



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-260
Regulation Title:	Regulations Establishing the Virginia Quality Label
Action Title:	Retain
Date:	September 5, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The regulation establishes the rules and regulations for use of the Virginia Quality Label, whenever producers or processors of any Virginia agricultural or food products want to participate in the label program. The details of the Virginia Quality Label program are contained in §§ 3.1-349 through 3.1-360 of the Code of Virginia, which provide a means to identify through a label those agricultural or food products that have been processed, packed, prepared, or dressed under continuous official inspection by the agency.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or

discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Section 3.1-352 of the Code of Virginia specifies that the Director of the Division of Marketing is to adopt rules and regulations governing the use of the Virginia Quality Label. It states that the label “shall not be used except in accordance with the rules and regulations;” therefore, the regulations are mandatory for effective use of the label.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The agency received no public comment on this regulation as the result of the Notice of Periodic Review published in The Virginia Register of Regulations on June 18, 2001, to provide notice of opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). No informal advisory group was formed for the purposes of assisting in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation’s impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The specific and measurable goals of the regulation are:

1. The protection of the public’s health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

2. To provide to those who choose to participate in the Virginia Quality Label program a tool that may be used to promote the sales of certain Virginia agricultural products (specifically, those processed, packed, prepared, or dressed under continuous official inspection by the agency).

There have been no requests from industry to make use of the Virginia Quality Label for more than twenty years. However, the regulation provides the rules that are required by the Code should a segment of the agriculture industry develop a need to use the label to designate the level of quality that is supported by continuous official inspection by the agency. If such a need arises that cannot be satisfied by other quality identification programs currently in use, then the regulation could enable use of the quality label to relieve the concerns of buyers. This could lead to economic benefits for the welfare of citizens that would come from maintaining or increasing sales.

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

It is clearly written and easily understandable by the individuals and entities who may be affected.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The agency has considered repealing the regulation because alternative programs that are less burdensome are available and currently in use. However, the program has been retained for use should a segment of industry develop a need, which cannot be met by other programs, to officially designate through a Virginia Quality Label that a product has undergone continuous official inspection by the agency.

Recommendation

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

Since participation in this program is not required and the program is intended only for those who request it because they have identified a need for it, and since there have been no requests for changes, the agency recommends that the regulation should stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no impact upon families.