

REGULATORY COORDINATOR TRAINING

SUMMER 2016



Outline for Today

- ✓ **Introductions**
- ✓ **Big Picture**
- ✓ **Changes**
- ✓ **Reminders**
- ✓ **Q & A / Wrap Up**



Big Picture

- ✓ **Regulations are agency or board-made law and are often essential to carrying out an agency's mission and meeting its legal obligations set out in the Code of Virginia.**



- ✓ **Regulations are to be up to date and accurate.**
- ✓ **Reviewing your agency's regulations needs to be an ongoing activity.**

Big Picture

Two very important objectives of the rulemaking process:

- 1. Provide adequate notice of a new rule or rule change.**
- 2. Provide opportunity for public comment.**

See “Virginia Regulations 101” handout

THINK BIG

Big Picture

- ✓ **During the last year, 45 fast-track actions completed executive branch review in an average of 3.3 months.**
- ✓ **Since January 2014, 25 emergency regulations have completed executive branch review in an average of 2.2 months.**
- ✓ **So far, 18 standard rulemakings have begun and finished during Governor McAuliffe's administration. The average promulgation time is 22 months.**

Big Picture

- ✓ **DPB's Economic and Regulatory Analysis Division reviews regulatory proposals. We produce economic impact analyses (EIAs) and policy memoranda.**
- ✓ **Our reviews apply the good government principles set out in the Governor's Executive Order on Rulemaking, currently EO 17 (2014).**
- ✓ **We help manage the rulemaking process through the Regulatory Town Hall website.**



We are a resource for you and are always happy to assist you.

Changes Since Our Last Training

- ✓ **A new administration and EO on rulemaking**
- ✓ **Legislation affecting rulemaking**
- ✓ **Many improvements to Town Hall**



A New Administration and EO

- ✓ **New administration - Main point of contact for the Governor's office is Deputy Counsel, Noah Sullivan.**
- ✓ **EO 17 is similar to other EOs on rulemaking, however, there are some differences: (1) NOIRA review, (2) Emergency/NOIRA review period is shorter, (3) report to Cabinet Secretary when missing regulatory timeframes instead of having to obtain a waiver.**

Changes – Three New Laws

1. Emergency regulations effective date

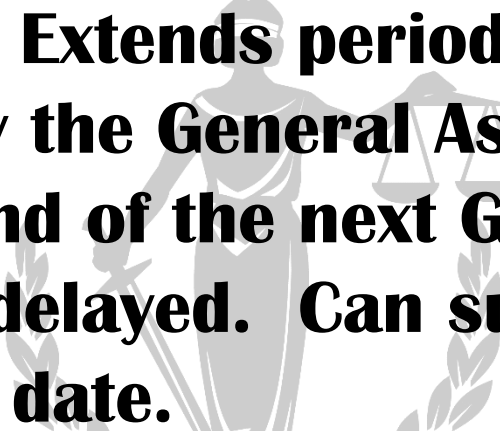
2013 (Chapter 629): Emergency regulations are now effective for 18 months with a 6-month extension possible for a maximum effective period of two years. (Before: 12 months + 6 months to 18 months total).



Changes – Three New Laws

2. Extended suspension period

2015 (Chapter 29): Extends period that a regulation can be suspended by the General Assembly and Governor until the end of the next GA session when the effective date is delayed. Can suspend now up to the delayed effective date.



Changes – Three New Laws

3. Adverse impact notification

Chapter 608 (2015) added this to Code of Virginia Section 2.2-4007.04:

C. In the event the economic impact analysis completed by the Department reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.



TOWN HALL IMPROVEMENTS

AIMING TO GET THE GOLD IN CUSTOMER SATISFACTION



Town Hall Improvements - Larry

- ✓ **Impact on local governments including school divisions**
- ✓ **Meetings**
- ✓ **General notices**



Impact on Local Governments Including School Divisions

- ✓ **Can now query for actions that may have an impact on local governments.**
- ✓ **Indicating that there may be an impact on local governments can be done by either the agency or DPB.**



Impact on Local Governments (Step One)

Regulatory Activity

Actions Underway

Petitions for Rulemaking

Legislative Mandates

Periodic Reviews

General Notices

Showing: 274 actions/stages currently being created, amended, or repealed for all agencies and boards.

[What is an Action?](#)

[Filter options](#)

Board Department for Aging and Rehabilitative Services

Chapter	Action / Stage Information
Provision of Vocational Rehabilitation Services [22 VAC 30 - 20]	<u>Action:</u> Regulatory Review <u>Stage:</u> Proposed - Register Date: 6/13/16
Policies and Procedures for Administering Commonwealth Neurotrauma Initiative Trust Fund [22 VAC 30 - 50]	<u>Action:</u> Amend regulation as result of Periodic Review <u>Stage:</u> Final - At Governor's Office
The Virginia Public Guardian and Conservator Program [22 VAC 30 - 70]	<u>Action:</u> Amendment to include person centered planning language in Sec 30 <u>Stage:</u> Final - At Governor's Office
Auxiliary Grants Program [22 VAC 30 - 80]	<u>Action:</u> Amend Auxiliary Grant (AG) Regulations <u>Stage:</u> Proposed - At Secretary's Office

Impact on Local Governments (Step Two)

Regulatory Activity

Actions Underway

Petitions for Rulemaking

Legislative Mandates

Periodic Reviews

General Notices

[What is an Action?](#)

Showing: 274 actions/stages currently being created, amended, or repealed for all agencies and boards.

[Hide options](#)

Query Selection

What activity would you like to see?

- Chapters currently being created, amended, or repealed
- Published in The Virginia Register in the last 90 days
- Emergency regulations expiring within the next 90 days
- Actions that may have an economic impact on local governments.
 - Currently underway
 - Past
- Changes that have become effective in the last 90 days
- Scheduled to be Published in The Virginia Register
- Changes published in The Virginia Register on 8/8/2016

Secretariat

All Secretariats

Agency

All Agencies

Regulatory Board

All Boards

Stage Type

Submit

It Will Look Like This

Regulatory Activity

Actions Underway

Petitions for Rulemaking

Legislative Mandates

Periodic Reviews

General Notices

[What is an Action?](#)

Showing: 5 changes that may have an economic effect on local governments including school divisions for all agencies and boards. *(Agencies were asked to begin categorizing in fall of 2015)*

[Filter options](#)

Board State Board of Education

Chapter	Action / Stage Information
Regulations Governing Nutritional Guidelines for Competitive Foods Sold in Virginia Public Schools [8 VAC 20 - 740]	<u>Action:</u> CH 740: To establish nutritional guidelines for all foods sold to students in the public schools during the regular school day <u>Stage:</u> Proposed

Board State Board of Social Services

Chapter	Action / Stage Information
Appeals of Financial Sanctions for Local Departments of Social Services [under development] [22 VAC 40 - 920]	<u>Action:</u> Promulgation of New Regulation Regarding the Appeals of Financial Sanctions <u>Stage:</u> Proposed

Board Virginia Soil and Water Conservation Board

Chapter	Action / Stage Information
Impounding Structure Regulations [4 VAC 50 - 20]	<u>Action:</u> Amend provisions of Virginia's Impounding Structure Regulations to enhance the Dam Safety Program and to improve public safety. <u>Stage:</u> Final - <i>Effective Date: 9/26/08</i>

Meetings (Step One)

Agency Department of Environmental Quality

Board Virginia Waste Management Board

Edit Meeting

Meeting Title
Example Meeting

Date 09/12/2016 Time 2:00 PM (ex: 6/1/2009 2:00 pm)

Location
Roanoke (Please note that the location has changed.)

Agenda or briefing document
Browse... No file selected.

Will minutes be taken? Yes No

Purpose of the meeting
Introductory

Is the location handicap accessible? Yes No

Deaf interpreter available upon request? Yes No

Meeting Scope

General business

Discuss particular regulations / chapters

Public hearing to receive public comment on a proposed change

Contact for this meeting

Name: Cindy Berndt

Title: Reg. Coordinator

Email: cindy.berndt@deq.virginia.gov

If you make a change to the meeting, you can now add a note to say what changed (date, location, etc.).

Meetings (Step Two)

Will minutes be taken? Yes No

Purpose of the meeting
Introductory

Is the location handicap accessible? Yes No

Deaf interpreter available upon request? Yes No

Meeting Scope

General business

Discuss particular regulations / chapters

Public hearing to receive public comment on a proposed change

Contact for this meeting

Name: [Find](#) [Clear Form](#)

Title:

Email:

Address:

City: State: Zip:

Phone: ext.
Fax:

TDD:

Send email notification to registered public users that changes were made to this meeting?

Custom note to include in email notification
Please note that the location has changed.

General Notices

What is a general notice?

- ✓ **A general notice is any announcement that an agency wishes to send out to Town Hall's registered public users and to publish in the *Virginia Register of Regulations*.**
- ✓ **There must be a relationship between a general notice and a specific board.**



General Notices

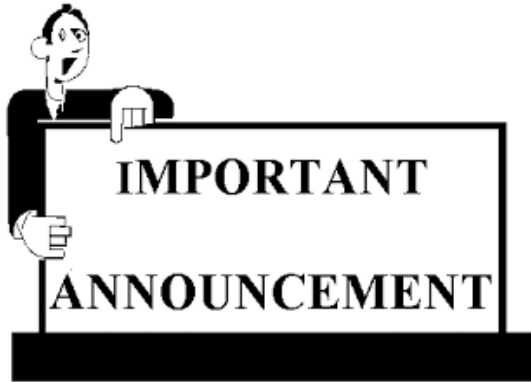
Examples of a general notice

- 1) Announcing the release of a new guidance document that interprets some provision of a regulation, or**
- 2) Advising the public that a regulation is being amended through an exempt process and that no public hearing will be held.**



General Notices

When is a general notice not appropriate?



- 1) **When announcing details relating to meetings, or**
- 2) **When announcing publication in the *Virginia Register* of a regulatory stage, e.g., NOIRA, proposed, or final stage, because the Town Hall automatically sends email notification of these events.**

General Notices

- ✓ **Exciting news with all kind of possibilities: General notices can be used to launch a public comment forum.**



General Notices

Comments

Step One

General Notices

[Actions Underway](#)

[Petitions for Rulemaking](#)

[Legislative Mandates](#)

[Periodic Reviews](#)

[General Notices](#)

Showing: 0 active general notices for all agencies and boards.

[What is a General Notice?](#)

[Active Notices](#) [Recently Expired](#) [All Expired Notices](#)

[More options](#)

[Create a New General Notice](#)

General Notices

Comments

Step Two

New General Notice

Agency Department of Medical Assistance Services

Board Board of Medical Assistance Services

Title
Test GN

Date Posted 08/04/2016 Expiration Date 8/30/2016

Submit to Registrar for publication: Yes No

Optional Public Comment Forum
Only fill in dates if you choose to have a comment forum for this General Notice

Forum Start Date 8/5/2016 Forum End Date 8/30/2016

X Undo Redo Bold Italic Underline Link Unlink Bulleted List Numbered List Indent Outdent Quote Styles Normal ?

We want to tell everyone that ERAD is great.

body p

Contact Information

Default contact for the board Specific Contact

Name: Emily McClellan

General Notices

Don't get tripped up:



- ✓ **Be sure to use the link symbol in the toolbar to create an active link: you cannot just copy and paste the URL.**

General Notices

Inserting a Link

New General Notice

Agency Department of Medical Assistance Services

Board Board of Medical Assistance Services


Title
Test GN

Date Posted 08/04/2016 **Expiration Date** 8/30/2016

Submit to Registrar for publication: Yes No

Optional Public Comment Forum
Only fill in dates if you choose to have a comment forum for this General Notice

Forum Start Date 8/5/2016 Forum End Date 8/30/2016



We want to tell everyone that ERAD is great.

body p

Link

Link Info Target

Link Type
URL

Protocol
http://

townhall.virginia.gov

OK Cancel

General Notices

It Will Look Like This

 [Edit Notice](#)

General Notice

Test GN

Date Posted: 8/4/2016

Expiration Date: 8/30/2016

Submitted to Registrar for publication: YES

[25 Day Comment Forum](#) Will begin on 8/5/2016 and will end at midnight on 8/30/2016

We want to tell everyone that ERAD is great. <http://townhall.virginia.gov>

Contact Information

Name / Title:	Emily McClellan / <i>Regulatory Manager</i>
Address:	Division of Policy and Research 600 E. Broad St., Suite 1300 Richmond, 23219
Email Address:	Emily.McClellan@dmas.virginia.gov
Telephone:	(804)371-4300 FAX: (804)786-1680 TDD: (800)343-0634

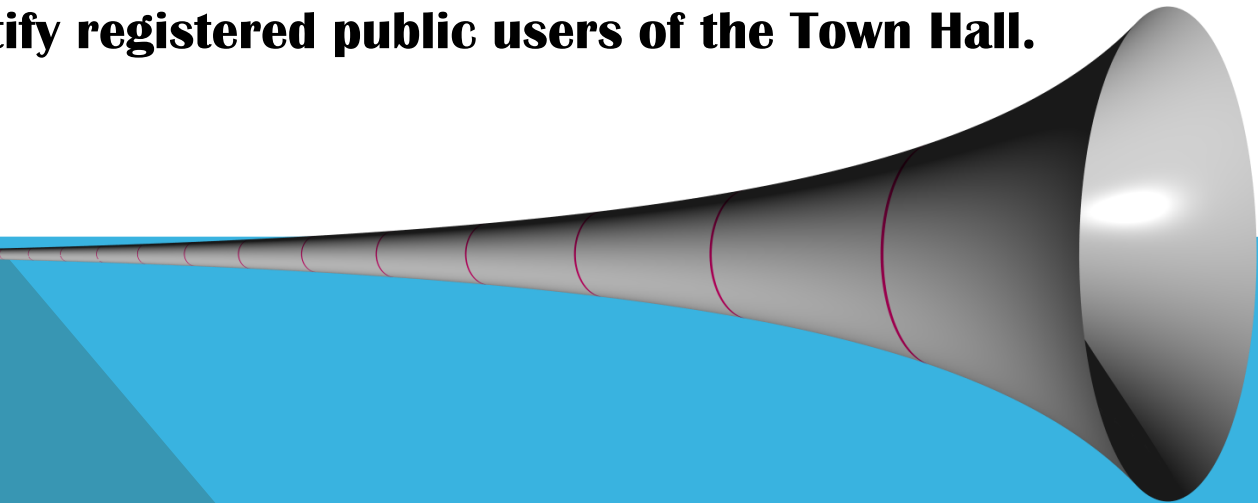
Town Hall Improvements - Amy

✓ **Guidance documents**



Guidance Documents

- ✓ **There is a new procedure for the year-end submission of the list of guidance documents to the Registrar's Office. Individual agencies can now conveniently submit guidance documents through Town Hall by December 31st of each year.**
- ✓ **Agencies can now link to guidance documents on their websites and can also upload documents to Town Hall.**
- ✓ **When you create or revise guidance documents, you now have the option to notify registered public users of the Town Hall.**



December Submission to the Registrar's Office (Step One)

Guidance Documents

Agency Department of Accounts

[More Search Options](#)

4 guidance documents relevant to this [agency](#)

- [Add a new Guidance Document](#)
- [Edit Guidance Document Introduction](#)
- [Guidance Document E-Z Editor](#)
- [Submit Annual List of Guidance Documents to Registrar \(in December\)](#)

Documents applying to multiple boards may be listed under each board.

ID	Title	Revision Date	Date Posted
Agency level documents applying to all of this agency's boards			
5739	Agency Risk Management and Internal Control Standards (ARMICS)	7/19/2011	5/18/2015
5740	Commonwealth Accounting Policies and Procedures (CAPP) Manual	4/14/2015	5/18/2015
5741	Financial Statement Preparation for Agencies and Institutions	5/15/2015	5/18/2015
5742	Year End Closing Procedures	5/15/2015	5/18/2015

December Submission to the Registrar's Office (Step Two)

Submit Annual List of Guidance Documents to Registrar

Department of Accounts

Copies of the following documents may be viewed during regular work days from 8 a.m. until 5 p.m. in the office of the Department of Accounts, 101 N. 14th Street, 2nd Floor, Richmond, VA 23219. Copies are available online at the Department of Accounts website <http://www.doa.virginia.gov> and the respective document's specific web link is listed below with the document title. Hardcopies of all documents except the CAPP Manual may be obtained free of charge by contacting Rudy Burgess at P.O. Box 1971, Richmond, VA 23218-1971, telephone (804) 225-3051, or email at rudy.burgess@doa.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to Douglas N. Page, Director of Finance & Administration, at (804) 225-3136 or email at doug.page@doa.virginia.gov.

ID	Title	Revision Date
Agency level documents applying to all of this agency's boards		
5739	Agency Risk Management and Internal Control Standards (ARMICS)	7/19/2011
5740	Commonwealth Accounting Policies and Procedures (CAPP) Manual	4/14/2015
5741	Financial Statement Preparation for Agencies and Institutions	5/15/2015
5742	Year End Closing Procedures	5/15/2015

Submit

Cancel

Guidance Documents Notification (Step One)

database index number will be assigned.

Document Text	<input type="button" value="Choose File"/> No file chosen <div style="border: 2px solid red; padding: 5px;"><p>Or Paste in a URL to the Document</p><input type="text"/> <i>Example: http://myagency.virginia.gov/documents/document12.pdf</i></div>
Summary	<input type="text"/>
Latest Revision	<input type="text" value="8/8/2016"/> <input type="button" value="📅"/>
Explanation or Citations	<input type="text"/>

Guidance Document Applicability

Use the ☒ and ☑ buttons below to open and collapse areas of the tree and check the boxes that shows what this document applies to. You may check an entire agency, board or a specific chapters.

☒ Department for the Blind and Vision Impaired

Guidance Documents Notification (Step Two)

	database index number will be assigned.
Document Text	<input type="button" value="Choose File"/> No file chosen Or Paste in a URL to the Document <input type="text"/> <i>Example: http://myagency.virginia.gov/documents/document12.pdf</i>
Summary	<input type="text"/>
Latest Revision	<input type="text" value="8/8/2016"/> <input type="button" value="📅"/>
Explanation or Citations	<input type="text"/>

Guidance Document Applicability

Use the and buttons below to open and collapse areas of the tree and check the boxes that shows what this document applies to. You may check an entire agency, board or a specific chapters.

Department for the Blind and Vision Impaired

Notify public users in the nightly email notices that a new Guidance Document has been posted.

Town Hall Improvements – Oscar

- ✓ **Legislative mandates**
- ✓ **Periodic reviews**



Legislative Mandates

- ✓ **Exempt actions arising out of a legislative mandate must be filed with the Registrar within 90 days of the law's effective date (Virginia Code § 2.2-4006 A.4.a).**
- ✓ **NOIRAs arising out of a legislative mandate must be filed with the Registrar within 120 days of the law's effective date (Virginia Code § 2.2-4007.01 A).**
- ✓ **Don't forget to link the mandate to the resulting action.**



Mandates – New Features

Edit Mandate

Mandate Title

Non-gravel effluent drain systems

Purpose of legislation

Directs the Board of Health to promulgate emergency regulations for chamber and bundled expanded polystyrene effluent distribution systems. The Board of Health shall promulgate regulations for other effluent distribution system products as may be deemed necessary. The regulations for chamber and bundled expanded polystyrene products must include construction and design criteria and requirements for substituting the product for gravel.

List the legislative chapters or the budget items mandating a change

These values will be used to link to the Legislative system. A legislative chapter is a number assigned by the Legislature. A budget item is the item number assigned to that section of the budget bill. The year should be entered as 4 digits.

Legis. Chapter	Year	Budget Item	Year
1. 202	2013	1. []	[]
2. []	[]	2. []	[]
3. []	[]		
4. []	[]		

Select the board affected by this mandate

State Board of Health

A new chapter will get created

[Select existing chapter\(s\)](#) affected by this mandate

VAC	Chapter Title
x 12 VAC 5-610	Sewage Handling and Disposal Regulations

Estimated date for filing a regulatory action 7/12/2013

Deadline for the regulation to become effective 16/9/2013

Select the Town Hall Actions designed to satisfy this mandate [Select Action](#)

Action ID	Action Title
x 4083:	Amend Regulations to establish requirements for gravelless material and drip dispersal

If you wish to mark this mandate complete without linking an action, please explain

- ✓ You can now assign multiple VAC chapters to a mandate.
- ✓ You can now assign multiple actions to a mandate.
- ✓ You can now complete a mandate without assigning it to an action by entering explanatory text.

Periodic Reviews

- ✓ **Must be conducted on Town Hall every four years in accordance with Virginia Code § 2.2-4017 and EO 17.**
- ✓ **Virginia Code § 2.2-4007.1 also requires regulations to be reviewed every four years to minimize the economic impact on small businesses.**
- ✓ **The small business review can be conducted at the same time as the periodic review and the results reported on the Agency Background Document for the resulting NOIRA.**
- ✓ **Don't forget to link the review to the resulting action.**

Periodic Reviews

Add/Edit Periodic Review

Short Title (Optional)

Announcement

Pursuant to Executive Order 17 (2014) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department/Board/Commission of Medical Assistance Services is conducting a periodic review and small business impact review of VAC citation: 12 VAC 30-10, title of regulation: STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT MEDICAL ASSISTANCE PROGRAM; GENERAL PROVISIONS.

The review of this regulation will be guided by the principles in Executive Order 17 (2014). <http://dpb.virginia.gov/regs/E017.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins 9/22/14, and ends on 10/22/14.

Review by the Office of the Attorney General (OAG)

As part of this periodic review, the OAG will be requested to upload a letter certifying that statutory authority exists for this regulation. The OAG has no deadline within which to process these requests, however, it typically will respond within about two weeks. Once this letter has been uploaded to the Town Hall and the comment period has ended, and the rulemaking entity has decided how to proceed, the agency may post a periodic review result.

Public Comment Period

Begin End

Review Result

In completing this review please select one of the following 3 results.

- Retain this regulation without changes
- Amend this regulation
- Repeal this regulation

Submit

Cancel

Small Business Sections on the Agency Background Document

TH01_NOIRA.docx [Read-Only] [Compatibility Mode] - Microsoft Word

File Home Insert Page Layout References Mailings Review View

Periodic review/small business impact review announcement

If you wish to use this NOIRA to announce a periodic review (§ 2.2-4017 & EO-17 (2014)) and a small business impact review (§ 2.2-4007.1) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete this section.

In addition, pursuant to Executive Order 17 (2014) and § 2.2-4007.1 of the Code of Virginia, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Periodic review and small business impact review report of findings

If this NOIRA is the result of a periodic review/small business impact review, use this NOIRA to report the agency's findings. Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) 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. In addition, as required by 2.2-4007.1 E and F, please include 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

3

Town Hall Agency Background Document Form: TH- 01

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.

Commenter	Comment	Agency response

Enter statement here

Page: 3 of 4 Words: 1,009 100%

Town Hall Improvements – Jeannine

- ✓ **Revised proposed stages**
- ✓ **More convenient way of logging on to Town Hall**
- ✓ **How to show regulations that have been repealed or are under development**
- ✓ **Logs**
- ✓ **New home page features**
- ✓ **Public comment forums**
- ✓ **General reminders**

See “Public User Sign Up” handout

Revised Proposed Stages

- ✓ **EO 17 provides agencies with an option to issue a revised proposed stage when there are significant changes after the proposed stage and the board seeks additional public comment.**
- ✓ **Review tends to be shorter and the public comment period is 30 days.**

Revised Proposed Stages

Form: TH-10
11/14



townhall.virginia.gov

Revised Proposed Regulation Agency Background Document

Agency name	
Virginia Administrative Code (VAC) citation(s)	___ VAC ___ - ___
Regulation title(s)	
Action title	
Date this document prepared	

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed regulatory action. Alert the reader to all substantive matters or changes.

Enter statement here

Acronyms and Definitions

Please define all acronyms used in this Agency Background Document. Also, please define any technical

Use This Form

Here's How (Step One)

Agency Department of Environmental Quality
Board Virginia Waste Management Board
Chapter Hazardous Waste Regulations [9 VAC 20 – 60]

Action: Amendment 18 – Mercury-Containing Lamp Crushing

[Edit Action](#) [Withdraw Action](#)

General Information

Action Summary	The Virginia Hazardous Waste Management Regulations, 9 VAC 20-60, provide requirements for the effective management of hazardous waste in the Commonwealth, including the management of hazardous waste that has been deemed universal waste such as mercury-containing lamps. This proposed amendment is intended to revise the current management requirements and add additional criteria for mercury-containing universal waste lamps.
Chapters Affected	Only affects this chapter.
Exempt from APA	No, this action is subject to the <i>Administrative Process Act</i> and the standard executive branch review process.
RIS Project	Yes [003084]

Stages

Stages associated with this regulatory action.

Stage ID	Stage Type	Status
6109	NOIRA	Stage complete. Comment period ended 5/9/2012.
6368	Proposed	Stage complete. Comment period ended 1/4/2016.

Create a new stage for this action:

For guidance please see the following sections of our user guide:

[What type of regulatory action do I file?](#) [Flow charts of the regulatory process](#)

Contact Information

Name / Title:	Debra Miller / Policy and Planning Specialist
Address:	629 East Main Street P.O. Box 1105 Richmond, VA 23218
Email Address:	debra.miller@deq.virginia.gov
Phone:	(804)698-4206 FAX: (804)698-4346 TDD: (804)698-4021

Here's How (Step Two)

Agency Department of Environmental Quality

Board Virginia Waste Management Board

Chapter Hazardous Waste Regulations [9 VAC 20 - 60]

Edit Proposed Stage **(3631 / 7547)**

Reproposed? Yes No (Was a previous proposed stage published for this action)

Agency Statement Browse...

Proposed Text Attach your latest text changes from the RIS System
Current Version: ()

EIA Response Once DPB has posted its Economic Impact Analysis an agency response is required.

Incorporation by reference Yes No

The Virginia Register

Publication information can be set when this stage is submitted to the Registrar's office.

Comment Period

Will begin on the Register Date and will last at least 60 days. It can last longer if desired.

Save [Return to View Stage](#)

It Will Look Like This

(and the rest of the stage will proceed as normal)

Agency Department
Board Virginia W
Chapter Hazardous

Action: Amendment 18 – Merc

Revised Proposed Stage

Edit Stage Withdraw St

Documents

Proposed Text

Agency Statement

close window X

Action 3631: Amendment 18 – Mercury-Containing Lamp Crushing

Stages associated with this regulatory action.

Stage Type	Status
NOIRA (6109)	Stage complete. Comment period ended 5/9/2012.
Proposed (6368)	Stage complete. Comment period ended 1/4/2016.
Proposed (7546)	Not yet submitted to Attorney General for certification.
Revised Proposed (7547)	Attorney General review in progress.

Status	
Incorporation by Reference	No
Reproposed	A previous PROPOSED stage was published on 11/2/2015
Exempt from APA	No, this stage/action is subject to article 2 of the <i>Administrative Process Act</i> and the standard executive branch review process.
Attorney General Review	Submitted on 7/27/2016 Attorney General review in progress. [Day 0]
DPB Review	Not yet submitted
Secretary Review	Not yet submitted to Secretary of Natural Resources
Governor's Review	Not yet submitted
Virginia Registrar	Not yet submitted
Comment Period	You may comment on this stage in a Town Hall comment forum as soon as it is published in <i>The Virginia Register of Regulations</i> . If you sign up for the Town Hall email notification service , you will be notified when the comment forum opens. The regulatory information regarding this stage is subject to change until 10 days before it is published in the Register.

Contact Information	
Name / Title:	Debra Miller / Policy and Planning Specialist
Address:	629 East Main Street P.O. Box 1105

Log into TH Using Your COV Credentials

- ✓ **We are phasing in a new sign-on/logon process where you use your COV VITA sign-on to access Town Hall.**
- ✓ **New users are being set up this way, and we're encouraging current users to switch over.**
- ✓ **Eventually, this way of signing on will become mandatory.**
- ✓ **See handout for step by step instructions.**
- ✓ **Remember: when the user leaves your agency you will need to manually delete their account; it will not happen automatically.**

See “New COV Accounts” handout

[Repealed]



When a regulation is being repealed, once the change becomes final, please put [Repealed] in brackets at the beginning of the chapter name.

Repealed Regulation

Agency Department of Agriculture and Consumer Services
Board Department of Agriculture and Consumer Services
Chapter [REPEALED] Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry
 (2 VAC 5-200)

[Edit Chapter](#)

[Guidance Documents](#) [Periodic Reviews](#)

Chapter Information	
Description	A regulation establishing the disposal methods for entire flocks of dead poultry.
State Authority	Section 3.2-6002 of the Code of Virginia
Federal Authority	None entered
Exempt from APA	No, changes to this chapter are subject to the <i>Administrative Process Act</i> and the standard executive branch review process.
Text of Regulation	Link to Virginia Administrative Code
Goals of Regulation	<p>1. The protection of the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.</p> <p>2. The provision for the disposal of entire flocks of dead poultry affected by avian influenza or exotic Newcastle disease, including provisions for disposal pits, incinerators, landfills, and rendering; the provision of exemptions from the provisions of the regulation by the State Veterinarian; the provision for appropriate methods for the transportation of dead poultry subject to the regulation; and the provision for a process for the approval of the disposal of dead poultry subject to the regulation on all premises raising poultry for profit.</p>
Meetings	

Contact Information	
Name / Title:	Charles Broaddus, DVM / Program Manager, Veterinary Services
Address:	P. O. Box 1163 Richmond, VA 23218
Email Address:	charles.broaddus@vdacs.virginia.gov
Telephone:	(804)786-4560 FAX: (804)371-2380 TDD: (800)828-1120

Current Actions		
Action Title	Latest Stage	Status
None		

It Will Look Like This

[Under Development]



When you're promulgating a new regulation, please put [Under Development] in brackets at the end of the chapter name. Once the regulation becomes effective, be sure to remove the [Under Development].

New Regulation

Board Department of Agriculture and Consumer Services

Chapter Rules and Regulations Pertaining to Public and Private Animal Shelters [Under Development]
[2 VAC 5 - 111]

[Edit Chapter](#)

[Guidance Documents](#) [Periodic Reviews](#)

Chapter Information

Description	A regulation establishing guidelines for adequate care and shelter for animals housed in public and private animal shelters.
State Authority	Sections 3.2-6501 , 3.2-6546 and 3.2-6548 of the Code of Virginia
Federal Authority	<i>None entered</i>
Exempt from APA	No, changes to this chapter are subject to the <i>Administrative Process Act</i> and the standard executive branch review process.
Text of Regulation	Link to Virginia Administrative Code
Goals of Regulation	<ol style="list-style-type: none"> 1. The protection of the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth. 2. The reduction of the incidence of animal diseases in pounds, so as to reduce the risk of spreading those diseases to animals outside of the shelters and to humans. 3. The minimization of the cost of maintaining and operating shelters by providing, when the locality requests it, guidance on their design.
Meetings	

Contact Information

Name / Title:	Dr.Carolynn Bissett / Program Mgr, Animal Care and Emerg Response
Address:	PO Box 1163 Richmond, VA 23218
Email Address:	carolynn.bissett@vdacs.virginia.gov
Telephone:	(804)786-2483 FAX: (804)371-2380 TDD: (800)828-1120


Current Actions

Action Title	Latest Stage	Status
Repeal 2 VAC 5-110 and replace it with a new regulation pertaining to public and private shelters	Final	Final Adoption period is underway and will end on 8/24/2016.

[Start a new action](#)

It Will Look Like This

Town Hall Information


Agency Department
Board State Board
Chapter
Guidelines for General Assem
Facility [12 VAC 5 - 507]
Action Implement Regulations
Final Stage 
Documents
Final Text
Agency Statement
Attorney General Certification 12/8/2014
Governor's Approval Memo 5/20/2016

Action 3213: Implement Regulations on Scholarships and Loans Requiring Long-Term Nursing Care Service

Stages associated with this regulatory action.

Stage Type	Status
NOIRA (5422)	Stage complete. Comment period ended 9/15/2010.
Proposed (5875)	Stage complete. Comment period ended 12/21/2012.
Final (6907)	Stage complete. This regulation became effective on 7/13/2016.

Status

Changes to Text	Changes have been made to the text since the proposed stage was last published in the Register.
Exempt from APA	No, this stage/action is subject to article 2 of the Administrative Process Act and the standard executive branch review process.
Attorney General Review	Submitted on 12/7/2014 Review Completed: 12/8/2014 Result: Certified
DPB Review	Submitted on 12/8/2014 Review Completed: 12/22/2014 <i>DPB's policy memo is "Governor's Confidential Working Papers"</i>
Secretary Review	Secretary of Health and Human Resources Review Completed: 11/30/2015
Governor's Review	Review Completed: 5/20/2016 Result: Approved
Virginia Registrar	Submitted on 5/23/2016 The Virginia Register of Regulations Publication Date: 6/13/2016  Volume 32 Issue 21
Comment Period	Ended 7/13/2016 0 comments

Use these new arrows to see additional information on the stage information page.

View Logs I

Agency Functions

- My Agency Boards
- My Current Actions
- My Guidance Documents
- My Meetings
- My Mandates
- My Petitions
- My Periodic Reviews
- My General Notices
- Agency Mailing List
- Manage Users
- View Logs**
- My Profile/Password

General Notices

Meetings

Guidance Documents

Comment Forums

State user

Log

Search Logs

[Create a log entry](#)

Start Date Sort By

End Date Rows per page

Search Text (any part of a user name or action description)

User Name	Date/Time	Action	Page
Emily McClellan	8/8/16 2:15 pm	Uploaded Agency Background Statement	Link
Emily McClellan	8/8/16 12:59 pm	RIS Text has been updated for stage 7652	Link
Emily McClellan	8/8/16 12:00 pm	Edited an action page	Link
Emily McClellan	8/8/16 11:43 am	Stage modified	Link
Emily McClellan	8/8/16 11:43 am	New Emergency/NOIRA stage created	Link
Emily McClellan	8/8/16 11:43 am	Created a new action	Link
Emily McClellan	8/8/16 8:12 am	Uploaded Agency Background Statement	Link
Emily McClellan	8/8/16 8:12 am	Agency Background Statement Email To: lawrence.getzler@dpb.virginia.gov, oscar.ozfidan@dpb.virginia.gov, Melanie.West@dpb.virginia.gov, jeannine.rose@dpb.virginia.gov, victoria.zicker@dpb.virginia.gov	Link
Emily McClellan	8/8/16 8:09 am	Email: Agency EIA Response - lawrence.getzler@dpb.virginia.gov, Melanie.West@dpb.virginia.gov, jeannine.rose@dpb.virginia.gov, victoria.zicker@dpb.virginia.gov	Link
Emily McClellan	8/8/16 8:09 am	Uploaded Agency EIA Response	Link
Emily McClellan	8/8/16 8:09 am	Uploaded Agency Background Statement	Link

This is an interesting and useful feature for regulatory coordinators to track the agency's activities.

View Logs II

Search Logs Create a log entry

Start Date Sort By

End Date Rows per page

Search Text (any part of a user name or action description)

User Name	Date/Time	Action	Page
Rhonda Bishton	7/5/16 1:56 pm	Updated guidance document [AgencyID = "DGS Directive 16", GUID = "5849", Title = "DGS Directive 16 - Banning Open Carrying of Firearms"]	Link
Rhonda Bishton	7/5/16 12:05 pm	RIS Text has been updated for stage 7579 and email sent to Melanie.West@dpb.virginia.gov, jeannine.rose@dpb.virginia.gov, victoria.zicker@dpb.virginia.gov, oscar.ozfidan@dpb.virginia.gov.	Link
Rhonda Bishton	6/21/16 3:43 pm	Email: Submission to DPB - amy.hunter@dpb.virginia.gov, Jeannine.Rose@dpb.virginia.gov, lawrence.getzler@dpb.virginia.gov, melanie.west@dpb.virginia.gov, oscar.ozfidan@dpb.virginia.gov, victoria.zicker@dpb.virginia.gov, Emily.Grimes@dpb.virginia.gov, brian.logwood@dpb.virginia.gov	Link
Rhonda Bishton	6/21/16 3:43 pm	Submitted stage to DPB	Link
Rhonda Bishton	6/20/16 3:38 pm	Email: Submission to OAG - sjohnson@oag.state.va.us, ksurfaceburks@oag.state.va.us	Link
Rhonda Bishton	6/20/16 3:38 pm	Submitted stage to OAG	Link
Rhonda Bishton	6/20/16 3:37 pm	RIS Text has been updated for stage 7579	Link
Rhonda Bishton	6/20/16 3:30 pm	RIS Text has been updated for stage 7579	Link
Rhonda Bishton	6/20/16 2:38 pm	Email: Submission to OAG - sjohnson@oag.state.va.us, ksurfaceburks@oag.state.va.us	Link
Rhonda Bishton	6/20/16 2:38 pm	Submitted stage to OAG	Link
Rhonda Bishton	6/20/16 2:37 pm	RIS Text has been updated for stage 7579	Link
Rhonda Bishton	6/20/16 2:36 pm	RIS Text has been updated for stage 7579	Link
Rhonda Bishton	6/16/16 5:00 pm	Email: Submission to OAG - sjohnson@oag.state.va.us, ksurfaceburks@oag.state.va.us	Link
Rhonda Bishton	6/16/16 5:00 pm	Submitted stage to OAG	Link
Rhonda Bishton	6/16/16 12:27 pm	RIS Text has been updated for stage 7579	Link
Rhonda Bishton	6/16/16 12:27 pm	Uploaded Agency Background Statement	Link
Rhonda Bishton	6/16/16 9:01 am	Uploaded Agency Background Statement	Link
Rhonda Bishton	6/16/16 9:01 am	Stage modified	Link
Rhonda Bishton	6/16/16 9:00 am	New Proposed stage created	Link

You can also use the feature to follow a particular action or stage.

Town Hall Homepage

What is this site?

A source of information about proposed changes to Virginia's regulations, including a meetings calendar and board minutes. This site also facilitates public participation through online comment forums and an email notification service.

Public comment forums

52 open comment forums, 5 of which have some comments, 10 opened in the last week

Recent Activity

- 18 regulatory changes published in the most recent Virginia Register (7/25/2016)
- 12 regulatory changes scheduled to be published in the Virginia Register
- 9 board meetings scheduled for today
- 39 Regulatory changes became effective in the last 90 days

About Virginia's regulatory process

[FAQs about rulemaking](#)

Email notification service

[Register as a public user](#) - Receive emails when regulatory actions or meetings are posted for the agencies, boards, or regulations you select!

Additional resources

[Town Hall User Manual](#) [Links to other sites](#) [User Comment Policy](#)

- [Governor McAuliffe's Executive Order 17 Governing the Review of State Regulations](#)
Published July 2014
- [Governor Gilmore's Executive Order 58 on Impact of regulations on families](#)
Published October 1999

[Contact us](#) | [Web policies](#)

Site maintained by the Virginia Department of Planning & Budget

Search Town Hall



Use the search box in the upper right to search titles of regulations, actions, meetings, and much more.

Go to our [Search Page](#) to see all options for searching this website.

Town Hall now highlights a variety of information that changes daily in the Recent Activity area.

Comment Forums

- ✓ **We try to monitor the comments daily, and yes, this usually includes weekends and holidays, though we do not always have the resources to do so, particularly for very active forums.**
- ✓ **Once the public comment period closes, we'll review the comments one final time to make sure we didn't miss any spam.**
- ✓ **If a comment appears to be in the wrong forum and we can figure out where it goes, we'll have Scott move it and inform the regulatory coordinators from both agencies.**
- ✓ **Remember that even if a comment is hidden from public view, it is still considered to be part of the public record and requires a response. On their Agency Background Documents, most agencies will simply acknowledge the comment with a general statement, but it is best to consult with your Assistant Attorney General to determine if he or she has a preference as to how you should handle these types of comments.**

Comment Policy

Public Comment Policy

Revised 9/1/2011

Comment forums are designed to facilitate public participation in the process of developing state regulations. These comment forums are monitored by the Department of Planning and Budget (DPB).

DPB will flag and hide from public view all comments that:

- contain language that is unlawful, harmful, threatening, defamatory, obscene, or invasive of privacy;
- promote businesses, services or products;
- contain URLs to inappropriate websites, or websites clearly unrelated to the regulation;
- contain pictures;
- contain attachments; or
- are clearly "off topic" or "spam."

DPB will not edit a comment to remove objectionable content, so please ensure that your comment contains none of the above.

While a comment may be removed from public view, its being hidden is noted at the bottom of the relevant public comment forum page. Further, a hidden comment continues to be visible to the agency regulatory coordinator and remains a part of the public record. Additionally, if DPB notices that a comment appears to have been posted in the wrong forum, DPB will move that comment to the correct forum in consultation with the affected agency regulatory coordinators.

Links to other websites:

Use of active links or other HTML is not permitted on the Town Hall. If you include a link in your comment, it will be disabled. If you wish to include a reference to a non-commercial website that is directly related to the regulation please insert the full URL into the text of your comment.

Examples:

Links like this are permitted: For more information on public comment forums and policies, visit <http://www.townhall.virginia.gov/UM/forums.cfm>.


Active links like this are not permitted: For more information on public comment forums visit our [Comment Forums](#) page.

If you notice an objectionable comment, please [Contact DPB](#).

Reminders

- ✓ **TH action titles should be as descriptive of the action as possible. Use unique identifiers.**
- ✓ **Make sure the proposed text on the TH is the same version that your program staff is using for reference.**
- ✓ **Also be sure the Agency Background Document (ABD), particularly the Detail of Changes and Changes Made Since the Proposed Stage sections, accurately reflect the proposed text on TH.**
- ✓ **Make your program staff aware of our deadlines (NOIRAs and finals – 14 days, Emergency/NOIRAs – 10 days, fast-tracks – 40 days, and proposed – 45 days). When a regulatory stage is submitted to DPB, please make sure the contact person listed for the action will be available to answer questions.**
- ✓ **All ERAD team members are doing policy analysis now.**

Points to Ponder

- 
- ✓ **Changes after DPB completes its review**
 - ✓ **Emergency regulations versus fast-track actions**
 - ✓ **Final stage - OAG letter**
 - ✓ **ABD reminders**
 - ✓ **Tips for new people**

Changes After DPB Completes Its Review

- ✓ **When this happens, we will get an automatic email notification that one or both of the documents (ABD and RIS text) have changed.**
- ✓ **When that happens, we will contact the agency's regulatory coordinator to determine what changed and why.**
- ✓ **We will need **SPECIFIC** information about the changes, because often it will necessitate an update to either our EIA, our policy analysis, or both.**
- ✓ **This knowledge is particularly important for proposed stages and fast-track actions, since the EIA may need to be updated prior to publication in the *Virginia Register*.**

Changes (continued)

- ✓ **Even if our review does not need to be updated, we still need to know exactly what changed, especially if it is a change made at the request of the Secretary or Governor's Office.**
- ✓ **If they request a change in one action, that means this is an area of interest for them that we need to be aware of in subsequent actions, even those that are not from your agency or even your Secretariat.**
- ✓ **These changes and understanding the reasons why they are made help us see the bigger picture.**



Emergency Regulations Versus Fast-Track Actions

We have seen a number of cases recently where an agency states that the “Rationale for Using Fast-Track Process” is that the action is potentially life-saving and that the board wishes to have this regulation in place as soon as possible.



In these cases we would strongly recommend you consider using an **emergency regulation** rather than a fast-track action.

Why?

- ✓ **Because emergency regulations become effective immediately upon filing with the Registrar’s Office.**
- ✓ **Because a fast-track, no matter how innocuous seeming, can get stopped if the agency receives ten or more objections.**
- ✓ **So if lives really are at stake without this proposed change, it makes more sense to use an emergency regulation.**
- ✓ **And if lives really aren’t at stake, then the board might want to consider using a different reason as the fast-track rationale.**

Final Stage – OAG Letter

- ✓ **EO 17 states that “if any change with substantial impact—as determined by DPB—has been made to the regulatory text between the proposed and final stages, the agency shall obtain a letter from the OAG certifying the agency has authority to make the additional changes.”**
- ✓ **In some cases, looks are deceiving. Years ago, a simple date change resulted in a complete reversal of the regulated community’s obligations. That one had a letter, even though initially DPB didn’t understand “why the agency bothered to get a letter.”**

ABD Reminders

- ✓ **Detail of Changes in the ABD: Aim for a description of the proposed changes, and why they're being proposed in a way that anyone can easily understand.**
- ✓ **In the Detail of Changes chart and in the Changes Since the Proposed Stage chart, we want to know about all of the changes, not just the substantive ones.**
- ✓ **Economic impact > fiscal impact.**
- ✓ **The number of affected entities is never zero.**
- ✓ **For the EIAs, the economists need to know the effect on small businesses and all of the various types of entities that could possibly be impacted by the proposed changes.**
- ✓ **If the action is adding a new requirement at the proposed or fast-track stages, economists need to know an approximate cost (i.e., training).**



Tips for New People



- ✓ **The Virginia Regulatory Town Hall website (Town Hall) and the Regulation Information System (RIS) are integrated with each other; however, they are completely different systems.**
- ✓ **The Town Hall is administered by DPB and is focused on executive branch review of regulatory proposals, public comment forums, and a tailored email notification service. DPB refers to action/stage numbers.**
- ✓ **The RIS is administered by the Registrar's Office. The Registrar's Office is in charge of the *Virginia Register* as well as managing the Virginia Administrative Code. The Registrar's Office refers to the RIS project number.**
- ✓ **Questions regarding exempt actions? By definition, exempt regulations do not undergo executive branch review. Thus, DPB's knowledge of exempt regulations is sometimes limited. Your best bet is to call the Registrar's Office at 786-3591.**

Wrap Up

- ✓ **Questions?**
- ✓ **Comments?**
- ✓ **Suggestions?**
- ✓ **Training Survey**



DPB Regulations Staff

Please call us anytime. WE are always here to help!!!

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*****A very special thank you goes to Cari Corr, Senior Analyst in DPB's Best Management Practices Section, for her assistance with this presentation.*****