



Periodic Review / Retain Regulation Agency Background Document

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| Agency name | Agriculture and Consumer Services |
| Virginia Administrative Code (VAC) citation | 2 VAC 5-170 |
| Regulation title | Rules and Regulations for the Registration of Poultry Dealers |
| Document preparation date | March 17, 2009 |

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.

Section 3.2-6002 of the Code of Virginia provides the authority for this regulation and states that the "Board may adopt regulations as may be necessary" to prevent the spread and eradicate contagious and infectious livestock and poultry diseases.

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.

There are no viable alternatives for achieving the purpose of the existing regulation. The alternative that was considered is to eliminate the regulation and not require any registration or record keeping by poultry dealers. This alternative would place the Virginia poultry industry in the position of being exposed to devastating diseases resulting from the lack of oversight and control of those persons dealing in poultry. Consequently, the existing regulation appears to be the least burdensome alternative to make certain that records are maintained by poultry dealers so that any poultry which become infected can be traced to their source and action initiated to control and eradicate the disease agent.

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 |
|-----------|---------|-----------------|
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The Department published its notice in The Virginia Register of Regulations on December 8, 2008, advertising the opportunity to comment on this regulation pursuant to Executive Order 36. The Department did not receive any public comments concerning this regulation. An informal advisory group was not formed for the purpose of assisting with this periodic review.

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.

This regulation does meet the criteria set out in Executive Order 36, in that:

1. It protects public health, safety and welfare with the least possible intrusion in the lives of citizens;
2. It is based on the best reasonably available scientific, economic and other information;
3. It is designed to achieve its intended objective in the most efficient, cost-effective manner;
4. It is clearly written and easily understandable by the individuals and entities affected; and,
5. It has been developed in accordance with laws relating to the impact of regulations on small businesses.

This regulation is essential to protect the health and welfare of the citizens of the Commonwealth by establishing basic record keeping and record retention requirements, and creating a registry of poultry dealers as a means of controlling and eradicating poultry diseases by tracing diseased poultry to their origin through dealer records. It is essential to protect Virginia's poultry industry from catastrophic fatal diseases, such as avian influenza and pullorum disease. Exposure of the poultry industry to such catastrophic diseases could result in the collapse of the entire industry and the loss of employment for thousands of individuals.

Result

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

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

Unless otherwise discussed in this report, this regulation has no impact on families.