

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Board of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	2 VAC 5-320
<b>VAC Chapter title(s)</b>	Regulations for the Enforcement of the Endangered Plant and Insect Species Act
<b>Action title</b>	Periodic review of 2 VAC 5-320
<b>Date this document prepared</b>	December 29, 2022
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Periodic Review

**Cost Benefit Analysis**

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

Omitted pursuant to ORM Regulatory Economic Analysis Manual

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

Omitted pursuant to ORM Regulatory Economic Analysis Manual

**Table 1c: Costs and Benefits under Alternative Approach(es)**

Omitted pursuant to ORM Regulatory Economic Analysis Manual

**Impact on Local Partners**

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 2: Impact on Local Partners**

(1) Direct & Indirect Costs & Benefits (Monetized)	Any person conducting construction on land he does not own on which a listed threatened or endangered plant or insect species is present is subject to the Virginia Endangered Plant and Insect Species Act and 2 VAC 5-320. According to agency documentation, on average, developers and environmental consultants submit approximately 1,000 requests a year seeking information about the anticipated impact of various construction projects on threatened or endangered plant or insect species and less than one percent of the requests involve projects that are impacted by the Virginia Endangered Plant and Insect Species Act and this regulation. The agency does not have sufficient data to estimate the direct and indirect costs and benefits on local partners.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) The agency does not have sufficient data to estimate the direct and indirect costs on local partners.	(b) The agency does not have sufficient data to estimate the direct and indirect benefits on local partners.
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Assistance	N/A	
(5) Information Sources	Agency records regarding requests from developers and environmental consultants seeking information about the anticipated impact of various construction projects on threatened or endangered plant or insect species.	

**Impacts on Families**

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 3: Impact on Families**

(1) Direct & Indirect Costs & Benefits (Monetized)	This regulation does not have direct or indirect costs or benefits on families.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Information Sources	N/A	

**Impacts on Small Businesses**

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 4: Impact on Small Businesses**

(1) Direct & Indirect Costs & Benefits (Monetized)	Any person conducting construction on land he does not own on which a listed threatened or endangered plant or insect species is present is subject to the Virginia Endangered Plant and Insect Species Act and 2 VAC 5-320. According to agency documentation, on average, developers and environmental consultants submit approximately 1,000 requests a year seeking information about the anticipated impact of various construction projects on threatened or endangered plant or insect species and less than one percent of the requests involve projects that are impacted by the Virginia Endangered Plant and Insect Species Act and this regulation. Small businesses are minimally impacted due to the fact that the environs where many of the listed species are located are isolated and largely on private property. The agency does not have sufficient data to estimate the direct and indirect costs and benefits on small businesses.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) The agency does not have sufficient data to estimate the direct and indirect costs on small businesses.	(b) The agency does not have sufficient data to estimate the direct and indirect benefits on small businesses.
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Alternatives	There are no alternatives to this regulation that could alleviate any regulatory burden on small businesses but continue to enable the protection of threatened or endangered plant or insect species.	
(5) Information Sources	Agency records regarding requests from developers and environmental consultants seeking information about the anticipated impact of various construction projects on threatened or endangered plant or insect species.	

**Changes to Number of Regulatory Requirements**

*For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed. In the last row, indicate the total number for each column.*

**Table 5: Total Number of Requirements**

	<b>Number of Requirements</b>			
<b>Chapter number</b>	<b>Initial Count</b>	<b>Additions</b>	<b>Subtractions</b>	<b>Net Change</b>
2 VAC 5-320	0	0*	0*	0
<b>TOTAL</b>	0	0*	0*	0

\*As a result of this periodic review, the agency has decided this regulation should remain in effect without change.