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

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-290
Regulation title	Breeder Sheep Grade Standards
Date	April 22, 2016

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 3.2-4302 of the Code of Virginia authorizes and empowers the Director of the Division of Marketing of the Department of Agriculture and Consumer Services, with approval of the Commissioner of Agriculture and Consumer Services, to establish and promulgate grades for agricultural products that will indicate quality, condition, and other characteristics and to prescribe and promulgate rules and regulations governing the voluntary use of such grades.

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.

There is no viable alternative to 2 VAC 5-290. This regulation establishes grade standards for breeder sheep. There are no other known universal standards for breeder sheep; therefore there would be no impartial way to evaluate the quality of breeding stock without this regulation. The standards established

in this regulation are applied as requested by the industry. 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.

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.

This regulation is necessary for the protection of the economic welfare of the Commonwealth's breeder sheep industry because it provides a means to evaluate the quality of breeding stock. The breeder sheep industry is a significant economic sector in Virginia. In order to produce slaughter animals of high quality and to maintain breeding flocks of suitable characteristics, a means to evaluate the quality of breeding stock is essential. The regulation provides the needed criteria to use in making accurate evaluations of breeding stock regarding their suitability for breeding purposes and the desirability of their offspring. The regulation is clearly written and easily understandable by the individuals and entities affected.

Result

Please state that the reason why 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. There are no standards for breeder sheep; therefore, this regulation provides the only means to evaluate breeder sheep quality.

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.

The agency has determined that there is a continued need for this regulation in order to provide a fair and equitable grading standard for evaluation of breeder sheep. Many farms that have breeder sheep are small businesses, and this regulation assists these entities in evaluating their stock to determine quality. This regulation does not overlap, duplicate, or conflict with federal or state law or regulation. The regulation was last evaluated by periodic review in 2011. In the period since this regulation was last evaluated, there have been no significant changes in technology, economic conditions, or other factors. The standards established in this regulation are applied on a voluntary basis and do not create a burden to small businesses.