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Proposed Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation(s)	2 VAC 5-110 (repeal) 2 VAC 5-111 (enact)
Regulation title(s)	Rules and Regulations Pertaining to a Pound or Enclosure to be Maintained By Each County or City (2 VAC 5-110) Rules and Regulations Pertaining to Public and Private Animal Shelters (2 VAC 5-111)
Action title	2VAC5-110, which pertains solely to public animal shelters, will be repealed. 2VAC5-111, which pertains to public and private animal shelters, will be enacted.
Date this document prepared	February 10, 2015

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

2 VAC 5-110 has not been substantively amended since 1985 and only applies to public animal shelters. The proposed regulation will replace 2 VAC 5-110 and applies to both public and private animal shelters. The proposed regulation removes requirements that are already fully addressed elsewhere in the Code of Virginia or Virginia Administrative Code. It updates and clarifies general requirements concerning enclosures, ventilation, delivery of feed and water, and sanitation. The proposed regulation maintains strict construction requirements for enclosures only for animals subject to a holding period. Animals with unidentified ownership are required to be confined for a minimum of five days, or ten days if the animal

possesses any form of identification. While confined, these animals are maintained in the public trust, and as such, should be housed in a way that maximizes safety and health and protects the animal from injury or escape. Once the holding period expires, the animal becomes the lawful custody of the shelter, and, under the proposed regulation, all shelters will have more flexibility in how they house this population of animals. New components include clarifying expectations concerning the statutory mandate to provide veterinary treatment and requiring resting platforms or bedding for each animal.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

“VDACS” means the Virginia Department of Agriculture and Consumer Services.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

Section 3.2-109 of the Code of Virginia establishes the Board of Agriculture and Consumer Services (Board) as a policy board and grants the Board the authority to adopt regulations in accordance with the provisions of Title 3.2 of the Code of Virginia.

This action is proposed pursuant to § 3.2-6501 of the Code of Virginia, which authorizes the Board to adopt regulations consistent with the intent and objectives of the Comprehensive Animal Care Laws (Chapter 65 of Title 3.2 of the Code of Virginia) pertaining to the care of animals.

Specifically, this proposed action is consistent with the intent and objectives of § 3.2-6546 (concerning public animal shelters) and § 3.2-6548 (concerning private animal shelters) of the Code of Virginia.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The Board of Agriculture and Consumer Services currently regulates public animal shelters under 2 VAC 5-110. This body of regulation, which has not been substantively amended since 1985, sets standards of facility construction and animal housing intended to ensure that companion animals held in the public interest are protected from injury or illness. These regulations apply to all animals housed in the facility, including those that have satisfied or are not subject to a stray or other holding period. Private animal shelters that confine companion animals subject to a holding period are currently unregulated.

The proposed regulation is intended to ensure that a consistent standard of confinement and care is applied to all companion animals held in the public trust while removing redundant provisions and provisions that are burdensome to public animal shelters holding animals for the purpose of facilitating adoption. It also seeks to ensure proper oversight of the provision of veterinary treatment and requires that all animals be provided a resting platform, bedding, or a perch as appropriate.

The confinement of animals in animal shelters is intended to protect citizens from potential public health and safety risks associated with free-roaming dogs. Additionally, the regulations requiring confinement of loose animals and a holding period are intended to protect the property rights of individuals, as companion animals are considered personal property under Virginia law.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of changes” section below.

VDACS intends to repeal 2 VAC 5-110, the current regulation pertaining to public animal pounds, and replace it with the proposed regulation pertaining to both public and private animal shelters. The following points will be addressed in this proposed regulatory action:

- The current language concerning minimum animal housing standards and individual cage construction and size has been refined and applied to the housing of animals subject to a holding period in both public and private animal shelters in the proposed regulation.
- The current language concerning facility sanitation, ventilation, food preparation and storage, and drinking water devices has been refined and applied to both public and private animal shelters in the proposed regulation.
- The current language concerning water supply, waste disposal, and euthanasia has been eliminated. These topics are fully addressed in the Code of Virginia or elsewhere in the Virginia Administrative Code.

New provisions have been put in place concerning the provision of veterinary treatment, control of contagious and infectious disease, the care of compromised animal populations, and the provision of a resting platform or bedding.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

This regulatory action offers advantages to the public and the Commonwealth. The currently regulated community—public animal shelters and the localities that operate them—have asked VDACS to provide them with greater flexibility in housing animals that are not subject to a holding period. This flexibility will allow localities to better serve their public. Clarification of expectations regarding veterinary treatment will help to better protect the public’s interests in Virginia’s companion animal populations.

2 VAC 5-110 has not been substantively amended since 1985. In the past 30 years, the scope of activities of many public animal shelters throughout the Commonwealth has significantly increased. Such facilities are routinely housing companion animals beyond the statutory holding periods established for stray animals in order to promote the adoption or transfer of these animals. The current regulations can preclude the implementation of housing and enrichment practices that are considered industry-standard for the long-term housing of animals. Concurrently, private animal shelters are confining companion animals subject to holding periods on a routine basis without regulation. VDACS has determined that it is in the public interest to ensure that all companion animals in shelter facilities subject to a holding period be maintained in a manner that protects the animals from injury, illness, and theft for this short period while allowing public animal shelters greater freedom in their housing of animals that have satisfied holding period requirements.

VDACS has also determined that greater direction concerning the provision of veterinary treatment is needed. The Code of Virginia mandates that veterinary treatment be provided to all animals when needed. Public and private animal shelters need to allocate sufficient resources for this mandated treatment and to follow an appropriate protocol in making decisions as to when treatment is warranted.

Finally, VDACS has determined that the provision of resting platforms or bedding to each animal housed in Virginia’s animal shelters will offer substantive improvement in animal care in those few facilities that do not already provide such.

VDACS does not foresee disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

The proposed regulation will equally impact all localities.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping, and other administrative costs, 2) probable effect of the regulation

on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email, or fax to:

Dr.Carolynn Bissett
 102 Governor Street
 Richmond, Virginia 23219
 Telephone: 804-692-4001
 Fax: 804-371-2380
 Email: carolynn.bissett@vdacs.virginia.gov

Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including: a) fund source / fund detail; and b) a delineation of one-time versus on-going expenditures</p>	<p>Implementation of this proposal will be handled through VDACS's existing animal shelter inspection program. No new costs to the state will be associated with this proposal.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>Most of the Commonwealth's localities will not see significant costs associated with implementing the proposed regulation. The few localities that do not currently provide any resting platforms or bedding will see some initial cost in procuring such; however, a wide variety of economical (or even free through charitable organizations) options exist. Likewise, most localities already have a relationship with a veterinarian who provides services to their public animal shelter and have existing standard operating procedures that mirror the veterinary protocols required by the proposed regulation. The drafting of the required protocols will most likely require some outlay by the locality, but VDACS will help mitigate this by providing model protocols. These costs may be completely or substantially offset by the savings localities will realize in constructing and maintaining holding areas for animals not subject to a holding period.</p>

<p>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</p>	<p>This regulatory proposal will impact localities that maintain or contract with another entity to maintain a public animal shelter. The regulation will also impact private organizations that maintain a private animal shelter.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>There are 94 public animal shelters in the Commonwealth that are directly maintained by one or more localities. There are an additional 15 public animals shelters that are maintained by private organizations on behalf of one or more localities. There are 43 non-profit private animal shelters in the Commonwealth. This regulation will not impact small businesses.</p>
<p>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including: a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>The costs for private organizations mirror those for localities. Private organizations can choose not to house animals subject to a holding period to avoid making any structural modifications that may be required to their facilities. Again, the vast majority of private animal shelters have an existing relationship with a veterinarian who can be utilized in the adoption of required protocols.</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>Restriction of the strict housing standards currently in place for all animals in public animal shelters only to those animals subject to a holding period will give public animal shelters and their supporting localities a broader range of cost-effective options for housing animals not subject to a holding period.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

The alternatives to this proposed regulatory action are to maintain 2 VAC 5-110 in its current form or to repeal 2 VAC 5-110 and remove the agency’s regulatory oversight of public animal shelters. The agency does not consider these alternatives viable. This proposed action will balance the public’s continued interest in ensuring the lawful operation of both public animal and private shelters with the increasing scope of activity of these entities. This regulation will not impact small businesses.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business.

Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

This regulation will have no adverse impact on small businesses.

Periodic review and small business impact review report of findings

If this NOIRA is the result of a periodic review/small business impact review, use this NOIRA to report the agency's findings. Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include 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.

Discussion required by Va Code § 2.2-4007.1 E and F:

The Board of Agriculture and Consumer Services currently regulates public animal shelters under 2 VAC 5-110. Continued regulation is required to be consistent with the intent and objectives of § 3.2-6546 (concerning public animal shelters) and § 3.2-6548 (concerning private animal shelters) of the Code of Virginia.

The currently regulated community—public animal shelters and the localities that operate them—have asked VDACS to provide them with greater flexibility in housing animals that are not subject to a holding period. This flexibility will allow localities to better serve their public. Clarification of expectations regarding veterinary treatment will help to better protect the public's interests in Virginia's companion animal populations.

The proposed regulations will eliminate duplicative language concerning water supply, waste disposal, and euthanasia, which are fully addressed in the Code of Virginia or elsewhere in the Virginia Administrative Code.

2 VAC 5-110 has not been substantively amended since 1985. In the past 30 years, the scope of activities of many public animal shelters throughout the Commonwealth has significantly increased. Such facilities are routinely housing companion animals beyond the statutory holding periods established for stray animals in order to promote the adoption or transfer of these animals. The current regulations can preclude the implementation of housing and enrichment practices that are considered industry-standard for the long-term housing of animals. Concurrently, private animal shelters are confining companion animals subject to holding periods on a routine basis without regulation. VDACS has determined that it is in the public interest to ensure that all companion animals in shelter facilities subject to a holding period be maintained in a manner that protects the animals from injury, illness, and theft for this short period while allowing public animal shelters greater freedom in their housing of animals that have satisfied holding period requirements.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency Response
<p>Makena Yarbrough, Executive Director, Lynchburg Humane Society</p>	<p>I am very excited to think that this change may happen. In our new facility we are building we have a very standard “pound” or public animal shelter area, set up to meet the guidelines since we have stray animals. But have always been concerned on what we would have to do to stay in compliance once the animal is ours and up for adoption in our separate adoption center. Mainly looking at cat rooms for enrichment items and materials for us to make platforms from and boxes for them to hide in and fun steps to climb. I think it makes logical sense that once the animal is past its stray hold and property ownership has shifted to the organization that we can then act more like the private shelters do and have programs that help the animals we are caring for. So I am very much in favor of this change and appreciate your efforts.</p> <p>As we plan to open our new facility in 4 months I am going to move down the path of building items in our adoption center for cats under the private shelter guidelines and deal with it initially as a separate area or humane society portion of the building. Your proposed change will certainly make reporting efforts much easier for those shelters whom are having to “transfer” the animal over to the humane society in order to have such enrichment. It will be much clearer to the general public when looking at the statistics on your site.</p>	<p>VDACS concurs with Ms. Yarbrough’s statements. The proposed regulation seeks to remove barriers that public animal shelters face when adopting programs for adoptable animals.</p>
<p>Robin Starr, Executive Director, Richmond SPCA</p>	<p>It is our understanding that the Virginia Department of Agriculture and Consumer Services is providing an opportunity for public comments regarding the suggestion that the animal pound regulations be amended so as to apply to all animal shelters,</p>	<p>VDACS does intend to apply general requirements concerning feed, water, enclosure suitability, and veterinary treatment to both public and private animal shelters. These requirements are not overly burdensome and are reflective of statutory requirements</p>

	<p>public or private, while an animal is subject to the stray holding period. Please consider this message to convey the comments as well as the questions of the Richmond SPCA.</p> <p>The Richmond SPCA seeks clarification as to whether your office is contemplating the application of existing pound requirements to all animal shelters and rescue agencies if and only if those private organizations accept stray animals into their care. Assuming that is the case, we would appreciate clarification as to whether those pound requirements would only apply to stray animals and the areas in which they are housed during the statutory holding period or to the entire population of animals cared for by the private organizations in all animal housing areas at all times?</p> <p>Additional comments and concerns include:</p> <ul style="list-style-type: none"> • In order for private shelters to comply fully with existing pound requirements, they would likely need to invest in burdensome and costly renovations that would result in a harder, colder and less nurturing environment for visiting members of the public and for the animals in their care. This also may result in reduced capacity to house animals and thereby diminish life saving capacity of these private organizations. Alternatively, they could decline to ever accept strays into their care. • Applying existing pound requirements to private agencies that are solely foster-based but that do accept stray animals into their care would diminish, in a significant way, or eliminate the number of animals they are able to provide care to on an annual basis and could result in materially reduced lifesaving. Applying them to private organizations with shelters for strays kept during the stray holding period but not to foster-based organizations under those same circumstances would not seem to be a reasonable distinction to make if the concern motivating the imposition of the pound 	<p>for both classes of shelters. Stricter enclosure standards will only apply to animals subject to a holding period in both classes of facilities; they will not apply generally to the entire animal population and this activity is discretionary on the part of private animal shelters. The Code of Virginia grants VDACS the authority to regulate and inspect public and private animal shelters but not home-based animal releasing agencies. Though structural requirements will be relaxed for public animal shelters for animals not subject to a holding period, all other animal care requirements will be maintained or strengthened and VDACS does not feel that there will be any reduction in the level of care provided in such facilities.</p>
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	<p>requirements is that the animal is not yet the property of the private organization.</p> <ul style="list-style-type: none"> • If VDACS were to apply the existing pound requirements to the housing and care of animals only during those animals' statutory stray periods at government shelters, and after those periods the animals could be moved to other holding areas not meeting the requirements, then the care provided by those government agencies whose general husbandry practices are less than adequate could conceivably decline further. 	
<p>Debra Griggs, President, Virginia Federation of Humane Societies</p>	<p>The Virginia Federation of Humane Societies applauds the Virginia Department of Agricultural Services for undertaking the review and potential revision of the current public animal shelter regulations (Rules and Regulations Pertaining to a Pound or Enclosure to be Maintained by Each County or City, 2 VAC 5-110). While I understand that the process will involve considerable research and public comment, and specific regulatory changes are unknown at this time, I am writing to suggest our hope for the resulting regulations. As you know VFHS is a membership organization which includes both private and public shelters so this process is of vital importance to our members.</p> <p>We strongly favor regulations that promote sheltering which is not solely focused upon basic care and sanitation but embraces sheltering practices that support the overall well-being of the animals. Our preference would be that shelters are empowered and encouraged to provide enrichment to animal at all times in the shelter environment, including during the statutory holding period.</p> <p>We would recommend that the regulations be revised such that shelters are never restricted from delivering the Five Freedoms to animals in their care:</p> <ul style="list-style-type: none"> • Freedom from hunger or thirst by ready access to fresh water and a diet 	<p>Neither the current nor proposed regulations preclude the implementation of enrichment programs for animals subject to a holding period. Certain equipment, such as wooden structures, will not be permitted in enclosures housing animals subject to a holding period, but a variety of other options do exist. The proposed regulations do not preclude the use of enrichment programs for animals subject to a holding period, but structures placed within the enclosure must be able to be disinfected, or must be disposed of daily.</p>

	<p>to maintain full health and vigor.</p> <ul style="list-style-type: none"> •Freedom from discomfort by providing an appropriate environment including shelter and a comfortable resting area. •Freedom from pain, injury or disease by prevention or rapid diagnosis and treatment. •Freedom to express normal behavior by providing sufficient space, proper facilities and company of the animal's own kind. •Freedom from fear and distress by ensuring conditions and treatment which avoid mental suffering. <p>Along with our member shelters, we look forward to participating in the regulatory revision process and we intend to offer fuller comments when draft regulations are proposed.</p>	
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Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation will have no impact on the institution of the family or family stability.

Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please list separately: (1) all differences between the **pre-emergency** regulation and this proposed regulation; and 2) only changes made since the publication of the emergency regulation.*

The proposed regulatory action repeals 2 VAC 5-110 and replaces it with 2 VAC 5-111. The chart below indicates which provisions of 2 VAC 5-110 are included in the new regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
N/A	2VAC5-111-10	N/A	This section establishes definitions that will

			assist regulants in complying with the proposed regulation.
2VAC5-110-10	N/A	Water for drinking shall originate from a potable source.	Repeal. This provision is a statutory requirement found in Va Code § 3.2-6503.
2VAC5-110-20	2VAC5-111-20	Requires that confinement areas have a durable nontoxic water bowl or an automatic watering device that is in a fixed position or be of the type that cannot be tipped over by the animal.	2 VAC 5-111-20 C clarifies the current requirement and recognizes those situations in which veterinary orders may be contrary to drinking water being available for an animal at all times.
2VAC5-110-30	N/A	The disposal of all solid wastes shall meet the requirements of any applicable local ordinances, state laws, or regulations governing the disposal of solid wastes.	Repeal—already addressed 2 VAC 20-81 and local ordinance.
2VAC5-110-40	2VAC5-111-20, 2VAC5-111-40	Requirements pertain to enclosure conditions and to protecting animals from injury.	2VAC5-111-20 A and B pertain to enclosure conditions, which are largely unchanged, but will apply to public and private animal shelters. 2VAC5-111-40 prescribes construction requirements for enclosures similar to those in 2 VAC 5-110, but limits the requirements only to the housing of animals subject to a holding period. This will allow public shelters to have greater flexibility when housing animals that are not subject to a holding period.
2VAC5-110-50	2VAC5-111-20, 2VAC5-111-40	Prescribes acceptable materials for cage construction, the provision of pallets to allow animal to sleep off of the floor is discretionary, requires that enclosures have sufficient space to allow certain movements by animals.	2VAC5-111-20 E requires that each animal is provided a resting platform. This has become industry standard and will improve animal health. 2VAC5-111-40 limits strict material requirements to the housing of animals subject to a holding period, providing strict safety standards for animals held in the public interest and allowing greater flexibility in the housing of animals not subject to a holding period.
2VAC5-110-60	2VAC5-111-20	Requires a faucet and hose connection for cleaning the animal housing area. Requires the use of disinfectants or germicidal agents to clean the animal housing area.	The faucet and hose connection requirement is being repealed because it is addressed in Virginia Administrative Code by the State Water Control Board and local ordinance. 2VAC5-111-20 B requires the use of a disinfectant or germicidal agent when cleaning an enclosure in order to assist in protecting animals from illness.
2VAC5-110-70	2VAC5-111-20	Prescribes requirements for food preparation utensils and food storage.	2VAC5-111-20 D prescribes requirements for cleaning food delivery utensils and for food storage to assist in protecting animals from illness.
2VAC5-110-80	N/A	Requires that euthanasia be performed in compliance with methods approved by the State Veterinarian.	Repeal. This provision is addressed in Va Code § 3.2-6546 and by Division of Animal and Food Industry Services Administrative Directive 79-1, "Methods Prescribed or Approved for Animal Euthanasia and Competency Certification Requirements".
2VAC5-110-90	N/A	Prescribes requirements regarding the disposal of dead animals.	Repeal. These requirements are already established in Va Code § 3.2-6554.
2VAC5-	2VAC5-111-30	Prescribes requirements for the	2VAC5-111-30 establishes requirements for

110-100		isolation of incoming ill animals.	the development of protocol to provide care for ill animals, to control infectious disease, and to care for neonatal and medically compromised animals. These requirements will assist in protecting animal health.
2VAC5-110-110	N/A	Recommends that localities submit construction plans for shelter facilities to the agency for review and approval.	Repeal. Although a section similar to 2VAC5-110-110 is not included in the proposed new regulation, VDACS will continue to provide this service.