



Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-300
Regulation Title:	Rules and Regulations for the Enforcement of the Virginia Seed Potato Inspection Law
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.

The regulation establishes standards by which seed Irish potatoes are determined to be disease free and acceptable.

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.

§3.1-289 of the Code of Virginia authorizes the State Seed Potato Board to make reasonable rules and regulations to provide for standards as may be needed to certify “approved seed” potatoes for commercial production of Irish potatoes. §3.1-291 and §3.1-292 of the Code of Virginia mandate that the Commissioner of Agriculture and Consumer Services employ qualified inspectors to assist in enforcement of §3.1-285 through §3.1-296 of the Code of Virginia, known as “Virginia Seed Potato Inspection Law.”

The entire regulation is mandated by the Code of Virginia. The regulation does not exceed the minimum requirements of the state mandates.

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, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

2. To provide for disease free, “approved seed” Irish potatoes, accomplished by providing a standard against which potatoes are evaluated by a representative of the agency before being bought by a grower for commercial potato production.

The regulation is effective in achieving the goals.

The regulation is essential to protect the welfare of citizens for the following reasons.

Commercial potato production in Virginia is dependent on growers obtaining seed potato stock from out-of-state seed producing areas. It is imperative that growers are able to obtain seed potatoes that are free of disease and that they arrive in the state in a condition conducive to maximum propagation potential.

Unlike other seed, such as those of grain or other vegetables, seed potatoes are tubers and are subject to adverse conditions arising after they have been approved as “seed” from seed-potato-producing areas. Over time diseases become evident, bruising from handling causes deterioration, and even transportation can adversely affect the condition of seed potatoes. Problems arise such as chilling, freezing, or load shifting during transit.

Seed potatoes are purchased to produce a commercial crop of potatoes, and growers cannot expose themselves to financial losses from planting less than the best quality seed potatoes available. The regulation prevents the potato grower from having to accept a lot of potatoes that do not meet specifications of the law upon arrival in Virginia. A monetary adjustment for lower quality seed stock would be detrimental to the grower’s financial welfare.

The regulation has no impact on the institution of the family.

The regulation is clearly written and easily understood 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 Agency considered repealing the regulation, but it is mandated by the Code of Virginia and the Agency believes the present version is the least burdensome and least intrusive alternative. The regulation contains grading standards that are used to obtain the highest quality seed potatoes available. For these reasons, the agency rejected the consideration to repeal the regulation.

Recommendation

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

The Agency is recommending that the regulation should remain 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.