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Periodic Review and Small Business Impact Review Report of Findings

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| Agency name | Board of Agriculture and Consumer Services |
| Virginia Administrative Code (VAC) Chapter citation(s) | 2 VAC 5-150 |
| VAC Chapter title(s) | Rules and Regulations Governing the Transportation of Companion Animals |
| Date this document prepared | July 31, 2020 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 3.2-109 of the Code of Virginia (Code) 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.

Section 3.2-6501 of the Code authorizes the Board to adopt regulations concerning the transportation of animals.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no viable alternatives for achieving the purpose of this regulation. This regulation is necessary to ensure the appropriate transportation of companion animals by commercial and public entities in the Commonwealth. The regulation is the least burdensome alternative to establish the necessary space and temperature requirements for conveyances used by animal control officers, humane societies, animal dealers, and exhibitors for transporting companion animals.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The agency did not receive any comments during the public comment period following the publication of the Notice of Periodic Review on April 27, 2020. An informal advisory group was not formed for the purpose of assisting in the periodic review.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation meets the criteria set out in Executive Order 14 (2010). Regulations concerning the appropriate transportation of companion animals by dealers, animal control officers, and other commercial or public entities are in the best interest of public health and safety. The regulation is clearly written and easily understood.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The agency is recommending that this regulation stay in effect without change.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

1. This regulation is important to the pet and shelter industry and there is continued need to assure that companion animals are transported in an appropriate manner.
2. There have not been complaints or comments about this regulation.
3. The regulation is not complex.
4. This regulation complements federal regulations enacted pursuant to the federal Animal Welfare Act and does not overlap, duplicate, or conflict with federal or state law or regulation.
5. This regulation last underwent periodic review in 2014, and since that time, no significant technological or economic developments have impacted the transportation of companion animals.

This regulation was promulgated with due concerns for industry and has minimal impact on small businesses.