



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-80
Regulation title	Requirements Governing the Branding of Cattle in Virginia
Document preparation date	March 8, 2011

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

This regulation is authorized by §3.2-6101, which states that “The Commissioner, with the approval of the Board, may adopt regulations reasonably necessary to carry out the intent and purposes of this chapter and that facilitate the tracing and identification of cattle and afford protection against stealing and unlawful dealing in cattle.” The promulgating entity is the Board of Agriculture and Consumer Services.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

An alternative to a regulation describing the requirements governing the branding of cattle in Virginia would be to request that cattle producers voluntarily agree not use the same branding as another producer. Section 3.2-6101 establishes the registry that requires that brands are not duplicated. A producer seeking to utilize a particular brand to identify an animal may refer to the branding registry. A voluntary system is not practical because the potential for duplication of branding identification will

increase if an updated registry is not available. This regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Austin Roofing Experts	I think that branding cattle is a good idea. And people wont argue over who owns which head.	It is agreed that branding cattle can be an effective method of identifying them. This comment is interpreted as being generally supportive of the regulation.
Gerald	Great job by the gov. Probably the gov should focusing on technologies involved in creating business oppoturnity for the small and medium enterprise. Examples can be found at Website	Comment not applicable.
morepowerfulthan.com	Informative!	Comment not specific enough to respond to.
Groupon Clone	best groupon clone	Comment not applicable.

The above four public comments were received. Due to the absence of any constructive comments, there was no need to form an advisory group to respond.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation is necessary to describe, in regulatory format, the statutes regarding cattle branding and registration that can be found in §3.2-6100 - §3.2-6109. The regulation is necessary for the protection of public health and welfare. It is clearly written and easily understandable.

Result

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

The agency is recommending that the regulation remain in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) 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. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

This regulation is not expected to have a significant economic impact on small business. There is a continued need for the regulation. In order for a cattle brand to be an effective method of identification, records must be maintained. The regulation itself is not complex, and the only potential impact on a small business would be the brand registration application fee of \$10, which is prescribed by statute. The regulation is reviewed periodically but has not changed substantially since it was adopted in 1985. Consistent with the stated objectives of this law, this regulation should be maintained.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulatory action will have no impact on the institution of the family or family stability.