



Periodic Review / Retain Regulation Agency Background Document

Agency name	Virginia Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5 -310
Regulation title	Official Standards for the Enforcement of the Virginia Apples: Grading, Packing and Marking Law
Document preparation date	February 19, 2009

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

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.

§ 3.2-4501 of the Code of Virginia mandates that the Board of Agriculture and Consumer services shall have the power to adopt reasonable rules and regulations for the enforcement of the law. It further mandates that the Board shall establish and promulgate from time to time official standard grades for apples by which the quality, quantity and size may be determined. It further mandates that the Board shall consult with the Board of Directors of the Virginia Horticultural Society before establishing such official standard grades. The regulation does not exceed the minimum requirements of the state mandates.

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.

The Agency considered repealing the regulation, but it is mandated by the Code of Virginia and the Agency believes the present version is the least burdensome and least intrusive alternative. The regulation contains the Virginia Apple Standards that may be used as a marketing tool to obtain higher

prices and to assist growers in the sale of their apples. For these reasons, the Agency rejected the consideration to repeal 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.

Committer	Comment	Agency response

The Agency received no public comment on this regulation. No informal advisory group was formed for purposes of assisting in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation protects the welfare of citizens by ensuring that the apples in the container meet all the specified container markings. The regulation is clearly written and easily understandable by the individual and entities affected.

Result

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

The Agency recommends that the regulation remain in effect, without change.

Family impact

Please provide an analysis of the regulation’s impact on the institution of the family and family stability.

This regulation will have no impact on the institution of the family and family stability.