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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 5-80
Regulation title	Requirements Governing the Branding of Cattle in Virginia
Date	October 19, 2015

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 (Code) establishes the Board of Agriculture and Consumer Services (Board) as a policy board with the authority to adopt regulations in accordance with the provisions of Title 3.2 of the Code.

Section 3.2-6101 of the Code authorizes the Commissioner, with the approval of the Board, to adopt regulations that facilitate the tracing and identification of cattle and afford protection against theft and unlawful dealing in cattle.

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.

This regulation requires that Virginia cattle producers register any brands, which are recorded identification marks applied to cattle, with the Virginia Department of Agriculture and Consumer Services. This regulation is the most viable system to prevent the duplication of brands amongst cattle producers.

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.

The agency received no comments during the public comment period and did not form an informal advisory group to assist with this 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 the economic welfare of the Commonwealth's cattle industry because it provides the structure for the system to regulate cattle brands in Virginia. The cattle industry is a significant economic sector in Virginia. The regulation is clearly written and easy to understand.

Result

Please state that the reason why 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. In the period since this regulation was last evaluated, there have been no significant changes that would necessitate amending this regulation.

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 agency has determined that there is a continued need for this regulation. Many farms that have cattle are small businesses and this regulation facilitates the tracing and identification of cattle and protects farmers against theft and unlawful dealing in cattle. There have been no comments or complaints received from the public for this regulation. The regulation is not complex, and does not overlap, duplicate, or conflict with federal or state law or regulation. The regulation was last evaluated during a periodic review conducted in 2011. In the period since this regulation was last evaluated, there have been no significant changes in technology, economic conditions, or other factors.