



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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### **2 VAC 5-340 – Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law**

**Department of Agriculture and Consumer Services**

October 19, 2011

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### **Summary of the Proposed Amendments to Regulation**

These regulations establish specifications for the method of sale of commodities, standards of net weight, measure or count, standards of fill for commodities in package form, and exemptions. In 1993 the General Assembly amended the Virginia Weights and Measures Law (Va Code § 3.2-5600 et seq.) to adopt, by reference, sections of the National Institute of Standards and Technology (NIST) Handbook 130. Thus the national standards now supersede standards set 2VAC5-340, *Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law*. As such, the Department of Agriculture and Consumer Services proposes to repeal these regulations.

### **Result of Analysis**

The benefits likely exceed the costs for all proposed changes.

### **Estimated Economic Impact**

Since the national standards now supersede these regulations, any differences between these regulations and the national standards only serve to confuse the public concerning the applicable law. Thus the proposed repeal of these regulations will be beneficial in that it will reduce the likelihood of confusion for the public concerning the applicable legal standards.

### **Businesses and Entities Affected**

Since the national standards now supersede these regulations, repealing these regulations will have no impact on any business or entity beyond potentiality reducing confusion amongst the public.

## **Localities Particularly Affected**

The proposed amendments do not disproportionately affect particular localities.

## **Projected Impact on Employment**

The proposed repeal of these regulations will not significantly affect employment.

## **Effects on the Use and Value of Private Property**

The proposed repeal of these regulations will not significantly affect the use and value of private property.

## **Small Businesses: Costs and Other Effects**

The proposed repeal of these regulations will not increase costs for small businesses, and may reduce some costs associated with confusion over which standards apply.

## **Small Businesses: Alternative Method that Minimizes Adverse Impact**

The proposed repeal of these regulations will not adversely affect small businesses.

## **Real Estate Development Costs**

The proposed repeal of these regulations is unlikely to significantly affect real estate development costs.

## **Legal Mandate**

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the

type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.