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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

<b>Agency name</b>	Board of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-206
<b>Regulation title</b>	Regulation for Scrapie Eradication
<b>Date</b>	March 17, 2015

This information is required pursuant to Executive Order 17 (2014).

### 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.*

Section 3.2-109 of the Code of Virginia (Code) establishes the Board of Agriculture and Consumer Services (Board) as a policy board with the authority to adopt regulations in accordance with the provisions of Title 3.2 of the Code.

Section 3.2-6001 of the Code directs the Commissioner, the Board, and the State Veterinarian to use their best efforts to protect livestock and poultry from contagious and infectious disease. This section states, in part, that it shall be the duties of these parties to cooperate with the livestock and poultry disease control officials of other states and with the U.S. Department of Agriculture (USDA) in establishing quarantine lines and regulations so as to best protect the livestock and poultry of the Commonwealth.

Section 3.2-6002 of the Code directs the State Veterinarian to take necessary measures to prevent the spread of and to eradicate contagious and infectious diseases in livestock and poultry. This statute also authorizes the Board to adopt regulations as may be needed to effectuate this. Therefore, the Board is authorized to adopt regulations, and the State Veterinarian is authorized to take necessary actions to prevent, control, and eradicate Scrapie, a contagious and infectious disease that affects sheep and goats.

### 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.*

This regulation requires official identification of sheep and goats to assist in the prevention, monitoring, control, and eradication of Scrapie. Since this regulation was first promulgated, it has allowed the State Veterinarian and his staff to make crucial decisions and take vital actions to protect the health of livestock in Virginia. Without this regulation, sheep and goats across Virginia would be more vulnerable to contracting Scrapie. Along with USDA rules pertaining to Scrapie, this regulation is necessary to minimize the effects on Virginia's sheep and goat industries from this costly disease. In order to be considered a consistent state by USDA, which makes available indemnity funds for sheep or goat flocks that are required to be destroyed, Virginia is required to have state regulations pertaining to Scrapie.

### 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.*

The agency received no comments during the public comment period and did not form an informal advisory group.

### Effectiveness

*Please 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.*

This regulation is necessary for the protection of public health, safety, and welfare because it provides protection to the sheep and goat populations in Virginia, which are important components of the livestock industry. Since a safe food supply and good livestock health are imperative for the public's health, it is important that this regulation stay in place for the continued protection of the public and the sheep and goat populations. The sheep and goat industries are a significant economic sector in Virginia, especially in rural areas. The regulation is clearly written and easy to understand.

### Result

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

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

### Small business impact

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, 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 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. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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As stated previously, this regulation is important for the sheep and goat industries in Virginia. Many farms that have sheep and goats are small businesses. Without the safeguards this regulation provides, these small businesses take on a great amount of risk. If our "Scrapie-free status" is compromised, other states and countries will not purchase Virginia sheep or goats, which will negatively impact sheep and goat farms and the businesses that rely on them and could cause some sheep and goat farms to go out of business. There have been no complaints from the public, and the regulation is not unnecessarily complicated. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation, and it is supportive of USDA requirements that each state have a state regulation addressing Scrapie that is consistent with the federal rules. Since the last time this regulation was evaluated, there have not been significant changes in technology, economic conditions, or other factors.