



Colorado Pet Animal Care Facilities Program Annual Report License Year 2008

Colorado Department of Agriculture Pet Animal Care Facilities Act (PACFA)

The Pet Animal Care Facilities Program is dedicated to protecting the health and well-being of those animals in pet care facilities and is a model program for states across the country. Currently, there are only 14 other states that have programs similar to PACFA, making Colorado a leader for pet care across the country. Our inspectors are always concerned about the health and well being of all pets that are housed or cared for in the pet care facilities and have extensive experience in evaluating pet animal health and proper care in the facilities licensed in the pet care program.

Every inquiry made to the Colorado Department of Agriculture concerning these facilities is investigated and we believe the majority of facility owners share our goal of animal health.

The Department encourages residents to contact the pet care program if they would like to view a facility's inspection record before leaving their pet at that facility and if they have concerns about a pet care facility to contact our office. Working with the public is extremely important to our efforts of ensuring a safe location for people to leave their family pets.

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The Pet Animal Care Facilities Act: A Legislative and Regulatory History

The Law

In 1993, a number of animal control officers discussed the prospect of enabling legislation to inspect pet facilities for minimum requirements. This served as motivation for a number of key people in the pet animal industry to be involved and resulted in the formation of a task force. The task force worked to develop legislation to empower the Department of Agriculture to have oversight and authority and in 1994 the PACFA statute was passed.

The statute (§ 35-80-101 thru 117 C.R.S.) gives authority to the Commissioner of Agriculture to administer the program through the State Veterinarian's office, to promulgate rules and regulations, and to appoint an advisory committee. As a result, Colorado has a model program for pet facility regulation which is industry initiated and supported. The law requires that any person operating a pet animal facility that engages in selling, transferring, adopting, breeding, boarding, training, grooming, sheltering, or rescuing dogs, cats, birds, rabbits, ferrets, reptiles or fish must possess a valid license. The fees from licensing and any civil violations issued are used to support the activities of PACFA; no General Fund appropriations are made.

Since 1995 the general assembly has amended PACFA to ensure it is current with industry and regulatory changes. Several changes were adopted as part of the 1999 Sunset review. Other notable changes occurred in 2001 with the addition of the Pet Overpopulation Authority and the Pet Overpopulation Fund. The Pet Overpopulation Authority is a committee of seven members with demonstrated and active interest in pet overpopulation control appointed by the Commissioner of Agriculture. The Authority acts as fiduciary for the Fund which receives donations through a Colorado income tax check-off. The Authority established a grant application process and oversees the disbursement of these funds to communities which are underserved in the areas of veterinary services, sheltering opportunities and animal care and control services.

Other notable changes occurred during the 2009 Sunset review of PACFA. Additional recommendations were approved by the general assembly with the most notable being the addition of one full time employee to the staff. During the review of the program and testimony from several stakeholder groups, the assembly was convinced that for the program to increase regulatory and enforcement capacity for the growing number of licensed facilities in the state, there was a need for additional resources. As a result the staff will be increased and a portion of spending authority for 2010 will be devoted to upgrading the information technology used by the program.

The Regulations

Through the PACFA program the Department of Agriculture is charged with developing and implementing regulations to support PACFA. Over the years the regulations have been reviewed and updated as new species enter the pet trade, new equipment becomes available, and new business models emerge.

Licensees are required to comply with rules pertaining to structural standards, interior building surfaces, electric power, water, washrooms and sinks, heating and cooling, ventilation, sewage disposal, grooming areas and isolation areas. Care and feeding standards include nutrition, sanitation, food storage, pest control, and separation of aggressive animals. Standards for veterinary care include written agreements to provide care, observation daily for signs of injury or illness, provision of timely veterinary care for sick or injured animals and euthanasia according to AVMA guidelines.

Amendments to rules have been promulgated in 1999, 2000, 2001, 2004, 2005, 2007 and 2008. It was in 2000 that the threshold for licensing was decreased from 24 dogs or cats to 15 within the shelter category. During the 2007 license year a number of changes in the rule were proposed and adopted. The most notable changes occurred in the Retail/Wholesale category with changes to the reptile husbandry requirements to allow more species specific care and require additional monitoring by licensees to ensure proper environmental control and nutritional support. The program was also able to gain additional enforcement authority with the ability to fail inspections when reasonable access is denied during business hours. This one change will allow inspection and enforcement within the program to continue to be efficient and supports the desire to conduct inspections with fairness.

In 2008 rules were amended to reflect the statutory requirement to spay and neuter animals being adopted from animal shelters or rescues. These changes included record keeping and the reporting that must be included to the department. To accomplish these rule changes and the statute change that predicated them, the department worked with stakeholder groups to assure all concerns were addressed.

The Rule Change Process

The Administrative Procedures Act provides the guidelines for rule change. The process begins with recommendations presented to the program staff from concerned citizens or stakeholder groups, or those that originate from the staff in the course of enforcement. The program staff then works to develop proper language and to ensure all areas in the rule are addressed. These proposed changes are then brought to the advisory committee for discussion and recommendation. Public hearings are also held to accept comments and recommendations. The program staff will again review the proposed changes taking into consideration comments from the committee and the public. The final draft of the proposed changes is presented to the Agriculture Commission. This entity reviews the proposals from the program staff as well as the public and then votes to accept, reject or amend the recommendations. If accepted, the amendments are approved by the Commissioner of Agriculture and become part of the official rule.

How PACFA Administers the Law

Within the Colorado Department of Agriculture, the Animal Industry division is responsible for administering the Pet Animal Care Facility Act. The mission of PACFA is to protect the health and welfare of pet animals while they reside in pet care facilities in Colorado. This will be achieved through educating facility owners, monitoring facility standards with routine inspections, and responding to complaint or inquiry by the public with investigation. The program also strives to provide leadership in establishing acceptable standards of care and treatment throughout the pet care industry.

The program is made up of one veterinary supervisor, an inspector for Northern Colorado, one for Central Colorado, and one for Southern Colorado, and two administrative assistants. The offices are housed at 710 Kipling Street, Lakewood Colorado.

PACFA inspectors with the program have extensive experience in animal care and husbandry, either through training as Certified Veterinary Technicians or through undergraduate training and practical experience. Many also have specialized interests and expertise which can be a valuable source of information and education to licensees. In enforcing PACFA, the inspectors work closely with other agencies including Federal animal care inspectors, local Animal Care and Control agencies, and county code enforcement officers. We also frequently interact with regulated professional groups, industry organizations, humane groups and other concerned individuals.

Colorado Department of Agriculture Pet Animal Care Program

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PACFA Advisory Committee Members 2008

The Advisory Committee is required to be made up of one licensee from each of 11 categories, three members of the general public who shall not be licensees, one veterinarian, and one representative from animal care and control.

<i>Position Represented</i>	<i>Member Name</i>
Dog Breeder Small Scale	Rose Ann Glenn
Dog Breeder Large Scale	Beverly Fritz
Cat Breeder	Janiel Cillessen
Bird Breeder	Glenda Pullum
Retail	Jens Larsen
Wholesale	Steve Waugh
Small Animal Breeder	Suzanne Dennis
Boarding and Training	Doug Johnson
Pet Groomer	Wendy Booth
Animal Shelter	Donna Straub
Animal Rescue	Martha Smith
Animal Care and Control	Carla Zinanti
Veterinarian	Lori Scott, DVM
General Public	Thad Balsamo
General Public	Lori Crusier
General Public	vacant
PACFA Program Administrator	Kate N. Anderson, DVM

Advisory committee members are appointed by the Commissioner and serve three year terms. The current committee enjoys a mix of new members and those who have served many years. This offers a blend of historical content and new ideas that keep the program up to date with changes in the industry while allowing it to stay consistent with the original mission. In 2009 a position will be added to the committee to represent those boarding facilities that offer co-mingled day care services to their customers. This facet of the boarding industry is fast growing and offers a unique perspective on pet care. Additionally some terms are expiring and a review of vacant positions is on going.

PACFA Financial Statement

Fiscal Year 2008 (July 1 to June 30)

Revenue

License Fees	\$468,327.00
Sale of Supplies	\$ 2,097.94
Civil Penalties	
Fines	\$ 15,612.00
Late fees	<u>\$ 6,840.50</u>
Total	\$ 22,452.50

Total Revenue \$492,877.44

Expenses

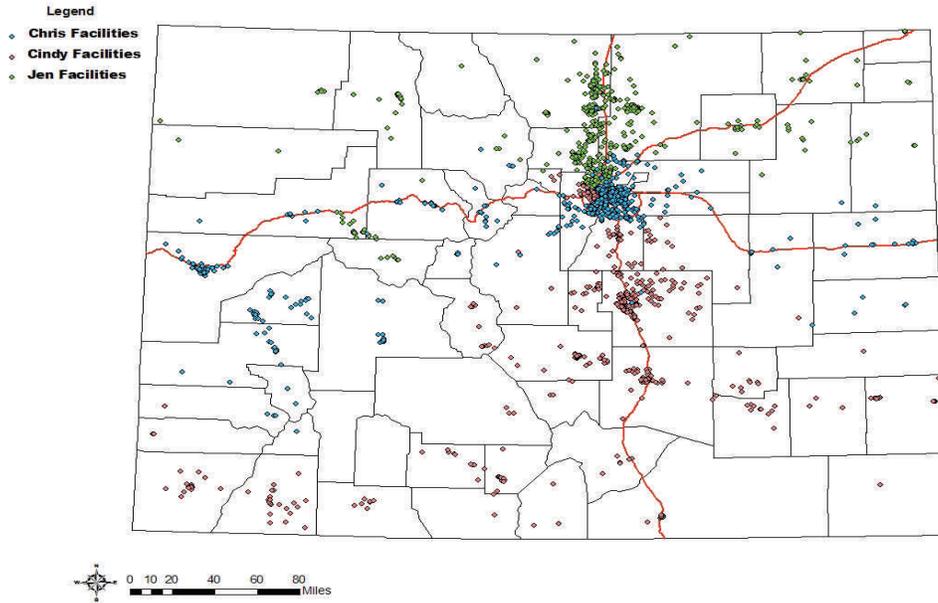
Regular wages	\$285,985.00
Benefits	\$ 71,484.00
Personal services	\$ 13,944.00
Vehicles	\$ 17,450.00
Travel	\$ 8,244.00
Professional services	
Legal	\$ 32,460.00
Other	\$ 925.00
Insurance	\$ 1,073.00
Printing	\$ 3,559.00
Communications	\$ 7,113.00
Supplies	\$ 6,803.00
Equipment	\$ 868.00
Operating	\$ 42,940.00
Official function	\$ 176.00
Postage	\$ 5,087.00
Fees	
Registration	\$ 400.00
Other	\$ 109.00

Total Expenses \$496,695.96



PACFA Inspection Territories

2008 Licensed PACFA Facilities



PACFA License Category Breakdown

License Category	2008	Base Facility Risk
Retail/Wholesale	209	Medium-high
Retail Aquarium Only	92	Low
Boarding/Training	555	Medium-high
Network Boarding	11	Medium
Grooming	816	Medium
Pet Handler	48	Low
Dog Breeder Small Scale	196	Medium-high
Dog Breeder Large Scale	35	Medium-high
Cat Breeder	16	Medium
Bird Breeder Common	28	Medium
Bird Breeder Uncommon	15	Medium-high
Small Animal Breeder	18	Medium
Animal Shelter	161	Medium-high
Animal Rescue	168	Low

Inspection Highlights

PACFA personnel perform three types of inspections; pre-license inspections, unannounced routine compliance inspections, and complaint investigations.

To determine whether prospective licensees are in compliance with PACFA, applicants are required to submit facility plans with their application which will be reviewed and approved by program staff. Inspectors then perform a pre-license inspection prior to any license being issued. Plan approval prior to license application is not required but personnel make every effort to honor requests for plan review to ensure the highest level of compliance.

Inspectors conduct unannounced routine inspections at the facilities of all licensees in the program to ensure they are operating within the regulations. Routine inspections are scheduled based on a risk factor and will occur from every 24 months to every six months depending on level of risk. Each facility is issued a base risk dependant on the business model and type of operation (see table on the previous page). A facility will increase their risk by committing violations to the rule found during routine inspections or complaint investigations. The risk rating for a facility will only return to base risk when all violations are corrected and noted by inspection. This risk based inspection system supports a focused inspection strategy and allows for more frequent and in-depth inspections at problem facilities.

When an inspection yields evidence to give an investigator reasonable grounds to believe that the facility is non-compliant, the investigator will provide the facility with an inspection report form noting the areas of concern. The investigator will conduct a follow-up inspection to determine whether the previously identified issues have been corrected. The duration of time between the initial inspection and the follow-up inspection varies depending upon the nature of the issues identified and the solution needed to correct them.

Any investigation that yields evidence to give an investigator reasonable grounds to believe that the well being of an animal or animals is compromised shall be corrected immediately. Facilities requiring a major investment of time or money to correct a problem will be provided more time. Generally, facilities can correct the identified issues within 30 days. In the event that an identified issue is non-critical (i.e., it would have no immediate effect on the well being of an animal) and the solution to correct the problem is costly and time-consuming, the facility owner might be given additional time to correct the problem.

Total Inspections Performed

* The program was utilizing only 2 full time inspectors during four months of this reporting year. In addition, inspection and reporting methods were revised to increase detail and information transmission.

License Year	Number of Inspections
2006	864
2007	987
2008	487*

Complaint Investigation

All complaints, including those made anonymously, are of utmost importance and the goal is to investigate in a timely and effective manner to insure the health and well being of pet animals within all PACFA facilities. Complaint investigations have priority over routine inspections and compliance work. Complaints are prioritized by type of alleged violation and whether there is potential for the pet animal's health and welfare to be at risk. After investigations all complaints are closed with comment or inspection report and classified either:

Compliant = No evidence to support allegation

Non-Compliant = Evidence supports allegations (*with evidence noted*)

Not Regulated

It is PACFA's goal to initiate complaint investigation within five working days of when a complaint is received. Complaints are resolved by phone in some cases or by an on-site inspection. In cases where animal health and welfare may be at risk, inspectors shall make every effort to arrive at the facility within 24 hours of receipt of the complaint. Any and all contacts to the complainant, veterinarians or licensed facilities, or others involved in investigations, by phone or in person, are documented by the inspectors.

Total Complaints Received

License Year	
2006	341
2007	436
2008	415

Data analysis for the 2009 Sunset Review indicates that approximately 35% of complaints received result in an associated inspection report indicating non-compliance with rules.

Violations

Violations noted on inspection reports will be classified as critical or non-critical or repeat critical. Critical violations directly affect the health and welfare of animals residing in a facility. Non-critical violations involve aspects of the facility or its operation which do not have a direct impact on animal wellbeing. Examples of non critical violations might be record keeping or housekeeping violations. Examples of critical violations might be veterinary care or primary enclosure violations. A non critical violation will become critical when it is noted on subsequent inspection reports and no corrective action is taken. Critical violations carry a higher point value and thus negatively affect the risk factor of a facility.

Complaint Counts by License Category LY 2008

Category	All complaints
Animal Rescue	57
Animal Shelter	60
Bird Breeder	29
Boarding/Training	75
Cat Breeder	5
Pet Groomer	87
Dog Breeder	63
Pet Handler	4
Retail/Wholesale	248
Small Animal Breeder	24

*Facilities may be licensed in more than one category, so some complaints may be counted more than once.

Prospect Investigation

In addition to conducting routine inspections and complaint investigations, personnel also conduct periodic searches to identify facilities that may meet threshold levels for regulation but are operating without a license. Methods used to locate facilities which may need to be licensed include word of mouth, local advertising, and internet advertising. Internet transfer of pet animals is a growing facet of the industry which represents unique challenges for the program. We will continue to look for methods to efficiently address the challenge and use the information to locate facilities which may require licensing.



Enforcement

The PACFA program has several tools used for enforcement. Education provided by qualified and experienced inspectors in the course of routine and pre-license inspections is the most effective tool used in our program. In the event that a facility is unable or unwilling to correct non-compliant issues, inspectors have the authority to recommend to the Commissioner of Agriculture civil penalties (§ 35-80-113, C.R.S.) for violations of the Act or the rules and regulations. The amount of a civil penalty will be dependant on the violation type, critical or non-critical, and whether the violation is considered a repeated problem. Civil penalty amounts begin at one half the license fee and can be as high as \$1000 per violation.

Total amount of Fines Issued by LY	Total amount in dollars
2006	\$17,485.00
2007	\$15,151.00
2008	\$22,452.50

Other tools available include the ability to subpoena information in the form of records or testimony, the ability to petition the court for injunctive relief, failed inspections, the use of Cease and Desist orders, and the administrative search warrant. A warrant can be used in those circumstances when an inspector is denied access to a facility and has reason to believe some violation of the rules and regulations is occurring which requires immediate attention.

With all instances of enforcement action taken against a facility there is opportunity for due process. The facility owner may request a formal hearing pursuant to article 4 of title 24, C.R.S. to present the facts of the case and allow an administrative law judge to determine whether the department was correct in issuing the penalty.

Enforcement Actions by type for LY 2008

Enforcement Action	Total
Injunctive relief	1
Cease and Desist Orders	14
Search warrants obtained	5
Failed Inspections	21

PACFA Outreach and Events

In license year 2008 PACFA carried out a number of outreach activities aimed at educating and informing program stakeholders and industry about the program and its role in protecting animals. PACFA has used a range of communications tools to achieve its goals and plans to expand the scope of its efforts.

Over the past 2 years PACFA has upgraded the size and number of newsletters produced each year. There are currently two editions each year, summer and fall. Each edition provides information on current events affecting pet care as well as information for licensees regarding changes in the program, meetings and presentations. Currently the newsletter is mailed to licensed facilities and posted on the web site. The goal is to provide an electronic version to license holders that have provided email addresses and mail only those for which there is no electronic communication option. This will make it possible to provide more timely information at a significantly reduced cost and savings of staff time. A new brochure was also developed which is available to the public, and is used to provide information about the program to the media.

The website for the entire Department of Agriculture was redesigned in 2007 and PACFA took the opportunity to update the capabilities of our web page in order to provide more up to the minute information to the public and licensees. Information continues to be added to the page to assist and educate licensees as well as inform the public about important events affecting pet animals. The website was used in 2007 and 2008 to inform pet owners about pet food recalls and advise them of what to do if they thought their pet may be ill due to consuming recalled food. Rules and regulations, reporting forms, applications and examples of recommended record keeping forms are also available for viewing or download from the site.

During LY 2008 PACFA was involved in the Colorado State Fair, presented information at the Southwestern Colorado Animal Welfare meeting in Durango, and met with several legislators to provide information about the program and to assist with legislative efforts. In addition to these outreach efforts, PACFA staff continue to educate themselves on issues important to the industry including zoonotic disease, animal behavior and husbandry. PACFA will continue to look for ways to improve outreach efforts to the regulated community, industry groups and other stakeholder organizations.

Mission Statement

The mission of PACFA is to protect the health and welfare of pet animals while they reside in pet care facilities in Colorado. This will be achieved through educating facility owners, monitoring facility standards with routine inspections, and responding to complaint or inquiry by the public with investigation.



Colorado Pet Overpopulation Authority

The Colorado Pet Overpopulation Fund awarded \$225,000 in grant funds to 24 community coalitions of veterinarians and animal care and control organizations across the state.

Funds for the Colorado Pet Overpopulation Fund (CPOF) are donated by taxpayers through the state tax return checkoff and used to control pet overpopulation by subsidizing pet spay and neuter surgeries in underserved communities.

The funds were distributed to the following organizations:

Ark Valley Humane Society	\$2,500
Calhan Veterinary Clinic	\$20,000
Delta Co Veterinary Medical Assn. & Humane Society	\$10,000
Dogster's Spay Neuter Program	\$1,000
Eagle Valley Humane Society	\$1,000
For Pets Sake Humane Society	\$30,000
Friends of Rifle Animal Shelter	\$5,000
Grand Rivers Humane	\$5,000
Gunnison Valley Animal Welfare League	\$2,000
Holyoke Veterinary Service	\$10,000
Humane Society of Pagosa Springs	\$2,000
La Plata County Humane Society	\$7,500
Limon Veterinary Clinic	\$10,000
Montrose Animal Protection Agency	\$17,000
Noah's Ark Animal Welfare Assoc	\$10,000
Peak View Animal Hospital	\$30,000
PETS of Greeley	\$7,000
Pueblo Animal Services	\$9,000
Rio Cucharas Veterinary Clinic	\$8,000
Routt County Humane Society	\$2,000
San Luis Valley Veterinary Medical Assn.	\$20,000
Second Chance Humane Society	\$2,000
TLC Veterinary Clinic	\$8,000
Veterinary Medical Clinic	\$6,000

Additional Information:

More than \$1.0 million in grants have been awarded through the Pet Overpopulation Fund. Since its inception, CPOF has assisted in the spaying or neutering of over 32,000 dogs and cats in underserved areas of Colorado.

In 2007, 163,700 dogs and cats entered Colorado shelters; nearly 45,000 of those animals were euthanized.

For more information on the Colorado Pet Overpopulation Fund, please visit www.SaveColoradoPets.org.

Appendix 1-Shelter/Rescue Reporting 2008 License Year

	Return to Owner	Adopted	Euthanized	DOA	Died	Transferred from in State	Transferred from out of state	Other	Total Outcomes	Ending Inventory
Dogs	28008	46273	13818	1852	464	6057	264	3124	89551	5108
Cats	5175	34619	24619	2581	1035	3597	9	2238	68655	3573
Small Mammals	48	2958	799	428	154	353	1	81	4021	524
Reptiles	22	171	32	12	29	52	1	19	334	199
Pet Birds	31	509	22	14	36	115	0	8	461	424
Other	183	1483	910	1938	129	192	0	69	4074	29