



Periodic Review / Retain Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-220
Regulation title	Virginia Horse Breeder Incentive Program
Document preparation date	January 25, 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.

- (1) Statutory Authority: Section 3.2-106 of the Code of Virginia.
(2) Board of Agriculture and Consumer Services is the promulgating entity.

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.

No comments have been received as part of the periodic review process. No alternatives have been proposed.

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

No public comment regarding the regulation has been received. No advisory group was 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.

With the availability of funds to implement the Horse Breeder Incentive Program, this regulation would provide important benefits in promoting the economic development and welfare of the Commonwealth's horse industry. It is clearly written and is easily understandable.

Result

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

The Virginia Department of Agriculture and Consumer Services is recommending that the regulation stay in effect without change until a recommendation regarding its repeal or modification is made by the Virginia horse industry.

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.

Currently, there is no funding with which to administer the "Virginia Horse Breeder Incentive Program." The regulation has been retained over the past 10 years with the hope that funding for this program will be restored by the General Assembly. State law requires the regulation in order to implement a breeder incentive program. Normally it takes approximately 18 months to two years to put a regulation in place

through the full regulatory process. Therefore, the regulation has been retained just in case funding is restored.

There have been no complaints or comments received from the public regarding the regulation. This regulation, as written, provides a clear statement of requirements. This regulation does not overlap, duplicate or conflict with any federal or other state law and regulations.

In the future, should the two major industry groups, the Virginia Horse Council and the Virginia Horse Industry Board, determine that this regulation no longer serves a useful purpose, the agency will consider the need for repealing this regulation.

If and when state funding is provided to administer the breeder incentive program, it is expected the breeder incentive program regulation will have a positive impact on small businesses that provide a variety of services to the horse industry.

Family impact

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

This regulation has no impact on the institution of the family and family stability.