



Periodic Review / Retain Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-360
Regulation title	Rules and Regulations for the Enforcement of the Virginia Commercial Feed Law
Document preparation date	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.

Section 3.2-4801 of the Code of Virginia (Code) authorizes the Board of Agriculture and Consumer Services to adopt regulations necessary to carry out the provisions of the Virginia Commercial Feed Law.

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.

These regulations are necessary to ensure that feed regulated under the Virginia Commercial Feed Law is properly formulated and labeled and to ensure that manufacturers' recommendations for the use of these regulated products are in accordance with methods and procedures which enhance the safety, quality, and continued availability of animal feed. These regulations meet the minimum requirements of the Code. Without the labeling requirements established in these regulations, commercial feed purchasers would not have the ability to determine the quality and quantity of the ingredients in the feed they purchase. Commercial feed purchasers must be able to ensure that the ingredients in the feed they purchase will support their animal's health and

development. Additionally, purchasers must be able to ensure that animal feed ingredients will not subsequently adulterate food products consumed by humans. As such, repealing these regulations is not a viable alternative.

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. An informal advisory group was not formed for the purpose of assisting this periodic review.

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.

Commercial feed is the primary source of nutrition for animals produced for human consumption. As such, these regulations ensure the quality of the commercial feed distributed in Virginia and are necessary for the protection of public health, safety, and welfare. These regulations are 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 these regulations 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.

The labeling requirements established in these regulations assist a commercial feed purchaser in determining whether the feed will satisfy the nutritional needs of his/her animal(s). While these regulations establish labeling requirements with which commercial feed manufacturers must comply, the regulations do not include any unnecessary or overly burdensome requirements.

These regulations were amended on February 12, 2004. No significant changes to technology, economic conditions, or other factors have occurred that would necessitate modifications to these regulations. The agency recommends that the regulations stay in effect without change.

Family impact

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

These regulations have no impact on the institution of the family and family stability.