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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) Chapter citation(s)	2 VAC 5-170
VAC Chapter title(s)	Rules and Regulations for the Registration of Poultry Dealers
Date this document prepared	July 31, 2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

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 of Agriculture and Consumer Services, Board, and State Veterinarian to use their best efforts to protect livestock and poultry from contagious and infectious disease and provides 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 (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 and authorizes the Board to adopt regulations as may be needed to effectuate this.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The agency has determined that no viable alternatives exist to achieve the purpose of this regulation. This regulation establishes requirements for recordkeeping by, and the registry of, poultry dealers to assist in tracing diseased poultry back to their farm of origin. Since this regulation was first promulgated, it has allowed the State Veterinarian and his staff to take vital actions to protect the health of poultry in Virginia. Without this regulation, poultry throughout Virginia would be more vulnerable to contracting and spreading infectious diseases. Along with rules pertaining to avian influenza, this regulation is the least burdensome alternative to minimize the effects of infectious disease on Virginia’s poultry industry.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The agency did not receive any comments during the public comment period following the publication of the Notice of Periodic Review on April 27, 2020. An informal advisory group was not formed for the purpose of assisting in the periodic review.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

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 Virginia’s animal agriculture industry. Since a safe food supply and good poultry health is imperative for the public’s health, it is important that this regulation be retained for the continued protection of the public and the poultry industry. The poultry industry is a significant economic sector in Virginia, with broilers being the number one agricultural commodity in the state. The regulation is clearly written and easy to understand.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The agency is recommending that this regulation stay in effect without change.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

1. The regulation continues to be necessary because it is important for the viability of the poultry industry in Virginia. Many farms that have poultry are small businesses. Without the safeguards this regulation provides, these small businesses take on a great amount of risk. Without this regulation, the risk of disease spread becomes significantly higher and that risk may greatly decrease Virginia's poultry farms and the small businesses that rely on them.
2. There have been no comments or complaints from the public about this regulation.
3. The regulation is not unnecessarily complex and is easily understood.
4. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation.
5. This regulation last underwent periodic review in 2014, and since that time, there have not been significant changes in technology, economic conditions, or other factors in the area affected by the regulation that would require amendments.

This regulation was promulgated with due concerns for industry and has minimal impact on small businesses.
