

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Board of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	2 VAC 5-510
<b>VAC Chapter title(s)</b>	Rules and Regulations Governing the Production, Processing, and Sale of Ice Cream, Frozen Desserts, and Similar Products
<b>Action title</b>	Amendments to update regulation to provide clarification and remove duplication
<b>Date this document prepared</b>	May 31, 2024
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Fast-track

### **Cost Benefit Analysis**

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: The agency has not identified any direct costs.</p> <p>Indirect Costs: The agency has not identified any indirect costs.</p> <p>Direct Benefits: The proposed amendment in Section 620 removes the requirement that a potential employee must have a medical and physical examination by a registered physician and furnish a satisfactory medical report prior to employment.</p> <p>Indirect Benefits: Regulated entities may receive indirect cost savings due to clarity and consolidation in the regulations and removal of duplication.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) The agency does not have any data on which to base an estimate of the direct or indirect benefits
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)	<p>Proposed amendments throughout the regulation will remove duplicative permitting and inspectional requirements for those retail frozen desserts firms permitted by other regulatory public health programs. There is no cost for the permit to operate a frozen dessert plant. As such, the elimination of the duplicative permitting requirement will have no direct benefit to retail frozen dessert firms that will no longer need to obtain this permit.</p> <p>The proposed amendment in Section 650 allows for the use of more cost-effective electronic record keeping devices.</p>	
(5) Information Sources	N/A	

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: The agency has not identified any direct costs.</p> <p>Indirect Costs: Under the status quo, retail frozen dessert firms would continue to be subject to duplicative permitting and inspection requirements, as well as duplicative food safety regulations.</p>	
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	<p>Direct Benefits: The agency has not identified any direct benefits.</p> <p>Indirect Benefits: The agency has not identified any indirect benefits.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A There is no cost for the permit to operate a frozen dessert plant.	(b) N/A
(3) Net Monetized Benefit	None	
(4) Other Costs & Benefits (Non-Monetized)	None	
(5) Information Sources	N/A	

**Table 1c: Costs and Benefits under Alternative Approach(es)**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no known alternative approaches to the amendments proposed in this regulatory action.</p> <p>Indirect Costs: There are no known alternative approaches to the amendments proposed in this regulatory action.</p> <p>Direct Benefits: There are no known alternative approaches to the amendments proposed in this regulatory action.</p> <p>Indirect Benefits: There are no known alternative approaches to the amendments proposed in this regulatory action.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)	N/A	

(5) Information Sources	N/A
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**Impact on Local Partners**

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 2: Impact on Local Partners**

(1) Direct & Indirect Costs & Benefits (Monetized)	The proposed amendments will have no direct or indirect costs or benefits on local partners.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Assistance	N/A	
(5) Information Sources	N/A	

**Impacts on Families**

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 3: Impact on Families**

(1) Direct & Indirect Costs & Benefits (Monetized)	The agency has not identified any direct or indirect costs or benefits on families associated with the proposed amendments.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Information Sources	N/A	

**Impacts on Small Businesses**

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 4: Impact on Small Businesses**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: The agency has not identified any direct costs.</p> <p>Indirect Costs: The agency has not identified any indirect costs.</p> <p>Direct Benefits: The proposed amendment in Section 620 removes the requirement that a potential employee must have a medical and physical examination by a registered physician and furnish a satisfactory medical report prior to employment.</p> <p>Indirect Benefits: Retail frozen dessert firms that are small businesses will no longer be subject to duplicative permitting and inspection requirements.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) The agency does not have any data on which to base an estimate of the direct or indirect benefits
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Alternatives	N/A	
(5) Information Sources	N/A	



**Changes to Number of Regulatory Requirements****Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

*Change in Regulatory Requirements*

<b>VAC Section(s) Involved*</b>	<b>Authority of Change</b>	<b>Initial Count</b>	<b>Additions</b>	<b>Subtractions</b>	<b>Total Net Change in Requirements</b>
510-10	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	0	0	0	0
510-20	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	0	0	0	0
510-30	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	31	0	-5	-5
510-40	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	0	0	0	0
510-50	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	2	0	-2	-2
510-90	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	27	0	-9	-9
510-110	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	12	0	-10	-10
510-130	<b>(M/A):</b>	0	0	0	0

	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	24	0	-24	-24
510-150	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	10	0	-10	-10
510-170	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	6	0	-6	-6
510-190	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	6	0	-6	-6
510-210	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	2	0	0	0
510-240	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	4	0	0	0
510-260	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	7	0	0	0
510-280	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	5	0	0	0
510-290	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	6	0	0	0
510-310	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0



	<b>(D/R):</b>	6	0	0	0
510-330	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	6	0	0	0
510-350	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	6	0	-1	-1
510-370	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	0	0	0	0
510-380	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	0	0	0	0
510-390	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	1	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	6	0	-2	-2
510-415	<b>(M/A):</b>	0	0	0	0
	<b>(D/A): § 3.2-5212</b>	0	+1	0	+1
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	0	+9	0	+9
510-420	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	3	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	5	+10	0	+10
510-430	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	5	+1	0	+1
510-440	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	7	0	0	0
	<b>(M/R):</b>	0	0	0	0

	<b>(D/R):</b>	4	0	0	0
510-450	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	119	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	1	0	0	0
510-460	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	14	0	0	0
510-470	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	2	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	2	0	0	0
510-490	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	25	0	0	0
510-500	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	34	+2	-1	+1
510-505	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	0	+3	0	+3
510-510	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	698	+23	-17	+6
510-520	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	8	0	0	0
510-530	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	1	0	-1	-1
510-540	<b>(M/A):</b>	0	0	0	0

	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	2	0	0	0
510-550	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	2	+3	0	+3
510-560	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	1	+1	0	+1
510-570	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	13	0	0	0
510-600	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	1	0	0	0
510-610	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	4	0	0	0
510-620	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	4	0	-1	-1
510-630	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b>	1	0	0	0
510-640	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R): § 3.2-5212</b>	1	0	-1	-1
510-650	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0

	<b>(D/R):</b> § 3.2-5212	3	+1	0	+1
510-660	<b>(M/A):</b>	0	0	0	0
	<b>(D/A):</b>	0	0	0	0
	<b>(M/R):</b>	0	0	0	0
	<b>(D/R):</b> § 3.2-5212	1	0	-1	-1
				<b>Grand Total of Changes in Requirements:</b>	<b>(M/A): 0</b>
					<b>(D/A): +1</b>
					<b>(M/R): 0</b>
					<b>(D/R): -44</b>

**Key:**

*Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:*

**(M/A):** Mandatory requirements mandated by federal and/or state statute affecting the agency itself

**(D/A):** Discretionary requirements affecting agency itself

**(M/R):** Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

**(D/R):** Discretionary requirements affecting external parties, including other agencies

*Cost Reductions or Increases (if applicable)*

<b>VAC Section(s) Involved*</b>	<b>Description of Regulatory Requirement</b>	<b>Initial Cost</b>	<b>New Cost</b>	<b>Overall Cost Savings/Increases</b>
N/A	N/A	N/A	N/A	N/A

*Other Decreases or Increases in Regulatory Stringency (if applicable)*

<b>VAC Section(s) Involved*</b>	<b>Description of Regulatory Change</b>	<b>Overview of How It Reduces or Increases Regulatory Burden</b>
510-420	Removes requirement for retail frozen dessert establishments, as well as importers, to receive and retain a permit to operate a frozen dessert plant.	Removes duplicative permitting, inspection, and sampling requirements for those firms already permitted under other government public health programs.
510-450	Removes requirement that the agency sample certain products sold by retail frozen dessert establishments on a regular basis.	Removes duplicative sampling requirements for those firms already permitted under other government public health programs.

510-530	Removes requirement for retail frozen dessert establishments to have their facilities inspected on a regular basis.	Removes duplicative inspectional requirements for those firms already permitted under other government public health programs.
510-620	Potential employees no longer need a medical and physical examination by a registered physician and furnish a medical certification prior to employment.	Positive effect on both employee income and manufacturing plant staffing.
510-650	Allows for the use of electronic records in lieu of paper recording charts for required data.	Allows greater flexibility and more cost-effective means of recording keeping while maintaining food safety.

*Length of Guidance Documents (only applicable if guidance document is being revised)*

<b>Title of Guidance Document</b>	<b>Original Word Count</b>	<b>New Word Count</b>	<b>Net Change in Word Count</b>
N/A	N/A	N/A	N/A

\*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).