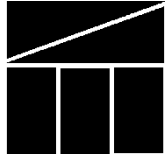


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes¹ Not Needed

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 5-317 Regulations for Enforcement of the Noxious Weeds Law
Department of Agriculture and Consumer Services
Town Hall Action/Stage: 5008 / 8582
May 17, 2019

Summary of the Proposed Amendments to Regulation

The Board of Agriculture and Consumer Services (Board) proposes to add six plant species to the noxious weed list.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The Board proposes to add six plant species to the noxious weed list. Noxious weeds are any living plant detrimental to crops, surface waters, including lakes, or other desirable plants, livestock, land, or other property, or that are determined to be injurious to public health, the environment, or the economy. According to the Virginia Department of Agriculture and Consumer Services (VDACS), newly added noxious weeds are non-native invasive plants with very few or no natural predators or existing environmental conditions to control their rapid rate of growth. As a result, noxious weeds can spread rapidly and displace native plants. In addition, the habitat of wildlife may be altered as these plants invariably change the ecosystem by out-competing and displacing native plants.

¹ Adverse impact is indicated if there is any increase in net cost for any entity, even if the benefits exceed the costs for all entities combined.

Once a plant deemed as a noxious weed by the Board, it cannot be transported without first obtaining a permit. A permit may be requested and issued using electronic means such as e-mail and usually takes a few days for VDACS to evaluate the application. There is no fee required. The permit for the movement of a noxious weed will require compliance with specific best management practices to prevent the inadvertent spread.

The primary intent of the permit is to reduce the spread of noxious weeds. For example, according to VDACS, Lake Gaston is currently infested by one of the added species. A boat owner wishing to transport a boat to another lake would be required to obtain a permit and in the process would be educated that the remnants of that plant on the boat could spread it to other surface waters and be advised that the outside of the boat should be thoroughly cleaned before it is transported.

The proposed expansion of the list to include six new species should increase the number of applications for a transport permit as VDACS reports that they are widely present in Virginia. VDACS routinely relies on voluntary compliance to achieve its enforcement actions. As a result, to the extent citizens in infested areas are informed about the permit requirement and comply with it, the spread of these noxious weeds in Virginia should slow down or prevent their introduction in new areas in the first place.

Businesses and Entities Affected

VDACS is unable to estimate the number of businesses and entities who may be required to obtain a permit by the expansion of the noxious weeds list.

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendments are unlikely to significantly affect total employment.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to significantly affect the use and value of private property.

Real Estate Development Costs

The proposed amendments are unlikely to affect real estate development costs.

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

The proposed amendments are unlikely to significantly affect costs for small businesses.

Alternative Method that Minimizes Adverse Impact

The proposed amendments do not adversely affect small businesses.

Adverse Impacts:**Businesses:**

The proposed amendments do not adversely affect businesses.

Localities:

The proposed amendments do not adversely affect localities.

Other Entities:

The proposed amendments do not adversely affect other entities.

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 14 (as amended, July 16, 2018). 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.