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

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-370
Regulation title	Rules and Regulations for the Enforcement of the Animal Remedies Law
Date	October 21, 2016

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 establishes the Board of Agriculture and Consumer Services (Board) as a policy board and authorizes the Board to adopt regulations in accordance with the provisions of Title 3.2 of the Code of Virginia. Chapter 49 of Title 3.2 (Va. Code § 3.2-4900 et seq.) establishes registration requirements for animal remedies and the conditions under which an animal remedy may be adulterated or misbranded and authorizes the Commissioner of Agriculture and Consumer Services to investigate alleged violations of the chapter.

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 agency considered the repeal of this regulation but determined that the regulation should be retained because it prescribes requirements that are essential to ensure the safety of animal remedies offered for sale in Virginia, including the adequate refrigeration of biological products used as animal remedies and reporting requirements regarding personnel and equipment used in production of animal remedies. The provisions of this regulation are not unnecessarily prescriptive or burdensome.

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.

No comments were received during the public comment period that followed the publication of the Notice of Periodic Review on September 5, 2016, and an informal advisory group was not formed for the purposes of assisting in the periodic review.

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 and is clearly written and easily understandable. The provisions of this regulation assist in regulating animal remedies, which affect not only the animals consuming the products but also human food safety.

Result

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

The agency recommends that the regulation stay in effect without change because its provisions assist in regulating animal remedies, which affect not only the animals consuming the products but also human food safety.

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.

The provisions of this regulation establish general requirements that are consistent with current industry practices and that are not unnecessarily burdensome. The agency has determined that this regulation should be retained in order to continue to protect public health, safety, and welfare. The agency has not received any complaints or comments from the public concerning this regulation. The agency has determined that this regulation is not unnecessarily complex and that the complexity of this regulation is not such that it would have an economic impact on small businesses. This regulation does not overlap, duplicate, or conflict with federal or state law or regulation. The agency has determined that no change in the animal remedy industry has occurred subsequent to the agency's previous periodic review of this regulation that would necessitate the amendment or repeal of this regulation.