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Regulatory
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Periodic Review Including Small Business Impact Findings Agency Background Document

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| Agency name | Board of Agriculture and Consumer Services |
| Virginia Administrative Code (VAC) citation | 2 VAC 5-90 |
| Regulation title | Control and Eradication of Pullorum Disease and Fowl Typhoid in Poultry Flocks and Hatcheries and Products Thereof in Virginia |
| Document preparation date | September 12, 2014 |

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 3.2-6001 of the Code of Virginia directs the Commissioner of Agriculture and Consumer Services, the Board of Agriculture and Consumer Services, and the State Veterinarian to use their best efforts to protect livestock and poultry from contagious and infectious disease. This section states, in part, that it shall be the duties of these parties to cooperate with the livestock and poultry disease control officials of other states and with the U.S. Department of Agriculture in establishing quarantine lines and regulations so as to best protect the livestock and poultry of the Commonwealth.

Section 3.2-6002 of the Code of Virginia directs VDACS to take necessary measures to prevent the spread of and to eradicate contagious and infectious diseases in livestock and poultry. This statute authorizes the Board of Agriculture and Consumer Services to adopt regulations as may be needed to effectuate this.

This regulation allows VDACS to take the necessary actions to carry out its duties according to these Code sections.

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.

This regulation enables VDACS to make crucial decisions and take vital actions to protect the Commonwealth's poultry against pullorum disease and fowl typhoid. The alternative of a non-existent regulation would mean the possibility of these diseases being easily spread, which would cause large monetary losses for Virginia's poultry producers.

If this regulation were non-existent, it would also interfere with the agency's ability to comply with the National Poultry Improvement Plan for Breeding Poultry (9 CFR 145.1 through 145.54).

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.

The agency received no comments during the public comment period and an informal advisory group was not formed.

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 for the protection of public health, safety, and welfare because it provides for the protection of the poultry population in Virginia, which is a major component of the public food supply. Since a safe food supply is imperative for the public health, safety, and welfare, it is important that this regulation stay in place for the continued protection of the public. The regulation is clearly written and easy to understand.

Result

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

The agency is recommending that the regulation should 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 nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) 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.

Keeping this regulation as is will not have a significant negative impact on small businesses. There is a continued need for this regulation to stay in effect in order to protect poultry species and public health. If the regulation is not maintained, then the risk of pullorum disease and fowl typhoid could have a negative impact on small businesses and poultry producers who rely on poultry for the viability of their farms and businesses. This regulation is important for the poultry industry. There have been no complaints from the public and the regulation is necessarily uncomplicated. This regulation does not overlap, duplicate, or conflict with federal or state law or regulation. Since the last time this regulation was evaluated, there have not been significant changes in technology, economic conditions, or other factors.

Family impact

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

There is no impact on the institution of the family or family stability.