



Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-290
Regulation Title:	Breeder Sheep Grade Standards
Action Title:	Retain
Date:	December 6, 2000

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.

This Regulation establishes official standards by which agency personnel may evaluate the overall quality of sheep breeding stock when requested by Virginia sheep producers.

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.

The authority for this regulation is contained in §3.1-338 of the Code of Virginia. That Section of the Code authorizes and empowers the Director of the Division of Marketing of the Department of Agriculture and Consumer Services, with approval of the Commissioner of Agriculture and Consumer Services, to establish and promulgate grades for agricultural products that will indicate quality, condition and other characteristics; and to prescribe and promulgate rules and regulations governing the voluntary use of such grades. There are no federal or state mandates for this regulation.

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 Department published its notice in The Virginia Register of Regulations on September 11, 2000, advertising the opportunity to comment on this regulation pursuant to Executive Order Twenty-five (98). An informal advisory group was not formed for the purpose of assisting in this periodic review.

One comment was received from a sheep producer who has been a seedstock producer for many years. The comment was very positive and stated it was important to retain these grade standards and for Virginia Department of Agriculture personnel to apply them in an unbiased third party capacity.

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 establish official grade standards for breeder sheep by which their potential value to producers' breeding programs may be determined.

The regulation is effective in achieving the goals. The Virginia Grade Standards for Breeder Sheep have been an effective tool used to determine the value of ewes and rams to producers' breeding programs.

The regulation is essential to protect the welfare of citizens because the raising and marketing of slaughter lambs and feeder lambs make a significant contribution to the state's agriculture economy. In order to produce slaughter animals of high quality and maintain breeding flocks of suitable characteristics, a means to evaluate the quality of breeding stock is essential. The regulation provides the needed criteria to use in making accurate evaluations of breeding stock, regarding their suitability for breeding purposes and the desirability of their offspring.

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

The regulation is clearly written and easily understandable by the individuals and entities 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 alternative considered was to have no grade standards for breeder sheep; however, there are no other known standards for breeder sheep, and there would be no impartial way to evaluate the quality of breeding stock. There are no USDA standards for breeder sheep, and the standards established in this regulation are applied when requested by the industry. This regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

Recommendation

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

The agency is recommending that the regulation 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.