



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-335
Regulation title	Virginia Emerald Ash Borer Quarantine for Enforcement of the Virginia Pest Law
Action title	Repeals the Virginia Emerald Ash Borer Quarantine
Final agency action date	December 6, 2012
Document preparation date	December 10, 2012

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.

This regulatory action repeals 2 VAC 5-335 *et seq.*, *Virginia Emerald Ash Borer Quarantine for Enforcement of the Virginia Pest Law*. Currently, this regulation quarantines the entire Commonwealth, which allows regulated articles to move freely within Virginia. The entire Commonwealth has been under state quarantine since July 2012 when the Commissioner of Agriculture and Consumer Services expanded the quarantine after the detection of the emerald ash borer in new localities. The detections in the additional localities indicated that the quarantine was no longer effective in preventing the artificial spread of the emerald ash borer within Virginia. In August 2012, the United States Department of Agriculture expanded the federal Emerald Ash Borer quarantine (7 CFR 301.53) to include the entire Commonwealth. Given that a federal statewide quarantine is already in place, a state-issued quarantine is redundant and no longer necessary.

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.

On December 6, 2012, the Board of Agriculture and Consumer Services voted to repeal 2 VAC 5-335 *et seq.*, *Virginia Emerald Ash Borer Quarantine for Enforcement of the Virginia Pest Law.*

Family impact

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

The repeal of this regulation does not impact the institution of the family or family stability.