

Office of Regulatory Management
Economic Review Form

Agency name	Commissioner of Agriculture and Consumer Services
Virginia Administrative Code (VAC) Chapter citation(s)	N/A
VAC Chapter title(s)	N/A
Action title	Guidance on Invasive Plant Species Signage Requirements at Retail Establishments
Date this document prepared	
Regulatory Stage (including Issuance of Guidance Documents)	Issuance of Guidance Document

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	Retail establishments are required, pursuant to Va. Code § 3.2-3801.1 (Chapters 393 and 409 of 2025 Acts of Assembly), to display an invasive plants sign “in a conspicuous manner on the property located in proximity to each invasive plant display identifying such plant as invasive, educating consumers regarding invasive plant species, and encouraging consumers to ask about alternatives.” The plants requiring an invasive plants sign are listed in Va. Code § 3.2-3801.1, and the sign must be displayed beginning January 1, 2027. The agency is authorized to issue stop sale notices for plants offered for sale without the required invasive species plant sign. The second enactment clause of Chapters 393 and 409 of the 2025 Acts of Assembly directs the Commissioner to designate the format, size, and content of the required signage. Accordingly, this guidance document provides retail establishments with information related to displaying such signs to ensure compliance with Va. Code § 3.2-3801.1. A retail establishment offering for sale an invasive plant species for outdoor use will be responsible for providing (i) the signs, which can be printed by the retailer, and (ii) the labor to install such signs. The agency will provide a sign template that retailers can use that will ensure compliance with Va. Code § 3.2-3801.1. This guidance document provides retailers with information needed for compliance with Va. Code § 3.2-3801.1, including the minimum size of the sign, specific statements that are to be included on the sign, and the website URL and QR codes that are required by the second enactment clause of Chapters 393 and 409 of the 2025 Acts of Assembly. The direct cost to the retail establishment for following provisions of this guidance document in printing and installing the signs is unknown as such costs will vary due to the number of invasive plant species the retailer offers for sale and variable costs to obtain or print signs. The agency currently inspects production and retail nurseries, and it is anticipated that agency costs to inspect retailers and conduct complaint investigations regarding compliance with Va. Code § 3.2-3801.1 will be minimal. The agency is not aware of monetized indirect costs or direct benefits.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) The agency is unable to provide a reliable estimate of direct costs.	(b) 0
(3) Net Monetized Benefit	Unknown	
(4) Other Costs & Benefits (Non-Monetized)	The invasive plants sign will provide a non-monetized indirect benefit to consumers by informing them of the risks associated with purchasing and planting invasive plants.	
(5) Information Sources		

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	In accordance with Chapters 393 and 409 of the 2025 Acts of Assembly, the requirement to display the invasive plant species sign becomes effective on January 1, 2027. This guidance document provides information for retail establishments to assist in their compliance with meeting the invasive plant species sign requirement. The status quo is that of no guidance document, which will reduce the agency's ability to provide information to retailers regarding the new sign requirement. The absence of agency guidance regarding sign-size and placement, specific language needed to educate consumers regarding invasive plant species, and the required website URL and QR Code may create uncertainty and confusion for the retailers regarding compliance with requirements of Va. Code § 3.2-3801.1. In addition, a lack of agency guidance may result in a greater number of retailers that fail to comply with Va. Code § 3.2-3801.1. When VDACS identifies a retail nursery that is offering for sale invasive plants without the signage required by Va. Code § 3.2-3801.1, VDACS will issue stop sale notices, and the retailer will be unable to sell such plants until it meets the provisions of Va. Code § 3.2-3801.1. If no guidance document is available, it could lead to an increase in direct costs for the retailer that is unable to sell such plants and an increase in direct costs for the agency to conduct complaint investigations and answer industry questions related to minimum requirements for compliance. The agency is unable to determine the costs associated with not developing a guidance document for use by retail nurseries. The agency has not identified any direct or indirect benefits associated with maintaining the status quo.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) The agency is unable to provide a reliable estimate of direct and indirect costs.	(b) 0
(3) Net Monetized Benefit	Unknown	
(4) Other Costs & Benefits (Non-Monetized)	None	
(5) Information Sources		

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	The guidance document provides retail establishments with information related to the conditions under which the invasive plants sign must be displayed pursuant to Va. Code § 3.2-3801.1 and the second enactment clause of Chapters 393 and 409 of the 2025 Acts of Assembly. The information in this guidance document was developed in conjunction with stakeholders. An alternative approach would be to provide guidance to retail nurseries that would differ from that which is in the document approved of by stakeholders. Alternative guidance could require an increased number of signs, increase the minimum size of the sign, or require additional cautionary statements. The strategy for displaying signs as established in the proposed guidance document has been approved by stakeholders as it strikes a balance between the cost associated with the signs and ensuring that consumers are informed of the risks associated with invasive plant species. Increasing the number of signs required, increasing the minimum size of the sign, or requiring additional statements could result in increased direct costs to the retail establishment. A reduction in these minimum requirements could result in signs that do not adequately provide information regarding invasive plant species and their associated risks. The agency has not identified any direct or indirect benefits associated with this alternative approach.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) The agency is unable to determine the direct and indirect costs associated with this alternative approach.	(b) 0

(3) Net Monetized Benefit	Unknown
(4) Other Costs & Benefits (Non-Monetized)	Unknown
(5) Information Sources	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	The agency has not identified any direct or indirect cost or benefit that the provisions in the guidance document will have on local partners.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) 0	(b) 0
(3) Other Costs & Benefits (Non-Monetized)	None	
(4) Assistance	N/A	
(5) Information Sources		

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs &	The agency has not identified any direct or indirect cost or benefit that the provisions in the guidance document will have on families.
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Benefits (Monetized)		
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) 0	(b) 0
(3) Other Costs & Benefits (Non- Monetized)	The invasive plants sign will provide a non-monetized indirect benefit to families by informing them of the risks associated with planting invasive plants.	
(4) Information Sources		

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	The agency is unable to determine the number of retail nurseries that are small businesses but estimates that many of the retail nurseries in the Commonwealth are small businesses. The impact on small businesses is the same as that noted in Table 1a.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See Table 1a	(b) See Table 1a
(3) Other Costs & Benefits (Non- Monetized)	See Table 1a	
(4) Alternatives		
(5) Information Sources		

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
N/A	(M/A):				
	(D/A):				
	(M/R):				
	(D/R):				
				Grand Total of Changes in Requirements:	(M/A): (D/A): (M/R): (D/R):

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
N/A	N/A	N/A	N/A	N/A

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
N/A	N/A	N/A

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count
Guidance on Invasive Plant Species Signage Requirements at Retail Establishments	N/A	1,024; 4 pages	+1,021; 4 pages

*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).