



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Agriculture and Consumer Services
<b>VAC Chapter Number:</b>	2 VAC 5-170
<b>Regulation Title:</b>	<b>Rules and Regulations for the Registration of Poultry Dealers</b>
<b>Action Title:</b>	Review
<b>Date:</b>	February 4, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

*The regulation requires that poultry dealers and their agents doing business in Virginia register with the State Veterinarian. The regulation sets basic standards of sanitation for dealers to observe in their businesses and requires them to keep records of all transactions related to their businesses; such records are subject to inspection by the State Veterinarian or his representative. Each record must be kept for a period of two years. Nothing in the regulation applies to individuals or companies selling fertile eggs (eggs used to produce poultry), individuals or companies who raise poultry they have produced or poultry they have contracted to raise or sell, individuals or establishments selling table eggs (eggs for human consumption), or bird fanciers pursuing their hobby.*

## Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

*The source of legal authority for this regulation is sections 3.1-727 and 3.1-730 of the Code of Virginia (1950) as amended. The statutes indicate that it shall be the duty of the State Veterinarian to go to those sites where infectious or contagious disease exists in domestic animals or poultry in the Commonwealth and make appropriate examinations. If the existence of infectious or contagious disease is ascertained, the State Veterinarian may adopt and enforce quarantines and regulations and shall enforce such cleaning and disinfecting of premises, vehicles, and equipment necessary to prevent the spread of such diseases. In addition, the law indicates that the Board of Agriculture and Consumer Services or the State Veterinarian shall give and enforce such directions and prescribe such rules and regulations as to separating, feeding and caring for diseased or exposed animals or poultry to prevent exposing other animals or poultry through contact or association. Although the statutes do not mandate the establishment of regulations governing the registration of poultry dealers, the Board has determined that such regulations provide a mechanism to better administer the control of diseases of domestic animals and poultry in Virginia.*

## Public Comment

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

*No comments were received regarding this regulation. No informal advisory groups were formed for assisting in the periodic review of this regulation.*

## Effectiveness

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

*The specific and measurable goals of this regulation include the following:*

- 1. Protect the public's health and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.*
- 2. Establish a registry of poultry dealers as a means of controlling and eradicating poultry diseases by tracing diseased poultry to their origin through dealer records.*

*This regulation is essential to protect the health and welfare of the citizens of the Commonwealth for the following reasons:*

- 1. The regulation requiring the registration of poultry dealers establishes basic sanitation procedures to enhance the protection of the consuming public from diseases that may be transmissible from poultry to humans. It also provides protection for one of the major, economical sources of protein, which is that from poultry products, processed for human consumption.*
- 2. The regulation is essential to protect Virginia's poultry industry, which is a valuable part of Virginia's economy, contributing almost \$791 million in 1998 according to the Virginia Agricultural Statistics Service records, from catastrophic fatal diseases, such as avian influenza and pullorum disease. Exposure of the poultry industry to such catastrophic diseases could result in the collapse of the entire industry and the loss of employment for thousands of individuals.*

*This regulation has no direct impact on the institution of the family and family stability.*

*The regulation governing the registration of poultry dealers is clearly written and easily understood by the affected individuals and entities.*

## Alternatives

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

*The alternative to the requirements of this regulation, which was to not require any registration or record keeping by poultry dealers, was considered. This alternative would place the Virginia poultry industry in the position of being exposed to devastating diseases resulting from the lack of oversight and control of those persons dealing in poultry. Consequently, the regulation appears to be the least burdensome alternative to make certain that records are maintained by*

*poultry dealers so that any poultry which become infected can be traced to their source and action initiated to control and eradicate the disease agent.*

**Recommendation**

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

*The Agency recommends that this regulation stay in effect without change.*

**Family Impact Statement**

*Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.*

*Unless otherwise discussed in this report, this regulation has no impact upon families.*