



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services (Board of)
VAC Chapter Number:	2 VAC 5-205
Regulation Title:	Rules and Regulations Pertaining to Shooting Enclosures
Action Title:	Review
Date:	February 4, 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.

This regulation provides for (1) the licensing and operation of the enclosures; (2) the fees for the application and license; (3) the species of goats, sheep, and hogs that may be held; (4) the minimum contiguous acreage necessary; (5) the humane care and humane killing of animals being held; (6) the methods and procedures for disposal of animals; (7) the reporting of the death of every animal being held in the shooting enclosure not killed by the clientele; (8) the reasonable utilization of all animals killed by the clientele; and (9) the basic veterinary care of the animals held in the enclosure.

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 3.1-763.5:5 of the Code of Virginia (1950) as amended, contains the authority to make regulations governing shooting enclosures. This section of the law mandates that the Board of Agriculture and Consumer Services shall promulgate regulations to carry out the provisions of Article 4.1:1, Shooting Enclosures, of the Code of Virginia, including, but not limited to, the requirements for licensing and operating shooting enclosures located within the Commonwealth. However, there is no statutory mandate for the Board to promulgate regulations governing the veterinary care to be provided to animals held in shooting enclosures. This regulation does not exceed any mandates.

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.

No comments were received regarding this regulation. No informal advisory groups were formed for assisting in the periodic review of this regulation.

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 goal of this regulation include the following:

- 1. Protect the public's health and welfare while incurring the least possible cost to the businesses and citizens of Virginia.*
- 2. Provide standards of operation for shooting enclosures; establish the criteria for licensing and for collecting license fees; indicate those species of goats, sheep, and hogs that may be held; indicate the minimum contiguous acreage required for the*

enclosure based on the number of animals held; provide standards for the humane care and humane killing of animals being held; require the reporting of the death of every animal being held in the shooting enclosure not killed by the clientele; prescribe methods to ascertain the reasonable utilization of all animals killed by the clientele; and indicate the basic veterinary care required for the animals held in the enclosure.

The effectiveness of this regulation to regulate the business of allowing individuals to hunt for certain animals while being confined within an appropriate sized enclosure has been determined by frequent inspections accomplished by Department of Agriculture and Consumer Services field veterinarians of the licensed shooting enclosures in Virginia to ascertain compliance with the requirements of the regulation.

This regulation is essential to protect the health and welfare of Virginia citizens. With respect to the health of the public, there are a number of diseases that humans can contract from livestock and other animals, including those that may lawfully be kept in a shooting enclosure. Two of these diseases by way of example, tuberculosis and brucellosis, are quite harmful to human health.

Humans can become infected with tuberculosis, either by inhaling tuberculosis bacteria given off by infected animals (through breathing, sneezing, or coughing) or by consuming unpasteurized milk or uncooked meat from infected animals. The disease can lie dormant for years in the body of its host, only to become active later; subsequently making it contagious to others and ultimately fatal to its host. In the final stages of the disease, the human sufferer typically asphyxiates on the fluids that accumulate in the lungs. Tuberculosis has affected the health of humans and other animals for centuries, and it is considered to be the foremost infectious disease causing chronic disability and death in most parts of the world.

Brucellosis in man, also known as undulant fever, can be a source of great misery to its victim. Its symptoms include intermittent fever along with aches, pains, chills, night sweats, appetite loss, weight loss, and fatigue bordering on exhaustion. Human brucellosis is usually contracted through contact with infected animals or their freshly killed carcasses or by consuming unpasteurized milk from infected animals.

Regarding the impact on the welfare of Virginia citizens, the health of all livestock, animals are continually threatened by diseases, the effects of which range from slight debilitation to decimation of flocks and herds. The livestock industry makes up 63 percent of the \$25 billion-plus agricultural businesses in Virginia. Therefore, this animal-health-enhancing regulation is necessary in order to protect these businesses from economic losses that might otherwise occur if a diseased animal escaped from a shooting enclosure and mingled with neighboring livestock.

This regulation has no direct impact on the institution of the family and family stability.

The regulation pertaining to shooting enclosures is succinct and easily understood by the general public and regulated entities.

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.

Certain requirements of the regulation were mandated by sections 3.1-763.5:1 through 3.1-763.5:8 of the Code of Virginia; i.e., licensing of shooting enclosures, including the application for the license and license fees and the grounds for denial, suspension or revocation of such licenses, and the promulgation of regulations by the Board of Agriculture and Consumer Services to carry out the provisions of such statutes. However, for the non-mandatory provisions of this law; i.e., regulations governing the veterinary care to be provided to the animals held in the shooting enclosure, the alternative considered was not to require any testing for diseases or set any standards of health for the animals that are brought into the shooting enclosures. The testing requirements would apply to those diseases that affect both animals and humans.

This alternative was rejected because of the absence of reasonable health checks to prevent the possible spread of disease from the enclosure animals to surrounding livestock populations and subsequently to the humans handling such animals.

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.

