



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Health
Virginia Administrative Code (VAC) citation	12 VAC 5 - 170
Regulation title	Prohibiting the Taking of Fish for Human Consumption from the North Fork of the Holston River
Document preparation date	May 19, 2009

This form is used when the agency has conducted a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

1. Statutory authority for the regulation is found in §§ 32.1-2 and 32.1-12 of the Code of Virginia.
2. The Board of Health has mandatory authority to protect public health and the environment.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

There currently is no viable alternative to consider as part of the periodic review process. Prohibiting the consumption of fish from the North Fork of the Holston River is the least burdensome choice available.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

No public comment from any individual or group was received during the review period. No informal advisory group was formed for the purpose of assisting in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation meets the criteria set out in Executive Order 36 and is necessary to protect the public health. The regulation has been in effect since 1975 and continues to protect the public from high levels of mercury found in the vast majority of the fish found in the North Fork of the Holston River.

Result

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

The Department of Health recommends that the regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation’s impact on the institution of the family and family stability.

The institution of the family and family stability are not affected by the regulation.