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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

<b>Agency name</b>	Board of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-190
<b>Regulation title</b>	Rules and Regulations Establishing a Monitoring Program for Avian Influenza and Other Poultry Diseases
<b>Date</b>	October 19, 2015

This information is required pursuant to Executive Order 17 (2014).

### 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 3.2-109 of the Code of Virginia (Code) establishes the Board of Agriculture and Consumer Services (Board) as a policy board with the authority to adopt regulations in accordance with the provisions of Title 3.2 of the Code.

Section 3.2-6001 of the Code directs the Commissioner, the Board, the State Veterinarian, and all other veterinarians within the Commonwealth 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 the Commissioner, the Board, and the State Veterinarian to cooperate with the livestock and poultry disease control officials of other states and with the U.S. Department of Agriculture (USDA) 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 directs the State Veterinarian 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 to adopt regulations as may be needed to effectuate this.

### 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.*

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This regulation requires that poultry growers submit diagnostic samples to the state laboratory for the surveillance of poultry diseases. Without this regulation, poultry diseases may go undiagnosed, consequently increasing the potential for disease spread. There is no viable alternative to minimize the potential for the spread of disease throughout Virginia's poultry industry.

### 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.*

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The agency received no comments during the public comment period and did not form an informal advisory group to assist in this periodic review.

### Effectiveness

*Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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This regulation is necessary for the protection of public health, safety, and welfare because it provides protection to the poultry population in Virginia, which is an important component of the animal agriculture industry. Since a safe food supply and good poultry health are imperative for the public's health, it is important that this regulation stay in place for the continued protection of the public and the poultry population. The poultry industry is a significant economic sector in Virginia. The regulation is clearly written and easy to understand.

### Result

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

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The agency is recommending that the regulation stay in effect without change. In the period since this regulation was last evaluated, there have been no significant changes that would necessitate amending it.

### 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 basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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The agency has determined that there is a continued need for this regulation in order to protect the poultry industry in Virginia. Many farms that have poultry are small businesses, and this regulation decreases the potential for the spread of disease amongst poultry populations. There have been no comments or complaints received from the public for this regulation. The regulation is not complex and does not overlap, duplicate, or conflict with federal or state law or regulation. The regulation was last evaluated during a periodic review in 2009. In the period since this regulation was last evaluated, there have been no significant changes in technology, economic conditions, or other factors.