



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-150
Regulation Title:	Rules and Regulations Governing the Transportation of Companion Animals
Action Title:	Retain
Date:	September 5, 2001

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 standards for the safe, secure and humane transportation of pet animals and birds by carriers, dealers, exhibitors, pet shops, auction sales, cities, counties, animal control officers, pounds, and humane societies. The standards are for structure, space, ventilation, temperature and maintenance of primary enclosures (e.g., a room, pen, or cage used to immediately restrict an animal), primary conveyances (e.g., a motor vehicle, plane, ship or train used to convey an animal from origin to destination) and terminal facilities (e.g., a building, structure or grounds where animals will be loaded on or unloaded from a primary conveyance during transit) used in the transportation of animals. In addition, food and water, care, handling, and animal identification requirements are specified.

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.

§3.1-796.67 of the Code of Virginia (1950), as amended, provides that the Virginia Board of Agriculture and Consumer Services may promulgate rules and regulations or guidelines concerning the care and transportation of animals.

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 agency did not receive any public comment in response to the Notice of Periodic Review that was published in The Virginia Register of Regulations on June 18, 2001, to provide notice of opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). No informal advisory group was formed for the purpose of assisting the periodic review.

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.

Specific and measurable goals:

1. The protection of the public's welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.
2. To ensure the safe, secure and humane transportation of companion animals and birds by local animal control officers, humane societies, animal dealers and exhibitors.

Effectiveness of the regulation in achieving such goals: The Virginia Department of Agriculture and Consumer Services has noted a decline in the number of complaints involving the transportation of companion animals since the regulation was promulgated in 1987. It is believed that the reduction in the number of complaints indicates compliance with the requirements of the regulation by an increasing number of the individuals and entities involved in the transportation of such animals.

The regulation protects the public's welfare by setting minimum enforceable standards for the proper transportation of companion animals and birds to ensure the health of citizens' animals being transported by animal control officers, humane societies and animal dealers. Such standards also ensure that citizens' pets are not injured or lost during transit. The standards also protect citizens from economic loss by protecting their pet during transit. An added benefit is the psychological welfare of citizens who are assured that their pets (to which the owners often have strong emotional bonds) are being treated, handled, and cared for humanely during transit.

The regulation helps ensure family stability and the family institution by minimizing both economic and emotional losses to families that have strong attachments to their pet animals and who would have to face the loss of such a pet if injured or lost during transit.

The regulation is clearly written and easily understandable by 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 alternative would be to eliminate the regulation. This alternative was rejected because, for over a decade prior to enactment of this regulation, localities, private organizations and the public had attempted to effectively deal with the issues involving the transportation of pet animals and birds. This regulation has successfully resolved most of the problems because the processes and requirements of the regulation have proven to be effective and efficient, and have shown to be the least intrusive and least burdensome mechanism for localities and the general public in dealing with the transportation of pets.

Recommendation

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

The regulation should 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.