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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Commissioner of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	2 VAC 5-210
<b>VAC Chapter title(s)</b>	Rules and Regulations Pertaining to Meat and Poultry Inspection Under the Virginia Meat and Poultry Products Inspection Act
<b>Action title</b>	Update publication date of Title 9, Chapter III, Subchapters A and E of the Code of Federal Regulations
<b>Final agency action date</b>	April 23, 2021
<b>Date this document prepared</b>	April 23, 2021

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The amendment to 2 VAC 5-210, Rules and Regulations Pertaining to Meat and Poultry Inspection Under the Virginia Meat and Poultry Products Inspection Act, updates the publication date for Title 9, Chapter III, Subchapters A and E of the Code of Federal Regulations (CFR) referenced in this regulation from January 1, 2018, to January 1, 2021. The U.S. Department of Agriculture / Food Safety and Inspection Service (USDA/FSIS) has amended sections of these subchapters of the CFR since 2 VAC 5-210 was last amended. USDA/FSIS's revisions to the CFR that will be incorporated by reference with the Commissioner's adoption of the updated publication date are summarized below.

Changes include (i) eliminating the requirements for both ready-to-eat (RTE) and not-ready-to-eat (NRTE) pork and pork products to be treated to destroy trichinae (*Trichinella spiralis*) because the regulations are inconsistent with the Hazard Analysis and Critical Control Point (HACCP) regulations and because these

prescriptive regulations are no longer necessary and (ii) amending the definition and standard of identity for the "roaster" or "roasting chicken" poultry class to better reflect the characteristics of "roaster" chickens in the market today.

### **Mandate and Impetus**

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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The U.S. Department of Agriculture establishes the rules and regulations governing meat and poultry products and inspection. The Commonwealth of Virginia is required to operate a meat inspection program that is equal to the federal government requirements. 2 VAC 5-210 must be amended to incorporate recent changes to Title 9, Chapter III, Subchapters A and E of the Code of Federal Regulations.

### **Statement of Final Agency Action**

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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On April 23, 2021, the Commissioner of Agriculture and Consumer Services adopted amendments to 2 VAC 5-210, Rules and Regulations Pertaining to Meat and Poultry Inspection under the Virginia Meat and Poultry Products Inspection Act.