



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-260
Regulation title	Regulations Establishing the Virginia Quality Label
Document preparation date	February 20, 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.

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 §§ 3.2-4312 through 3.2-4319 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.

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.

The Agency has considered repealing the regulation for alternative programs that are currently available and in use. The program has been retained should a segment of the agriculture industry develop a need

to utilize the program, which cannot be addressed by other programs but which would be addressed through a Virginia Quality Label for products that have undergone continuous official inspection by the Agency.

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

The Agency received no public comment on this regulation as a result of the Notice of Periodic Review published in The Virginia Register of Regulations on December 8, 2008, pursuant to Executive Order ("EO") 36 (2006).

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.

The specific 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. The provision to those who choose to participate in the Virginia Quality Label program of 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).

Result

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

The Agency recommends that the regulation 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.

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