



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-90
Regulation Title:	Control And Eradication Of Pullorum Disease And Fowl Typhoid In Poultry Flocks And Hatcheries And Products Thereof In Virginia
Action Title:	Retain
Date:	May 8, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation provides the rules and regulations for the control and eradication of pullorum disease and fowl typhoid in Virginia's poultry. The incursion of these two diseases would have not only a major economic impact on Virginia's poultry industry, but a major impact on public health because contaminated food can be a source of infection for man. The regulation establishes the reporting of the disease in flocks, testing of poultry, quarantine of infected flocks, and the controls applied to flocks that are sources of hatching eggs within the Commonwealth of Virginia.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Sections 3.1-724, 3.1-726, 3.1-727 through 3.1-730 of the Code of Virginia (1950), as amended, requires the State Board of Agriculture and Consumer Services, the State Veterinarian, and all other veterinarians within the Commonwealth to use their best efforts to protect the domestic animals and poultry from disease. Consequently, the State Board of Agriculture and Consumer Services and the State Veterinarian shall establish rules and regulations to establish livestock and poultry disease surveillance, control, and eradication programs to prevent the possible spread of diseases. Furthermore the duties of the State Veterinarian, including the authority to quarantine animals and possibly persons, in cases of animal disease are specified in these sections.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The Department published its notice in The Virginia Register of Regulations on February 12, 2001 advertising the opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). The Department did not receive any public comments concerning this regulation. An informal advisory group was not formed for the purpose of assisting with this periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The specific and measurable goals of the regulation are:

- 1.The protection of the public’s health and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.
- 2.The prevention of pullorum disease and fowl typhoid in Virginia.
3. The eradication of these diseases, should they occur, in Virginia.

The effectiveness of the regulation in achieving these goals is reflected, in part, in Virginia's ability to maintain Virginia's U.S. Pullorum-Typhoid Clean status allowing unconditional participation in interstate and international markets. The Commonwealth has prevented the incursion of pullorum disease and fowl typhoid because of the effectiveness of the regulation.

The regulation is clearly written and easily understandable by the individuals and entities affected.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The alternative to this regulation would be to not require the testing and reporting of these diseases by Virginia's breeder flock owners. The agency rejects this alternative because it would jeopardize the Commonwealth's U.S. Pullorum-Typhoid Clean status, thus impairing the poultry industry's ability to engage fully in interstate and international trade.

Recommendation

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

The regulation should stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

Unless otherwise discussed in this report, this regulation has no impact upon families.