



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Milk Commission
Virginia Administrative Code (VAC) citation	2 VAC 15-20
Regulation title	Regulations for the Control and Supervision of the Milk Industry
Document preparation date	January 2, 2013

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Sections 3.2-3200 -3.2-3221 of the Code of Virginia authorizes the Milk Commission to adopt regulations necessary to carry out the provisions of the Law.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

The milk industry in Virginia will be regulated by either state regulations or federal regulations. An alternative would be for the federal government to control and supervise the milk industry in Virginia. The federal government's regulations are promulgated administratively. Federal regulations are promulgated using an administrative hearing process before an administrative law judge. Typically persons interested in voicing an opinion in the regulatory process are represented by an attorney. Once the record is prepared the final regulation is made by staff at the Federal Milk Marketing Program.

Virginia’s system utilizes a citizen board to promulgate the regulations. The milk industry considers the citizen board to be more responsive to local situations and more open than the federal system.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Michael Myatt	Retain regulations in present form	Agree
Tony Banks	Retain regulations in present form	Agree
Eric Paulson	Retain regulations in present form	Agree

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulations meet the criteria set out in Executive Order 14 (2010). The regulations set out to assure the citizens with an adequate supply of reasonably priced fluid milk and provide for an accounting system that is fair to the industry. For the users of the regulations, they are clearly written and understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation remain in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to the which the regulation overlaps, duplicates, or

conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The agency believes there is a continued need for this regulation because the milk industry will continue to be regulated by either state or federal regulation. The Milk Commission's regulations are not in conflict with federal regulations but contribute to local needs that federal regulations would not address. The last regulatory review of this regulation occurred in 2003. Since the last regulatory review there has been no change in the accounting processes contained in the regulation which is the substantial portion of the regulation. The economic impact on small business is considered minimal.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation is necessary in order to assure consumers of an adequate and reasonably priced supply of fluid milk. The regulation should have a positive impact on the institution of the family and family stability. To insure the consumer's input in the regulatory process, four of the seven members of the Milk Commission are required to be consumers.