



townhall.virginia.gov

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

Agency name	State Milk Commission
Virginia Administrative Code (VAC) citation	2 VAC 15-20
Regulation title	Regulations for the Control and Supervision of Virginia's Milk Industry
Date	April 11, 2017

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 3.2-3204 of the Code of Virginia authorizes the Milk Commission to adopt regulations necessary to carry out the purpose of the Milk Commission, which includes the supervision of the producer price, supply, and the sale of fluid milk in Virginia.

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 provides for the supervision, regulation, and control of the production, processing, transportation, storage, distribution, and sale of milk and cream in the Commonwealth. As the regulation contributes to the viability of the dairy industry in the state, the agency believes the present version is the

least burdensome and least intrusive to the citizens and businesses of the Commonwealth. There are no viable alternatives to achieving the purpose of the existing 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 comments were received during the public comment period that followed the publication of the Notice of Periodic Review that ended on February 27, 2017, and an informal advisory group was not formed for the purpose of assisting 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 public health, safety, and welfare in that it ensures that Virginians will have an adequate supply of milk and that dairy farmers receive a fair price for their milk. The regulation is clearly written and easily understandable.

Result

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

The agency recommends that the regulation stay in effect without change because it is necessary to adequately maintain a stable milk market and is effective in its current format. No changes to agency or industry practices have occurred that would necessitate any modifications to this regulation.

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 continuing need for this regulation in order to support the Virginia dairy industry. The climate in Virginia and other regions of the Southeastern U.S. is not

considered ideal for dairy production. These State Milk Commission regulations provide some incentive for dairy farmers, many of whom are small business owners, to continue operations within the Commonwealth because the regulations allow for farms that own milk quota to be paid an amount greater than the price established by the federal government.

There have been no complaints from the public concerning the regulation. The regulation is not unnecessarily complex. There is no overlap with the federal or state law or regulations. The agency has determined that no changes have occurred in the area affected by this regulation since the last periodic review that would make it necessary to amend or repeal the regulation. The agency has determined that the current version of the regulation is consistent with current industry practices and is the least burdensome and least intrusive alternative.