



Periodic Review / Retain Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-110
Regulation title	RULES AND REGULATIONS PERTAINING TO A POUND OR ENCLOSURE TO BE MAINTAINED BY EACH COUNTY OR CITY
Document preparation date	April 2, 2012

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

This regulation is authorized by Section 3.2-6546 of the Code of Virginia. The regulation is promulgated by the Board of Agriculture and Consumer Services.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

There are no viable alternatives for achieving the purpose of this regulation. The establishment of criteria for the construction, maintenance and operation of animal pounds by local governments is the sole purview of the Department and is achieved through this regulation; no other authority or mechanism exists to ensure a uniform standard for such facilities across the Commonwealth.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

No public comments were received. The agency did not establish an informal advisory group pursuant to this review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation has a direct impact on public health, safety, and welfare by ensuring that every local government in the Commonwealth has made provision for a suitable facility in which to impound companion animals. This regulation ensures that public animal pounds can safely and securely house animals that: 1) pose a risk to public health, such as animals quarantined pursuant to a potential rabies exposure; 2) pose a risk to public safety, such as animals held pursuant to a dangerous dog proceeding; and 3) impact public welfare, such as stray or seized animals in which the citizenry has rights of property or bonds of affection. The regulation is clearly written, and the department works closely with local governments to ensure their understanding of its intent through the animal pound inspection process and the provision of technical assistance for facility design, maintenance, and operations upon request.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends that this regulation stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the

regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

This regulation establishes criteria for the construction, maintenance and operation of animal pounds by local governments. It is limited in scope to these public facilities. Therefore, the regulation has no impact on small businesses.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation has a positive impact on family stability by ensuring that each county and city in Virginia has a facility that can protect a family's right of property in, and bonds of affection for, strayed companion animals, and that can help ensure public health and safety by providing a secure environment to house companion animals potentially dangerous to Virginia communities.