



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 5-570</b>
<b>Regulation Title:</b>	<b>Rules and Regulations Defining the Standards for Grades/Sizes of Shell Eggs</b>
<b>Action Title:</b>	Review
<b>Date:</b>	February 4, 2000

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.*

*The regulation adopts grade and weight standards established by the United States Department of Agriculture for the grading of shell eggs.*

### 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.*

The authority for this regulation is mandated by Section 3.1-763.16(a) of the Code of Virginia (1950), as amended. Under this Section, the Board of Agriculture and Consumer Services is to establish standards, grades, and size-weight classes for eggs, and, in so doing, is to have “due regard” for the desirability of uniformity in the standards, grades, and size-weight classes for eggs moving in intrastate and interstate commerce. In order for eggs to move in interstate commerce, they must meet federal standards. Since this regulation adopts federal standards for eggs by reference, this entire regulation is mandated.

### 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.*

The Department published its notice in The Virginia Register of Regulations on November 8, 1999 advertising the opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). The Department received no comment from the public regarding this regulation in response to this notice. An informal advisory group was not formed for the purpose of assisting in the periodic review.

### 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.*

This regulation is effective in achieving its specific and measurable goals. The regulation provides for eggs to be routinely checked at retail, wholesale and food service facilities for conformity to USDA standards. In so doing, the regulation ensures that an estimated 11,693,500 dozens of eggs consumed by Virginia’s citizens annually meet USDA standards, minimizing the opportunity for rotten, bloody, moldy, leaking, or otherwise unhealthy eggs to be offered for sale. Due to the enforcement of this regulation in 1999, only 14,534 dozen eggs were found out of compliance with these standards. This has a positive impact on consumer confidence in eggs. Since eggs are a very inexpensive source of protein, many families are dependent on eggs in their routine diet. The regulation protects the welfare of citizens by assuring that Virginia-produced eggs are of sufficient quality to enter interstate commerce.

The regulation is clearly written and easily understood by individuals and entities affected.

**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.*

This review is a process by which the agency has considered less burdensome and less intrusive alternatives to the regulation. However, eggs must at least meet federal standards to enter into interstate commerce. Without this regulation, Virginia-produced eggs may have to be sold intrastate only, greatly reducing the markets for Virginia eggs. Varying from federal regulations could also have the effect of allowing low quality eggs to be offered for sale to Virginia’s consumers.

**Recommendation**

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

It is the agency’s recommendation to retain this regulation in its current form. The continuation of this regulation will ensure that safe, high quality eggs are available to Virginia’s consumers and that Virginia-produced eggs are of sufficient quality to move in intrastate and interstate commerce.

**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.*