



Economic Impact Analysis Virginia Department of Planning and Budget

2 VAC 5-470 – Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock
Department of Agriculture and Consumer Services
October 18, 2011

Summary of the Proposed Amendments to Regulation

These regulations detail the rules for a voluntary grape nursery stock certification program. The Board of Agriculture and Consumer Services proposes to repeal these regulations because the program established by these regulations has not had any participants for over ten years. The provisions of the regulations became effective in 1985. Subsequently, only one individual availed himself of the voluntary certification program. Furthermore, no “Virginia Certified Grape Nursery Stock” is currently being produced. All nursery stock that is transported within or into the Commonwealth must be apparently free from plant pests as required by the Virginia Plants and Plant Products Inspection Law. As such, an additional, voluntary virus-free certification is of negligible economic benefit when offering grape nursery stock for sale.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

These regulations were originally promulgated at the request of a single individual who subsequently used the program for a few years, at which point he determined the certification offered no additional value to his operation. The virus-free certification offered through this program is effectively a redundant certification that provides no additional benefits to grape nursery stock producers because they are already required under the Plants and Plant Products Inspection Law to certify that all nursery stock transported within the Commonwealth is apparently free from plant pests. Additionally, states such as California that export a large amount of grape nursery stock have virus-free certification requirements for exported grape

nursery stock. Therefore, an additional Virginia-issued virus-free certification is of no benefit to Virginia growers who import grape nursery stock. Consequently, repealing these regulations will have no impact beyond reducing “clutter” in the administrative code.

Businesses and Entities Affected

As stated above, no businesses or entities avail themselves of the virus-free certification offered through this program since it is effectively a redundant certification that provides no additional benefits to grape nursery stock producers because they are already required under the Plants and Plant Products Inspection Law to certify that all nursery stock transported within the Commonwealth is apparently free from plant pests. Thus, no businesses or entities are affected by the proposed repeal of these regulations.

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property

The proposed repeal of these regulations will not affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed repeal of these regulations does not increase costs for small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed repeal of these regulations does not adversely affect small businesses.

Real Estate Development Costs

The proposed repeal of these regulations does not affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact

analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.