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Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-170
Regulation title	Rules and Regulations for the Registration of Poultry Dealers
Date	March 17, 2015

This information is required pursuant to Executive Order 17 (2014).

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 3.2-109 of the Code of Virginia (Code) establishes the Board of Agriculture and Consumer Services (Board) as a policy board with the authority to adopt regulations in accordance with the provisions of Title 3.2 of the Code.

Section 3.2-6001 of the Code 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 directs the State Veterinarian to take necessary measures to prevent the spread of and to eradicate contagious and infectious diseases in livestock and poultry. This statute also authorizes the Board to adopt regulations as may be needed to effectuate this. Therefore, the Board is authorized to adopt regulations requiring the registration of poultry dealers, and the State Veterinarian is authorized to take necessary actions to prevent and control infectious diseases in poultry through the registration of poultry dealers.

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 establishes requirements for recordkeeping by poultry dealers and for the registry of poultry dealers to assist in tracing diseased poultry back to their farm of origin. Since this regulation was first promulgated, it has allowed the State Veterinarian and his staff to take vital actions to protect the health of poultry in Virginia. Without this regulation, poultry throughout Virginia would be more vulnerable to contracting and spreading infectious diseases. Along with rules pertaining to avian influenza, this regulation is necessary to minimize the effects of infectious disease on Virginia's poultry industry. The business costs associated with the recordkeeping requirements of this regulation are less burdensome on poultry dealers than the economic impact a poultry dealer would suffer associated with the spread of a costly infectious disease.

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 did not form an informal advisory group.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), 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 poultry population in Virginia, which is an important component of Virginia's animal agriculture industry. Since a safe food supply and good poultry health are imperative for the public's health, it is important that this regulation be retained for the continued protection of the public and poultry. The poultry industry is a significant economic sector in Virginia, with broilers being Virginia's number one agricultural commodity. The regulation is clearly written and easy to understand.

Result

Please state that the reason why 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 basis for the agency's determination to retain the regulation as is, 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 poultry industry in Virginia. Many farms that have poultry are small businesses. Without the safeguards this regulation provides, these small businesses take on a great amount of risk. Without this regulation, the risk of disease spread becomes significantly higher and that risk may greatly decrease Virginia's poultry farms and the small businesses that rely on them. There have been no complaints from the public, and the regulation is not complicated. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation. Since the last time this regulation was evaluated, there have not been significant changes in technology, economic conditions, or other factors.