



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-318
<b>Regulation title</b>	Rules and Regulations for Enforcement of the Virginia Pest Law – Thousand Cankers Disease Quarantine
<b>Action title</b>	Expands Thousand Cankers Disease Quarantine to include the counties of King and Queen, King William, and New Kent
<b>Final agency action date</b>	November 14, 2012
<b>Document preparation date</b>	November 14, 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.*

By authority granted under Section 3.2-703 of the *Code of Virginia*, the Commissioner of Agriculture and Consumer Services may extend the area currently regulated for plant pests. Expansion of 2VAC5-318, *Rules and Regulations for Enforcement of the Virginia Pest Law – Thousand Cankers Disease Quarantine*, is now necessary due to the detection of thousand cankers disease in New Kent County. During surveys subsequent to the detection in New Kent County, thousand cankers disease was also detected in King William County. The proximity of the detection sites in the counties of King William and New Kent to King and Queen County necessitates that the quarantine expansion include all three counties. The amendment adds the counties of King and Queen, King William, and New Kent to the *Thousand Cankers Disease Quarantine*.

The purpose of the quarantine is to help prevent the artificial spread of thousand cankers disease from infested areas to non-infested areas. This will reduce the impact of thousand cankers disease to landowners in Virginia, thereby protecting the public’s health and welfare.

Section 50 establishes the specific counties and cities of the Commonwealth that are quarantined for Thousand Cankers Disease. The regulated areas, as established in Section 50 of the regulations, are (i) the entire counties of Chesterfield, Fairfax, Goochland, Hanover, Henrico, King and Queen, King William, New Kent, Powhatan, and Prince William and (ii) the entire cities of Colonial Heights, Fairfax, Falls Church, Manassas, Manassas Park, and Richmond.

Regulated articles may move freely within a regulated area. The regulations prescribe conditions for the movement of regulated articles from a regulated area to an unregulated area, from an unregulated area through a regulated area, and from a regulated area through an unregulated area. The regulations prescribe the conditions necessitating that a regulated article moving within Virginia have a certificate issued by an inspector or person operating in accordance with a compliance agreement with the Virginia Department of Agriculture and Consumer Services. Regulated articles from states where Thousand Cankers Disease is known to occur are prohibited entry into the Commonwealth unless prior written approval is issued by the Commissioner.

**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.*

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On November 14, 2012, the Commissioner of Agriculture and Consumer Services adopted as a final regulation, 2VAC5-318, *Rules and Regulations for Enforcement of the Virginia Pest Law – Thousand Cankers Disease Quarantine*.

**Family impact**

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

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This regulatory action will have no impact on the institution of the family and family stability.