



Periodic Review / Retain Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC5-240
Regulation title	Rules and Regulations for Enforcement of the Grain Handlers Law
Document preparation date	March 9, 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.

The authority for this regulation is contained in Section 3.2-4324 of the Code of Virginia. This section authorizes the Board of Agriculture and Consumer Services to establish rules and regulations relating to the handling of grain in the Commonwealth including weighing, weighing devices, grading, grading equipment, preservation period for grain samples, and record keeping. The Office of the Attorney General has certified that the agency continues to have the proper authority to promulgate this regulation.

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.

The alternative considered would be to have no regulation at all. With this alternative, there would be no third party assuring sellers' fair and equitable treatment in the selling of their grain. This regulation reflects 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
Skylar	I am trying to figure out if there is any way for the government to stop the potential NFL lockout.	Comment is unrelated to the periodic review of this regulation.
kylemessi	I'm Against this!	Comment is not specific enough for the agency 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 meets the criteria set out in Executive Order 14 (2010) because it is necessary for the protection of public health, safety, and welfare, and 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 recommends that this regulation remain in effect with no changes.

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.

The regulation continues to be needed to insure the fair and equitable treatment in the selling of grain. This regulation establishes procedures by which grain is weighed, graded, and accounted for by grain handlers. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation. The last comprehensive revision of the regulation was in 2000. The regulation attempts to keep up with developments and changes in technology, economic conditions, and the resident population. The agency has determined that the regulation should not be amended at this time.

Family impact

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

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

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