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**Periodic Review and Small Business Impact Findings
Where Result is "Retain the Regulation As Is"**

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-240
Regulation title	Rules and Regulations for Enforcement of the Grain Handlers Law
Date	September 1, 2015

This information is required pursuant to Executive Order 17 (2014).

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.

Section 3.2-109 of the Code of Virginia (Code) establishes the Board of Agriculture and Consumer Services (Board) as a policy board with the authority to adopt regulations in accordance with the provisions of Title 3.2 of the Code.

Section 3.2-4324 of the Code authorizes the Board to establish rules and regulations relating to the handling of grain in the Commonwealth for resale including weighing, weighing devices, grading, grading equipment, the preservation period for grain samples, and record keeping.

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.

This regulation establishes procedures by which grain is weighed, graded, and accounted for and assists in ensuring the fair and equitable treatment of grain sellers. The repeal of this regulation and the elimination of the protections it offers is not a viable alternative. This regulation reflects the least burdensome alternative available for achieving the purpose of this regulation.

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.

The agency received no comments during the public comment period and did not form an informal advisory group to assist with this review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

Grain is an important component of Virginia's prosperity. Virginia's grain is exported and used domestically. All of Virginia-produced grain is weighed and the vast majority is graded pursuant to the procedures set by this regulation.

A regulation such as this ensures that both buyer and seller are able to base their transaction on a known weight and grade of grain. For buyer and seller to have certainty as to the quantity (weight) and quality (grade) of the grain that is the subject of their business transaction is an inducement to trade that contributes importantly to Virginia's economic welfare.

This regulation is clearly written and easily understood by industry.

Result

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

The agency is recommending that this regulation should remain in effect in its current form because it has ensured the fair marketing of Virginia grain. No significant changes have occurred since this regulation was last reviewed that would necessitate amending it.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated

or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The agency has determined that this regulation is effective in achieving its goals of protecting Virginia buyers and sellers of grain. Because the selling of grain in Virginia is tremendously important to its economy, there is a continued need for this regulation. The agency has not received any complaints or comments concerning this regulation. This regulation is not complex and is easily understood by industry. The regulation does not overlap, duplicate, or conflict with state or federal law. The regulation was last evaluated during a periodic review conducted in 2011. In the period since this regulation was last evaluated, there have been no significant changes in technology, economic conditions, or other factors that would necessitate a change to this regulation. This regulation assists in ensuring the fair marketing of grain, and the agency does not believe the regulation places any undue burden on small businesses in the grain industry.