



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Department of Agriculture and Consumer Services (Board of)
VAC Chapter Number:	2 VAC 5-206
Regulation Title:	Regulation for Scrapie Eradication
Action Title:	scrapiegeneral
Date:	May 15, 2003

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

Scrapie is a debilitating disease of sheep and goats which is estimated to cost U.S. producers \$20 -25 million annually. Infected flocks are less productive, as affected animals usually die during their peak productive years. Recent publicity regarding a possible link between Bovine Spongiform Encephalopathy (“Mad Cow Disease”) and the feeding of cattle in England with scrapie - infected sheep products, has severely affected domestic and international trade in sheep and sheep – derived products. Many renderers have declined to render sheep offal or to pick up dead sheep, significantly increasing disposal costs. In addition, other countries have threatened possible restrictions on importing certain non-sheep ruminant products from the U.S. because of scrapie.

The USDA has made a commitment to the sheep industry to eradicate scrapie in the U.S. by 2010. The federal regulation which became effective in September 2001, restricts interstate movement of sheep and goats from states that have not initiated intrastate regulatory action concerning scrapie eradication within two years. The goal of the new regulation is to eradicate scrapie in Virginia sheep and goats. The regulation will provide the program standards and

procedures for Virginia to participate in the Cooperative State-Federal–Industry Scrapie Program.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

§ 3.1-724. It shall also be the duty of the Board and the State Veterinarian to cooperate with the livestock sanitary control officials of other states, and with the Secretary of Agriculture of the United States, and the United States Department of Agriculture in establishing such interstate quarantines lines, rules and regulations as to best protect the livestock and poultry of this Commonwealth against all contagious and infectious diseases. (This authority is mandatory.)

§ 3.1-726. The Board may adopt such regulations as may be necessary to effectuate the purpose of this article which includes the eradication and prevention of the spread of contagious and infectious diseases. (This authority is permissive.)

§ 3.1-730. The Board or the State Veterinarian shall also, from time to time, give and enforce such directions and prescribe such rules and regulations as to separating, feeding, and caring for diseased or exposed animals or poultry as shall be necessary to prevent the animals or poultry so affected with such disease, or capable of communicating disease, from coming in contact with other animals or poultry not so affected. (This authority is mandatory.)

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

This regulation contemplated by the Notice of Intended Regulatory Action will follow the guidelines in the “Scrapie Eradication State-Federal-Industry Uniform Methods and Rules” established by the USDA /Animal Plant Health Inspection Service (APHIS) in August 2002. The regulation will provide guidance for the prevention, monitoring, control and eradication of scrapie disease from domestic sheep flocks and goat herds in Virginia and for maintenance of state status in the USDA Scrapie Eradication Program.

The agency has determined that the proposed regulatory action is essential to protect the welfare of Virginia because it will allow the continued interstate movement of sheep and goats and

negate economic losses due to this debilitating disease. Additionally, the eradication of scrapie in Virginia would eliminate the basis for the possible restrictions on trade with Virginia.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

Considered alternatives to this regulation are to set no requirements for the eradication of scrapie in Virginia, resulting in Virginia's non-participation in the Cooperative State-Federal-Industry Scrapie Program. The Agency rejects these alternatives because without a scrapie surveillance program substantial economic losses could be sustained due to scrapie disease in sheep and goats, as well as through import restrictions by Virginia's trading partners.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Unless otherwise discussed in this document, this proposed regulation has no impact upon families.