



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12VAC5-170
Regulation title	Prohibiting the Taking of Fish for Human Consumption From the North Fork of the Holston River
Action title	Repeal of 12VAC5-170
Final agency action date	September 12, 2013
Document preparation date	July 31, 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 existing regulation prohibits consumption of fish caught from the North Fork of the Holston River due to historically elevated mercury levels in fish caught from this area. The regulation does not prohibit catch and release.

In 2013, VDH reviewed this regulation, after soliciting public comment, and recommends that the regulation be repealed. Upon review of the current regulations, VDH determined that:

- The current process VDH uses to inform the public of health risks associated with fish consumption is through a fish consumption advisory.
- VDH already has a "Do Not Eat" fish consumption advisory for fish caught in the North Fork of the Holston River from Saltville, Virginia to the Virginia-Tennessee State Line.
- Public signs with "Do Not Eat" will still remain in effect if the current regulation is repealed.
- No public comments were received that suggested the regulation should remain in effect.
- VDH has the authority to repeal these regulations pursuant to Code of Virginia § 32.1-248.

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.

The Virginia Board of Health approved the repeal of these regulations on September 12, 2013.

Family impact

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

The repeal of the regulation will have no impact on the institution of the family and family stability.

Periodic review

If this final regulation is not the result of a periodic review of the regulation, please delete this entire section. If this final regulation is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) 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.

No comments were received during the periodic review.