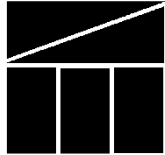


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

2 VAC 5-680 – Regulations Governing Licensing of Pesticide Businesses Operating under the Authority of the Virginia Pesticide Control Act
Virginia Department of Agriculture and Consumer Services
Town Hall Action/Stage: 4362/7518
July 13, 2016

Summary of the Proposed Amendments to Regulation

As the result of a periodic review of the above titled regulation¹, the Board of Agriculture and Consumer Services (Board) proposes amendments to add several definitions and make other clarifying changes.

Result of Analysis

Benefits outweigh costs for all proposed changes.

Estimated Economic Impact

The Board proposes to add several definitions to its regulation for licensing pesticide businesses. The Board also proposes making several changes to regulatory language, such as amending “brand or common product name” to read “brand, trademark or product name appearing on the product label”, that will not change what is required of businesses but will make requirements clearer. None of these proposed regulatory changes are likely to increase costs for any regulated entity because they do not change any actual requirements. Both affected businesses and other interested parties, however, will likely benefit from the additional clarity these changes bring to the regulation.

¹ <http://townhall.virginia.gov/ViewPReview.cfm?PRid=1332>

Businesses and Entities Affected

Board staff reports that approximately 3,000 pesticide businesses are licensed under this regulation. All of these entities, as well as other interested parties, will be affected by these proposed changes.

Localities Particularly Affected

No locality will be particularly affected by these proposed regulatory changes.

Projected Impact on Employment

These proposed regulatory changes are unlikely to affect employment in the Commonwealth.

Effects on the Use and Value of Private Property

These proposed changes will likely not affect the use or value of private property in the Commonwealth.

Real Estate Development Costs

These proposed regulatory changes are unlikely to affect real estate development costs in the Commonwealth.

Small Businesses:**Definition**

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Costs and Other Effects

No small businesses are likely to incur any additional costs on account of these clarifying changes.

Alternative Method that Minimizes Adverse Impact

No small businesses are likely to incur any additional costs on account of these clarifying changes.

Adverse Impacts:**Businesses:**

No businesses are likely to incur any additional costs on account of these clarifying changes.

Localities:

Localities in the Commonwealth are unlikely to see any adverse impacts on account of these proposed regulatory changes.

Other Entities:

No other entities are likely to be adversely affected by these proposed changes.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis 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 of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

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