



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	<b>Agriculture and Consumer Services (Board of)</b>
<b>VAC Chapter Number:</b>	<b>2 VAC 5-200</b>
<b>Regulation Title:</b>	<b>Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry</b>
<b>Action Title:</b>	Review
<b>Date:</b>	<b>February 4, 2000</b>

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

*This regulation provides for the disposal of dead poultry by persons who raise or keep poultry for profit, or contract for the raising or keeping of poultry for profit, but only when the entire flock dies or is to be depopulated. The regulation addresses methods of disposal of such poultry, State Veterinarian approval of plans for disposal of dead poultry, transportation of the dead poultry, and exemptions to the disposal methods prescribed by the regulation.*

**Basis**

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

*Section 3.1-726 of the Code of Virginia (1950), as amended, requires “such measures shall be taken by the Board or its authorized veterinarian as may be necessary to eradicate and prevent the spread of [contagious and infectious] diseases.*

**Public Comment**

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

*No comments were received regarding this regulation. No informal advisory groups were formed for assisting in the subsequent periodic review of this regulation.*

**Effectiveness**

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation’s impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

Specific and measurable goals of the regulations 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. to provide for the disposal of entire flocks of dead poultry affected by avian influenza or exotic Newcastle disease, including provisions for disposal pits, incinerators, landfills, and rendering; to provide for exemptions from the provisions of the regulation by the State Veterinarian; to provide for appropriate methods for the transportation of dead poultry subject to the regulation; and to provide for a process for the approval of the disposal of dead poultry subject to the regulation on all premises raising poultry for profit.

*Effectiveness of the regulation in achieving such goals:*

*No poultry disease outbreaks have developed in Virginia since the implementation of this regulation.*

*Specific reasons the agency has determined that the regulation is essential to protect the health, safety and welfare of citizens:*

1. Exotic Newcastle disease virus can produce short-lived eye infections in human beings. The condition has been limited primarily to laboratory workers and vaccination teams (poultry workers administer vaccine to birds) exposed to large quantities of virus. Therefore, without proper disposal of entire flocks of poultry which have died due to exotic Newcastle disease, humans that come in contact with the virus are at risk.

Also, poultry is an inexpensive form of animal protein, the price of which is based, in part, on a readily available supply of birds which would be hard to supply should an outbreak of exotic Newcastle disease occur. Unlike birds infected with avian influenza, which can be slaughtered for food (slaughter plant workers are not at risk for exposure to the disease, and the virus is killed when the birds are cooked), poultry infected with exotic Newcastle disease cannot be slaughtered and utilized as human food because of the infection risk the disease poses to humans who come in contact with infected birds.

2. After the outbreak of avian influenza in 1983 and 1989, when thousands of dead poultry carcasses had to be disposed of in an environmentally safe and speedy manner, it became apparent that in order to control the spread of avian influenza and exotic Newcastle disease to healthy poultry flocks, other means of carcass transportation and disposal were required. Requiring, as the regulation does, that a plan for disposal of an entire flock of dead poultry be filed with and approved by the State Veterinarian by each person raising or keeping poultry for profit, allows Virginia's poultry industry to act quickly to contain and eradicate disease outbreaks when they occur in their flocks.
3. Regulations governing the disposal of entire flocks of dead poultry is important to the public welfare because they help protect Virginia's poultry industry, which contributes approximately \$791 million to Virginia's economy annually, according to the 1998 Virginia Agricultural Statistics Bulletin.

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

The regulation governing the disposal of entire flocks of dead poultry is clearly written and easily understood by the affected individuals and entities.

**Alternatives**

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

*The alternative to this regulation is not to require poultry companies to submit plans for approval of disposal methods for entire flocks of dead birds. The Agency rejects this alternative because the absence of environmentally sound disposal plans could expose healthy flocks to disease infection by those who did not take appropriate precautionary measures when disposing of their dead birds. The lack of approved disposal plans could be devastating to the industry and to the effective control of disease outbreaks.*

**Recommendation**

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

*The Agency recommends that this regulation should stay in effect without change.*

**Family Impact Statement**

*Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.*

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