



## Periodic Review / Retain Regulation Agency Background Document

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| <b>Agency name</b>                                 | Virginia Department of Agriculture and Consumer Services                                  |
| <b>Virginia Administrative Code (VAC) citation</b> | 2VAC5-590   |
| <b>Regulation title</b>                            | Rules and Regulations Pertaining to Tolerances and Prohibitions Applicable to Ground Beef |
| <b>Document preparation date</b>                   | 12-7-07   |

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

### 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.*

Enter statement here

Authority: Code of Virginia, Sections 3.1-394 and 3.1-398, Va. Food Laws

Promulgating entity: Board of Agriculture and Consumer Services

### 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.*

Enter statement here

Ground Beef is a food product that is currently limited by regulation as to how much fat it may contain. An alternative to achieving this purpose would be to amend the Virginia Food Laws to include this provision. The agency rejects this alternative; considering it more burdensome to both the citizens and the Commonwealth as the current regulation achieves the same purpose.

**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.*

| Commenter | Comment | Agency response |
|-----------|---------|-----------------|
|           |         |                 |

Enter statement here

There were no comments received during the comment period, however, prior comments from the Attorney General’s Government and Regulatory Reform Task Force recommended combining this chapter pertaining to tolerances and prohibitions applicable to ground beef into other related beef regulations. VDACS does not have any other ground beef regulations in which to consolidate this particular chapter. Other chapters relating to ground beef pertain to wholesale ground beef manufacturers only. 2VAC5-590 pertains solely to ground beef offered for sale at the retail level.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

Enter statement here

This regulation is essential to protect the health of citizens in that it establishes standards for ground beef products so that nutritionally valuable food constituents are not replaced by less valuable constituents. To allow such a replacement would result in a product that is less valuable in the total human diet. The regulation is essential to protect the welfare of citizens in that mere observation will not disclose the amount of fat and other non-meat ingredients that are contained in ground beef products. The regulation is not essential to protect the safety of the citizens of the Commonwealth. This regulation has been amended on multiple occasions in the past to ensure that it is clearly written and easily understandable; therefore, the agency proposes no additional changes at this time and seeks to retain the regulation in its current form.

**Result**

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

Enter statement here

The agency recommends that the regulation should remain in effect without change.

### Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

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Enter statement here

Aside from its public health related functions, the regulation is necessary in order to assure consumers that the ground beef products that they purchase consist of limited amounts of fat and do not contain any other non-meat ingredients. Such a measure ensures that consumers are not purchasing ground beef with excessive fat and they further are assured that they are not purchasing other less desirable non-meat ingredients with monies allotted for food purchases. There is no adverse affect upon family or family stability.