



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Board of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-550
<b>Regulation title</b>	Rules and Regulations Pertaining to Tolerances and Prohibitions Applicable to Sausage
<b>Document preparation date</b>	June 22, 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.*

Sections 3.2-5101 and 3.2-5121 of the Code of Virginia provide the legal basis for the promulgation of these regulations and authorize the Board of Agriculture and Consumer Services to adopt regulations, as needed, for the efficient enforcement of the Virginia Food Laws.

### 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 for achieving the purpose of the existing regulation would be to attempt to enforce the provisions of this regulation via the general provisions of the Virginia Food Laws. However, enforcement of the specific requirements contained in the regulations via the Virginia Food Laws would be difficult and cumbersome. An additional alternative would be to incorporate

portions of the regulations themselves into existing statutes in the Virginia Food Laws. However, the agency rejects this alternative as this process would require a significant expenditure of time and effort and would include specific sausage related provisions that are more suitably defined in 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.*

No public comments were received.

Commenter	Comment	Agency response
N/A	N/A	N/A

**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). The regulation is essential to protect the welfare of citizens in that observation alone will not disclose the amount of fat and other non-meat ingredients that are contained in sausage products. The regulation impacts the health of the citizens of the Commonwealth in that consumers who purchase sausage products will not consume a sausage product with a fat content higher than the maximum amount defined in the regulations. This regulation is clearly written and is 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 stay 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.*

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The agency believes there is a continued need for this regulation because the manufacturing of sausage at the retail level is still occurring and the regulation is needed to ensure that the product is processed according to established standards. The regulation is easily understandable and is not complex. The regulation parallels existing federal regulations but is primarily in place to regulate sausage retailers who are not typically regulated by existing federal or state meat-related regulatory requirements. This regulation is in harmony with and does not conflict with existing federal and state regulations. The last regulatory review for this regulation occurred in 2001. The equipment and technology utilized in making sausage at the retail level has seen minimal change since the last regulatory review. The agency has determined that the regulation should remain in place. The economic impact of the regulation on small businesses is minimal.

### Family impact

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

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This regulation is necessary in order to assure consumers and families that the sausage products that they purchase do not contain excessive levels of fat. It also assures consumers and families that the sausage that they purchase does not contain excessive levels of non-meat ingredients. This regulation ensures that consumers and families have the opportunity to purchase sausage products that are not inferior and that meet their expectations. It should have a positive impact on the institution of the family and family stability.