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PACFA Rule Consolidation FAQ  
11/26/12

### **Why is this project being done now, isn't the current rule adequate?**

A Sunset Review in 2009 highlighted questions and concerns by the public and stakeholders on the consistency of the regulation as well as the efficiency of the program. In an attempt to provide better service and more efficient oversight for the pet animals, the staff undertook several projects. One of these projects was to take a look at the parts of the program that were causing misunderstanding. The main factor was rules that were redundant and difficult to interpret. Since 2010, staff has been discussing how to revise the rule to make it easier to understand. Our goal is to have less complicated rules in place that will not only help facility owners comply with the regulations, but will, ultimately benefit the animals.

This project also falls in line with the executive order from the Governor for state agencies to review rules to make them more efficient and effective.

### **When will stakeholders have an opportunity to comment?**

We are taking comments on the proposed draft now and will continue to accept comments and suggestions through April 1, 2013. All of these comments will be considered when finalizing a draft which should be available by the end of April 2013.

Visit our website to view or download a copy of the proposed draft.  
[www.colorado.gov/ag/animals/pacfa](http://www.colorado.gov/ag/animals/pacfa)

There will also be an opportunity to provide comment/testimony during the public rule-making hearing process in the fall of 2013.

### **Why are the definitions being changed?**

Part of the consolidation project was clarification of the language used which included definitions. Providing the definitions in plain, understandable language as part of the executive order makes the rule easier to interpret and understand. We also removed redundant definitions that appear in the statute.

### **Why have you removed the exemptions to regulate livestock, zoos, circuses and others?**

All the exemptions to regulation and licensing are listed in the Colorado Revised Statutes at 35-80-103 et al. These exemptions have not changed and will continue to apply. The intent of the PACFA program is to license and regulate pet animal facilities, all animals defined as livestock, wildlife species and some facilities that are licensed by USDA Animal Care under the animal welfare act are exempt.

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Division of Animal Industry

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### **Will my license fees be increased?**

No, all the license fees will remain the same and are detailed in rule 4.00.

### **Why are the enclosure sizes being changed?**

Throughout the PACFA rule there has been one significant area of difference between each license category--enclosure sizes. A starting point for review was the USDA rule for dog breeder facilities; USDA has a formula for figuring required square footage based on length and represents a minimum amount of space required by a dog. PACFA has always represented a higher standard than USDA, and in this proposal simply expands on this formula to obtain a consistent standard for all facilities.

The sizes for dog enclosures in the proposed draft rule represents an enclosure for a dog residing in any type of facility based on length of stay in the facility. They are based on length of dog, and are large enough to be adequate without requirement of additional exercise. The proposed changes are consistent with other state regulatory programs.

In addition to dog enclosures, the sizes for birds and small mammals have also been modified to reflect the current standards in most specialty or research facilities.

### **How will my business be affected?**

If you are currently a PACFA licensed facility your business could be affected. The new rule, if adopted, will more clearly outline the responsibilities of each license category by combining the requirements that are consistent across the PACFA categories; for example, cleaning and sanitation and physical facility standards. Record keeping, veterinary care requirements, transportation, and temporary facility requirements have also been clarified.

If these rules are adopted, the program will be able to provide a check off sheet for facility owners to help them better understand what is being required of them.

### **Why was it necessary to consolidate the rules?**

Animal husbandry requirements are consistent within animal species regardless of purpose of facility and our rules need to reflect that.

The current proposed draft does not completely rewrite the rule but attempts to remove redundant language, clarify requirements, and standardize the care and handling of pet animals across the industry.

The PACFA rule was originally written by a committee of stakeholders representing each license category. This resulted in a rule that could be agreed upon by many different people but one which was cumbersome to enforce and difficult to understand. This rule functioned adequately for many years but has undergone changes in recent years to keep up with new methods and industry standards.

### **How do I know what is changed in this draft from the original?**

By referring to the document on our website titled “What’s New in the PACFA Rule”, you can see what language has been added. Other language may have been modified from the original but has a similar intent.

The best way to see what is new for your business is to look at the current rule that applies to your license category and compare it to the proposed draft. There may be some items which did not apply to your category originally which will apply if the proposed draft is adopted. The proposed draft should be read as a new document which will apply to your license category.

**What are the next steps for this proposed rule, and how can I be involved?**

Since the release of the draft proposal, PACFA staff has been invited to meet with stakeholders and licensees to listen to comments and concerns and answer questions. Scheduled meetings are posted on our website and on the state calendar which can be found at [www.colorado.gov/ag/animals/pacfa](http://www.colorado.gov/ag/animals/pacfa) Comments can also be submitted through our web site or by contacting the staff.

In April, a revised draft proposal will be discussed with the PACFA advisory committee members and the draft will continue to be improved based on comments received.

When the final draft of the proposed rule is ready, we will begin the official rulemaking process. A public hearing will be announced which will provide another opportunity for public comment/testimony. The commissioner of agriculture will adopt the final rule after all testimony from the rule-making hearing has been considered and a recommendation has been made by the Colorado Agricultural Commission.