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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Commissioner of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation(s)</b>	2 VAC5-330
<b>Regulation title(s)</b>	Rules and Regulations for Enforcement of the Virginia Pest Law – Virginia Gypsy Moth Quarantine
<b>Action title</b>	Expands Virginia Gypsy Moth Quarantine to Wythe County
<b>Final agency action date</b>	February 22, 2017
<b>Date this document prepared</b>	February 22, 2017

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) or an agency's basic statute, the agency is not required, however, 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 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. 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 areas currently regulated for plant pests. Expansion of 2 VAC 5-330 *et seq.*, *Rules and Regulations for Enforcement of the Virginia Pest Law – Virginia Gypsy Moth Quarantine*, is now necessary due to the increase in the gypsy moth population in Wythe County.

The quarantine is intended to prevent the artificial spread of the gypsy moth, the larvae of which is a defoliator of both hard and softwood trees, from infested areas to non-infested areas in Virginia, thereby protecting the public's health and welfare.

The regulations prescribe the conditions necessitating that a regulated article moving from a regulated area 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 gypsy moth is present are prohibited entry into the non-regulated areas of the Commonwealth unless a certificate or permit indicating that the article is free from the gypsy moth has been issued.

### 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 February 22, 2017, the Commissioner of Agriculture and Consumer Services adopted as a final regulation, 2 VAC 5-330 *et seq.*, *Rules and Regulations for Enforcement of the Virginia Pest Law – Virginia Gypsy Moth Quarantine.*

### Family impact

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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