



Virginia
Regulatory
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Periodic Review Including Small Business Impact Findings Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-590
Regulation title	Rules and Regulations Pertaining to Tolerances and Prohibitions Applicable to Ground Beef
Document preparation date	October 3, 2014

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Sections 3.2-5101 and 3.2-5121 of the Code of Virginia provide the legal basis for this regulation and authorize the Board of Agriculture and Consumer Services to adopt regulations, as needed, to ensure that ground beef products contain no more than the maximum allowable fat content and that ground beef products marketed in Virginia are accurately represented to the consumer.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

A possible alternative is to utilize the Virginia Food Laws as the only basis for regulating multiple food commodities, products, and processes. These laws, however, are very general and do not contain the detail of regulatory requirements that are needed for regulating the tolerances and prohibitions for ground beef. Ensuring the safety and accurate representation of ground beef is necessary in order to protect food safety and to reduce the incidents of food borne illness.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

There were no comments received during the public comment period and an informal advisory group was not formed.

Effectiveness

Please 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.

This regulation is necessary to protect the public's health, safety, and welfare as it pertains to ground beef, including its labeling and fat declaration requirements. This regulation ensures that consumers purchasing a ground beef product are offered a product that contains no more than the maximum allowable fat content and ensures that the ground beef products are accurately represented to the consumer. The regulation is clearly written and easy to understand.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation should stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

This regulation is still needed because it is still necessary to ensure that ground beef products are produced according to and meet minimum acceptable standards relative to product formulation and saturated fat content. It also ensures that consumers are duly informed via product labeling and placard displays regarding the fat content of ground beef products and allows consumers to make optimal health choices regarding the level of saturated fat consumed when ground beef products are purchased.

Without this regulation, it will be difficult to find other means by which to ensure that ground beef products meet acceptable standards. Federal regulations also exist which mandate a maximum fat content of 30 percent in ground beef products. However, these regulations are primarily enforced and policed at meat processing facilities. The subject regulations are typically enforced and apply to ground beef products formulated and/or sold at retail food stores and create specific production standards applicable to retail environments. Since the last time this regulation was evaluated, there have not been significant changes in technology, economic conditions, or other factors that would impact this regulation. This regulation was promulgated with due concerns for industry and has minimal impact on small businesses. It is recommended that the regulation remain in place without modification. There have been no complaints received relative to this regulation.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

It is the agency's goal to ensure that food products produced and sold in the Commonwealth meet acceptable standards and are properly labeled. Furthermore, another primary objective of the agency is to ensure that consumers and families are afforded the opportunity to make informed and healthy food choices. Limiting the consumption of saturated fat in the diet (from ground beef and similar products) will likely have a direct impact on families by minimizing both acute and chronic health conditions such as cardiovascular disease and hypertension. This has a direct impact on the family and family stability by improving family health, reducing medical care costs, and reducing mental, physical, and emotional pain and suffering.