



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services (Board of)
VAC Chapter Number:	2 VAC 5-310
Regulation Title:	Rules and Regulations — Official Standards for Enforcement of the Virginia Apples: Grading, Packing, and Marking Law
Action Title:	Review
Date:	February 4, 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 standard grades by which the quality, quantity, and size of apples may be determined and establishes requirements as to how apples are to be packed and marked.

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.

§ 3.1-615 of the Code of Virginia mandates that the Board of Agriculture and Consumer services shall have the power to adopt reasonable rules and regulations for the enforcement of the law. It further mandates that the Board shall establish and promulgate from time to time official standard grades for apples by which the quality, quantity and size may be determined. It further mandates that the Board shall consult with the Board of Directors of the Virginia Horticultural Society before establishing such official standard grades. The regulation does not exceed the minimum requirements of the state mandates.

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. No informal advisory group was formed for 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 establish official standard grades for apples by which the quality, quantity, and size of apples may be determined.

The regulation is effective in achieving the goals.

The regulation is a truth in labeling requirement that protects the welfare of citizens so they may be assured that the apples they are purchasing are of the correct variety, size and grade, as stated on the container.

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 Agency considered repealing the regulation, but it is mandated by the Code of Virginia and the Agency believes the present version is the least burdensome and least intrusive alternative. The regulation contains the Virginia Apple Standards that may be used as a marketing tool to obtain higher prices and to assist growers in the sale of their apples. For these reasons, the Agency rejected the consideration to repeal 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 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.