



Final Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5 - 206
Regulation title	Regulation for Scrapie Eradication
Action title	Promulgating a new regulation on scrapie eradication
Date this document prepared	April 17, 2008

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The agency is proposing a new regulation for the eradication of scrapie in Virginia goats and sheep. The federal regulation which became effective in September 2001 restricts interstate movement of sheep and goats from states that have not initiated intrastate regulatory action concerning scrapie eradication. Virginia has been allowed to maintain its status as a scrapie “consistent” state by USDA, based on actions taken through the Administrative Process Act, in promulgation of a new regulation for the eradication of scrapie.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The proposed regulation, 2 VAC 5 – 206 Regulation for Scrapie Eradication, was adopted by the Virginia Board of Agriculture and Consumer Services on March 20, 2008.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 3.1-724 mandates that the Board of Agriculture and Consumer Services and the State Veterinarian cooperate with the livestock sanitary control officials of other states, and with the U. S. Secretary of Agriculture and the United States Department of Agriculture (USDA) in establishing rules and regulations to protect the livestock and poultry of Virginia against contagious and infectious diseases.

Section 3.1-726 authorizes the Board of Agriculture and Consumer Services to adopt regulations as may be necessary for eradicating and preventing the spread of contagious and infectious diseases.

Section 3.1-730 mandates that the Board of Agriculture and Consumer Services or the State Veterinarian give and enforce directions and prescribe rules and regulations to separating, feeding, and caring for diseased or exposed animals or poultry as may be necessary to prevent the animals or poultry affected with disease, or capable of communicating disease, from coming in contact with other animals or poultry not affected.

Under Code of Federal Regulation (CFR) Title 9, Chapter 1, Part 54, Section 2, the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS) will execute cooperative agreements and/or memoranda of understanding with the animal health agencies of any state in order to cooperatively administer the Scrapie Eradication Program. Each agreement must specify the roles of the state and federal government for the eradication program and the state Scrapie Flock Certification Program.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

Scrapie is a debilitating disease of sheep and goats which is estimated to have cost U.S. producers \$20 to \$25 million annually during the maximum incidence of the disease. Infected flocks are less productive, as affected animals usually die during their peak productive years. Recent publicity regarding a possible link between Bovine Spongiform Encephalopathy (“Mad Cow Disease”) and the feeding of cattle in England with scrapie-infected sheep products, has severely affected domestic and international trade in sheep and sheep-derived products. Many renderers have declined to render sheep offal or to pick up dead sheep, significantly increasing

disposal costs for sheep producers. In addition, other countries have threatened possible restrictions on importing certain non-sheep ruminant products from the U.S. because of scrapie.

The USDA has made a commitment to the sheep industry to eradicate scrapie in the U.S. by 2010. The federal regulation, which became effective in September 2001, restricts interstate movement of sheep and goats from states that have not initiated intrastate regulatory action concerning scrapie eradication within two years. The goal of the proposed regulation is to eradicate scrapie in Virginia sheep and goats. The regulation will provide the program standards and procedures for Virginia to participate in the Cooperative State-Federal-Industry Scrapie Program.

The agency has determined that the proposed regulation will protect the welfare of Virginia because it will allow the continued interstate movement of sheep and goats and negate economic losses due to this debilitating disease. Additionally, the eradication of scrapie in Virginia would eliminate the basis for the possible restrictions on trade with Virginia.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

Since this is a new regulation, there are no existing sections. The proposed regulation will meet the minimum requirements of the "Scrapie Eradication State-Federal-Industry Uniform Methods and Rules" established by the USDA /Animal Plant Health Inspection Service (APHIS) in August 2002, and revised in October 2003. The proposed regulation will provide guidance for the prevention, monitoring, control, and eradication of scrapie disease from domestic sheep flocks and goat herds in Virginia and for maintenance of state status in the USDA Scrapie Eradication Program. An analysis of Virginia's compliance was conducted in April 2006 by the USDA. They found Virginia to be fully compliant pending final adoption of the proposed regulation.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage to small business sheep and goat owners is that they will maintain the ability to sell their animals in interstate commerce and at markets that deal in interstate commerce. This means more competition for the animals and thus higher prices. Market

managers will be able to pool sheep and goats so that they will be attractive to large volume buyers outside of the state of Virginia.

The principle disadvantage to the small business flock owner is maintaining the records, since most sheep and goat flocks in Virginia are identified in some manner. The animals must be identified with a tag unique to the farm of origin and distinct from other animals on that farm, and records must be kept. Livestock markets and slaughter houses will also have to assure that the animals are tagged. From a regulatory point of view, this helps in disease trace backs. Adequate tracking is essential to meet the national goal of tracing any animal back to its farm of origin within 48 hours.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
Definitions	“Breeding Sheep and Goat” defined	Breeding Goat now defined	“Breeding sheep and goat is not used” but “breeding goat” is.
Definitions	“Diagnosis” defined	Definition removed	Unnecessary
* Definitions	“Exposed animal” not defined	“Exposed animal” defined	For clarification
Definitions	Some wording in “Exposed flock” removed	Reworded definition	For clarification
Definitions	“Flock or Herd” defined	“Flock” defined only	For clarification
* Definitions	“Flock of Origin” not defined	Defined	For clarification
Definitions	“Flock Plan” did not contain comment to include requirements of 9 CFR 54.8	Now contains comment to include requirements of 9 CFR 54.8	For clarification
* Definitions	“High Risk Animal” not defined	Defined	For clarification
Definitions	“Infected Flock” did not contain comments on flock plan	Now contains comments on flock plan	For clarification
Definitions	“Low Risk Commercial Goat” comments on registered and exhibition animals	Comments on registered and exhibition animals removed	For clarification

	included		
Definitions	“Non-Compliant Flock” did not mention APHIS regarding animal movement	Now mentions APHIS regarding animal movement	For clarification
Definitions	“Official USDA Identification” mentioned tattoos and electronic identification	Definition reworded	For clarification
Definitions	“PEMMP” did not mention 9 CFR 54.8	Mentions plan must include requirements in 9 CFR 54.8	For clarification
* Definitions	“PIN” not defined	Defined	For clarification
Definitions	“Scrapie Positive” wording changed	No mention of “diagnosed”	For clarification
Definitions	“Source Flock” wording changed	No mention of “diagnosed” or “positive”	For clarification
Definitions	“Suspect Animal” not defined	Defined	For clarification
2 VAC 5-206-20	Identification requirements	Requirements not changed. Paragraph reworded.	For clarification
* 2 VAC 5-206-20	All flocks must be listed on record if flock of origin cannot be identified	All flocks no longer need to be listed	Requirement too cumbersome
2 VAC 5-206-20	“representative of the Virginia Department of Agriculture and Consumer Services” removed	“State Veterinarian or his designee” added	For clarification
2 VAC 5-206-20	Requirements for animals to be officially identified and those not required reworded	Reworded and added requirements for animals shipped to slaughter and grazing animals	For consistency with CFR
2 VAC 5-206-30	Importation requirements	Importation requirements reworded	For clarification
* 2 VAC 5-206-30	Exhibition requirements	Exhibition requirements reworded to specifically mention USDA Scrapie Flock Certification Program and ID requirements	For clarification
2 VAC 5-206-50	Scrapie management	Small wording changed	For clarification

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
Donna Hagen	Commenter believes regulation will be harmful to small farmers, & that scrapie is not a significant threat in Virginia	Most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort
Sue Garvin	Commenter believes the regulation is poorly written	Worked with comments submitted, worked with USDA, added 5 definitions, modified 7 definitions, modified language in regulation.
John Coles	Commenter believes that the regulation is connected to the National Animal Identification System (NAIS), that it will be harmful to small farmers, & that scrapie is not a significant threat in Virginia	NAIS and scrapie are different programs, most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort
Dorothy Walker	Commenter believes that scrapie is not a significant threat in Virginia, & that the regulation is not needed for 4-H or hobby animals	48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort, teaching opportunity for health and biosecurity
Hillary Little	Commenter believes that the regulation is connected to NAIS, that it is government interference, & will be harmful to small farmers	NAIS and scrapie are different programs, similar to other regulatory disease programs, approved in other states, most VA small ruminant farmers are small
Chantel McSkimming	Commenter believes that the regulation is connected to NAIS, that it will be harmful to small farmers, that scrapie is not a significant threat in Virginia, & that premises or animal ID should not be required	NAIS and scrapie are different programs, most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort
Elizabeth Lauck	Commenter believes that scrapie is not a significant threat in Virginia	48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort
Christine Solem	Commenter believes the regulation will be harmful to small farmers, that scrapie is not a significant threat in Virginia, that punishment is extreme, & that goats should be exempt	Most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort, if goats were exempt VA would not be a consistent state, no specific penalties are in the proposed regulations, refers to statutory authority to impose penalty
Gary & Bernadette Barber	Commenter believes that the regulation is connected to NAIS, will be harmful to small farmers, that scrapie is not a significant threat in	NAIS and scrapie are different programs, most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which

	Virginia, that premises or animal ID should not be required, that this is government interference, & that punishment is extreme	supports eradication effort, no specific penalties are in the proposed regulations, refers to statutory authority to impose penalty, similar to other regulatory disease programs, approved in other states
Jennifer Taylor	Commenter believes the regulation is not needed for 4-H or hobby animals	teaching opportunity for health and biosecurity
Diane Lowery	Commenter believes that the regulation is connected to NAIS, that it is government interference, that premises or animal ID should not be required, & that non-commercial herds should be exempt	NAIS and scrapie are different programs, similar to other regulatory disease programs
Mike Lowery	Commenter believes that the regulation is Government interference and will be harmful to small farmers	Similar to other regulatory disease programs, most VA small ruminant farmers are small
Bow & Taylor Chadwick	Commenter believes that the regulation is connected to NAIS, & that it is government interference	NAIS and scrapie are different programs, similar to other regulatory disease programs
Barbara Halligan	Commenter believes that the regulation is connected to NAIS, that it is government interference, will be harmful to small farmers, that scrapie is not a significant threat in Virginia, that premises or animal ID should not be required, that punishment is extreme, that is not needed for 4-H or hobby animals, that it doesn't meet the needs of all producers, & that it is for foreign gain	NAIS and scrapie are different programs, similar to other regulatory disease programs, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort, no specific penalties are in the proposed regulations, refers to statutory authority to impose penalty, teaching opportunity for health and biosecurity, individual needs vary
Norma Andes	Commenter believes that the regulation is connected to NAIS, that it is government interference, & that premises or animal ID should not be required	NAIS and scrapie are different programs, similar to other regulatory disease programs
Louise Johnson	Commenter believes that the regulation doesn't meet the needs of all producers	Individual needs vary
Larry Hethcox	Commenter believes that the regulation is connected to NAIS, harmful to small farmers, and not needed for 4-H or hobby animals	NAIS and scrapie are different programs, most VA small ruminant farmers are small, teaching opportunity for health and biosecurity
Anne Buteau	Commenter believes that the regulation is connected to NAIS, harmful to small farmers, & that scrapie is not a significant threat in Virginia	NAIS and scrapie are different programs, most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort
Richard Beam	Commenter believes that the regulation is connected to NAIS, that it is government interference, will be harmful to small farmers, &	NAIS and scrapie are different programs, most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which

	that scrapie is not a significant threat in Virginia	supports eradication effort, similar to other regulatory disease programs
Helen Tucker	Commenter believes regulation is not needed for 4-H or hobby animals	teaching opportunity for health and biosecurity
Debbie Pittman	Commenter believes that the regulation is connected to NAIS, & that it is government interference	NAIS and scrapie are different programs, similar to other regulatory disease programs
Kent Cuthbertson	Commenter believes that regulation is Governmental interference, harmful to small farmers, & that scrapie is not a significant threat in Virginia	Similar to other regulatory disease programs, most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort
The Mancis	Commenter believes that the regulation is connected to NAIS, harmful to small farmers, not needed for 4-H or hobby animals, is poorly written, doesn't meet the needs of all producers, that non-commercial herds should be exempt, & that scrapie is not a significant threat in Virginia	NAIS and scrapie are different programs, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort, teaching opportunity for health and biosecurity, worked with comments submitted, worked with USDA, added 5 definitions, modified 7 definitions, modified language in regulation, individual needs vary
Elizabeth H. Mills	Commenter believes that the regulation is government interference, will be harmful to small farmers, is not needed for 4-H or hobby animals, & that scrapie is not a significant threat in Virginia	Similar to other regulatory disease programs, most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort, teaching opportunity for health and biosecurity
R. Gardiner	Commenter believes that the regulation is connected to NAIS, that it is not needed for 4-H or hobby animals, & that scrapie is not a significant threat in Virginia	NAIS and scrapie are different programs, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort, teaching opportunity for health and biosecurity
Susan Freesen	Commenter believes that the regulation is connected to NAIS, harmful to small farmers, governmental interference, that punishment is extreme, & that scrapie is not a significant threat in Virginia	NAIS and scrapie are different programs, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, similar to other regulatory disease programs, most VA small ruminant farmers are small, no specific penalties are in the proposed regulations, refers to statutory authority to impose penalty
Robert Walton	Commenter believes that the regulation is connected to NAIS, harmful to small farmers, that premises and animal ID should not be required, & that scrapie is not a significant threat in Virginia	NAIS and scrapie are different programs, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, similar to other regulatory disease programs, most VA small ruminant farmers are small
Brad Constable	Commenter believes regulation is harmful to small farmers	most VA small ruminant farmers are small
Jeannete Eby	Commenter believes that the regulation is connected to NAIS, & that it is not needed for 4-H or hobby animals	NAIS and scrapie are different programs, teaching opportunity for health and biosecurity
Paige Brown	Commenter believes that the regulation is connected to NAIS, that it is not needed for 4-H or	NAIS and scrapie are different programs, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, teaching opportunity for

	hobby animals, that premises or animal ID is not needed, & that scrapie is not a significant threat in Virginia	health and biosecurity
Anonymous Caller	Commenter believes that regulation is Governmental interference, harmful to small farmers, & that scrapie is not a significant threat in Virginia	Similar to other regulatory disease programs, most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations
Jean Lucas	Commenter believes that the regulation is connected to NAIS	NAIS and scrapie are different programs
Lois Smith	Commenter believes that premises or animal ID should not be required	Identification is necessary if disease eradication is to occur. If this relates to NAIS, NAIS and scrapie are different programs.
Susan Croes	Commenter believes that the regulation hampers the ability to provide for the family	Eradication of scrapie has negligible, if any, impact on ones ability to provide for their family.
Chris Powell	Commenter believes regulation is harmful to small farmers, & that premises or animal ID should not be required	Most VA small ruminant farmers are small
Wayne Bolton	Commenter believes that the regulation is connected to NAIS, harmful to small farmers, & that scrapie is not a significant threat in Virginia	NAIS and scrapie are different programs, most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations
Sidney Storozum	Commenter believes that the regulation is Governmental interference, & that the punishment is extreme	similar to other regulatory disease programs, no specific penalties are in the proposed regulations, refers to statutory authority to impose penalty
David O'Bryan	Commenter believes that the punishment is extreme	no specific penalties are in the proposed regulations, refers to statutory authority to impose penalty
Greg Lilly	Commenter believes that the regulation is connected to NAIS, that punishment is extreme & that scrapie is not a significant threat in Virginia	Most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort, no specific penalties are in the proposed regulations, refers to statutory authority to impose penalty
Gary Via	Commenter believes that the regulation is connected to NAIS, & that it is governmental interference	NAIS and scrapie are different programs, similar to other regulatory disease programs
Renard Turner	Commenter believes that the regulation is harmful to small farmers, that the punishment is extreme and that scrapie is not a significant threat in Virginia	Most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort, no specific penalties are in the proposed regulations, refers to statutory authority to impose penalty
Heather Peck	Commenter believes that the regulation is harmful to small farmers, and that scrapie is not a significant threat in Virginia	Most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations, incidence is low which supports eradication effort
Ryan Buffa	Commenter believes that the regulation is connected to NAIS	NAIS and scrapie are different programs
Edward Ely	Commenter believes that the	48 scrapie cases on 30 VA farms since 1983, 6

	regulations is outside the bounds of legislation, & that scrapie is not a significant threat in Virginia,	current investigations, incidence is low which supports eradication effort, Board of Agriculture has authority to approve regulations proposed by the Commissioner and the State Veterinarian
Jay Shapiro	Commenter believes that the regulation is connected to NAIS	NAIS and scrapie are different programs
Kathleen Mahanes	Commenter believes that the regulation is connected to NAIS, & that it is harmful to small farmers	NAIS and scrapie are different programs, most VA small ruminant farmers are small
C.B.	Commenter believes that the regulation is connected to NAIS, & that scrapie is not a significant threat in Virginia	NAIS and scrapie are different programs, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations
Pat Knapp	Commenter believes that the regulation is connected to NAIS	NAIS and scrapie are different programs
Wayne Willis	Commenter believes this is an attempt to tax pet/livestock owners, & that ear clips are hazardous	No fees in proposed regulations, multiple options to ear tags
Anne McKeithen	Commenter believes that the regulation is harmful to small farmers	Most VA small ruminant farmers are small
Hannah Short	Commenter believes that the regulation is connected to NAIS, & that scrapie is not a significant threat in Virginia	NAIS and scrapie are different programs, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations
Larry Langford	Commenter believes that the regulation is connected to NAIS	NAIS and scrapie are different programs
Sheri Massey	Commenter believes that the regulation is connected to NAIS, & that it is harmful to small farmers	NAIS and scrapie are different programs, most VA small ruminant farmers are small
Lauren Massey	Commenter believes that the regulation is connected to NAIS, & that it is harmful to small farmers	NAIS and scrapie are different programs, most VA small ruminant farmers are small
Rosemary Gould	Commenter believes that the regulation is harmful to small farmers	Most VA small ruminant farmers are small
Cassie Klaus	Commenter believes that the regulation is harmful to small farmers	Most VA small ruminant farmers are small
Sarah Lam	Commenter believes that the regulation is connected to NAIS, that it is harmful to small farmers, & that scrapie is not a significant threat in Virginia	NAIS and scrapie are different programs, most VA small ruminant farmers are small, 48 scrapie cases on 30 VA farms since 1983, 6 current investigations
Sue Garvin	Commenter believes the regulation is necessary to maintain "consistent state" status with USDA	The agency agrees with these comments.
Leo Tammi	Commenter believes the regulation is necessary to maintain "consistent state" status with USDA, and for disease eradication	The agency agrees with these comments.
Wayne Pryor	Commenter believes the regulation is necessary for movement in interstate commerce, and for	The agency agrees with these comments.

	disease eradication	
Robin Freeman	Commenter believes the regulation is necessary to maintain “consistent state” status with USDA, and for disease eradication	The agency agrees with these comments.
Dr. Scott Greiner	Commenter believes the regulation is necessary to maintain “consistent state” status with USDA, for disease eradication, and to maintain industry standards	The agency agrees with these comments.
Bill McKinnon	Commenter believes the regulation is necessary for disease eradication	The agency agrees with these comments.
David Shifflett	Commenter believes the regulation is necessary to maintain “consistent state” status with USDA, for disease eradication, and to maintain industry standards	The agency agrees with these comments.
Katie Frazier	Commenter believes the regulation is necessary to maintain “consistent state” status with USDA	The agency agrees with these comments.
Dr. Terry Taylor	Commenter believes the regulation is necessary to maintain “consistent state” status with USDA	The agency agrees with these comments.
Wilmer Stoneman	Commenter believes the regulation is necessary to maintain “consistent state” status with USDA	The agency agrees with these comments.
Martha Mewbourne	Commenter believes the regulation is necessary to maintain “consistent state” status with USDA	The agency agrees with these comments.
Linda Campbell	Commenter believes the regulation is necessary to maintain “consistent state” status with USDA	The agency agrees with these comments.

Enter any other statement here

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

The entire proposed regulation is new. There was no existing regulation or sections to change. See above section “Changes made Since the Proposed Stage” for changes made in the proposed regulation.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

There are no alternative methods. The proposed regulation meets the minimum federal requirements. The proposed regulation would have a minimal impact on small businesses in Virginia. Failure to adopt this regulation will immediately have a devastating impact on the sheep industry in Virginia. If scrapie is diagnosed in a goat in Virginia, failure to have regulations necessary to maintain USDA Scrapie Consistent status will negatively impact goat producers in Virginia. Failure to adopt a regulation will have a negative impact on many of the livestock markets operating in Virginia, especially the markets that have out of state buyers for sheep.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Unless otherwise discussed in this document, the proposed regulation has no impact upon families.