



Virginia
Regulatory
Town Hall
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Periodic Review Including Small Business Impact Findings Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5 - 310
Regulation title	Rules and Regulations-Official Standards for Enforcement of the Virginia Apples: Grading, Packing, and Marking Law
Document preparation date	October 6, 2014

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 14 (2010) 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 3.2-4501 of the Code of Virginia requires the Board of Agriculture and Consumer Services to adopt official grades and standards for apples by which the quality, quantity, and size of the apples may be determined.

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.

No alternatives have been considered, as the regulation is effective and being administered in the most efficient and least burdensome manner.

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.

The agency received no comments on this regulation during the public comment period and did not form an informal advisory group.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation protects the welfare of citizens by ensuring that the apples in the container meet all the specified container markings. The regulation is clearly written and easily understandable by the individuals and entities affected.

Result

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

The agency recommends that the regulation be retained in its current form.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The agency is recommending that the regulation should remain in effect without change. The agency did not receive any comments regarding the regulation during the comment period. The regulation does not duplicate any state or federal laws. The agency last conducted a periodic review of this regulation in 2009. The agency continues to believe the current regulation is the least burdensome and least intrusive alternative on the apple industry and small businesses.

Family impact

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

This regulation will have no impact on the institution of the family and family stability.