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Exempt Action Final Regulation Agency Background Document

Agency name	Commissioner of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation(s)	2 VAC 5-210
Regulation title(s)	Rules and Regulations Pertaining to Meat and Poultry Inspection under the Virginia Meat and Poultry Products Inspection Act
Action title	Update reference to Code of Federal Regulations to 2018 publication date
Final agency action date	April 11, 2018
Date this document prepared	April 12, 2018

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

The amendment to 2 VAC 5-210, Rules and Regulations Pertaining to Meat and Poultry Inspection under the Virginia Meat and Poultry Products Inspection Act, updates the publication date for Title 9, Chapter III, Subchapters A and E of the Code of Federal Regulations (CFR) referenced in this regulation from January 1, 2016, to January 1, 2018. The U.S. Department of Agriculture / Food Safety and Inspection Service (USDA/FSIS) updates Title 9, Chapter III on January 1 of each year.

USDA/FSIS's revisions to the CFR that will be incorporated by reference with the Commissioner's adoption of the updated publication date are summarized below.

Livestock owners, transporters, haulers, and other persons not employed by an official establishment will be held responsible if they commit acts involving inhumane handling of livestock in connection with slaughter when on the premises of an official establishment. The regulations on ante-mortem inspection were amended to remove a provision that permits establishments to set apart and hold for treatment veal calves that are unable to rise from a recumbent position and walk because they are tired or cold. This amendment also requires all non-ambulatory disabled cattle to be promptly disposed of after they have been condemned. The provision that requires ante-mortem inspection to be conducted in pens has been removed. The definition and standard of identity for the "roaster" or "roasting chicken" poultry class has been amended to better reflect the characteristics of "roaster" chickens in the market today. The "roaster" definition was also updated to remove the eight-week minimum age criterion and increase the ready-to-cook carcass weight from five pounds to five and one-half pounds.

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.

On April 11, 2018, the Acting Commissioner of Agriculture and Consumer Services adopted amendments to 2 VAC 5-210, Rules and Regulations Pertaining to Meat and Poultry Inspection Under the Virginia Meat and Poultry Products Inspection Act.

Family impact

Please assess the impact of this 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.

This regulatory action will not impact the institution of the family and family stability.

Periodic review/small business impact review report of findings

This section may be used to report the results of a periodic review/small business impact review. Otherwise, delete this section.

Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity

of the regulation; (4) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

No comments were received during the public comment period that concluded on March 12, 2018, nor has the agency received any complaints regarding the regulation. The agency has determined that the provisions of this regulation, which assist in maintaining a safe supply of meat and poultry, remain necessary for the protection of public health and the economic welfare of Virginia's livestock and poultry industries. This regulation is clearly written and easily understandable by the entities subject to its provisions. This regulation adopts by reference certain sections of the Code of Federal Regulations governing meat and poultry inspection and ensures that Virginia meat and poultry inspection processes are equal to federal processes. This regulation was last evaluated in 2016, and the agency has determined that it needs to amend the regulation's reference to certain provisions of the CFR in order to reflect the most recent publication date of the CFR.