



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-318
Regulation title	Rules and Regulations for Enforcement of the Virginia Pest Law – Thousand Cankers Disease Quarantine
Action title	Establish quarantine to help prevent the artificial spread of Thousand Cankers Disease
Final agency action date	December 8, 2011
Document preparation date	December 8, 2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Pursuant to its authority under § 3.2-703 of the Code of Virginia, the Board of Agriculture and Consumer Services adopted a quarantine to restrict the movement within Virginia of certain articles capable of transporting Thousand Cankers Disease. Thousand Cankers Disease is a disease complex that attacks walnut trees and has become established in the Commonwealth. The purpose of the quarantine is to help prevent the artificial spread of Thousand Cankers Disease to uninfested areas of the Commonwealth.

Section 40 of the regulations establishes those articles that are subject to the provisions of the quarantine. Section 50 of the regulations establishes the specific counties and cities of the Commonwealth that are quarantined for Thousand Cankers Disease. The regulated areas, as established

in Section 50 of the regulations, are (i) the entire counties of Chesterfield, Goochland, Hanover, Henrico, and Powhatan and (ii) the entire cities of Colonial Heights and Richmond.

Regulated articles may move freely within a regulated area. The regulations prescribe conditions for the movement of regulated articles from a regulated area to an unregulated area, from an unregulated area through a regulated area, and from a regulated area through an unregulated area. The regulations prescribe the conditions necessitating that a regulated article moving within Virginia have a certificate issued by an inspector or person operating in accordance with a compliance agreement with the Virginia Department of Agriculture and Consumer Services. Regulated articles from states where Thousand Cankers Disease is known to occur are prohibited entry into the Commonwealth unless prior written approval is issued by the Commissioner.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On December 8, 2011, the Board of Agriculture and Consumer Services adopted as a final regulation, 2VAC5-318, *Rules and Regulations for Enforcement of the Virginia Pest Law – Thousand Cankers Disease Quarantine*.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action has no impact on the institution of the family and family stability.