

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

2 VAC 5-200 – Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry

Department of Agriculture and Consumer Services

Town Hall Action/Stage: 4509/7432

February 20, 2016

Summary of the Proposed Amendments to Regulation

As the result of a periodic review, the Board of Agriculture and Consumer Services (Board) proposes to repeal its Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry.

Result of Analysis

Benefits likely outweigh costs for all proposed regulatory changes.

Estimated Economic Impact

This regulation provides the framework for the transportation and disposal methods for entire flocks of dead poultry (i.e., pits, incinerators, landfills and rendering¹). Board staff reports that the substance of this regulation is redundant with the Code of Virginia², the regulation has not been utilized in the 25 years it has been in effect and that the Board does not foresee a circumstance where it would be utilized in the future.

Because of this, and because the regulation contains outdated references that would likely be confusing to readers, the Board now proposes its repeal. No entity is likely to incur costs on

¹ This regulation does not have a definition for rendering but instead refers to the federal regulation (9 CFR 82.1) that does.

² §§3.2-6024 through 3.2-6030 (titled as Article II – Disposal of Dead Poultry)

account of this action. To the extent that readers might have found the obsolete language contradictory to other regulations and confusing, this repeal will provide the benefit of clarification.

Businesses and Entities Affected

Poultry farmers who maintain flocks of poultry would in theory be affected by both this regulation and its repeal. Board staff does not have an estimate of how many such flocks are maintained in the Commonwealth.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory repeal.

Projected Impact on Employment

This proposed regulatory repeal is unlikely to have any effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This proposed regulatory repeal is unlikely to affect the use or value of private property in the Commonwealth.

Real Estate Development Costs

This proposed regulatory repeal is unlikely to affect real estate development costs in the Commonwealth.

Small Businesses:

Definition

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Costs and Other Effects

Small businesses are unlikely to incur any costs on account of this proposed regulatory repeal.

Alternative Method that Minimizes Adverse Impact

Small businesses are unlikely to incur any costs on account of these proposed regulatory repeal.

Adverse Impacts:

Businesses:

Businesses are unlikely to incur any costs on account of this proposed regulatory repeal.

Localities:

Localities in the Commonwealth are unlikely to see any adverse impacts on account of this proposed regulatory repeal.

Other Entities:

No other entities are likely to be adversely affected by this proposed repeal.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

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