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

Agency name	Commissioner of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5 - 270
Regulation title	Virginia Grade Standards for Breeder Swine
Date	October 22, 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 3.2-4302 of the Code of Virginia authorizes the Director of the Division of Marketing and Development, with the approval of the Commissioner of Agriculture and Consumer Services, to adopt regulations governing the voluntary use of grades for agricultural products that will indicate quality, condition, and other characteristics.

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.

The alternative is to have no grade standards for breeder swine; however, there are no other known universal standards for breeder swine. These standards provide an impartial way to evaluate the quality of breeding stock. Currently, there are no U.S. Department of Agriculture standards for breeder swine,

and the standards established in this regulation are applied as requested by the industry. This regulation reflects the least burdensome alternative available for achieving the purpose of the 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 public comments following the publication of the Notice of Periodic Review. The agency did not form an informal advisory group to assist in 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.

The regulation is essential to protect the economic welfare of citizens, specifically commercial swine producers, because swine breeding stock provide the foundation upon which commercial swine producers build their herds. In order to produce slaughter animals of high quality, a means to evaluate the quality of breeding stock is essential. The regulation provides the needed criteria by which accurate appraisals of breeding stock may be made regarding their suitability for breeding purposes and the desirability of their progeny.

The regulation is clearly written and easily understandable by the individuals and entities affected.

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 the regulation stay in effect without change because the standards included in the regulation provide an impartial way to evaluate the quality of breeding stock. In the period since this regulation was last evaluated, there have been no significant changes that would necessitate amending this regulation.

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 regulation continues to be needed to provide a fair and equitable grading standard for evaluation of breeder swine. With the ongoing trend of small farms (i.e. small businesses) providing local food, having a regulation in place to evaluate breeding stock for these entities is very beneficial. There have been no comments or complaints received from the public regarding this regulation. This regulation is not complex and does not overlap, duplicate, or conflict with federal or state law or regulation. The last periodic review of the regulation was in 2011. There have been no changes to technology, economic conditions, or other factors that necessitate amending this regulation.