



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-330
Regulation title	Rules and Regulations for Enforcement of the Virginia Pest Law – Virginia Gypsy Moth Quarantine
Action title	Expansion of Gypsy Moth Regulated Area
Final agency action date	July 15, 2008
Document preparation date	September 9, 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Pursuant to the authority granted in § 3.1-188.23 of the Code of Virginia, the Commissioner of the Virginia Department of Agriculture and Consumer Services hereby adds the counties of Floyd and Franklin to the list of regulated localities in the Virginia Gypsy Moth Quarantine area. This action is necessary due to the detection of larvae or other life stages of the Gypsy Moth in those two counties since the regulation was last amended in 2007. All other regulated localities in the Virginia Gypsy Moth Quarantine area remain unchanged.

The purpose of this action is to prevent the artificial spread of the Gypsy Moth from infested areas to non-infested areas by restricting the movement of regulated articles as defined in 2 VAC 5-330-20. A certificate or permit must be issued prior to the movement of regulated articles from quarantined areas to non-quarantined areas, either in Virginia or in other states. Nurseries, timber operations and homeowners would be required to have regulated articles inspected and certified before moving those articles to non-regulated areas; such requirement would have an indeterminate impact on the workload of the agency's plant pest inspectors. The conditions governing the issuance of certificates or permits are

prescribed in 2 VAC 5-330-50. The resulting certificate or permit must be attached to the regulated article to be moved, or to the accompanying invoice or other shipping document.

This action will:

1. Align Virginia's partial Gypsy Moth quarantine area with the federal partial quarantine area for our state, thus preventing the mandatory implementation of a federal quarantine impacting the entire state.
2. Allow available federal and state funds to be used for Gypsy Moth management in the newly regulated localities.
3. Help reduce the economic losses that could be sustained by Virginia landowners and forest users as a result of Gypsy Moth infestations
4. Help reduce the environmental impact and forest damage caused by such infestations
5. Help reduce the loss of recreational value of infested forests.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On July 15, 2008, the Commissioner of the Virginia Department of Agriculture and Consumer Services adopted amendments to Regulation 2 VAC 5-330, Rules and Regulations for Enforcement of the Virginia Pest Law – Virginia Gypsy Moth Quarantine.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action will have no impact on the institution of the family and family stability.