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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

<b>Agency name</b>	Board of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-205
<b>Regulation title</b>	Rules and Regulations Pertaining to Shooting Enclosures
<b>Date</b>	October 18, 2016

This information is required pursuant to Executive Order 17 (2014).

### 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.*

Section 3.2-109 of the Code of Virginia establishes the Board of Agriculture and Consumer Services (Board) as a policy board. Section 3.2-6039 of the Code of Virginia authorizes the Board to adopt regulations relating to the requirements for operating shooting enclosures in Virginia and to establish specific criteria relating to the kinds of animals that may be housed within a shooting enclosure and their health and care requirements.

### 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.*

Section 3.2-6039 of the Code of Virginia mandates that the Board adopt these regulations to carry out the provisions associated with the operation of shooting enclosures in Virginia. There

are no viable alternatives to achieving the purpose of the existing regulation. If this regulation were to be repealed, there would no longer be any criteria by which shooting enclosure operators could be assured they were complying with Code. The current regulation has established the rules and requirements needed in order for shooting enclosures to remain operational in Virginia.

### 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.*

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No comments were received during the public comment period that followed the publication of the Notice of Periodic Review on September 5, 2016, and an informal advisory group was not formed for purposes of assisting in this periodic review.

### Effectiveness

*Please 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.*

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The regulation is necessary for the protection of public health, safety, and welfare because it establish criteria for the operation of shooting enclosures in Virginia. It sets health requirements for the animals held in a shooting enclosure, thereby protecting the health of other domestic and agricultural animals and native wildlife in the Commonwealth. It establishes fencing requirements in order to prevent the escape of the animals being held in the enclosure, thereby protecting public safety. The regulation is clearly written and easily understandable.

### Result

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

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The regulation as it is currently written is effective and necessary for the protection of public health, safety, and welfare. It establishes appropriate and detailed criteria relating to the operation of shooting enclosures in Virginia and the requirements for the animals being housed in a shooting enclosure. Therefore, the agency recommends that the regulation should 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 the 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 basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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There is a continued need for this regulation because there is still one shooting enclosure currently operating in the Commonwealth. There have been no complaints from the public concerning this regulation. This regulation is detailed, but is clearly written and easily understandable. This regulation does not overlap, duplicate, or conflict with federal or state law or other regulation, but expands upon Section 3.2-6039 of the Code of Virginia. There have been no technologic, economic, or other factors that have changed in the area affected by the regulation since the last review period. This regulation necessarily impacts small business, as the operators of shooting enclosures are for-profit private businesses. However, the impact is appropriate and necessary in order to protect public health, welfare, and safety. The collection of a small annual fee from shooting enclosure operators is necessary in order to offset any cost to VDACS for administering the provisions of the regulation. Therefore, the agency has determined to retain the regulation as-is.