

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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Secretary

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Commissioner

NOTICE OF PUBLIC HEARING

THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF AGRICULTURAL RESOURCES ("MDAR") HEREBY GIVES NOTICE OF A GENERAL HEARING, PURSUANT TO M.G.L. C.30A, § 2 and 950 CMR 20.04 which requires the Commissioner of the Department of Agricultural Resources to hold a public hearing for the permanent adoption of 330 CMR 30.00 Animal Rescue and Shelter Regulations. The regulation is designed to protect the Commonwealth's domestic animal population from the introduction of infectious disease via imported animals as well as ensure that only healthy animals are placed in peoples' homes as pets.

All persons desiring to provide oral testimony are hereby notified to appear upon the following dates and times at the respective designated location: September 24, 2013 2:00 p.m. to 5:00 p.m. at the 100 Cambridge Street, 2nd Floor Conference Rooms B,C, D, Boston, MA 02114.

In addition to oral testimony, written comments will be accepted before and at the Hearing. MDAR will continue to accept written comments until September 24, 2013 at 5:00 p.m. Written comments should be addressed to Gregory C. Watson, Department of Agricultural Resources, 251 Causeway Street, Suite 500 Boston, MA 02114.

The full text of the regulation and background information is available at "<http://www.mass.gov/eea/agencies/agr/animal-health/shelter-and-rescue/>" A hard copy of the full text of the regulation and background information are also available upon written request made to the Commissioner.

By: Gregory C. Watson, Commissioner.

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency Submitting Regulation: Department of Agricultural Resources

Subject Matter of Regulation: Animal Rescue/Shelter

Regulation No: 330 CMR 30

Statutory Authority: M.G.L. c. 129, §§2, 37, and M.G.L. c. 140, § 139A.

Other Agencies Affected: N/A

Other Regulations That May Duplicate or Conflict with the Regulation: N/A

Describe the Scope and Objectives of the Regulation: 330 CMR 30.00 establishes the requirements for the operation of an Animal Rescue Organization. The purpose of 330 CMR 30.00 is to provide standards relating to the importation, handling, and care of Domestic Animals in connection with their adoption, sale, barter, transfer, or exchange within the Commonwealth by an Animal Rescue Organization or as facilitator of such activities by others.

Business Industry(ies) Affected by the Regulation: Non-Profit Animal Rescue/Shelter organizations

Types of Businesses Included in the Industry(ies): Animal shelter/rescue; pet adoption; pet foster care

Total Number of Small Businesses Included in the Regulated Industry(ies) *Please see the attached guidance documents for assistance determining the total number of small businesses:* N/A, because animal rescue organizations are non-profit, not small businesses and thereby not affected by the Regulations.

Number of Small Businesses Potentially Subject to the Proposed Regulation: N/A

Effective Date Used In Cost Estimate: N/A

Yes	No	<i>*Note: For each question, please answer "yes" or "no" and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.</i>
Yes	No	Will small businesses have to create, file, or issue additional reports?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A, because directed at non-profit Animal Rescue/Shelter groups.
Yes	No	Will small businesses have to implement additional recordkeeping procedures?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A, because 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? N/A, because 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? N/A, because 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? N/A, because 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? N/A, because 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design standards? N/A
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities? N/A, because 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will the regulation have the effect of creating additional taxes and/or fees for small businesses? N/A, because 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? N/A, because 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? There is an opportunity for small businesses to form and serve in a supporting role to the regulated organizations by establishing and supplying holding facilities for animals.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can the regulation provide for less stringent compliance or reporting requirements for small businesses? N/A, because 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>N/A, because 330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</p> <p>N/A</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can performance standards for small businesses replace design or operational standards?</p> <p>330 CMR 30 is directed at non-profit Animal Rescue/Shelter groups.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>N/A</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Were any small businesses or small business organizations contacted during the preparation of this document? If so, please describe.</p> <p>Those non-profit Animal Rescue/Shelter groups that are the subject of 330 CMR 30 were consulted with extensively throughout the drafting process.</p>