

Unified Regulatory Plan
of the
Department of Agriculture and
Consumer Services
for State Fiscal Year 2023

Prepared on September 30, 2022

Description of Agency or Boards

The Department of Agriculture and Consumer Services operates under the supervision of the Secretary of Agriculture and Forestry and promotes the economic growth and development of Virginia agriculture, provides consumer protection, and encourages environmental stewardship. Authority to make regulations administered by the agency lies with the Board of Agriculture and Consumer Services, the Potato Board, the Commissioner of Agriculture and Consumer Services, the State Veterinarian, and the State Milk Commission. Rulemaking powers are established throughout the Code of Virginia (Code), including throughout Title 3.2 of the Code; Title 58.1, Chapter 32, Article 4 of the Code; certain chapters of Title 59.1 of the Code; Title 61.1, Chapter 7 of the Code; Title 62.1, Chapter 19.1 of the Code; and Title 18.2, Chapter 8, Article 1.1:1 of the Code.

Title of Proposed Regulatory Action or Guidance Document Promulgate regulation required by Chapter 1284 of the 2020 Acts of Assembly	
Brief Overview This regulatory action will result in the promulgation of <i>Regulations for the Inspection of Pet Shops Selling Dogs or Cats</i> (2 VAC 5-105), a new regulation required by Chapter 1284 of the 2020 Acts of Assembly, which requires the Board of Agriculture and Consumer Services to adopt a regulation governing the keeping of dogs and cats by a pet shop and establishes specific provisions this regulation must include.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	June 2023

Title of Proposed Regulatory Action or Guidance Document Regulatory action to amend the noxious weed list	
Brief Overview The Noxious Weed Advisory Committee, which assists in the evaluation and risk-assessment of plant species that may be declared noxious weeds and makes recommendations to the Commissioner of Agriculture and Consumer Services regarding plant species that should be listed or delisted as noxious weeds, recommends that certain weed species be added to the noxious weeds list. The Board of Agriculture and Consumer Services has determined it is now	

appropriate to amend the current list of noxious weeds in <i>Regulations for Enforcement of the Noxious Weeds Law</i> (2 VAC 5-317).	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	October 2022 (OAG review completed August 12, 2022, agency development of Economic Impact Form underway)

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to expand the spotted lanternfly quarantine to include certain counties and cities in the northern and western regions of Virginia	
Brief Overview	
The Commissioner of Agriculture and Consumer Services has expanded the regulated area of the <i>Regulations for Enforcement of the Virginia Tree and Crop Pests Law – Spotted Lanternfly Quarantine</i> (2 VAC 5-336) to include the cities of Buena Vista, Charlottesville, Harrisonburg, Lexington, Lynchburg, Manassas, Manassas Park, Staunton, and Waynesboro and the counties of Albemarle, Augusta, Carroll, Page, Prince William, Rockbridge, Rockingham, Shenandoah, and Wythe due to an increase in spotted lanternfly populations in these localities.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	September 8, 2022

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to establish a minimum germination rate for cotton seed	
Brief Overview	
<i>Rules and Regulations for the Enforcement of the Virginia Seed Law</i> (2 VAC 5-390) provides specific requirements for seeds sold in Virginia, including minimum germination rates for vegetable, flower, and peanut seeds. Currently, cotton seed sold in Virginia has no minimum standard for germination rate. The proposed action by the Board of Agriculture and Consumer	

Services seeks to determine an appropriate minimum germination rate for cotton seed sold in Virginia and establish such minimum germination rate in Rules and Regulations for the Enforcement of the Virginia Seed Law.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document		
Repeal Texas Hold'em Poker Tournament Regulations		
Brief Overview		
The third enactment of both Chapters 554 and 609 of the 2022 Acts of Assembly provides that "the regulations promulgated by the Charitable Gaming Board regarding Texas Hold'em poker games and tournaments, which became effective on March 23, 2021,...shall not take effect." This regulatory action by the Department of Agriculture and Consumer Services to repeal Texas Hold'em Poker Tournament Regulations (11 VAC 15-50) is necessary to conform to changes in Virginia law.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule	<input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component	Upon the direction of the General Assembly, the agency never implemented or administered any provisions of 11 VAC 15-50. As no requirements associated with this chapter were ever in effect, the repeal of the chapter will not result in the reduction of regulatory requirements.	
Expected Date	September 2022	

Title of Proposed Regulatory Action or Guidance Document		
Promulgation of Charitable Gaming Regulations by Department of Agriculture and Consumer Services, including electronic gaming provisions		
Brief Overview		
The proposed regulatory action seeks to promulgate regulations for the conduct of charitable gaming in the Commonwealth (11 VAC 20-20). Chapters 554 and 609 of the 2022 Acts of Assembly authorize the Commissioner of the Department of Agriculture and Consumer		

Services to prescribe regulations and conditions under which charitable gaming shall be conducted in the Commonwealth. Previously, the authority to adopt regulations regarding the conduct of charitable gaming rested with the Charitable Gaming Board (Board). The proposed regulation consists of the regulatory provisions established in 11 VAC 15-40 by the Board and new provisions regarding electronic gaming.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	Proposed: September 2022, Final: January 2023

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to repeal the Charitable Gaming Regulations promulgated by the Charitable Gaming Board	
Brief Overview	
Chapters 554 and 609 of the 2022 Acts of Assembly, in part, (i) authorize the Commissioner of the Department of Agriculture and Consumer Services to prescribe regulations and conditions under which charitable gaming shall be conducted in the Commonwealth and (ii) reclassify the Charitable Gaming Board from a policy board to an advisory board. Previously, the authority to adopt regulations regarding the conduct of charitable gaming rested with the Charitable Gaming Board. In response to this 2022 legislation, the Department of Agriculture and Consumer Services will repeal Charitable Gaming Regulations (11 VAC 15-40), which was promulgated by the Charitable Gaming Board.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	January 2023

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to repeal the Public Participation Guidelines promulgated by the Charitable Gaming Board	
Brief Overview	
Chapters 554 and 609 of the 2022 Acts of Assembly, in part, (i) authorize the Commissioner of the Department of Agriculture and Consumer Services to prescribe regulations and conditions under which charitable gaming shall be conducted in the Commonwealth and (ii) reclassify the Charitable Gaming Board from a policy board to an advisory board. Previously, the authority to adopt regulations regarding the conduct of charitable gaming rested with the Charitable Gaming Board. In response to this 2022 legislation, the Department of Agriculture and Consumer Services will repeal <i>Public Participation Guidelines</i> (11 VAC 15-13), which was promulgated by the Charitable Gaming Board.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	December 2022

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to promulgate Public Participation Guidelines for charitable gaming	
Brief Overview	
Chapters 554 and 609 of the 2022 Acts of Assembly, in part, (i) authorize the Commissioner of the Department of Agriculture and Consumer Services to prescribe regulations and conditions under which charitable gaming shall be conducted in the Commonwealth and (ii) reclassify the Charitable Gaming Board from a policy board to an advisory board. Previously, the authority to adopt regulations regarding the conduct of charitable gaming rested with the Charitable Gaming Board. In response to this 2022 legislation, the Department of Agriculture and Consumer Services will promulgate <i>Public Participation Guidelines</i> (11 VAC 20-10).	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	December 2022

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to promulgate Texas Hold'em Poker Tournament Regulations	
Brief Overview	
The third enactment of both Chapters 554 and 609 of the 2022 Acts of Assembly directs the Commissioner of Agriculture and Consumer Services to regulations regarding Texas Hold'em poker tournaments consistent with the provisions of Chapter 982 of the 2020 Acts of Assembly. The agency expects this chapter will be titled, <i>Texas Hold'em Poker Tournament Regulations</i> (11 VAC 20-30).	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input checked="" type="checkbox"/> Action required by state statute
Deregulatory Component	
Expected Date	November 2022

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to repeal Rules and Regulations Pertaining to Shooting Enclosures	
Brief Overview	
Section 3.2-6036 of the Code of Virginia states that the Department of Agriculture and Consumer Services shall issue a license for shooting enclosures only to those enclosures that were in operation on or before January 1, 1995. The last remaining shooting enclosure failed to renew its license and permanently closed in 2017. As there are no longer any shooting enclosures in existence in Virginia and the Department does not have authority to license a new shooting enclosure, the Board of Agriculture and Consumer Services is expected to repeal <i>Rules and Regulations Pertaining to Shooting Enclosures</i> (2 VAC 5-205).	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	While no entity is currently operating a shooting enclosure, the repeal of this regulatory chapter will eliminate 29 requirements related to the operation of shooting enclosures in Virginia.
Expected Date	December 2022

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action with amendments to reflect Chapter 464 of the Acts of Assembly of 2021, Special Session I	
Brief Overview	
The Commissioner of Agriculture and Consumer Services will amend <i>Regulations Pertaining to the Establishment of the Dangerous Dog Registry</i> (2 VAC 5-620) to reflect Chapter 464 of the Acts of Assembly of 2021, Special Session I. Specifically, the regulatory amendments will reflect the provisions of the legislation that (i) revised the definition of “dangerous dog” and (ii) provided that, if a dangerous dog adjudication occurs within 60 days of the end of the calendar year, the first renewal of the dangerous dog registration shall be included in the initial registration at no additional charge to the owner.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	October 2022

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to amend a reference to the publisher of certain data used in the determination of class prices for producer milk	
Brief Overview	
The State Milk Commission is expected to amend <i>Regulations for the Control and Supervision of Virginia’s Milk Industry</i> (2 VAC 15-20) to update the regulation’s reference to the publisher of the average weekly earnings of workers in Virginia manufacturing industries.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	June 2023

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to repeal Virginia Grade Standards for Breeder Swine	
Brief Overview	
The Commissioner of Agriculture and Consumer Services (Commissioner) will repeal <i>Virginia Grade Standards for Breeder Swine</i> (2 VAC 5-270), which was promulgated by the Director of the Division of Marketing. Chapter 317 of the 2020 Acts of Assembly reassigns authority for administering the provisions of the Grades, Marks, and Brands Law (Va. Code § 3.2-4300 et seq.), which deals with the grading of agricultural commodities, from the Director of the Division of Marketing to the Commissioner. This regulatory action will include the Commissioner's promulgation of identical standards under the regulatory authority granted to the Commissioner.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	June 2023

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to promulgate Virginia Grade Standards for Breeder Swine	
Brief Overview	
The Commissioner of Agriculture and Consumer Services (Commissioner) will promulgate <i>Virginia Grade Standards for Breeder Swine</i> . Chapter 317 of the 2020 Acts of Assembly reassigns authority for administering the provisions of the Grades, Marks, and Brands Law (Va. Code § 3.2-4300 et seq.), which deals with the grading of agricultural commodities, from the Director of the Division of Marketing to the Commissioner. This regulatory action will include the Commissioner's repeal of <i>Virginia Grade Standards for Breeder Swine</i> (2 VAC 5-270) and promulgation of identical standards under the regulatory authority granted to the Commissioner.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action

	<input type="checkbox"/> Action required by state statute
Deregulatory Component	
Expected Date	June 2023

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to repeal Virginia Grade Standards for Slaughter and Feeder Lambs	
Brief Overview	
The Commissioner of Agriculture and Consumer Services (Commissioner) will repeal <i>Virginia Grade Standards for Slaughter and Feeder Lambs</i> (2 VAC 5-280), which was promulgated by the Director of the Division of Marketing. Chapter 317 of the 2020 Acts of Assembly reassigns authority for administering the provisions of the Grades, Marks, and Brands Law (Va. Code § 3.2-4300 et seq.), which deals with the grading of agricultural commodities, from the Director of the Division of Marketing to the Commissioner. This regulatory action will include the Commissioner’s promulgation of identical standards under the regulatory authority granted to the Commissioner.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	June 2023

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to promulgate Virginia Grade Standards for Slaughter and Feeder Lambs	
Brief Overview	
The Commissioner of Agriculture and Consumer Services (Commissioner) will promulgate <i>Virginia Grade Standards for Slaughter and Feeder Lambs</i> . Chapter 317 of the 2020 Acts of Assembly reassigns authority for administering the provisions of the Grades, Marks, and Brands Law (Va. Code § 3.2-4300 et seq.), which deals with the grading of agricultural commodities, from the Director of the Division of Marketing to the Commissioner. This regulatory action will include the Commissioner’s repeal of <i>Virginia Grade Standards for Slaughter and Feeder Lambs</i> (2 VAC 5-280) and promulgation of identical standards under the regulatory authority granted to the Commissioner.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule

	<input type="checkbox"/> Final Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	
Expected Date	June 2023

Title of Proposed Regulatory Action or Guidance Document Regulatory action to repeal Breeder Sheep Grade Standards	
Brief Overview The Commissioner of Agriculture and Consumer Services (Commissioner) will repeal <i>Breeder Sheep Grade Standards</i> (2 VAC 5-290), which was promulgated by the Director of the Division of Marketing. Chapter 317 of the 2020 Acts of Assembly reassigns authority for administering the provisions of the Grades, Marks, and Brands Law (Va. Code § 3.2-4300 et seq.), which deals with the grading of agricultural commodities, from the Director of the Division of Marketing to the Commissioner. This regulatory action will include the Commissioner’s promulgation of identical standards under the regulatory authority granted to the Commissioner.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Final Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Guidance Document <input type="checkbox"/> Exempt Rule
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action <input type="checkbox"/> Action required by state statute
Deregulatory Component	
Expected Date	June 2023

Title of Proposed Regulatory Action or Guidance Document Regulatory action to promulgate Breeder Sheep Grade Standards	
Brief Overview The Commissioner of Agriculture and Consumer Services (Commissioner) will promulgate <i>Breeder Sheep Grade Standards</i> , which was promulgated by the Director of the Division of Marketing. Chapter 317 of the 2020 Acts of Assembly reassigns authority for administering the provisions of the Grades, Marks, and Brands Law (Va. Code § 3.2-4300 et seq.), which deals with the grading of agricultural commodities, from the Director of the Division of Marketing to the Commissioner. This regulatory action will include the Commissioner’s	

repeal of <i>Breeder Sheep Grade Standards</i> (2 VAC 5-290) and promulgation of identical standards under the regulatory authority granted to the Commissioner.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	
Expected Date	June 2023

Title of Proposed Regulatory Action or Guidance Document	
Regulatory action to repeal Rules and Regulations for Enforcement of the Virginia Pest Law – Thousand Cankers Disease Quarantine	
Brief Overview	
The Board of Agriculture and Consumer Services is expected to repeal <i>Rules and Regulations for Enforcement of the Virginia Pest Law – Thousand Cankers Disease Quarantine</i> (2 VAC 5-318).	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	Repeal will result in the elimination of 10 regulatory requirements.
Expected Date	May 2023

Title of Proposed Regulatory Action or Guidance Document	
2023 Virginia Cooperative Spongy Moth Suppression Program (Guidance Document)	
Brief Overview	
The proposed changes will update the dates within the guidelines to reflect the dates relevant to the 2023 Virginia Cooperative Spongy Moth Suppression Program. Additionally, edits have been made throughout the document to reflect the new official common name of <i>Lymantria dispar</i> , which was announced in March 2022 by the Entomological Society of America. The new official common name is "spongy moth" (formerly the gypsy moth).	

Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	August 15, 2022	

Title of Proposed Regulatory Action or Guidance Document		
Agricultural Stewardship Act Guidelines (Guidance Document)		
Brief Overview		
Revisions to the Agricultural Stewardship Act Guidelines include minor procedural changes incorporated since the last revision in 2010, deleting outdated forms, and the addition of a Soil and Water Conservation District Policy for Handling Agricultural Stewardship Act Complaints that is updated and submitted annually to the Department of Agriculture and Consumer Services.		
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input type="checkbox"/> Discretionary action
Deregulatory Component		
Expected Date	October 10, 2022	