is regularly changed to maintain cleanliness and dryness. Guidelines should also emphasise that there must be sufficient bedding material for comfort.

Regarding Section 2.9 relating to Safety the current guidelines refer specifically to 'access'. Guidelines should also specify that staff responsible for the premises are readily available at all times to respond to emergencies without delay. They should not live at a distance from the premises or be uncontactable.

Guideline revision 3.1.2 requiring availability of both hot and cold water is essential for maintenance of hygiene.

Guideline revisions 3.1.3 and 3.1.4 regarding cleanliness of eating/drinking vessels and of kennels are important, to make clear what is minimally acceptable for hygiene.

Guideline revision 3.3.2. It would be beneficial if acceptable waste disposal methods were prescribed at national level and provided as guidance to all local authorities regarding disposal of dog faeces and other waste. The potential harms caused by these is often underestimated. (See as an example of such guidance, Annex 1: 'Natural Resources Wales: Waste – a Guide for Commercial Dog Breeding Premises').

Guideline 4.1 requiring a suitable written exercise programme is very important. The addition of the recommendation that on-leash walks be provided is valuable. Guideline revision 4.2 relating to exercise 'yards' or 'areas' is valuable – breeders will often seek to imply that kennels or very minimal runs constitute adequate exercise provision. However, it should not be assumed that access to a simple 'yard' will constitute adequate exercise provision – most often it will not.

## 2.2 Part 2

We suggest that the Act and the Guidelines (e.g. Guideline Part 2, 1.1) in turn are amended to reduce the registration threshold to 3 bitches of at least 6 months of age. This would be consistent with the licensing threshold in Wales under the Breeding of Dogs (Wales) Regulations, 2014, and recent proposals made by DEFRA for revision of the licensing regime in England. While the reference is to **Registration** where bitches are 6 months old or more, DBRG strongly recommends that the Act is revised to require that a bitch may not be bred from below 12 months (or older on veterinary advice and dependent on breed and other factors).

Guideline 1.4 states that, *'In processing the application, the local authority may visit the premises and/or may request further information. In such instances the local authority will give at least 24 hours notice for the initial assessment visit'*. This is inadequate. It is absolutely essential that all applicants for Registration receive a full visit and inspection. It is also essential that each premises may be subject to unannounced visits at any time subsequent to Registration. Without these provisions the Act is substantially undermined. Appropriate reports should be completed and retained by the authority.

Revised Guideline 2.1 requiring that an induction and training SOP for all staff be produced is valuable. A requirement for at least one full-time staff member to have undertaken training is valuable too, but this should relate to a lower threshold (e.g. 20 adult dogs) and refer to all dogs kept, rather than bitches only (see below). Recommendations for appropriate training (eg qualifications should be provided).

It is positive that the Guidelines seek to introduce (Revised Guideline 2.3) a requirement for a minimum staffing level. However, the ratio of 1 full-time staff member per 30 dogs is too low to ensure dog welfare or to meet the remaining Guideline requirements. We suggest a minimum ratio of 1 full-time staff member to 20 adult dogs kept, with this required to be increased if the facilities, breeds kept etc. warrant higher staffing ratios. Should a premises fail to meet Guideline requirements then sanctions that can be applied include reducing the number of dogs that may be kept, or increasing the staff-to-dog ratio.

The recommendation under Revised Guideline 2.3 for a documented workforce plan to be submitted is valuable, and should assist officials in verifying staff levels.

Revised Guideline 3.4. The Revised Guidance on feeding is valuable. Two meals per day for adult dogs is a positive recommendation.

Revised Guideline 3.5 relating to operation of automatic water dispensers is valuable. Water must be continuously available and such systems can fail.

Revised Guideline 3.8 requiring that there be an agreed health programme with a veterinary surgeon is potentially very valuable. Such a programme should be recorded and supplied to the registering local authority. It is valuable that the revised Guideline indicates that this should include both vaccination and parasite treatment. These should extend to all dogs kept, both breeding dogs and puppies. Reference is made to a 'responsible breeding programme'. It is not clear what this implies. However, the Guideline continues, '*Breeding stock must be selected on their temperament and their physical and genetic health irrespective of other factors such as breed standard*'. Certainly there must be appropriate selection of breeding parents to avoid mating of close relatives, to minimise risk of transmission of genetic disease, and to prevent extreme conformations prejudicial to health and welfare. Further Guidance from Government is required to assist the inspecting official. If applied this would be a very important improvement as inherited defects can cause lifetime suffering and disability, and costly veterinary bills for owners.

Revised Guideline 3.8 is also valuable in drawing attention to the need for an appropriate bitch/stud dog retirement plan. Unfortunately, many commercial DBEs, particularly large-scale ones, dispose of ex-breeding dogs without care. It is essential that appropriate Guidance is developed for what such a plan should include (e.g. socialisation and training of ex-breeding dogs, vaccination, consideration of re-homing options, vetting of suitable re-homers).

Revised Guideline 4.2 requiring that a written programme showing exercise, socialisation, enhancement and enrichment shall be made available to the local authority inspector is very valuable. Emphasis must shift from a concern with the 'basics' ie construction materials, cleanliness etc, to a recognition that dog health and welfare depends on many other factors too and that dogs are complex, active, social and intelligent animals. The further details and Guidance provided under 4.2, 4.3, 4.4 and 4.5 are valuable. We specifically endorse the recommendations that all dogs should have a minimum of two 30-minute periods of exercise per day and that they should have access to an exercise area. The further details in the Revised Guidelines concerning enhancement and enrichment and socialisation are valuable and should all be retained..

It would be essential to specify a minimum age of breeding also as a new Guideline 5.3. We suggest this should be 12 months for most breeds with one normal season before breeding, but older than this for particular breeds, based on veterinary advice.

Section 9 of the Revised Guidelines provides comprehensive and useful requirements for record-keeping for breeding dogs kept and puppies reared. These records are very important for a range of reasons including assisting inspecting officials in determining whether requirements are being met, and enabling traceability. The Revised Guideline 9.2 is valuable in requiring that a register of all puppies sold be kept for 5 years, including details of the purchaser, microchip and date of sale. These details may be of great value in

assisting purchasers to trace breeders and obtain redress in the event of health or other problems of puppies.

Revised Guideline 10.3 refers to the option of applying a 'fixed payment notice' or an 'Improvement Notice' where there is 'significant deviation from the standards outlined in the Act'. This is too weak a criterion. Those Registered should be meeting all requirements on a sustained basis. The Guidance should be amended to state that 'where there is deviation' from the standards that the authority may apply a fixed penalty notice and/or improvement notice. The provision under Guideline 10.3 for a closure notice to be applied is a very important one and should enhance the effectiveness of the Act.

## Annex 1

Natural Resources Wales

# Waste – A guide for Commercial Dog Breeding Premises

This guide provides a summary of options available for the disposal of waste from commercial dog breeding premises. This guide may also be applicable for hunt and boarding kennels. This guide will cover the disposal of:

- **Dog carcasses;**
- **Disposal of faeces and urine;**
- **Disposal of animal bedding;**

These waste from dog breeding facilities are considered to be industrial waste and not municipal (household waste).

## Disposal of Dog Carcasses

Dog carcasses require disposal in line with Animal By Products legislation, however, they are excluded from waste legislation controls. The preferred disposal route is incineration in an approved and suitably authorised facility.

### Incineration of Dog Carcasses

Only dog carcasses and incidental wrapping can be burned in an on-site small scale incinerator plant. This plant will require authorisation by Animal Health - Veterinary Laboratories Agency (AHVLA). It is not permitted to burn other wastes in incinerators that are only approved by AHVLA.

Small scale incinerators to burn other wastes require additional permits and controls and are usually authorised by the local authority. Please contact your local authority for further advice.

Ash residues from incinerators (including small scale ones) are controlled waste and must be handled at a suitably authorised facility with a relevant environmental permit.

### Burial of Dog Carcasses

Animal By Products regulations allow the burial of dog carcasses as they are considered to be “pets”. However, in doing so you are required to ensure protection of the environment.

The following guidelines need to be considered when burying dog carcasses.

Burials should not be:

- ➡ In a groundwater source protection zone (SPZ1). See link below.

- Within 250m of any water supply used for human consumption or farm dairies. You may need to speak to your neighbours to ensure you do not affect their water supply.
- Within 50m of a sink hole when on limestone.
- In an area prone to surface water flooding.

Burials should;

- Be at least 30 metres from any spring or watercourse and at least 10 metres from any field drain;
- Have at least 1m of dry soil (that is dry all year round) below base of burial pit;
- Have at least 1m of soil to cover the carcass/carcasses;
- When dug, the bottom of the hole must be free of standing water;

Following disposal of carcasses, the burial pit should not be re-opened for further burials.

You cannot bring carcasses onto your land from other premises for the purposes of disposal.

Use the following link to identify if your premises are situated on a principal aquifer or SPZ.

<http://www.environment-agency.gov.uk/homeandleisure/37833.aspx>

You must inform Natural Resources Wales before carrying out any burial in excess of **8 tonnes per year** per farm/premises) you must contact Natural Resources Wales

## • Disposal of Dog Faeces and Urine.

**You must not:**

- Spread dog faeces/urine to land.
- Mix dog faeces/urine with agricultural manures and spread this to land.
- Allow this effluent to enter ditches, surface water drains or land.
- Send this waste to a composter anaerobic digester.

**What you can do:**

- Discharge to the foul sewer where a connection is available. This is a trade effluent and will require a trade effluent discharge consent from the sewerage.

Where there are no foul sewer connections, the following should be considered:

- Segregate the solid faecal matter from urine to increase the potential disposal options. Natural Resources Wales supports a Regulatory Position Statement in relation to “Dog Toilets” that allows their use if specific conditions can be met:

[http://www.environment-agency.gov.uk/static/documents/Business/MWRP\\_RPS\\_003\\_dog\\_toilets\\_V2\\_Mar\\_2011.pdf](http://www.environment-agency.gov.uk/static/documents/Business/MWRP_RPS_003_dog_toilets_V2_Mar_2011.pdf)

- Solid fraction can be sent to landfill for disposal using a registered waste carrier. The landfill operator should provide guidance on how their site handles such waste. The waste code for faecal excrement is 20 01 99.

- ➡ The liquid waste can be discharged to a sealed tank/ septic tank (details on which are provided below).

Where it is not possible to separate out the solid fraction (and no foul sewer connection exists), the following can be considered:

- ➡ A sealed tank (cesspit/cesspool). The correct code for waste taken away from a cesspit/pool is EWC 20 03 04;

Sealed tanks have no discharge points and regular checks have to be made on their levels.

- ➡ A septic tank or a small package plant .You must ensure that the location is suitable for the plant. Seek professional advice from the supplier. . An environmental permit will be required for the discharge from the septic tank/package.

Septic tanks and package plant systems can be affected by biocides e.g. disinfectants, worming products. It is essential you discuss this option with a reputable supplier before installation.

Further advice on non-mains drainage can be found in our Pollution Prevention Guide (PPG4) on the following link:

<http://publications.environment-agency.gov.uk/pdf/PMHO0706BJGL-E-E.pdf?lang=e>

## • Disposal of Animal Bedding

You must not:

- Mix animal bedding in with agricultural waste and apply it to land.
- Burn animal bedding in an incinerator approved only by Animal Health.
- Compost animal bedding contaminated with faeces and apply this to land.

Animal bedding should be collected and disposed to landfill. It is likely this material is contaminated with faeces and urine and hence it is considered an offensive waste. Where the bedding is contaminated with animal faeces then it should be disposed of using the EWC 20 01 99.

### **Removing waste from your site:**

You must comply with your Duty of Care and ensure your waste is stored securely and on transfer off-site complete a Controlled Waste Transfer Note with the correct European Waste Code (EWC) and a full description of the waste

Your waste will need to be removed by a register waste carrier for disposal at a suitably permitted waste facility.

**If you have any queries, please contact Natural Resources Wales by calling 0300 065 3000. Our advisors are available Monday to Friday 8am until 6pm or you can email us at [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk)**