



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-330
Regulation title	Rules and Regulations for Enforcement of the Virginia Pest Law – Virginia Gypsy Moth Quarantine
Action title	Expands Virginia Gypsy Moth Quarantine to Tazewell County
Final agency action date	November 14 , 2012
Document preparation date	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 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 Tazewell 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 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 Commonwealth unless prior written approval is issued by the Commissioner.

Section 30 has also been amended to correct the citation for the federal Gypsy Moth Quarantine.

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 November 14, 2012, 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

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

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