



Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-110
Regulation Title:	Rules And Regulations Pertaining To A Pound Or Enclosure To Be Maintained By Each County or City
Action Title:	Retain
Date:	December 6, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The regulation establishes guidelines for the maintenance of pounds and enclosures. For the purpose of this report, although they are somewhat different, both pounds and enclosures will be referred to simply as “pounds.” The regulation also establishes minimal standards of animal husbandry to be practiced in pounds. [Animal husbandry, as applied to pounds, includes cleaning the pound, waste disposal, the safety of animals, the housing of animals, ventilation of the pound, food and water, euthanasia (the humane killing of an animal), and disease control.]

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Section 3.1-796.96 of the Code of Virginia (1950), as amended, requires the governing body of each county or city to maintain or cause to be maintain a pound. The law further states that the governing body shall require the pound be operated in accordance with regulations issued by the Board of Agriculture and Consumer Services.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The Department published its notice in The Virginia Register of Regulations on September 11, 2000, advertising the opportunity to comment on this regulation pursuant to Executive Order Twenty-five (98). An informal advisory group was not formed for the purpose of assisting in this periodic review.

The Department received no public comment on this regulation review during the comment period.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The specific and measurable goals of the regulation are:

1. To protect the health and welfare of animals in Virginia with the least possible cost and intrusiveness by (a) establishing minimum housing and care standards for the animals maintained in the pounds and (b) when necessary, establishing procedures for the euthanasia of animals.
2. To prevent or minimize the introduction of contagious and infectious diseases into animal populations in the Commonwealth by (a) establishing minimum disease control standards that pounds must meet and (b) establish procedures for disposal of dead animals.

The effectiveness of the regulation in achieving these goals is reflected, in part, by the current standard of care provided in the animal pounds.

The regulation is clearly written and easily understandable by the individuals and entities affected.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The considered alternative to this regulation is to eliminate the regulation thereby removing the minimum standards of care, procedures for euthanasia, and procedures for disposal of dead animals. The agency rejects this alternative because, without these minimum standards and procedures, animals in Virginia's pounds may receive a much lower standard of care. Furthermore, disease in companion animal populations may increase.

Recommendation

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.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

Unless otherwise discussed in this report, this regulation has no impact upon families.