



Periodic Review / Retain Regulation Agency Background Document

Agency name	Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-40
Regulation title	Rules and Regulations Governing the Prevention, Control and Eradication of Bovine Tuberculosis in Virginia
Document preparation date	March 17, 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.

Section 3.2-6002 of the Code of Virginia provides the predominant authority for this regulation and states that the "Board may adopt regulations as may be necessary" to prevent the spread and eradicate contagious and infectious livestock and poultry diseases. Additional authority is provided as follows: by section 3.2-6001, which states "It shall also be the duty of the Commissioner, the Board, and the State Veterinarian . . . in establishing interstate quarantine lines and regulations so as to best protect the livestock and poultry of the Commonwealth against all contagious and infectious diseases"; by section 3.2-6004, which states "The Board may adopt regulations and the State Veterinarian may give and enforce directions and orders as to separating, feeding and caring for diseased or exposed animals . . ."; and, by section 3.2-6009, which states "The State Veterinarian may require the owner or custodian to euthanize or slaughter condemned livestock or poultry within a specified period of time, and under state or federal supervision, or under regulations of the Board."

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.

There are no viable alternatives for achieving the purpose of the existing regulation. The only considered alternative to this regulation is to eliminate the program which prevents, controls and eradicates Bovine Tuberculosis. The agency rejects this alternative because this disease can be transmitted to man, and because the industry would suffer significant financial losses.

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 Department published its notice in The Virginia Register of Regulations on December 8, 2008, advertising the opportunity to comment on this regulation pursuant to Executive Order 36. The Department did not receive any public comments concerning this regulation. An informal advisory group was not formed for the purpose of assisting with this periodic review.

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.

This regulation does meet the criteria set out in Executive Order 36, in that:

1. It protects public health, safety and welfare with the least possible intrusion in the lives of citizens;
2. It is based on the best reasonably available scientific, economic and other information;
3. It is designed to achieve its intended objective in the most efficient, cost-effective manner;
4. It is clearly written and easily understandable by the individuals and entities affected; and,
5. It has been developed in accordance with laws relating to the impact of regulations on small businesses.

The regulation is effective for the prevention of bovine tuberculosis (Bovine TB) in Virginia, and for the eradication of Bovine TB, should it be detected, in Virginia. The effectiveness of the regulation is reflected, in part, in Virginia's continued status as "tuberculosis-free". This status allows the Virginia cattle industry to freely participate in the markets of other states and to export to other countries. The Commonwealth has prevented the incursion of tuberculosis because of the effectiveness of the regulation. Before control measures were adopted, the disease was a major disease of man and domestic animals. Bovine TB is still a significant zoonosis in many parts of the world. Not only has the regulation effectively protected the public's health, it has prevented death losses and decreased production of cattle. This action translates into a consistent source of animal protein that is affordable and of good quality for Virginia consumers. Preventing, controlling, and eradicating tuberculosis within an animal population is dependent upon successful testing, identification, reporting and elimination of infected animals. Healthy animals bring better prices and are therefore more valuable when marketed. Therefore, it is beneficial to Virginia's livestock producers to promptly identify and eliminate any infected

animals. Also, healthy animals pose less risk to the health and welfare of the human population since Bovine TB affects man.

Result

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

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

Family impact

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

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