



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Virginia Department of Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-410
Regulation Title:	Rules and Regulations for Enforcement of the Virginia Agricultural Liming Materials 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.

This regulation establishes the minimum screening standards and calcium carbonate equivalent percentages for all agricultural liming materials; penalties for deficient liming materials; and adopts the testing and sampling methods of the Association of Official Analytical Chemists.

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.

Section 3.1-126.12:1 of the Code of Virginia (1950) as amended authorizes the Board of Agriculture and Commissioner to promulgate regulations as may be necessary to give effect to the full intent and meaning of Chapter 11, The Virginia Agricultural Liming Materials Act. The authority given to the Board of Agriculture related to the promulgation of this regulation is discretionary. The regulation establishes minimum requirements for investigational allowances, definitions, records, manufacturing practices, distribution, and storage of liming materials that are not otherwise addressed by state or federal requirements.

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 this 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) The assurance that liming materials marketed within the Commonwealth will effectively neutralize soil acid within the growing season of the crop being grown in the field.
- (3) Since liming material is marketed in numerous forms and types, the regulations require the liming material be truthfully labeled to inform the consumer how the liming material will work.

The regulation is effective since it serves to clarify provisions within the Code and provides guidance to individuals affected. The regulation provides a uniform system of labeling agricultural liming materials so consumers can utilize the products without causing harm to themselves, animals or the environment. The regulation also serves to prevent unscrupulous manufacturers from causing economic harm to Virginia agriculture and consumers by intentionally marketing products with less ability to neutralize soil acid than is guaranteed on the label.

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 regulation addresses the minimum mandates of §3.1-126.12:1 of the Code of Virginia (1950), as amended. The regulation serves to clarify provisions within the Code and provides guidance to individuals affected. The elimination of the regulation would lead to broader interpretations of the Code by state officials. Without the direct guidance provided by the regulation, state officials may inconsistently apply requirements, incorrectly obtain samples, inappropriately apply allowances and penalties, and create an environment of disparity related to enforcement actions.

Recommendation

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

The agency recommends that this regulation be retained 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.