



Virginia
Regulatory
Town Hall

Periodic Review and Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-60
Regulation Title:	Rules and Regulations Governing Livestock Markets
Action Title:	Amend
Date:	July 7, 2000

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 amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

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 requirements for the supervision of livestock markets including, but not limited to, monitoring the actual livestock market operation to enforce disease and sanitation regulations, making general inspections of all livestock on premises to determine health status and disposition of all sick or diseased livestock, and issue all necessary certificates and permits, including those required for transportation of livestock.

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.

§§3.1-724 and 3.1-726 of the Code of Virginia (1950), as amended, require the Board and State Veterinarian to establish rules and regulations to best protect Virginia's domestic animals and poultry against all contagious and infectious diseases.

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 or will be formed for purposes of assisting in the periodic review or development of a proposal.

Comments from a livestock market operator were received supporting the proposal to eliminate testing of cattle for Brucellosis in the livestock market.

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. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The current regulation has been in effect since November 27, 1985. The purpose of this regulation was for Virginia to eradicate Brucellosis and ultimately receive Brucellosis-Free status. This regulation simultaneously protected Virginia's public health and the cattle industry because this disease affects humans as well as livestock. It also protected public health and the cattle industry in other states because of transportation of cattle to markets outside the Commonwealth.

Virginia achieved Brucellosis-Free status from the U.S. Department of Agriculture July 20, 1988, and has maintained that status to date. Free status lowers the cost to Virginia producers to market their cattle in other states and foreign countries. This regulation allowed the cattle industry to maximize its economic potential, but the need to continue testing in the markets is no longer appropriate.

This regulation is clearly written and easily understandable 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 alternative is to continue to test for Brucellosis in the markets. This alternative is rejected because it would impose an unnecessary economic burden on Virginia's cattle industry without a proportional benefit to the cost.

Recommendation

Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.

The agency recommends amending the regulation to terminate the active testing of cattle in the markets and implement a program to monitor the operation of livestock markets, to assure that adequate disease surveillance measures are accomplished.

Substance of Proposed Action

Please detail any changes that would be implemented.

We would amend sections 2VAC5-60-20 and 2VAC5-60-40 to accomplish the following:

1. Delete the requirement for a representative of the state veterinarian's department to be present at all times during market operation.
2. Delete the requirement for the market to furnish the facilities and personnel to bleed all adult breeding cattle.
3. Replace the requirement for the department to furnish an employee and equipment to perform the Brucellosis Card Test (Card Test) for each market with "the department may furnish an employee to monitor the market."
4. Delete the requirement for the market to provide an acceptable room or area in which the Card Test can be performed.
5. Replace the requirement for the market to provide a separate pen to confine cattle found to be positive to the Card Test with "the market shall provide a pen to separate cattle suspected of infectious or contagious diseases."
6. Remove the exceptions for testing requirements relative to cattle offered for sale, slaughter, and cattle accompanied by an official interstate health certificate.

Family Impact Statement

Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Unless otherwise discussed in this report, this regulation has no impact upon families.