



Periodic Review Including Small Business Impact Findings Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-40
Regulation title	Rules and Regulations Governing the Prevention, Control and Eradication of Bovine Tuberculosis in Virginia
Document preparation date	September 8, 2014

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 3.2-6001 of the Code of Virginia directs the Commissioner, the Board, and the State Veterinarian to use their best efforts to protect livestock and poultry from contagious and infectious disease. This section states, in part, that it shall be the duties of these parties to cooperate with the livestock and poultry disease control officials of other states and with the U.S. Department of Agriculture (USDA) in establishing quarantine lines and regulations so as to best protect the livestock and poultry of the Commonwealth.

Section 3.2-6002 of the Code of Virginia directs VDACS to take necessary measures to prevent the spread of and to eradicate contagious and infectious diseases in livestock and poultry. This statute authorizes the Board of Agriculture and Consumer Services to adopt regulations as may be needed to effectuate this. This section also authorizes the State Veterinarian to take such necessary actions as to prevent, control, and eradicate bovine tuberculosis, a contagious and infectious disease that affects livestock.

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 allows the State Veterinarian and his deputies to make crucial decisions and take vital actions to protect the health of bovine livestock in Virginia. Without this regulation, cattle across Virginia would be more vulnerable to contracting bovine tuberculosis. Along with USDA rules pertaining to bovine tuberculosis, this regulation is necessary to minimize the effects on Virginia's cattle industry from this costly disease. Allowing known infected cattle to remain in the herd is not an acceptable alternative to the cattle industry.

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.

The agency received no comments during the public comment period 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.

This regulation is necessary for the protection of public health, safety, and welfare because it provides protection to the cattle population in Virginia, which is a major component of the public food supply. Since a safe food supply is imperative for the public health, safety, and welfare, it is important that this regulation stay in place for the continued protection of the public. The beef and dairy cattle industries are significant economic sectors in Virginia. This regulation is also important to protect the public against the possible spread of tuberculosis from cattle to humans in the event cattle in Virginia were to become infected with bovine tuberculosis. The regulation is clearly written and easy to understand.

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, this regulation is important for the beef and dairy cattle industries. Many beef and dairy farms, as well as the processing plants that process the cattle, are small businesses. Without the safeguards this regulation provides, these small businesses take on a great amount of risk. If our bovine tuberculosis "free status" is compromised, other states and countries will not purchase Virginia cattle, thereby putting these small businesses out of business. Without this regulation, the risk of that happening becomes significantly higher and that risk may greatly decrease Virginia's beef and cattle farms and the small businesses that rely on them. There have been no complaints from the public and the regulation is necessarily uncomplicated. This regulation complements USDA's *Tuberculosis Uniform Methods and Rules* and 9 CFR Part 77. Tuberculosis testing protocols are prescribed by USDA in these documents, but have at times been interpreted to only apply to cattle moving interstate. Virginia's regulation makes it clear what is required for testing and reporting in Virginia, even if tested cattle are not traveling interstate. USDA is currently in the process of releasing a proposed Tuberculosis Rule, and based on that rule, it is anticipated that this regulation may need to be revised in the future. Since the last time this regulation was evaluated, there have not been significant changes in technology, economic conditions, or other factors.

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.