



Virginia
Regulatory
Town Hall

Periodic Review and Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-340
Regulation Title:	Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law
Action Title:	Repeal
Date:	May 8, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes the specifications for the method of sale of commodities, standards of net weight, measure or count, standards of fill for commodities in package form, and exemptions. Additionally, the regulation establishes specific standards for sales of certain agricultural commodities.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Section 3.1-926 of the Code of Virginia (1950), as amended, gives the Board of Agriculture and Consumer Services discretionary authority to adopt regulations pertaining to the method of sale of commodities, standards of net weight, measure or count, standards of fill for commodities in package form, and exemptions.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.

The Department published its notice in The Virginia Register of Regulations on February 12, 2001 advertising the opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). The agency did not receive any comments from the public regarding this regulation in response to this notice. An informal advisory group was not formed for the purpose of assisting with this periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

Amendments to the Virginia Weights and Measures Law by the 1993 Session of the General Assembly have rendered the regulation ineffective. The 1993 amendments included the adoption, by reference, of sections of the National Institute of Standards and Technology (NIST), Handbook 130. The adopted sections of Handbook 130 replaced and eliminated the need for regulations addressing labeling and method of sale. All remaining provisions contained in 2 VAC 5-340 are obsolete or are adequately addressed by other state laws or regulations

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation

of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The adoption by reference of sections of the National Institute of Standards and Technology (NIST), Handbook 130 in the Virginia Weights and Measures Law has provided an alternative to the need for regulations addressing labeling and method of sale. All remaining provisions contained in 2 VAC 5-340 are adequately addressed by other state laws or regulations

Recommendation

Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.

It is the agency’s recommendation that the regulation be repealed. The continuation of this regulation will serve no useful purpose.

Substance of Proposed Action

Please detail any changes that would be implemented.

The entire regulation will be repealed.

Family Impact Statement

Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which 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 report, this regulation has no impact upon families.