



Exempt Action Final Regulation Agency Background Document

Agency name	Potato Board
Virginia Administrative Code (VAC) citation	2 VAC 5-300
Regulation title	Rules and Regulations for the Enforcement of the Virginia Seed Potato Inspection Law
Action title	Amends the Rules and Regulations for the Enforcement of the Virginia Seed Potato Law to reflect recent changes to the Code of Virginia
Final agency action date	February 21, 2013
Document preparation date	February 25, 2013

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The proposed amendments to the current regulation are needed to reflect recent changes to the Code of Virginia including the merger of the Seed Potato Board with the Potato Board, which was enacted at the recommendation of the Commission on Government Reform and Restructuring, as well as other technical changes. The specific changes are the following:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
5-300-00 5-300-50		Makes reference to Seed Potato Inspection Law	Changes Seed Potato Inspection Law to Seed Potato Standards. The Code of Virginia has been amended to use the

			terminology "Seed Potato Standards" instead of Seed Potato Law. This change is not likely to have any impact on the regulated industry.
5-300-10 5-300-20 5-300-30 5-300-40 5-300-50		Makes reference to seed Irish potatoes	The word "Irish" is removed from seed Irish potatoes. The word "Irish" was removed from the Code of Virginia when Title 3.1 was recodified. This change brings the regulation into agreement with the Code.
5-300-10		Requires persons receiving seed potatoes in Virginia to contact the Virginia Seed Potato Inspection Service	The proposed change updates the name of the office to be contacted as the Virginia Department of Agriculture and Consumer Services, Fruit and Vegetable Marketing Program. The proposed change will make it easier for persons receiving seed potatoes to contact the right office.
5-300-50		Requires that the chairman of the State Seed Potato Board be notified of a "stop sale" order. Stop sale release is issued in accordance with Section 3.2-4107 of the Code.	Changes the name of the board from Seed Potato Board to Potato Board. The Code was amended in 2012 to merge the Seed Potato Board with the Potato Board. Section 3.2-4107 is changed to Section 3.2-1819, which is the section of the Code that authorizes the Commissioner to issue a release of the stop sale order. Section 3.2-4107 was repealed by the 2012 General Assembly. These changes bring the regulation into agreement with the Code and are not likely to have any significant impact on the regulated industry.
5-300-70		Authorizes the chairman of the State Seed Potato Board to appoint an advisory review committee.	Changes the name of the board from Seed Potato Board to Potato Board. The Code was amended in 2012 to merge the Seed Potato Board with the Potato Board. This brings the regulation into agreement with the Code <u>and</u> is not likely to have a significant impact on the regulated industry.

The statutory authority for the regulation has also changed. The new authority is found in §§ 3.2-1800 and 3.2-1822 of the Code of Virginia. The old authority, which was found in §§ 3.2-4104 and 3.2-4105, was repealed in 2012.

Statement of final agency action

Please 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.

At its meeting on February 21, 2013, the Potato Board adopted the proposed amendments to 2 VAC 5-300, Rules and Regulations for the Enforcement of the Virginia Seed Potato Inspection Law.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The proposed amendments will have no impact on the family and family stability.

Periodic review

If this final regulation is not the result of a periodic review of the regulation, please delete this entire section. If this final regulation is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) 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.

Commenter	Comment	Agency response
Mr. Tony Banks	Regulation needs updating to reflect recent changes to the Code of Virginia. (§§ 3.2-1800 thru 3.2-1822)	The agency agrees with the commenter and is proposing to update the regulation to reflect changes to the Code of Virginia.

The regulation benefits the welfare of citizens through the availability of better quality potatoes through the summer harvest season, and it also holds the potential for better prices for potato growers and sellers. The regulation is clearly written and easily understood by the individuals and entities affected.