



Periodic Review / Retain Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-130
Regulation title	Rules and Regulations Governing Laboratory Service Fees
Document preparation date	January 2, 2013

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

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 3.2-5903 of the Code of Virginia directs VDACS to maintain and operate a laboratory system for the diagnosis of animal diseases. The regulation allows the Board of Agriculture and Consumer Services to authorize the State Veterinarian to collect reasonable fees for animal health laboratory services rendered.

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.

This regulation was first promulgated in 1993, and since that time the non-general funds collected under this regulation have supported the operation of the Virginia Animal Health Laboratory System. Allowing fee collection for laboratory services targets much of the support

for those services to the industry and client user groups most directly affected by those services. Without this fee collection ability, the laboratory system would not be able to provide continuing support to Virginia agricultural interests and the veterinary and animal owner communities.

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.

Commenter	Comment	Agency response

There were no comments and an informal advisory group was not formed.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation is necessary for the protection of public health, safety and welfare, in that it provides major support to the operation of the animal health laboratory system. The animal health laboratory system provides frontline monitoring in detecting and preventing animal diseases that could impact public health. Consumers are also protected by the testing of various products including milk, ice cream, and water. It is clearly written and easily understandable.

Result

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

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

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 agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

As stated previously, there is a continuing need for the regulation, to support the operation of the Virginia Animal Health Laboratory System. There have been no complaints from the public concerning the regulation. The regulation is necessarily uncomplicated. There is no overlap with federal or other state law/regulations. Technology, economic conditions and other factors since 1993 have not impacted the need for this regulation, in fact make the existence of this regulation even more necessary. The primary affect on small businesses is a beneficial one, as veterinary practices, agricultural businesses, and livestock/animal owners in the Commonwealth are able to obtain laboratory services close by and at an affordable price, thereby promoting Virginia agriculture.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

There is no impact on the institution of the family or family stability.