



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-210
<b>Regulation title</b>	Rules and Regulations Pertaining to Meat and Poultry inspection Under the Virginia Meat and Poultry Inspection Act
<b>Action title</b>	Amendment to require new and existing inspected establishment to have written recall procedures
<b>Final agency action date</b>	March 20, 2013
<b>Document preparation date</b>	March 13, 2013

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.*

The purpose of this amendment is to adopt 9 CFR § 418 (2013) of the Code of Federal Regulations, which requires new and existing inspected establishments to have written recall procedures. Recall procedures and any associated records must be made available for review and copying by the inspection authority. The proposed change would require establishments to notify the inspection authority within 24 hours of learning or determining that an adulterated or misbranded meat, meat food, poultry, or poultry product received by or originating from the establishment has entered commerce.

The proposed amendments to these regulations are exempt from the requirements of the Virginia Administrative Process Act, § 2.2-4000 *et seq.* of the *Code of Virginia*. Further §3.2-5406 of the *Code of Virginia* grants the Commissioner of Agriculture and Consumer Services the authority to promulgate these regulations. This section states that the regulation must be

adopted by the Commissioner and shall be effective upon filing with the Registrar of Regulations.

The proposed amendments also move Parts 416 and 417 from Section 2VAC5-210-30 to Section 2VAC5-210-41 of the regulation. This change was necessary to group all Parts adopted from Title 9, Chapter III, Subchapter E of the Code of Federal Regulations into one section.

**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 March 20, 2013, the Commissioner of the Virginia Department of Agriculture and Consumer Services adopted as final the amendment to 2 VAC 5-210 Rules and Regulations Pertaining to Meat and Poultry Inspection Under the Virginia Meat and Poultry Products Inspection Act.

**Family impact**

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

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The proposed change will enable the Office of Meat and Poultry Services to act more quickly when an adulterated or misbranded meat, meat food, poultry, or poultry product enters commerce. Having a written recall procedure will help official establishments trace and call back affected products reducing the amount that enters the food supply. Faster recalls will result in fewer people getting sick from adulterated food products. It is important for families to have access to safe and healthy food products.