



Periodic Review / Retain Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5 - 290
Regulation title	Breeder Sheep Grade Standards
Document preparation date	June 24, 2011

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

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.

The authority for this regulation is contained in Section 3.2-4302 of the Code of Virginia. Section 3.2-4302 authorizes and empowers the Director of the Division of Marketing of the Department of Agriculture and Consumer Services, with approval of the Commissioner of Agriculture and Consumer Services, to establish and promulgate grades for agricultural products that will indicate quality, condition and other characteristics and to prescribe and promulgate rules and regulations governing the voluntary use of such grades.

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.

The alternative is to have no grade standards for breeder sheep; however, there are no other known universal standards for breeder sheep. There would be no impartial way to evaluate the quality of breeding stock without these standards. There are no United States Department of Agriculture standards for breeder sheep, and the standards established in this regulation are applied as requested by the

industry. This regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

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.

Commenter	Comment	Agency response

No comments were received.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation is essential to protect the welfare of citizens because the raising and marketing of breeder sheep makes a significant contribution to the state’s agriculture economy. In order to produce slaughter animals of high quality and to maintain breeding flocks of suitable characteristics, a means to evaluate the quality of breeding stock is essential. The regulation provides the needed criteria to use in making accurate evaluations of breeding stock regarding their suitability for breeding purposes and the desirability of their offspring.

The regulation is clearly written and easily understandable by the individuals and entities affected.

Result

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

The agency is recommending that the regulation 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 complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) 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 agency’s determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The regulation continues to be needed to provide a fair and equitable grading standard for evaluation of breeder sheep. With the ongoing trend of small farms (i.e. small businesses) providing local food, having a regulation in place to evaluate breeding stock for these entities is very beneficial. This regulation does not overlap, duplicate, or conflict with federal or state law or regulation. The last periodic review of the regulation was in 2000 and it was determined that the regulation should be retained as is. The regulation attempts to keep up with developments and changes in technology, economic conditions, and the resident population. Further, the standards established in this regulation are applied on a voluntary basis so they are not a burden to small businesses. The agency has determined that the regulation should not be amended at this time.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

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