



Dora

Department of Regulatory Agencies

Office of Policy, Research and Regulatory Reform

2008 Sunset Review: Pet Animal Care and Facilities Act & Pet Animal Advisory Committee

October 15, 2008





Executive Director's Office
D. Rico Munn
Executive Director

Bill Ritter, Jr.
Governor

October 15, 2008

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The mission of the Department of Regulatory Agencies (DORA) is consumer protection. As a part of the Executive Director's Office within DORA, the Office of Policy, Research and Regulatory Reform seeks to fulfill its statutorily mandated responsibility to conduct sunset reviews with a focus on protecting the health, safety and welfare of all Coloradans.

DORA has completed the evaluation of the regulation under the Pet Animal Care and Facilities Act. I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2009 legislative committee of reference. The report is submitted pursuant to section 24-34-104(8)(a), of the Colorado Revised Statutes (C.R.S.), which states in part:

The department of regulatory agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section...

The department of regulatory agencies shall submit a report and supporting materials to the office of legislative legal services no later than October 15 of the year preceding the date established for termination....

The report discusses the question of whether there is a need for the regulation provided under Article 80 of Title 35, C.R.S. The report also discusses the effectiveness of the Colorado Department of Agriculture staff in carrying out the intent of the statutes and makes recommendations for statutory and administrative changes in the event this regulatory program is continued by the General Assembly.

Sincerely,

D. Rico Munn
Executive Director



Bill Ritter, Jr.
Governor

D. Rico Munn
Executive Director

2008 Sunset Review: Pet Animal Care and Facilities Act

Summary

What is Regulated?

Facilities where pet animals are kept for adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or otherwise transferring.

Why is it Regulated?

The Pet Animal Care and Facilities Act (PACFA) program benefits license holders by providing a clear set of guidelines for operation of pet animal facilities. The general public benefits by having the assurance that there is oversight of the facilities where pet animals are raised and receive care. Pet animals benefit by receiving care in facilities that are required to adhere to higher standards that protect pets.

Who is Regulated?

During fiscal year 06-07 the PACFA program issued 1,818 licenses to pet care facilities. Many of those facilities held licenses in more than one license category at no extra charge to the facility operator.

How is it Regulated?

The PACFA program and staff is part of the Animal Industry Division (Division) within the Colorado Department of Agriculture (CDA) and is responsible for licensing pet care facilities and enforcing PACFA provisions. PACFA inspectors examine pet care facilities to ensure compliance with standards for facility operation regarding sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, medical treatment, methods of operation, maintenance of records, euthanasia, and transactions. The program's goal is to ensure facilities are meeting or exceeding these standards.

What Does it Cost?

The PACFA program is cash-funded, through facility license fees. To administer the program during fiscal year 06-07, it cost \$497,934 and utilized the services of 5.5 full-time equivalent employees.

What Disciplinary Activity is There?

From fiscal year 02-03 through fiscal year 06-07, PACFA inspectors conducted 21,663 facility inspections and issued 3,940 fines totaling \$97,954.

Where Do I Get the Full Report?

The full sunset review can be found on the internet at: www.dora.state.co.us/opr/oprpublications.htm.

Key Recommendations

Continue the Pet Animal Care and Facilities Act for five years, until 2014.

When the General Assembly adopted PACFA it approved a legal framework adhering to society's desire to act humanely toward pet animals. This sunset review found that those attitudes persist and that there is high acceptance for animal facility regulation among the public.

Increase spending authority to make necessary record keeping and support technology upgrades.

The lack of efficient administrative technological support has cross-contaminated the facility inspection process. Needing well-organized, technology-based record keeping affects the ability of field staff to protect animals and the pet industry to the extent that the public and licensees expect. One of PACFA's greatest strengths is facility inspections and technological efficiency must be upgraded to enhance this consumer protection function.

Continue the Pet Animal Advisory Committee.

The 16-member Pet Animal Advisory Committee (Committee) is a useful component in the administration of the PACFA program. As industry segment representatives, the members network and actively seek input from licensees who operate within their same category of license. The interaction among the Committee members equips individual members with wider-ranging views than other licensees may have. Because of the cooperation, they make well-informed decisions concerning both the level of- and changes to regulation. Committee policy input then enables PACFA to keep up with environmental changes in both the pet industry as a whole and each of the different types of businesses within.

Major Contacts Made During This Review

American Boarding Kennel Association
American Kennel Club
American Society for the Prevention of Cruelty to Animals
Animal Assistance Foundation
Colorado Association of Animal Control Officers
Colorado Association of Doggie Daycares

Colorado Federation of Animal Welfare Agencies
Colorado Professional Pet Groomers Association
Colorado Veterinary Medical Association
People for the Ethical Treatment of Animals
Rocky Mountain Society of Aviculture
The Cat Fanciers' Association

What is a Sunset Review?

A sunset review is a periodic assessment of state boards, programs, and functions to determine whether or not they should be continued by the legislature. Sunset reviews focus on creating the least restrictive form of regulation consistent with protecting the public. In formulating recommendations, sunset reviews consider the public's right to consistent, high quality professional or occupational services and the ability of businesses to exist and thrive in a competitive market, free from unnecessary regulation.

Sunset Reviews are Prepared by:
Colorado Department of Regulatory Agencies
Office of Policy, Research and Regulatory Reform
1560 Broadway, Suite 1550, Denver, CO 80202
www.dora.state.co.us/opr

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Background

Introduction

Enacted in 1976, Colorado's sunset law was the first of its kind in the United States. A sunset provision repeals all or part of a law after a specific date, unless the legislature affirmatively acts to extend it. During the sunset review process, the Department of Regulatory Agencies (DORA) conducts a thorough evaluation of such programs based upon specific statutory criteria¹ and solicits diverse input from a broad spectrum of stakeholders including consumers, government agencies, public advocacy groups, and professional associations.

Sunset reviews are based on the following statutory criteria:

- Whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation;
- If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms and whether agency rules enhance the public interest and are within the scope of legislative intent;
- Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters;
- Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;
- Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;
- The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;
- Whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;
- Whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action;
- Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

¹ Criteria may be found at § 24-34-104, C.R.S.

Types of Regulation

Regulation, when appropriate, can serve as a bulwark of consumer protection. Regulatory programs can be designed to impact individual professionals, businesses or both.

As regulatory programs relate to individual professionals, such programs typically entail the establishment of minimum standards for initial entry and continued participation in a given profession or occupation. This serves to protect the public from incompetent practitioners. Similarly, such programs provide a vehicle for limiting or removing from practice those practitioners deemed to have harmed the public.

From a practitioner perspective, regulation can lead to increased prestige and higher income. Accordingly, regulatory programs are often championed by those who will be the subject of regulation.

On the other hand, by erecting barriers to entry into a given profession or occupation, even when justified, regulation can serve to restrict the supply of practitioners. This not only limits consumer choice, but can also lead to an increase in the cost of services.

Regulation, then, has many positive and potentially negative consequences.

There are also several levels of regulation.

Licensure

Licensure is the most restrictive form of regulation, yet it provides the greatest level of public protection. Licensing programs typically involve the completion of a prescribed educational program (usually college level or higher) and the passage of an examination that is designed to measure a minimal level of competency. These types of programs usually entail title protection – only those individuals who are properly licensed may use a particular title(s) – and practice exclusivity – only those individuals who are properly licensed may engage in the particular practice. While these requirements can be viewed as barriers to entry, they also afford the highest level of consumer protection in that they ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

Certification

Certification programs offer a level of consumer protection similar to licensing programs, but the barriers to entry are generally lower. The required educational program may be more vocational in nature, but the required examination should still measure a minimal level of competency. Additionally, certification programs typically involve a non-governmental entity that establishes the training requirements and owns and administers the examination. State certification is made conditional upon the individual practitioner obtaining and maintaining the relevant private credential. These types of programs also usually entail title protection and practice exclusivity.

While the aforementioned requirements can still be viewed as barriers to entry, they afford a level of consumer protection that is lower than a licensing program. They ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

Registration

Registration programs can serve to protect the public with minimal barriers to entry. A typical registration program involves an individual satisfying certain prescribed requirements – typically non-practice related items, such as insurance or the use of a disclosure form – and the state, in turn, placing that individual on the pertinent registry. These types of programs can entail title protection and practice exclusivity. Since the barriers to entry in registration programs are relatively low, registration programs are generally best suited to those professions and occupations where the risk of public harm is relatively low, but nevertheless present. In short, registration programs serve to notify the state of which individuals are engaging in the relevant practice and to notify the public of those who may practice by the title(s) used.

Title Protection

Finally, title protection programs represent one of the lowest levels of regulation. Only those who satisfy certain prescribed requirements may use the relevant prescribed title(s). Practitioners need not register or otherwise notify the state that they are engaging in the relevant practice, and practice exclusivity does not attach. In other words, anyone may engage in the particular practice, but only those who satisfy the prescribed requirements may use the enumerated title(s). This serves to indirectly ensure a minimal level of competency – depending upon the prescribed preconditions for use of the protected title(s) – and the public is alerted to the qualifications of those who may use the particular title(s).

Licensing, certification and registration programs also typically involve some kind of mechanism for removing individuals from practice when such individuals engage in enumerated proscribed activities. This is generally not the case with title protection programs.

Regulation of Businesses

As regulatory programs relate to businesses, they can enhance public protection, promote stability and preserve profitability. But they can also reduce competition and place administrative burdens on the regulated businesses.

Regulatory programs that address businesses can involve certain capital, bookkeeping and other recordkeeping requirements that are meant to ensure financial solvency and responsibility, as well as accountability. Initially, these requirements may serve as barriers to entry, thereby limiting competition. On an ongoing basis, the cost of complying with these requirements may lead to greater administrative costs for the regulated entity, which costs are ultimately passed on to consumers.

Many programs that regulate businesses involve examinations and audits of finances and other records, which are intended to ensure that the relevant businesses continue to comply with these initial requirements. Although intended to enhance public protection, these measures, too, involve costs of compliance.

Similarly, many regulated businesses may be subject to physical inspections to ensure compliance with health and safety standards.

Sunset Process

Regulatory programs scheduled for sunset review receive a comprehensive analysis. The review includes a thorough dialogue with agency officials, representatives of the regulated profession and other stakeholders. To facilitate input from interested parties, anyone can submit input on any upcoming sunrise or sunset review via DORA's website at: www.dora.state.co.us/pls/real/OPR_Review_Comments.Main.

The regulatory functions of the Pet Animal Care and Facilities Act (PACFA) administration relating to Article 80 of Title 35, Colorado Revised Statutes (C.R.S.), shall terminate on July 1, 2009, unless continued by the General Assembly. During the year prior to this date, it is the duty of DORA to conduct an analysis and evaluation of PACFA pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the currently prescribed regulation of pet facilities should be continued for the protection of the public and to evaluate the performance of the PACFA program and PACFA staff. During this review, the program must demonstrate that the regulation serves to protect the public health, safety or welfare, and that the regulation is the least restrictive regulation consistent with protecting the public. DORA's findings and recommendations are submitted via this report to the legislative committee of reference of the Colorado General Assembly.

Methodology

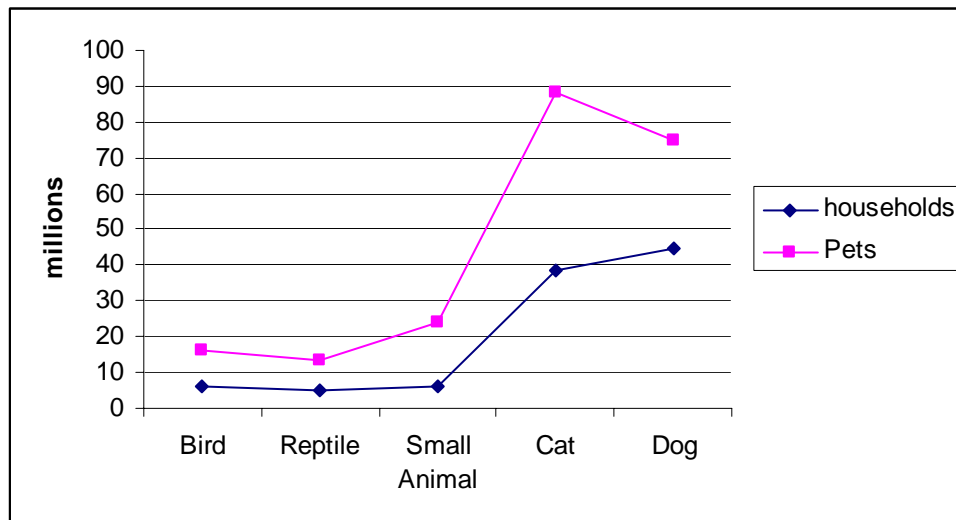
As part of this review, DORA staff attended PACFA staff meetings; interviewed PACFA inspectors; reviewed PACFA records, including complaint and disciplinary actions, Pet Animal Advisory Committee records and Pet Overpopulation Authority records; interviewed officials with state and national professional associations; interviewed Pet Animal Advisory Committee members, Pet Overpopulation Authority Board members, and members of the regulated community; performed a media analysis; conducted an online survey of licensees; and reviewed Colorado statutes, agency rules, and the laws and rules of other states.

Profile of the Profession

During fiscal year 06-07, PACFA staff issued 1,818 licenses allowing pet facility businesses to operate. The types of facilities licensed include animal breeding facilities, boarding facilities, retail and wholesale pet sales facilities, grooming facilities, rescue facilities, and shelters.

Pets and pet care are big business across the United States. Nationally, 63 percent of households, or 71.1 million U.S. homes, have at least one pet. Most of the households that have pets own at least one cat (38.4 million) or dog (44.8 million), and a significant number own multiple pets or species of pet that fall under PACFA's regulatory umbrella: birds (6.4 million households), reptiles (4.8 million households) and small animals (6 million households).² The total number of individual animals combined in these categories is 216.8 million. Graph 1 illustrates the number of households that own a particular species of pet and the total number of pets by species.

Graph 1
Number of US Pet Households & Number of Pets

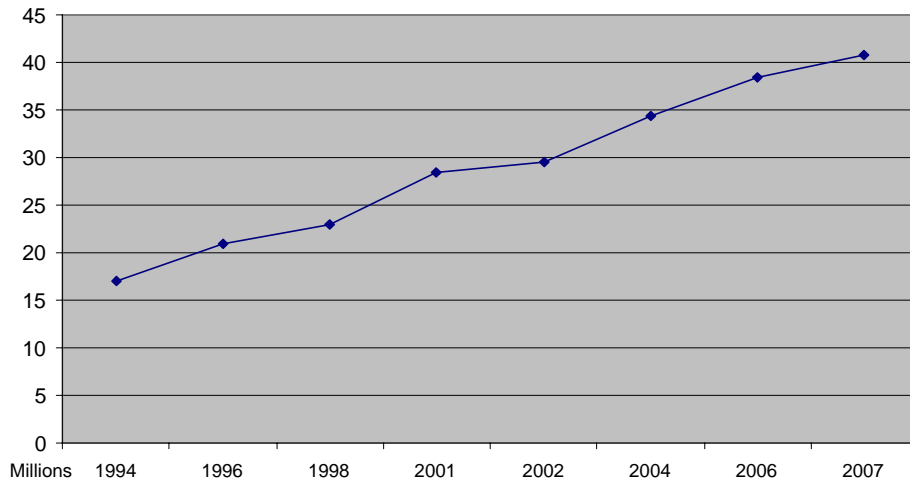


Spending on pet ownership is significant and rises every year. It is estimated that nearly \$41 billion was spent during 2007, which represents an increase of more than 241 percent since 1994.³ Graph 2 illustrates how steady and steep the increase in the number of dollars is that Americans spend on their pets every year.

²American Pet Products Manufacturers Association. *Industry Statistics and Trends*. Retrieved January 11, 2008, from http://www.appma.org/press_industrytrends.asp

³ *Ibid.*

Graph 2
Dollars Spent on Pets



It is common for pets to be considered “one of the family.” This rationale has made the pet industry very stable and largely unaffected by downturns in the economy.⁴ It is not uncommon for public meetings aimed at regulating pets, pet owners, and/or their collective conduct to draw more people than a meeting about spending millions of taxpayer dollars on infrastructure issues. “Nothing brings people out like animal stories,” said one law enforcement official after such a meeting.⁵ During 2005, an estimated \$2.4 billion was spent on pet services, such as grooming, boarding, pet photography, dog walking, and pet sitting. Continued industry growth at approximately five percent was expected and the probability is high that pet owners will pay for services at an increasing level.⁶

Pet care facilities have at least one national trade association that offers accreditation based on a facility upholding standards. The accreditation standards pertain to sanitation and operation, the same areas that PACFA regulates.⁷ There is also a Colorado Professional Pet Groomers Association and Colorado Association of Doggie Daycares, among other industry groups and in addition to the traditional animal organizations such as the American Kennel Club and the Cat Fancier’s Association.

⁴ Doehrman, Marylou, “Pet industry unaffected by slow economy,” *Colorado Springs Business Journal*, June 27, 2003. Retrieved January 11, 2008, from http://findarticles.com/p/articles/mi_qn4190/is_20030627/ai_n10044663

⁵ Dube, Carolyn, “30 attend dog meeting,” Cabinet.com. Retrieved February 19, 2008, from <http://www.cabinet.com/apps/pbcs.dll/article?AID=/20080215/BEDFORD01/729520813/-1/bedford01>

⁶ Bennett, Laura, “Pet Industry Trends for 2006,” *Small Business Trends*, December 8, 2005. Retrieved January 11, 2008, from <http://www.smallbiztrends.com/2005/12/pet-industry-trends-for-2006.html>

⁷ Pet Care Services Association. *Accreditation*. Retrieved January 11, 2008, from <http://www.abka.com/abka/accreditation/default.aspx>

History of Regulation

Colorado regulation of pet animal and psittacine⁸ bird dealerships was originally enacted to protect humans from disease. The Department of Health (DOH), which is now the Department of Public Health and Environment (CDPHE), was initially given the responsibility for regulation.

In 1983, regulatory scope expanded and included boarding kennels, animal pounds and shelters. The DOH established rules and regulations for the physical facility, sanitation, humane care, and method of operations. Under this program, enforcement actions were limited and the DOH discontinued the program operations, in November 1991, as part of cuts in state government operations. Because legal authority for the program remained in statute after the disbanding, the 1993 sunset review recommended that the licensing and inspection functions of the DOH sunset until a better mechanism could be devised.

During the 1994 legislative session, as a result of recommendations by an industry coalition task force, PACFA was put into Colorado law under the Colorado Department of Agriculture-Animal Industry Division. 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 the licensing and any civil violations that are issued are used to support PACFA's activities; no General Fund appropriation is made. The statute also defines record keeping requirements, unlawful acts, inspection procedures, enforcement provisions, and civil and criminal penalties.

Since inception the General Assembly has amended PACFA to help it keep up with industry and regulatory environment changes, including adopting recommendations as part of the 1999 sunset review. However, the most notable change is the addition of the Pet Overpopulation Authority and Pet Overpopulation Fund to the statute in 2001. The Pet Overpopulation Authority is a Commissioner of Agriculture-appointed seven-member board with demonstrated and active interest in pet overpopulation control. The primary duties of the Pet Overpopulation Authority are to adopt an education program emphasizing spaying and neutering, act as fiduciary for the Pet Overpopulation Fund funded through an income tax check-off, and implement a process among veterinarians, animal shelters, and communities regarding animal sheltering and neutering animals.

⁸ Dictionary.com, Of or pertaining to parrots. Retrieved January 8, 2008 from <http://dictionary.reference.com/browse/psittacine>.

Legal Framework

Federal Government

The Animal Welfare Act (AWA) is the major federal regulatory law addressing pet welfare issues.⁹ It speaks to who may possess or sell certain animals and the living conditions under which the animals must be kept. The law provides for criminal penalties, civil penalties, and revocation of permits for violations.

The principal provisions of AWA pertain to dogs, cats, primates and other mammals, but it excludes birds, rats and mice. Animal dealers, exhibitors, and research facilities that use listed animals must either register to use them, or obtain a permit to buy and sell any listed animals. To eliminate the use of stolen animals, there are limitations on how animals may enter the controlled chain of commerce. There are also regulations governing the environmental conditions in which animals are kept. Research facilities may purchase animals only from licensed dealers and must have an Animal Care Committee to review animal welfare policies. AWA also regulates transporting animals. Finally, AWA makes it illegal for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which any animal was moved in interstate or foreign commerce.

Pet Animal Care and Facilities Act Summary

The purpose of Article 80 of Title 35, Colorado Revised Statutes (C.R.S.), the Pet Animal Care and Facilities Act (PACFA), is to protect the well-being of pet animals in facilities and to protect the public's interests by providing a reasonable minimum standard in facility and animal care requirements.

The Animal Industry Division (Division) within Colorado Department of Agriculture (CDA) is responsible for administering and enforcing the provisions of PACFA. PACFA sets standards for operating pet animal facilities that engage in selling, transferring, adopting, breeding, boarding, training, grooming, sheltering or rescuing dogs, cats, birds, rabbits, ferrets, reptiles, or fish.

The Division administers and enforces PACFA standards for sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, medical treatment, methods of operation, maintenance of records, euthanasia, and transactions.

⁹ David Farve, "Overview of US Animal Welfare Act.," Animal Legal and Historical Center. Retrieved January 29, 2008, from <http://www.animallaw.info/articles/ovusawa.htm>

Licensure

PACFA establishes licensure requirements for the following pet animal facilities:¹⁰

- Retail Wholesale Pet Animal Dealership: Pet animal dealership means any place or premises used in whole or in part, whether on a permanent or temporary basis, for the sole or exclusive purpose of either wholesale commerce or retail sale, trading, bartering, or otherwise transferring pet animals to the public.
- Retail Aquarium Only: Facilities that trade, sell, barter, or otherwise transfer only fish or other aquatic animals, not including reptiles and amphibians, to the public.
- Boarding and/or Training Facility: Facilities that care for or house pet animals in the absence of the owner, or a facility that cares for pet animals in training in the absence of the owner or such owner's designee and receives compensation for said training services. Training services include housing, training, handling, showing, grooming and transporting pet animals. Training services are for the purposes of exhibition, behavior modification or enhancement, field trial or lure course training, guard dog training, or any other type of training services.
- Pet Handler: A person who does not maintain a central permanent facility for the purposes of training or housing dogs, but maintains a mobile or temporary facility for the purposes of transporting or training a pet in the absence of the owner and receives compensation for his or her services.
- Network Boarding Facility: Facilities that offer pet animal boarding services to a pet owner for the purposes of boarding a pet or a family's pets within a residence that is a part of a group of residence facilities operating under a single management. The boarding services provided by each family residence facility are under the direction of a manager who arranges the contacts between the pet's owner and the individual family residence facility networked within the group.
- Pet Grooming: Permanent or mobile commercial establishments where pet animals may be cleaned, styled or have appearance maintained.
- Dog Breeder (Small Scale): Any firm, person, or corporation engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring at least 25 and no more than 99 dogs per license year, or produces more than two litters per year. Excludes racing greyhounds that are not intended to be companion pets.
- Dog Breeder (Large Scale): Any firm, person, or corporation engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring more than 99 dogs per license year. Excludes racing greyhounds that are not intended to be companion pets.
- Cat Breeder: Any facility which produces or transfers more than three litters or 24 cats per license year.

¹⁰ Colorado Department of Agriculture, Animal Industry Division, *Pet Animal Care Facility License Application*, P.2.

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- Common Bird Breeder: Any facility engaged in breeding and raising birds and transfers more than 30 birds per license year, with 10 or fewer of these 30 birds being from the uncommon category (all psittacine birds except budgerigars, cockatiels and lovebirds).
 - Uncommon Bird Breeder: Any facility engaged in the operation of breeding and raising birds and transfers more than 30 birds per license year, with 10 or more of these 30 birds being from the uncommon category (all psittacine birds except budgerigars, cockatiels and lovebirds).
 - Small Animal Breeder: Breeders that transfer more than the following limits per license year: Rat, mouse, gerbil and hamster breeders – 200; Rabbit and guinea pig breeders – 65; Hedgehog, chinchilla and sugarglider breeders – 24.
 - Animal Rescue: Any person who accepts pet animals for the purpose of finding permanent adoptive homes for animals and does not maintain a central facility for keeping animals, but rather uses a system of fostering in private homes, or boarding or keeping in licensed pet animal facilities.
 - Animal Shelter: A public or private facility which houses animals for impoundment purposes, or a centralized private facility which accepts or houses more than 15 dogs or cats or more than the limits on transfers for hobby breeders, 24 ferrets per year or other animal species except for fish for future disposition including harboring. Foster home sites and mobile adoption sites may be utilized in the operation of the animal shelter.

Requirements to obtain and maintain a PACFA license are:

- A completed application;¹¹
- A license for each facility location;¹²
- An annual license fee, not to exceed \$350;¹³ and
- Separate records for each business name if more than one business is operated from a single location.¹⁴

In addition, there are provisions that specify a license expires on March 1 of each year,¹⁵ that all changes in application information be reported to the Commissioner of Agriculture (Commissioner) within 15 days of the change,¹⁶ and that licenses are not transferable.¹⁷

¹¹ § 35-80-105(1), C.R.S.

¹² § 35-80-105(2), C.R.S.

¹³ § 35-80-105(4), C.R.S.

¹⁴ § 35-80-105(3)(b), C.R.S.

¹⁵ § 35-80-105(5), C.R.S.

¹⁶ § 35-80-105(6), C.R.S.

¹⁷ § 35-80-105(7), C.R.S.

Denial of License

The Commissioner, may issue letters of admonition or deny, suspend, refuse to renew, restrict, or revoke any license authorized under PACFA if the applicant or licensee:¹⁸

- Has been convicted of cruelty to animals;
- Has refused to provide the Commissioner with reasonable, complete, and accurate information regarding the care of animals when requested by the Commissioner; or
- Has falsified any information requested by the Commissioner.

No licensee whose license has been revoked, can have its license reinstated prior to two years from revocation.¹⁹

Exemptions to Licensing

The provisions of PACFA are not applicable to the following:²⁰

- Veterinary hospitals that only board pet animals for veterinary care;
- Federally licensed research facilities, circuses, zoological parks, and petting zoos;
- Pet animal training facilities where the pet animal owners are present during the animals' stay;
- Kennels operated for the breeding, sale or racing of greyhounds that are not intended to be companion pets;
- Any wildlife regulated by the Division of Wildlife;
- Livestock; or
- The transporting of pets to or from, competing or exhibiting at an event licensed, regulated, or sanctioned by a nationally recognized registering agency.

There is also a special exemption for any facility licensed by the Department of Health through 1991. If it was in compliance under the previous program, it is exempt from any conflicting requirements of PACFA concerning physical premises.²¹

¹⁸ § 35-80-112, C.R.S.

¹⁹ § 35-80-112(3), C.R.S.

²⁰ § 35-80-103(2), C.R.S.

²¹ § 35-80-103(3)(a), C.R.S. As of January 2008 there are only two such facilities in Colorado out of more than 1,800 licensees.

License Fees

PACFA activities are funded through license fees set by the Commissioner. Each location of a pet animal facility must be separately licensed. Applicants for a pet animal facility license pay an annual fee that cannot exceed \$350.²² Statute also outlines renewal procedures and dates.²³

Psittacine Bird Leg Band

Persons selling, trading, or transferring psittacine birds are required to apply a leg band during the bird's pre-feathered stage of development. Bird breeders submit an application for registered band numbers to the Commissioner.²⁴

Enforcement Procedures

Inspections

For inspection purposes, the Commissioner has free and unimpeded access to a licensed facility upon consent of the licensee, or upon obtaining a search warrant issued from a local or district court.²⁵ The Commissioner is authorized during regular business hours to enter any portion of all buildings, yards, pens, and other areas in which any animals are kept, handled, or transported.²⁶ If a licensee has lost its ability to operate per PACFA action, inspectors have the right to investigate to determine that operations have, in fact, discontinued.²⁷

Cease and Desist

The Commissioner may issue a cease and desist order against any violator of the provisions of PACFA.²⁸ If a person fails to comply with a cease and desist order within 24 hours after being served, the Commissioner may bring suit for a temporary restraining order and injunctive relief to prevent further violations.²⁹ The cease and desist order may not be stayed before a hearing is held on the matter.³⁰

²² § 35-80-105(4), C.R.S.

²³ § 35-80-106, C.R.S.

²⁴ § 35-80-106.5, C.R.S.

²⁵ § 35-80-110(3), C.R.S.

²⁶ § 35-80-110(3)(a), C.R.S.

²⁷ § 35-80-110(3.5), C.R.S.

²⁸ § 35-80-111(2)(a), C.R.S.

²⁹ § 35-80-111(2)(b), C.R.S.

³⁰ § 35-80-111(2)(c), C.R.S.

Unlawful Acts

Among other things, it is unlawful to operate a pet animal facility for which licensure is required without possessing a valid license.³¹ In addition, no one may impersonate any state, county, city and county, or municipal official or inspector.³² Dogs and cats may not be transferred or sold if they are less than eight weeks of age and guinea pigs, hamsters, or rabbits must be more than four weeks old.³³ It is a violation of PACFA if a person does not take reasonable care to release for sale, trade, or adoption only those pet animals that are free of undisclosed disease, injury, or abnormality.³⁴ It is also unlawful to refuse a PACFA inspector entry to any facility that has had its license to operate denied or suspended.³⁵

Civil and Criminal Penalties

The Commissioner may impose civil penalties for any violation of PACFA not to exceed \$1,000 per violation.³⁶ The assessment is at the discretion of the Commissioner who may consider the effect of the proposed penalty on the ability of the licensee to continue to conduct business.³⁷ Any civil penalty collected is credited to the Pet Animal Care and Facilities Cash Fund.³⁸

A person commits a class 2 misdemeanor, which is punishable as provided in section 18-1-106, C.R.S., for operating without a license, operating after a cease and desist order is issued, or impersonating a state, county, city and county, or municipal official or inspector.³⁹

Pet Animal Advisory Committee

The Pet Animal Advisory Committee (Committee) advises and provides information to the Commissioner regarding PACFA implementation and change. The Committee is comprised of 16 members appointed by the Commissioner including:⁴⁰

- one person who represents animal rescue;
- one person who represents bird breeders;
- one person who represents small dog breeders;
- one person who represents cat breeders;
- one person who represents small animal breeders;
- one person who represents boarding kennels;

³¹ § 35-80-108(1)(a), C.R.S.

³² § 35-80-108(1)(f), C.R.S.

³³ §§ 35-80-108(1)(k) and 35-80-108(1)(l), C.R.S.

³⁴ § 35-80-108(2)(g), C.R.S.

³⁵ § 35-80-108(2)(a), C.R.S.

³⁶ § 35-80-113, C.R.S.

³⁷ § 35-80-113(4), C.R.S.

³⁸ § 35-80-116, C.R.S.

³⁹ § 35-80-114, C.R.S.

⁴⁰ § 35-80-115, C.R.S.

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- one person who represents pet groomers;
 - one person who represents pet animal retailers;
 - one person who represents pet animal wholesalers;
 - one person who represents animal control officers;
 - one person who represents animal shelters;
 - one licensed veterinarian;
 - one person who represents commercial dog breeders; and
 - three members of the general public who do not have a financial interest in any of the groups listed above.

Committee members serve for three-year terms⁴¹ and must be residents of Colorado.⁴²

Pet Overpopulation Authority

During 2001, the Colorado General Assembly added the Pet Overpopulation Authority (Authority) to the PACFA statute.⁴³ The Authority is a Commissioner-appointed seven-member board, all of whom have demonstrated an active interest in educating the public about the benefits of controlling pet overpopulation.⁴⁴ The primary duties of the Authority are to adopt an education program emphasizing spaying and neutering; act as fiduciary for the Pet Overpopulation Fund, funded by a state income tax check-off; and establish a process among veterinarians, animal shelters, and communities, pertaining to animal sheltering and pet overpopulation control.⁴⁵ The Authority has no rule making powers.

The Authority consists of:⁴⁶

- One representative of the Animal Assistance Foundation or its successor organization;
- One representative of the Colorado Federation of Animal Welfare Agencies or its successor organization;
- One representative of a state veterinary medical association;
- One representative of an association organized for Colorado animal control officers;
- One representative from CDA;
- One member from an animal rescue organization; and
- One member of the general public with an interest in animal welfare.

⁴¹ § 35-80-115(4), C.R.S.

⁴² § 35-80-115(2), C.R.S.

⁴³ § 35-80-116.5, C.R.S.

⁴⁴ § 35-80-116.5(3)(a)(II), C.R.S.

⁴⁵ § 35-80-116.5(4), C.R.S.

⁴⁶ § 35-80-116.5(2)(a), C.R.S.

PACFA Rules

The CDA, with the help of the Committee, has adopted rules to facilitate implementation of PACFA. These rules add specific detail and procedures to stipulations contained in statute, including:

- License procedures;⁴⁷
- License requirements;⁴⁸
- Disciplinary actions;⁴⁹
- Inspection procedures;⁵⁰ and
- Facility operations, including:⁵¹
 - Facility standards;
 - Enclosure standards;
 - Sanitation standards;
 - Food and water requirements;
 - Animal interaction protocols;
 - Records;
 - Veterinarian care/disease control;
 - Animal sale/transfer;
 - Psittacine bird policies; and
 - Animal transport.

⁴⁷ PACFA Rule 2.00, 4.00

⁴⁸ PACFA Rule 3.00, 5.00, 7.00

⁴⁹ PACFA Rule 9.00

⁵⁰ PACFA Rule 10.00

⁵¹ PACFA Rule 11.00 through 19.00. The provisions in these rules vary little among license categories. This list is generally what is covered under each license category.

Program Description and Administration

The Pet Animal Care and Facilities Act's (PACFA's) director is a licensed Doctor of Veterinary Medicine who answers directly to Colorado's Assistant State Veterinarian and oversees three inspectors and part-time office administrative support staff. The director is expected, but is not required by law, to be the Colorado Department of Agriculture's (CDA's) representative on the Pet Overpopulation Authority.

Of the three inspectors, one has supervisory authority, as illustrated in the organizational flow chart in Appendix A on page 35. PACFA is cash-funded through licensing fees charged to facilities. As the table below illustrates, both the cost and labor associated with program implementation have increased every year during the review period. The increases are due to increases in the number of licensed facilities.

Table 1
Agency Fiscal Information

Fiscal Year	Total Program Expenditure	FTE
02-03	\$329,940	3.9
03-04	\$342,209	3.9
04-05	\$349,461	4.2
05-06	\$482,702	4.9
06-07	\$497,934	5.5

The majority of PACFA implementation involves inspecting facilities. A PACFA inspector should have some educational training in an animal related field, because of the nature of the job, be able to work in a variety of allergen producing environments, and be willing to travel up to 50 percent of the time, including some overnight travel.

The state is organized into three geographical inspection areas that divide the state into a northern, middle, and southern district. The districts have no hard boundaries and can be adjusted as workload increases or decreases in a given area. A PACFA inspector's major charge relates to facility physical standards and sanitation inspections. However, the inspector is also the individual who decides whether an individual establishment will obtain a license based on a facility pre-license inspection. Combined, these responsibilities steer an inspector's mindset toward bringing a facility into compliance, during the on-site inspections, versus a command-and-control regulatory enforcement orientation. A big part of an inspector's job is to help facility operators understand and meet the standards expected of a Colorado-licensed pet care facility to protect the animals in their care.

Many of the licensed facilities are in remote parts of the state and inspectors spend the majority of their time alone or with facility operators. Each inspector has the use of a state vehicle, cell phone, laptop computer, and portable printer to help perform his or her duties. Inspections are recorded immediately on the computer and needed paperwork is generated instantly for a facility operator.

Pet Animal Advisory Committee

The Pet Animal Advisory Committee (Committee) consists of 16 volunteer members mostly from the regulated community. Unless there is a specific need, the Committee meets once a year for an entire day in a donated facility. There are no expenditures attributed to the Committee. The Committee functions as a consultant to the PACFA administration, and it may make recommendations for regulatory change based on the evolution of the industry. More than one member of the Committee stated during an interview with a representative of the Department of Regulatory Agencies, that the genius of the Committee is that it brings together different factions of the pet industry to help guide the direction of the entire industry in Colorado. A person whose business is dog grooming, whose concern is cleaning animals, sits with someone who is a pet wholesaler, whose concern is animals as a commodity, and an animal control officer, whose concern is law enforcement. Together they, combined with the other industry segment representatives, figure the best way to regulate, considering all of their disparate interests. Committee members believe that countervailing opinions give rise to advice that is both good for animal welfare and industry economic health, while not being too burdensome on the regulated community.

Pet Overpopulation Authority

A volunteer board of directors, the Pet Overpopulation Authority (Authority), administers the Pet Overpopulation Fund and the educational programs it developed with statutory authorization. The Authority uses funds from a Colorado state income tax check-off to leverage professional services for surgery, marketing, and public relations strategies. It meets annually to review the grants and awards it uses to leverage the services.

Colorado statute states that any program funded by an income tax check-off must meet a threshold of \$75,000 in donations each year between January 1 and September 30 to remain on the following year's tax return.⁵² As illustrated in Table 2, the Pet Overpopulation Fund has easily exceeded that threshold every year since inception.

Table 2
Pet Overpopulation Authority Program Overview

Fiscal Year	Check-Off Funds	Total Revenue	Grants Awarded	% of Check-Off \$ From Previous Fiscal Year(FY)	Administration (Includes Educational Materials)	% of Total Revenue	Number of Surgeries
06-07	\$213,438	\$231,552	\$205,000	97.2%	\$29,903	13%	5,469
05-06	\$210,863	\$233,338	\$184,000	100.3%	\$26,372	11.3%	4,189
04-05	\$183,398	\$209,116	\$150,000	80.0%	\$33,283	15.9%	5,709
03-04	\$187,298	\$196,765	\$200,000	107.0%	\$25,428	12.9%	5,866
02-03	\$187,807	\$202,139	\$200,244	82.0%	\$18,061	8.9%	4,287
01-02	\$244,793	\$266,729	NA	NA	\$10,603	4%	NA
Total	\$1,227,597	\$1,339,639	\$939,244	93% (FY 02-06 funds)	\$143,650	10.7% Average	25,520

⁵² § 39-22-1001(5)(a), C.R.S.

The statute also requires that every check off undergo a review which may extend the program for no more than three tax years following General Assembly approval.⁵³ During the 2007 session, the General Assembly extended the check-off until January 1, 2011, pending another review in 2010.⁵⁴ Administrative costs over the life of the program are 10.7 percent of total revenue and participating veterinarians have neutered more than 25,500 animals.

Licensing

The operation of a pet animal facility requires a license issued by the Commissioner of Agriculture (Commissioner). Every physical location of a business must be licensed separately. There are several classes of license, each of which is listed in Table 3, along with the associated license fee.⁵⁵

Table 3
License Classification and Cost

License	Cost	License	Cost
Retail/Wholesale (Live Animal Sales Only)	\$280	Animal Shelter	\$280
Retail Aquarium Only	\$225	Animal Rescue	\$80
Boarding/Training	\$280	Small Animal Breeder	\$250
Pet Handler	\$80	Uncommon Bird Breeder	\$180
Network Boarding	\$180	Common Bird Breeder	\$80
Pet Grooming	\$225	Cat Breeder	\$225
Dog Breeder (Small Scale Operation)	\$250	Dog Breeder (Large Scale Operation)	\$280

PACFA is cash funded by license fees. Because of the revenue and spending restrictions in Colorado law, fees were lowered in 2008 and projections are that, without a change in spending authority, they may be lowered again. Yearly license fees run from \$80 per year for an Animal Rescue and a Common Bird Breeder facility, to \$280 per year for a Retail/Wholesale, Dog Breeder (large scale operation), Boarding/Training, and Animal Shelter facility. A licensee may operate more than one category of business out of a single facility while paying only one fee. The cost of the facility license is the category with the highest annual fee. Each business name and classification is recorded with the program administration and all PACFA rules pertaining to each class of license must be followed.

⁵³ § 39-22-1001(1)(a), C.R.S.

⁵⁴ § 39-22-2203, C.R.S.

⁵⁵ Colorado Department of Agriculture, Animal Industry Division, *Pet Animal Care Facility License Application*. For a complete description of each license category see Appendix B on page 36.

Prior to licensing, after an application has been reviewed, each facility must be inspected by a PACFA inspector. Licenses expire on the first working day of March each year unless automatically renewed by that date, by the payment of the next year's license fee. If a license is not renewed, the licensing process starts from the beginning with a reapplication and a pre-license facility inspection.

Any licensed animal breeder facility, animal shelter, or animal rescue facility must file an annual report, on an official PACFA form, before the facility license will be renewed. The form indicates the number of animals a facility cared for and the disposition of the animals, i.e., died, euthanized, adopted, sold.

An applicant can be denied a license for not following PACFA and its rules and regulations including:

- Non-payment of fees;
- Failing three inspections for an original violation within one year;
- Operating without a license;
- Having a license denied within the prior two years;
- Being convicted of cruelty to animals;
- Refusing to provide the Commissioner with reasonable, complete, and accurate information regarding the care of animals when requested by the Commissioner; and
- Falsifying any information requested by the Commissioner.

If a license is denied, the applicant may reapply after 12 months and/or may request a hearing according to the Administrative Procedure Act.

Inspections

All PACFA-licensed facilities are inspected for compliance with the statute and program rules upon application and routinely thereafter, and when complaints are received. Facilities, records, and the animals on-site are examined by inspectors during regular business hours, but only upon consent of the licensee.⁵⁶ Inspectors examine the physical facility construction, hygienic conditions, animal handling, veterinarian care and living arrangements, and the records kept concerning animal inventory and care.

Routine inspection timing is determined by a risk assessment formula. The formula begins by assigning a point value for each category of a license, a boarding and training facility starts with 15 points while a pet handler facility starts with 0 points; points are added thereafter for each incidence of a PACFA violation. Total points determine the risk level which, in turn, determines inspection frequency.

⁵⁶ § 35-80-110(3), C.R.S.

Risk level and inspection intervals are as follows:⁵⁷

- Low Risk < 10 points = 24 month interval;
- Medium Risk = 10-14 points = 18 month interval;
- Medium-High Risk = 15-24 points = 12 month interval; and
- High Risk > 24 points = 6 month interval.

Based on this formula, a boarding facility will be inspected every 12 months regardless of violations and more often if it is warranted. Pet handler facilities will be inspected once every two years unless there is a complaint or violations warrant increased inspection intervals.

Given that the PACFA administration is the licensing, inspecting, and disciplinary authority concerning Colorado pet animal facilities, all complaints must be investigated by staff. Generally, an initial assessment is made within 24 hours to determine if a complaint is indeed within PACFA's purview, and then a validity assessment is made on site by the inspector. The concern of the inspector is not necessarily specific to an event that may have prompted a complaint but the condition of the facility's environment. In other words, if the environment is such that it could lead to another complaint or animal injury then the environment needs modification. Following risk assessment guidelines, 3,252 inspections were made during the review period.

Table 4
PACFA Inspections by Fiscal Year

Fiscal Year	Inspections
02-03*	80
03-04	827
04-05	689
05-06	864
06-07	792
TOTAL	3,252

*Data for fiscal year 02-03 was not available from existing electronic files.

Complaints/Disciplinary Actions

According to PACFA's administrator, all complaints coming into the agency are investigated within five working days. Typically, an investigation begins within 24 hours with an evaluation to determine the validity of the complaint and whether PACFA administration indeed has jurisdiction over the complainant's issue. Often staff will field calls concerning pet abuse over which it has no regulatory authority because the complaint is not based on a facility. It may be based on abusive actions, but unless complaints specifically relate to a pet care facility, PACFA has no jurisdiction. Table 5 illustrates that even with an initial telephone screening, 70 percent or more of the complaints turn out to be invalid. A valid complaint is one that results in a PACFA violation.

⁵⁷ PACFA Administrator Communication, January 23, 2008.

**Table 5
PACFA Complaint Validity Ratio**

Fiscal Year	Complaints	Inspections	Valid	Percent Valid	Inspection-Based Violations
02-03	404	80	111	27%	102
03-04	417	827	125	31%	959
04-05	451	689	123	27%	786
05-06	320	864	66	21%	964
06-07	291	792	80	28%	1,133

If the inspector determines that a facility has a condition that violates PACFA's standards, he or she must subjectively determine if it is a critical or noncritical violation. Critical violations are those involving the immediate health and well being of animals; noncritical violations are conditions that do not pose an immediate threat to the animals but could evolve into immediate threats. If it is a critical or a repeat violation the inspector may issue a fine. Otherwise the inspector may explain what is necessary to bring the facility into compliance.

PACFA allows the Commissioner discretion while imposing fines, allowing for consideration of a facility's ability to continue operating. It is the field inspectors who put this stipulation into practice. The inspectors discuss basic amounts to fine for specific violations and claim they do not vary much from the formula. Table 6 outlines the amount of fines collected.

**Table 6
PACFA Fines**

Fiscal Year	Number of Fines	Fines Collected	Low Amount/High Amount
02-03	88	\$25,409	\$7.50/\$1,705
03-04	88	\$21,883	\$7.50/\$1,540
04-05	77	\$18,026	\$20/\$1,700
05-06	65	\$17,485	\$17/\$1,105
06-07	88	\$15,151	\$17/\$1,000

PACFA inspectors write three basic types of violations: Physical Facility, Administrative, and Welfare. Table 7 shows, of the nearly 4,000 PACFA violations recorded during the review period, that more than 55 percent were facility based, approximately 25 percent were administrative in nature, and only 18.7 percent were animal welfare issues.

Table 7
Violation Category
Fiscal Years 02-03 through 06-07

Type of Violation	Violations
Physical Facility	2,196
Administrative	1,007
Welfare	737
Total	3,940

With an explicit statutory mandate stating that the Commissioner may consider the ability of the licensee to remain in business before fining for a violation,⁵⁸ a PACFA inspector's focus is on compliance rather than strict enforcement. This being the case, it is rare for PACFA administration to issue a cease and desist order. Only one time during the review period did as many as two of every 100 licensees lose the ability to operate, fiscal year 02-03. The remainder of the time the number was less and in fiscal year 04-05, the equivalent of seven out of every 1,000 licensees was ordered to close down.

Table 8
Cease and Desist Orders Compared to Licenses Issued

	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07
Licensed Facilities	1,619	1,674	1,784	1,824	1,818
Cease and Desist Orders	35	30	13	26	21
Ratio	2/100	1.8/100	0.7/100	1.4/100	1.2/100

⁵⁸ § 35-80-113(4), C.R.S.

Analysis and Recommendations

Recommendation 1 – Continue the Pet Animal Care and Facilities Act for five years, until 2014.

When the General Assembly adopted the Pet Animal Care and Facilities Act (PACFA) it approved a legal framework adhering to society's desire to act humanely toward pet animals. During the course of this sunset review, the Department of Regulatory Agencies (DORA) found that, at minimum, those desires persist or they are stronger, and that there is high acceptance for animal facility regulation among the public.

Pet store licenses are required in many states. Before a license is issued, often the owner must describe methods of sanitizing, proposed animal housing, waste management plans, and whether veterinary care will be provided to the animals. Following completion of these steps, facilities will typically undergo an inspection.⁵⁹ Pet adoption has also become easier as a result of systemic modernization and wide spread internet access. As a result, more people are looking to rescues for their pets and less at pet stores where they perceive that the possibility of getting an animal from a puppy mill increases.

PACFA goes beyond the norm by also regulating several types of facilities that breed, board, groom, and rescue all species of pets. During inspections, examinations of sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, medical treatment, operation, records, euthanasia, and transactions systems are performed.

Examination of Colorado's neighboring states' regulation shows that there is a wide range in scale and scope. Kansas has a very comprehensive system, similar to Colorado's, but on the other end of the spectrum, Wyoming, Texas, and Idaho do not appear to address pet welfare issues. Table 9 illustrates that the remainder of the states, Arizona, New Mexico, Oklahoma, Nebraska, and Utah, address some of the same issues that PACFA does, but in a piecemeal, non-program-centric manner.

⁵⁹ Duncan, Ashley, *Brief Overview of Retail Pet Stores*. Retrieved January 11, 2008 from <http://www.animallaw.info/articles/qvusretailpetstores.htm?wwparam=1200081071>

**Table 9
Western States Regulation**

State	Type of Regulation	Type of Program
AZ	Animal care requirements; pet dealers must have sanitary establishment	N/A
	Spaying and neutering of animals fund; definitions	License plate based fund
NM	Sale, purchase, trade and possession of certain animals regulated for the protection of public health and safety	N/A
	Recommends standards for infrastructure and facility operation	Animal sheltering services board
	Defrays board initiative's costs	Animal care and facility fund
TX	No mention of facilities in statute	N/A
OK	Donation from tax refund	Oklahoma Pet Overpopulation Fund
	No mention of facilities in statute	N/A
KS	Similar to PACFA but has many of PACFA's rules contained in statute	Pet Animal Act
NE	Provides for facility inspection and regulation enforcement	Commercial Dog and Cat Operator Inspection Act
WY	No mention of facilities in statute	N/A
ID	No mention of pet facilities in statute or administrative code	N/A
UT	Spay and neuter program	No More Homeless Pets in Utah license plate-based fund
	Spay and neuter program	Municipal Animal Shelter Pet Sterilization Act
	Spay and neuter program	County Animal Shelter Pet Sterilization Act

Colorado's PACFA is the most comprehensive of the states examined during the course of the sunset review. Typically, there is a hodge-podge of pet welfare laws and few that regulate facilities beyond pet stores at all. PACFA regulates all types of facilities and conduct in those facilities and offers a much higher degree of animal safety.

How does PACFA affect the pet industry? To answer the question, DORA asked a sample of licensees to respond to questions concerning their experiences operating under PACFA regulation.⁶⁰

⁶⁰ n = 227, Survey sample questions and results are in Appendix C.

When asked if they believed PACFA is a necessary part of the pet care industry, more than 80 percent agreed that it is, and more than 59 percent of those respondents, 47.8 percent of the total sample, strongly agreed. Respondent licensees overwhelmingly agreed, 62.8 percent, that PACFA has raised the standard of pet care facility operations throughout Colorado. Members of the PACFA inspection staff reiterated survey findings when they observed that there has definitely been a positive change in facilities over the last eight years. In an open-ended question asking respondents what PACFA's greatest strength is, 31 percent felt that the field inspection process was at the top, followed by 25.4 percent who believed that its mere existence was PACFA's greatest strength. It can be concluded from these results that licensees believe that the existence of a pet care facility regulating authority has led to higher caliber facilities and better care for animals.

Likewise, licensees generally indicate a favorable sentiment toward the inspection process. Being that the majority of staff's time is spent performing inspections, this is important information. The survey respondents overwhelmingly feel that the inspections are fair, 74.1 percent, and only 5.9 percent feel that the inspections are unnecessary. They also indicated a positive reaction when queried about the inspectors themselves: 67.2 percent believe that the inspectors are helpful and 65.3 percent feel the inspectors are effective in explaining expectations.

The first sunset statutory evaluation criterion asks if regulation is necessary to protect the public's health, safety, and welfare. Because the General Assembly decided to follow the public's desire to act humanely toward animals by protecting them while they are in one of the various types of facilities regulated under PACFA, and because PACFA accomplishes this, PACFA is justifiable. Additionally, protecting Colorado's multi-million dollar pet industry from bad actors benefits the state's economy generally and its citizens tangentially. Colorado's PACFA statute is the most comprehensive of all the states examined during the course of this review. Licensees, and staff, contend that facility operators have generally adopted higher standards because now there are legal standards that there were not previously. Reauthorization of the PACFA is warranted for all of these reasons.

This sunset review contains recommendations for systemic upgrades that, if adopted by the General Assembly and implemented by staff, will increase efficiency and accountability measures in PACFA administration. DORA, therefore, recommends that the next sunset review of PACFA take place in five years to more quickly measure the impact of the changes.

Recommendation 2 – Increase spending authority to make necessary recordkeeping and support technology upgrades.

Beyond the reauthorization of PACFA itself, this is the highest priority recommendation. The lack of efficient administrative technological support has cross-contaminated the inspection process and PACFA is basically an inspection program. The lack of well-organized, technology-based record keeping affects the ability of field staff to protect animals and the pet industry to the extent that the public and licensees expect.

The current system requires inspectors to synchronize all data into the central server physically at the PACFA office, not from a remote location. Even then the data that is recorded is not a complete updated record, simply another separate entry into an electronic filing cabinet. PACFA uses one database with licensee information pertaining to type of license and business location, a system that records incoming complaints to be investigated, a different system that records inspection information, and another system to record the disposition of an investigation. The latter is emailed back to the office where a hard copy is printed and placed into a licensee's folder.

The information recording method(s) is an inefficient use of time, space, and labor. Time spent traveling back and forth, carrying out data-entry, and virtually the same task multiple times could be spent more productively inspecting facilities. The licensee hard copy files are too large, unorganized, and cumbersome to be useful to the staff, or any person who wishes to examine them. Technology does exist, in other inspection oriented organizations, to minimize the time spent by inspectors and administrative staff keeping records. The PACFA organization is in desperate need of a technological overhaul.

A new system, where inspectors can input information and have access to comprehensive files regarding each licensee is needed. Complaint-based, non-routine inspections, according to staff interviews, typically begin, with a telephone call, within 24 hours of complaint receipt. However, there is no record made of the event and currently there is no way to make a record without adding yet another system to the multi-layered one currently employed. Routine inspections are determined by the risk assessment formula described in the inspection section of the sunset review beginning on page 19. However, currently there is no record of the risk variable or calculation updates for risk assessment. Again, this is not possible without placing another layer and chore on the already systemically overloaded staff.

During the spring of 2008, a Denver television station aired an exposé on PACFA. The most valuable part of the media piece, from a sunset review perspective, was the recognition that insufficient records are kept. Consistently, the few negative comments made about the program, by the general public, the regulated community, the media, and the staff, deal with a shortage of inspectors, inspections made, and corresponding data recorded. There is no way to determine the validity of those comments because of the state of the record keeping system. There very well may be a need to increase the number of inspectors on the PACFA staff. However, until the technology is upgraded there is no way to determine how much more time the current staff would have. What is more glaring, the current system could not handle the input from one more inspector without compounding the associated problems.

When fully staffed, there are three inspectors to cover Colorado's 104,100 square miles (approximately 34,700 square miles per inspector), 1,800 licensees, and an average of 793 annual complaints.

Every complaint is investigated. Add to that, routine inspections, pre-licensing inspections, follow-up inspections and associated record keeping. It is only through the hard work of its small staff that PACFA implementation is possible. This is the crux of the cross-contamination in the system. The public, the media, the PACFA inspectors, and, based on the results of a DORA survey of licensees, the regulated community want to see facilities inspected more often and stricter enforcement of the PACFA. Again, even if there was another inspector on staff, the current, disorganized, record system would not handle the increase in inspections and actions without exponentially increasing the record keeping/technology problems.

While PACFA is productive currently, to meet expectations and better protect the health, safety, and welfare of the public there needs to be a systemic change, simultaneously adding technology and possibly field personnel. Changing one without the other would not be the optimum use of resources.

Administration of PACFA is cash-funded and licensing fees were recently lowered. Because of Colorado government's revenue and spending limitations, PACFA administration is unable to spend the revenue it brings in from licensing on the necessary upgrades without a change in spending authority. Moreover, it is considering lowering license fees again. Respondents to the DORA survey feel PACFA's greatest strengths are the existence of PACFA and facility inspections. Since the regulated community and the general public want to see more inspections and increased action, it seems illogical to continually lower fees rather than using resources to upgrade technology. This is particularly so, since there appears to be a positive correlation between lowered fees and less public protection.

The General Assembly should increase spending authority for administrative technology upgrades to better protect the public through PACFA.

Recommendation 3 – Continue the Pet Animal Advisory Committee.

The review of advisory committees is conducted under a separate statute and is meant to determine if an advisory committee is useful to the implementation of Colorado state government programs.⁶¹ The 16-member Pet Animal Advisory Committee (Committee) is indeed a useful component in the administration of the PACFA program. While the Committee only meets annually, its members speak with each other when important industry issues come up that may require their attention, regardless of when the meeting is scheduled, and are available if an emergency meeting must be called.

As industry segment representatives, the members network and actively seek input from licensees who operate within their same category of license. The interaction among the Committee members, equips individual members with wider-ranging views than other licensees may have. Because of the cooperation, they make well informed decisions concerning both the level of- and changes to regulation. Committee policy input then enables PACFA administration to keep up with environmental changes in both the pet industry as a whole and each of the different types of businesses within.

An example of successful Committee input is the changes to PACFA rules concerning reptile sales. The Committee convened a member taskforce, which researched, including soliciting input from the regulated community, the proper care of reptiles for sale. With taskforce input, the Committee wrote the section of the rules that the Agriculture Commission adopted for PACFA implementation.

The collaboration between staff and the Committee is a two way street. Staff believes that the knowledge and opinions of these representatives are important for the program to be successful and the nuanced insights they provide are invaluable in helping PACFA evolve. All program changes that staff feels are necessary are first vetted through the Committee, as representatives of the regulated community, before going to either the Agriculture Commission, to adjust rules, or the legislature, to adjust PACFA itself.

Many Committee members were instrumental in the drafting of the original PACFA program and have a strong institutional background combined with their willingness to donate their time. Notwithstanding, it is important for any advisory function to seek out new ideas and input from fresh sources. To those ends the Commissioner of Agriculture should actively recruit new members to the Committee when terms end.

The Committee has been invaluable to the PACFA program and should be continued.

⁶¹ § 2-3-1203(a), C.R.S.

Recommendation 4 – Authorize the Commissioner to have unimpeded access to all properties and records pertaining to PACFA.

Section 35-80-110(3), Colorado Revised Statutes (C.R.S.), currently reads:

At any reasonable time during regular business hours, the Commissioner shall have free and unimpeded access upon consent or upon obtaining an administrative search warrant: ... *(to facilities and records)*

This provision has proven problematic for PACFA inspectors attempting to inspect facilities to ensure PACFA compliance. There have been times when a facility worker has denied access to inspectors, without explanation, simply because of the way this provision is written. The provision allows a worker in a facility to deny access for any, or no, reason. When legal authority is abused it hurts the public interest, runs counter to legislative intent, does not allow efficient and effective performance by staff, undermines the investigation process, and most importantly, does not allow staff to ensure that animals are being protected.

In cases when access to a licensed facility is unjustifiably denied, it costs actual dollars in travel expenses and inspector salary. Moreover, there is the unquantifiable cost of giving the regulated community the impression that inspectors do not have true authority under Colorado law. Denying access without reason effectually nullifies the law and should be addressed by the General Assembly.

Some pet facilities are very rural, secluded, and difficult to get to during “regular business hours.” A licensee relinquishes a degree of privacy when it becomes licensed. It is PACFA inspection staff’s responsibility to ensure on-site compliance with licensing provisions concerning animal safety. The majority of licensed facilities care for pet animals 24 hours per day seven days per week. Considering that animals could possibly be in danger at any time they are in a non-compliant facility, what, or who, determines what a “reasonable time” is to inspect a facility? Therefore, staff must have unlimited access to fulfill this mission, keeping pet animals safe. If a licensee chooses to operate a home-based facility it must be subject to the same regulatory oversight as those businesses that operate in other conditions.

In order to provide protection to pet animals in Colorado, the Commissioner should have the authority to scrutinize any property or records of a licensee at any time. This improves transparency of the regulated community under PACFA and prevents licensees from potentially endangering animals.

Therefore, the solution to this problem is to eliminate the prerequisites that inspectors obtain consent prior to entering a licensed facility, determine what a reasonable time is, and inspect only during regular business hours.

Recommendation 5 – Repeal the requirement that the Commissioner perform a business analysis of a PACFA-licensed business prior to issuing a civil penalty.

Section 35-80-113(4), C.R.S., states:

Before imposing any civil penalty, the Commissioner may consider the effect of such penalty on the ability of the person charged to stay in business.

The statute gives the Commissioner discretion when fining a licensee, up to \$1,000. There is no need to enumerate one specific discretionary variable, among several that the Commissioner may consider, before issuing a fine.

An inspector, acting under the Commissioner's authority, must weigh the health, safety, and welfare of the pets in combination with the investigative risk factors to determine if a pet care facility is in violation. Fines for violations should be determined by administrative formula and applied as consistently as possible while still allowing some measure of discretion.

A line inspector does not necessarily have the qualifications or the ability to determine what will or will not keep a business viable and should not be put in the position to make that decision. Also, any penalty carries a stigma that may affect public opinion which in turn may affect a business.

Therefore, the General Assembly should strike section 35-80-113(4), C.R.S., from the statute.

Recommendation 6 – Remove the license renewal date from statute and direct the Commissioner to set renewal dates administratively.

In order to take advantage of advances in its internal accounting, technology, and other administrative systems and fully realize administrative efficiencies, the Commissioner should be authorized to establish renewal cycles administratively.

To achieve this goal, the Colorado Department of Agriculture (CDA) needs the flexibility to correlate the renewal periods for programs. Removing the licensing renewal date requirement in the PACFA will enable the Commissioner to establish a uniform renewal period for all of the programs within the CDA, creating a uniform licensing system and increasing efficiency and customer service.

Recommendation 7 – Direct that all money realized through fines be credited to the state’s General Fund.

Section 35-80-116, C.R.S., provides that all fines collected pursuant to PACFA are credited to the Pet Animal Care and Facility Fund, which is the program’s cash fund. There are two basic reasons that this change is needed.

First, typically when an agency is given fining authority, funds generated by such fines are credited to the state’s General Fund. The system is set in this manner so an enforcement agency has no incentive to impose fines other than taking legitimate, disciplinary action. When fines are credited to the agency’s cash fund, there can be a perceived conflict of interest that the agency is merely trying to increase revenue. Although DORA has no reason to believe that the Commissioner or PACFA administration has acted improperly, this recommendation is important as a policy matter to prevent any such allegations that do arise from gaining credibility.

The second ground for the change is PACFA administration’s requirement to reduce license fees. For cash-funded agencies, any increase in revenue can require them to reduce fees. Civil actions are meant to be used for discipline not to raise revenue, and license fees are meant to pay for agency operations. When all funds are comingled, the lines between enforcement and operations can get blurred. In a paradox to the first premise, if an agency takes in more revenue than it can spend under state law, then it may open itself to allegations that it is being too lenient enforcing the law and issuing fines, because it cannot keep the money. While DORA found no reluctance on the part of PACFA inspectors to issue fines, PACFA-licensed respondents to the DORA survey generally want to see increased PACFA enforcement. Research concerning public opinion corroborated those responses that, commonly, citizens want to see increased regulation and enforcement regarding pet welfare. Again, changing the destination of civil penalties to the General Fund will preempt any allegations from gaining credibility.

Recommendation 8 - Repeal the prohibition on possessing turtles less than four inches long.

Section 35-80-108(j)(l), C.R.S., makes it illegal to sell, barter, exchange, or otherwise transfer, possess, import, or cause to be imported to the state, any type of turtle with a carapace of less than four inches.

The intent of PACFA was to make the transfer or sale of small, immature turtles illegal in conjunction with federal law because they pose a risk of spreading salmonellosis. The federal government has prohibited the sale or distribution of turtles with a carapace length of less than four inches since 1975. It is necessary to possess smaller, immature turtles until they grow large enough to sell if one is breeding them to sell. PACFA should be amended to permit the possession of turtles with a carapace of less than four inches.

This change reconciles state and federal law, and protects both Colorado citizens and PACFA licensees from disease.

Recommendation 9 - Add rats and gerbils to the definition of pet animals to synchronize statute and rules.

Rats and gerbils are not specifically defined as pet animals in section 35-80-102(10), C.R.S., where many of the most popular pet animals are inventoried. However, because rats and gerbils are among the most popular pets, the rules specifically list rats and gerbils in a subclassification of small animals defined in Rule 19.00A1b(1) and give specifications for enclosure standards in Rules 11.00B2d(5) and (6).

The rules and the statute should be synchronized whenever possible to bring clarity to the regulatory process. Clear, consistent regulations benefit licensees who must be able to understand regulations to comply with them. However, it is the animals regulation seeks to protect that ultimately benefit the most from consistent application and lessened ambiguity.

Recommendation 10 – Require that PACFA administration contact information is posted in a conspicuous place, in every licensed facility.

Compliance with PACFA protects animals inhabiting licensed facilities. PACFA inspection and enforcement is key to ensuring that facility safeguards, and the corresponding protections for the animals, are in place. There are three facility inspectors charged with covering the entire state and more than 1,800 active licenses under PACFA. Therefore, it is logical to assume that routine inspections may not be enough to keep all facilities in compliance at all times.

Posting PACFA administration contact information gives consumers the ability to contact PACFA administration if there is a perceived violation. If staff is made aware of an issue that they may not have been aware of otherwise, they are able to begin an investigation and demand PACFA compliance when necessary

Implementation of this recommendation adds one more layer of protection and should be adopted by the General Assembly.

Administrative Recommendation 1 – Develop written policies and guidelines for inspections, enforcement, and discipline.

The PACFA organizational mindset, that an inspector's first priority is to help pet care facilities come into compliance, is appropriate for a facilities' regulatory program. Compliance helps ensure a safe environment for animals and bringing facilities into compliance is an educational process and PACFA's mission. However, there needs to be continuity and more standardized operating procedures in the inspection, enforcement, and disciplinary processes.

Sunset review analysis criteria III, IV, and VII mandate that DORA analyze a confluence of the law, rules, and inspection procedures for efficiency and public protection when reviewing programs. Program review exposed a problem, for some licensees, based on the content of the inspections. While the rules and regulations are very specific in their provision and are available upon request to all people, a number of licensees, though according to survey results a minority, do not seem to know what to expect during an inspection. Some licensees also claim that inspections are inconsistent based on the person who is conducting them.

While PACFA staff believes that there is very little discrepancy among the inspectors concerning enforcement, this review was unable to determine if that is the case because there are no truly comprehensive records as discussed in Recommendation 2. Moreover, there are no written guidelines for inspectors to follow during inspections, which determine when a line has been crossed from one level of violation to the next. Subjectivity in PACFA implementation leads to a perceived lack of continuity in enforcement by the regulated community. Whether the perception is based on inadequate record keeping or actual arbitrariness, it opens the agency to criticism for using too much discretion. Even discretion needs structure. This same argument is true for staff issuing fines for violations. While discretion is necessary, so is structure.

DORA advises that four changes occur:

1. Have inspectors carry an inspection checklist with them during inspections.
2. Make PACFA rules and inspection procedures available online.
3. Establish written definitions of critical and noncritical violations. The definitions may be a subjective range but should be in rules.
4. Establish guidelines and ranges for fining based on tangible variables. Tangible variables will add objectivity to the process while the ranges will still allow for some discretion by the field inspector.

Example: Violation XYZ = \$10 - \$100
Violation PDQ = \$250 - \$500

Change 1. Each inspector should carry a checklist which itemizes what an inspector will be examining when he or she enters a pet care facility. The checklist should be specific to the type of license the facility operates under, i.e., Cat Breeder or Retail Aquarium. A checklist adds form to the inspection process, regardless of the inspector, and will alleviate the concerns the regulated community voiced.

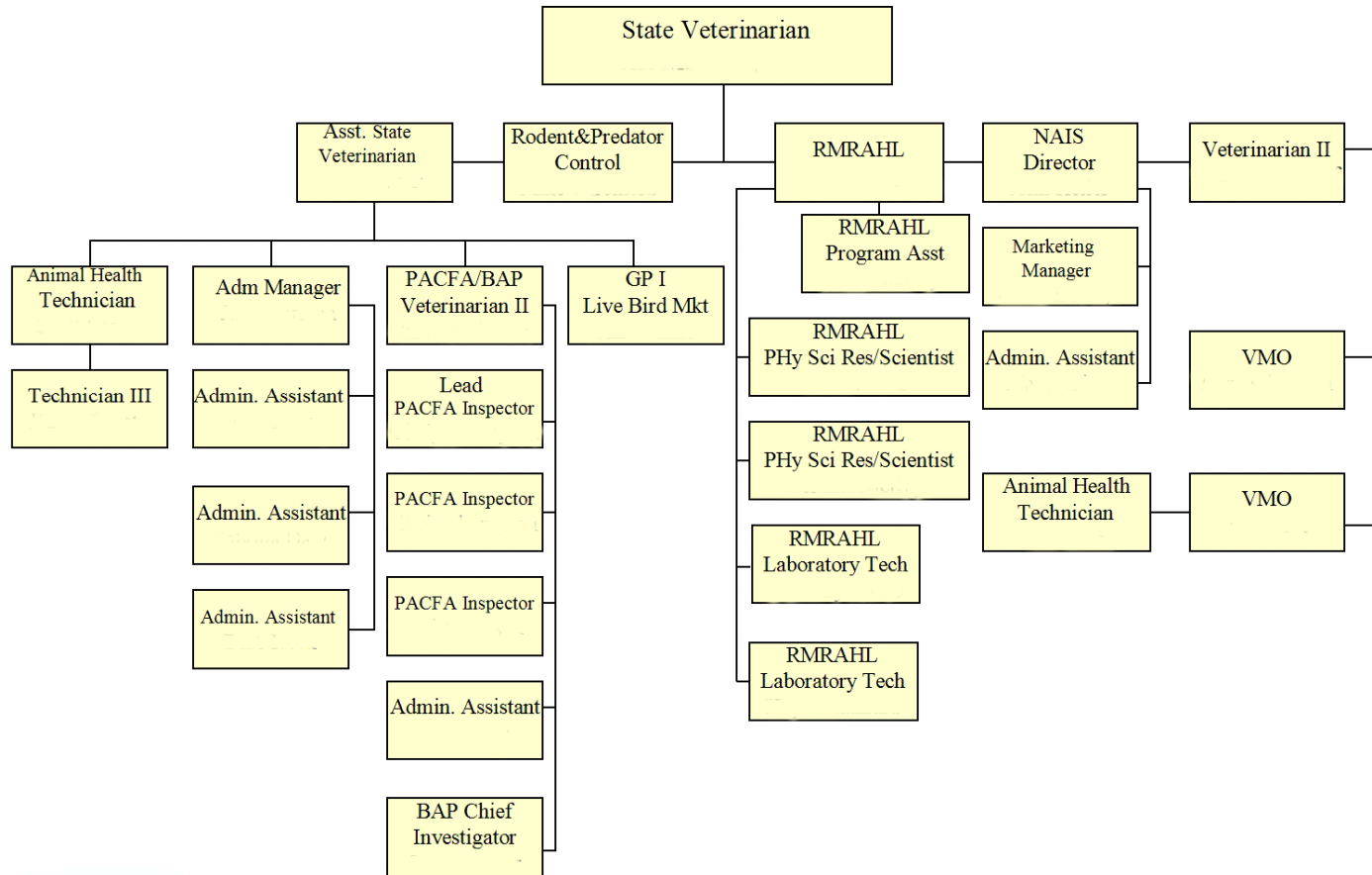
Change 2. The more available rules are, the better the chance a member of the public and licensees have of knowing what acceptable and unacceptable conditions are for animals. A copy of the PACFA rules, segregated by license classification, and a list of facility components examined during inspections, similar to the inspector's checklist, should be posted on the organization's web site. The rules also need a table of contents to simplify navigation. This change facilitates licensee examination, helps keep facilities in compliance, and keeps pet animals safe.

Changes 3 and 4. This sunset review did not find evidence of arbitrary enforcement and discipline, but adoption of these recommendations leaves less room for a valid complaint by a licensee who has been cited for a violation. Standardizing practices allows outside examiners, from the media, the public, and from government, to understand how administrative priorities concerning critical and non-critical violations, materialize in practice. Implementation adds both transparency and accountability to the process.

A licensee must know what is expected for licensure, expectations for keeping a facility in compliance and keeping the license valid, as well as the costs associated with being out of compliance. The PACFA administration's goal is to bring all facilities into compliance to better protect its constituency. These recommendations put more objectivity in the implementation of PACFA, but still allow for needed discretion by field inspection staff. Knowledge of expectation equals compliance, which equals pet protection.

Appendix A – Division of Animal Industry Organization Chart

Colorado Dept. of Agriculture Division of Animal Industry Organization Chart



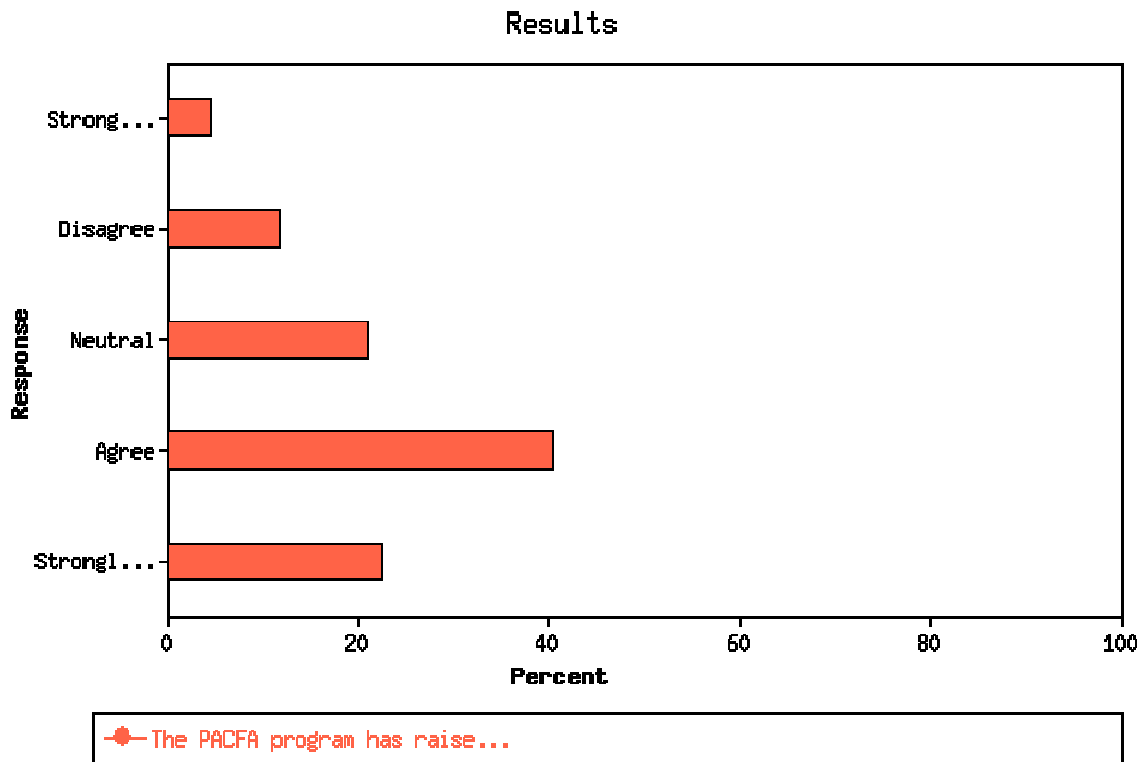
Appendix B – License Categories

1. **RETAIL WHOLESAL PET ANIMAL DEALERSHIP:** "Pet animal dealership" as used herein means any place or premises used in whole or in part, whether on a permanent or temporary basis, for the sole or exclusive purpose of either wholesale commerce or retail sale, trading, bartering, or otherwise transferring pet animals to the public.
2. **RETAIL AQUARIUM ONLY:** Facilities that trade, sell, barter, or otherwise transfer only fish or other aquatic animals, not including reptiles and amphibians, to the public.
3. **PET ANIMAL BOARDING AND/OR TRAINING FACILITIES:** A facility that cares for or houses pet animals in the absence of the owner or a facility that cares for pet animals in training in the absence of the owner or such owner's designee and receives compensation for said training services. Training services include housing, training, handling, showing, grooming and transporting pet animals. Such training services shall be for the purposes of exhibition, behavior modification or enhancement, field trial or lure course training, guard dog training, or any other type of training services.
4. **PET HANDLER:** A person who does not maintain a central permanent facility for the purposes of training or housing dogs, but maintains a mobile or temporary facility for the purposes of transporting or training a pet in the absence of the owner and receives compensation for their services.
5. **NETWORK BOARDING FACILITY:** A facility that offers pet animal boarding services to a pet owner for the purposes of boarding a pet or a family's pets within a residence that is a part of a group of residence facilities operating under a single management. The boarding services provided by each family residence facility are to be under the direction of a manager who arranges the contacts between the pet's owner and the individual family residence facility networked within the group.
6. **PET GROOMING:** A permanent or mobile commercial establishment where a pet animal may be cleaned, styled or have appearance maintained.
7. **DOG BREEDER (SMALL SCALE):** Dog Breeder means any firm, person, or corporation which is engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transfers AT LEAST TWENTY-FIVE (25) AND NO MORE THAN NINETY-NINE (99) DOGS PER LICENSE YEAR OR PRODUCES MORE THAN 2 LITTERS PER LICENSE YEAR. Exclusions: racing greyhounds that are not intended to be companion pets.
8. **DOG BREEDER (LARGE SCALE):** Dog breeder means any firm, person, or corporation which is engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring MORE THAN NINETY-NINE (99) DOGS per license year. Exclusions: racing greyhounds that are not intended to be companion pets.
9. **CAT BREEDER:** Cat breeder means any facility which produces or transfers more than 3 litters or 24 cats per license year.
10. **COMMON BIRD BREEDER:** Common Bird Breeder means any facility engaged in the operation of breeding and raising birds and transfers more than 30 birds per license year, with 10 or fewer of these 30 birds being from the uncommon category (all psittacine birds except budgerigars, cockatiels and lovebirds).
11. **UNCOMMON BIRD BREEDER:** Uncommon Bird Breeder means any facility engaged in the operation of breeding and raising birds and transfers more than 30 birds per license year, with 10 or more of these 30 birds being from the uncommon category (all psittacine birds except budgerigars, cockatiels and lovebirds).
12. **SMALL ANIMAL BREEDER:** Small animal breeders requiring licensure are those breeders that transfer more than the following limits per license year. Rat, mouse, gerbil and hamster breeders: 200; Rabbit and guinea pig breeders: 65; Hedgehog, chinchilla and sugarglider breeders: 24.
13. **ANIMAL RESCUE:** "Pet Animal Rescue" as used herein means any person who accepts pet animals for the purpose of finding permanent adoptive homes for animals and does not maintain a central facility for keeping animals, but rather uses a system of fostering in private homes, or boarding or keeping in licensed pet animal facilities.
14. **ANIMAL SHELTER:** "Animal Shelter" - a public or private facility which, minimally, houses animals for impoundment purposes; or a centralized private facility which accepts or houses more than 15 dogs or cats or more than the limits on transfers for hobby breeders as defined in PACFA Colorado Statute 35-80-102, 24 ferrets per year or other animal species except for fish for future disposition including harboring. Foster home sites and mobile adoption sites may be utilized in the operation of the animal shelter.

Appendix C – Survey Results

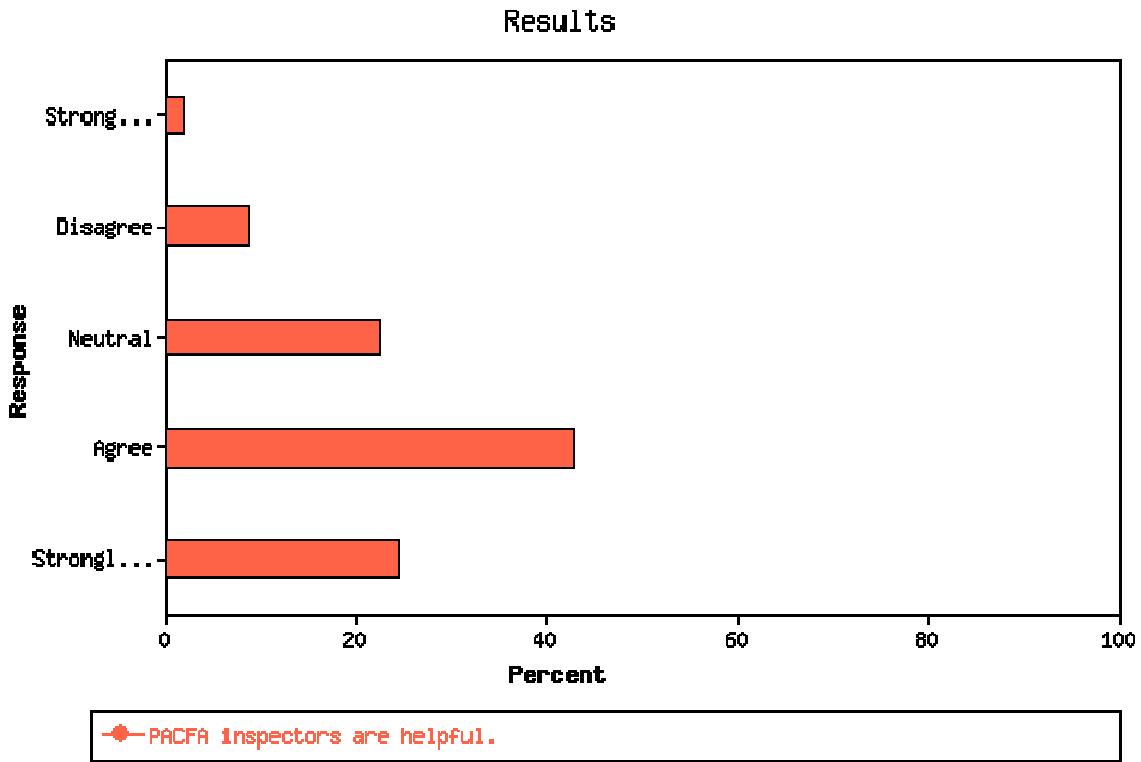
The following results are from a survey conducted by DORA of 227 licensees during June of 2008. This Appendix C includes only those questions and answers referenced in the analysis above.

Question: The PACFA program has raised the standards of pet care facilities operations.



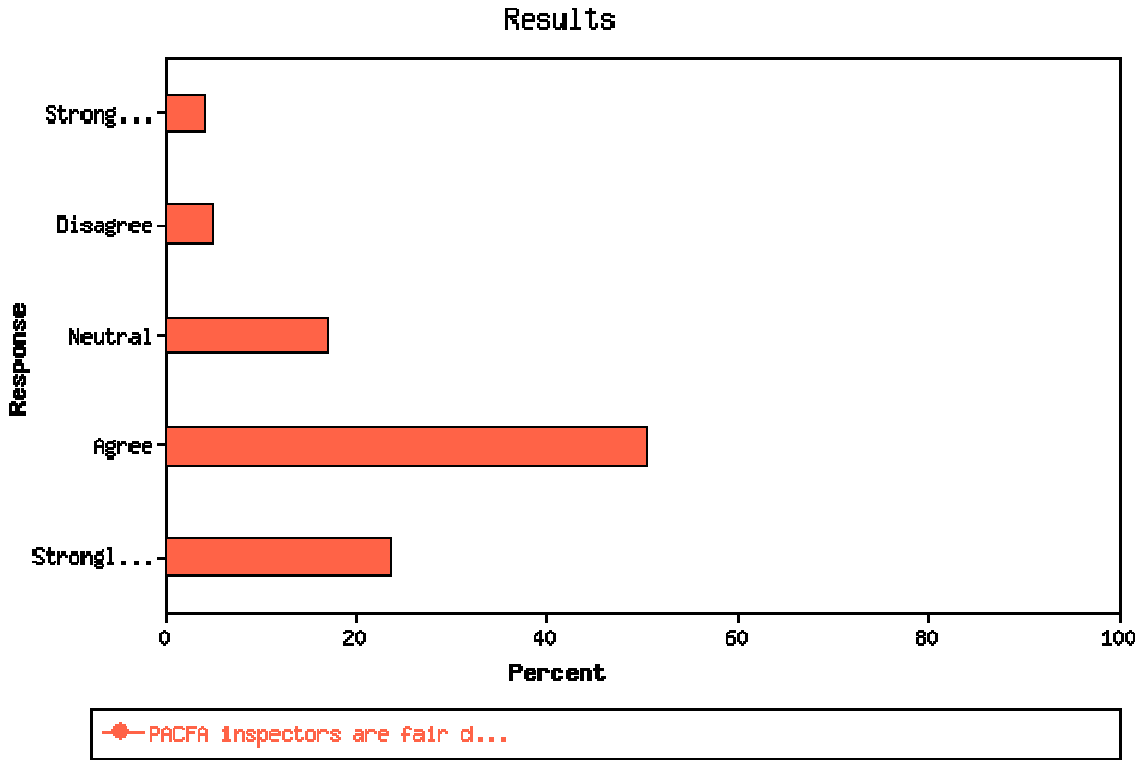
	Count	% Sample Answered	% Sample Asked	% Sample Total	Statistics	
Strongly Agree	50	22.4%	22.0%	22.0%	Minimum Value	1.00
Agree	90	40.4%	39.6%	39.6%	Maximum Value	5.00
Neutral	47	21.1%	20.7%	20.7%	Average	2.35
Disagree	26	11.7%	11.5%	11.5%	Sum	525
Strongly Disagree	10	4.5%	4.4%	4.4%	Standard Deviation	1.09
Not Answered	4	N/A	1.8%	1.8%	Median	2
Not Asked	0	N/A	N/A	0.0%	Mode	2
Total	227	100%	100%	100%		

Question: PACFA inspectors are helpful.



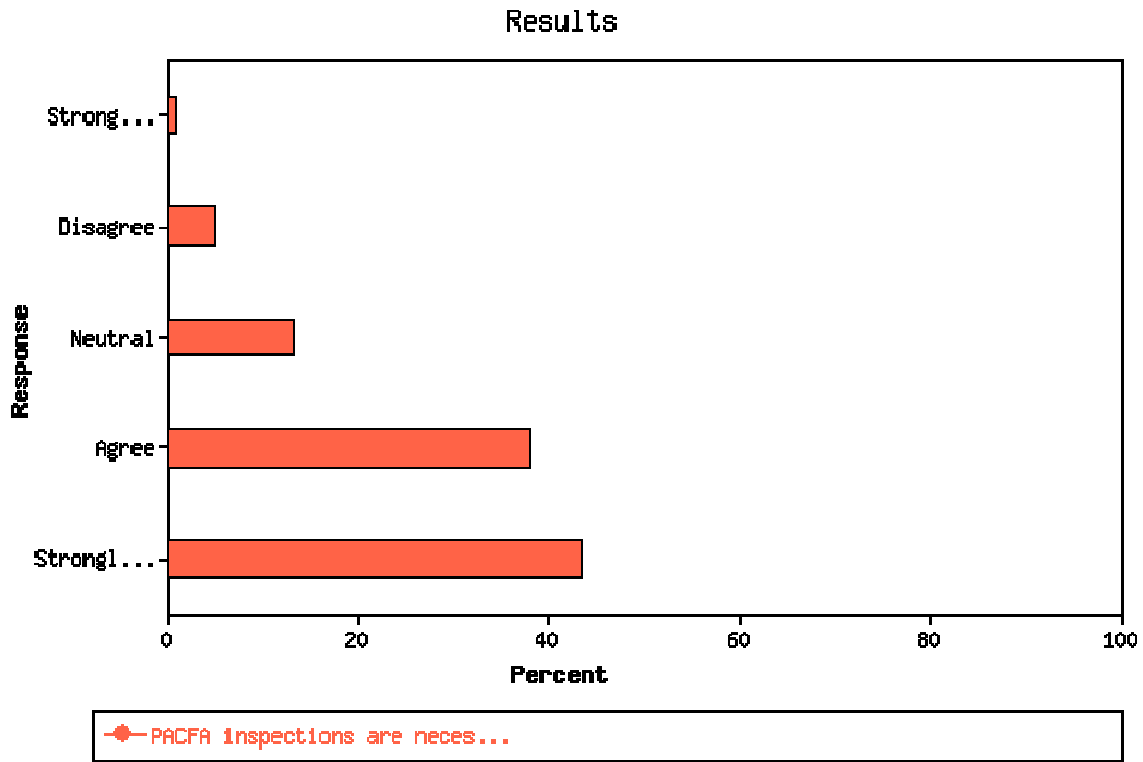
	Count	% Sample Answered	% Sample Asked	% Sample Total	Statistics	
Strongly Agree	54	24.5%	23.8%	23.8%	Minimum Value	1.00
Agree	94	42.7%	41.4%	41.4%	Maximum Value	5.00
Neutral	49	22.3%	21.6%	21.6%	Average	2.20
Disagree	19	8.6%	8.4%	8.4%	Sum	485
Strongly Disagree	4	1.8%	1.8%	1.8%	Standard Deviation	0.97
Not Answered	7	N/A	3.1%	3.1%	Median	2
Not Asked	0	N/A	N/A	0.0%	Mode	2
Total	227	100%	100%	100%		

Question: PACFA inspectors are fair during facility inspections.



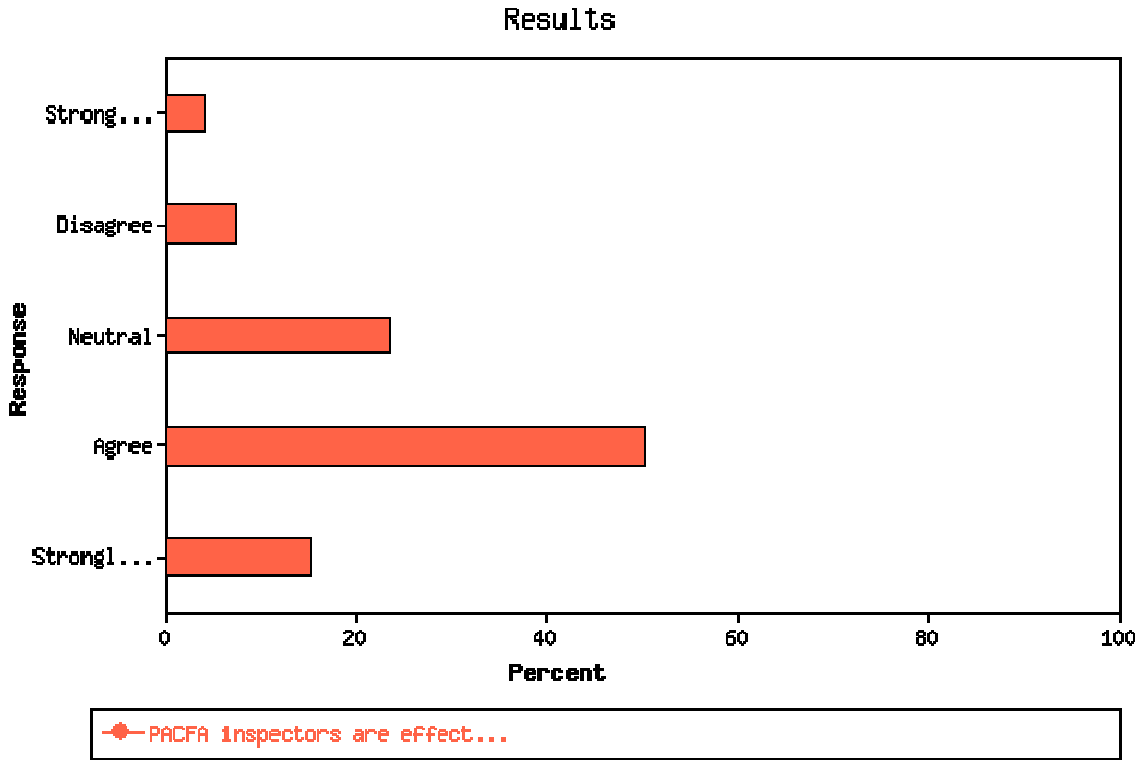
	Count	% Sample Answered	% Sample Asked	% Sample Total	Statistics	
Strongly Agree	52	23.6%	22.9%	22.9%	Minimum Value	1.00
Agree	111	50.5%	48.9%	48.9%	Maximum Value	5.00
Neutral	37	16.8%	16.3%	16.3%	Average	2.15
Disagree	11	5.0%	4.8%	4.8%	Sum	474
Strongly Disagree	9	4.1%	4.0%	4.0%	Standard Deviation	0.98
Not Answered	7	N/A	3.1%	3.1%	Median	2
Not Asked	0	N/A	N/A	0.0%	Mode	2
Total	227	100%	100%	100%		

Question: PACFA inspections are necessary.



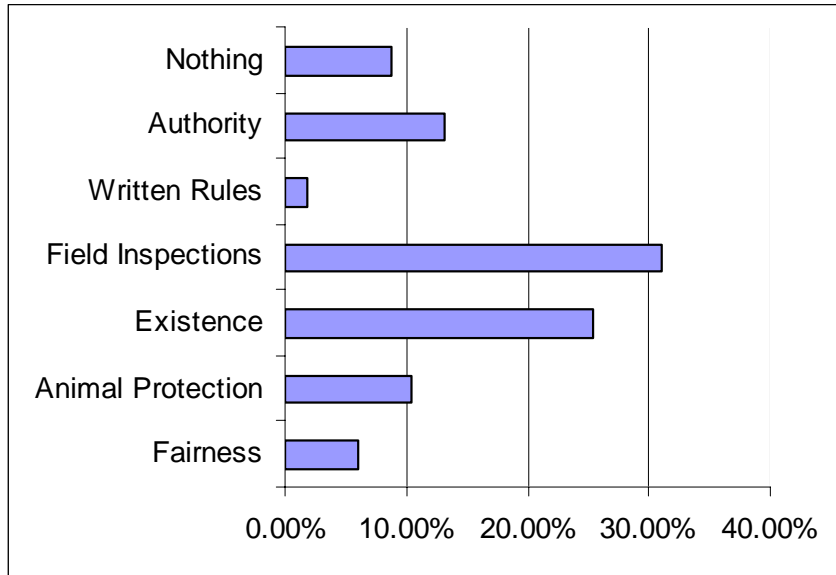
	Count	% Sample Answered	% Sample Asked	% Sample Total	Statistics	
Strongly Agree	96	43.2%	42.3%	42.3%	Minimum Value	1.00
Agree	84	37.8%	37.0%	37.0%	Maximum Value	5.00
Neutral	29	13.1%	12.8%	12.8%	Average	1.82
Disagree	11	5.0%	4.8%	4.8%	Sum	405
Strongly Disagree	2	0.9%	0.9%	0.9%	Standard Deviation	0.90
Not Answered	5	N/A	2.2%	2.2%	Median	2
Not Asked	0	N/A	N/A	0.0%	Mode	1
Total	227	100%	100%	100%		

Question: PACFA inspectors are effective in explaining expectations



	Count	% Sample Answered	% Sample Asked	% Sample Total	Statistics	
Strongly Agree	33	15.1%	14.5%	14.5%	Minimum Value	1.00
Agree	110	50.2%	48.5%	48.5%	Maximum Value	5.00
Neutral	51	23.3%	22.5%	22.5%	Average	2.35
Disagree	16	7.3%	7.0%	7.0%	Sum	515
Strongly Disagree	9	4.1%	4.0%	4.0%	Standard Deviation	0.96
Not Answered	8	N/A	3.5%	3.5%	Median	2
Not Asked	0	N/A	N/A	0.0%	Mode	2
Total	227	100%	100%	100%		

What are PACFA's strengths?



Fairness	6.10%
Animal Protection	10.50%
Existence	25.40%
Field Inspections	31%
Written Rules	1.80%
Authority	13.20%
Nothing	8.80%

Respondents may select more than one response.