



Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	15
VAC Chapter Number:	11
Regulation Title:	Public Participation Guidelines
Action Title:	Periodic Regulatory Review
Date:	May 21, 2003

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 guidelines for public input and participation in the development and promulgation of regulations of the Commission. It details the processes in which parties may petition for rule making, the distribution of information concerning regulatory actions, periodic review of regulations, and the requirement of holding public hearings on all regulatory actions.

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 3.1-430(g) of the Code of Virginia provides the statutory authority to the State Milk Commission to promulgate regulations. This section provides that the Commission is to adopt and enforce all rules, regulations and orders necessary to carry out all the purposes of Chapter 21, Article 2 of the Code of Virginia and is mandated. Section 9-6.14:7.1D of the Code of Virginia mandates that each agency develop and promulgate regulations concerning public participation in regulatory actions.

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 Commission did not receive either written or oral comment on the regulation. There were no comments in support , or in opposition.

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.

The primary goal of this regulation is to provide all interested parties an opportunity to participate in the development and promulgation process of agency regulations. There is not a quantitative method of measuring this goal. The agency utilizes all feasible methods of notifying the public and the industry when regulations are being reviewed or acted upon.

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.

There were no specific alternatives considered for this regulation as it is mandated by the Code of Virginia and was initially developed by an adhoc committee comprised of private citizens, dairy farmers, processors, distributors, and cooperative managers in October 1997.

Recommendation

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

The State Milk Commission is recommending that this regulation should be retained in its present form without change. The Commission assumes the following in the absence of any public comment or evidence to the contrary:

1. There is no need to develop, amend or repeal the regulation.
2. There is an essential need for the regulation.
3. The regulation does not interfere in public enterprise of life.
4. There are no less burdensome or intrusive alternatives to the regulation.
5. The regulation meets the specific goals that it is intended to achieve.
6. The regulation is clearly written and easily understandable.
7. The regulation is efficient, effective, and its cost of compliance is not burdensome.

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.

This regulation has indirect impact on the institution of the family farm and family farm stability. It does not effect the authority of parents in the education, nuturing, and supervision of children. It does indirectly effect the economic sef-sufficiency of the family farm. It does not effect economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents of non farm families . It does not effect disposable non farm family income. The regulation only impacts non farm families to the extent they wish to participate in the regulatory development and promulgation of the State Milk Commission.