



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services (Board of)
VAC Chapter Number:	2 VAC 5-120
Regulation Title:	Rules and Regulations Governing the Recordkeeping by Virginia Cattle Dealers for the Control or Eradication of Brucellosis of Cattle
Action Title:	Review
Date:	February 4, 2000

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 retain an existing regulation.

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 requires that cattle dealers and their agents doing business in the Commonwealth register with the State Veterinarian. The regulation sets basic requirements for dealers and their agents to observe in their business and requires them to keep records of all transactions related to their business; such records must be kept for a period of two years and are subject to inspection by the State Veterinarian or his representative. The regulation prohibits removing or altering the identification of cattle. Under this regulation, the State Veterinarian also has the authority to deny, suspend or cancel any registration of any cattle dealer or his agent for cause. This regulation exempts any person who purchases only cattle for immediate slaughter from having to register under these provisions.

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.

The source of legal authority for this regulation is sections 3.1-724 and 3.1-730 of the Code of Virginia (1950) as amended. These specific sections indicate that it is the duty of the State Board of Agriculture and Consumer Services, the State Veterinarian and all other veterinarians in Virginia to protect domestic animals and poultry from disease. It is also the duty of the Board and the State Veterinarian to cooperate with other livestock sanitary control officials to establish quarantine lines, rules and regulations to best protect Virginia livestock and poultry against all contagious and infectious diseases. The law further indicates that the Board or the State Veterinarian shall give and enforce directions and prescribe rules and regulations as to separating, feeding and caring for diseased or exposed animals or poultry to prevent exposing other animals through contact or close association. While there is no statutory mandate to establish regulations governing the registration of cattle dealers, section 3.1-730 of the Code of Virginia requires the Board (or the State Veterinarian) to promulgate regulations that require the separation of diseased or exposed animals from those that are not. The regulation does not exceed any mandate.

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 formed for purposes of assisting in the periodic review.

No comments were received regarding this regulation. No informal advisory groups were formed for assisting in the periodic review of this regulation.

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. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The specific and measurable goals of the regulation are:

1. the protection of the health, safety, and welfare of the public with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth;
2. *to specify measures that aid in the control and eradication of brucellosis in cattle.*

This regulation is essential to protect the health and welfare of the citizens of the Commonwealth for the following reasons:

1. Brucellosis is a disease that is transmissible from animal to man.
2. This regulation is essential to protect the welfare of citizens because according to the Virginia Agricultural Statistics Service records for 1998, there are 1,760,000 head of cattle in Virginia, generating \$303 million worth of business for the Commonwealth and because brucellosis causes abortions in female cattle, and in some cases sterility in those cows that recover from the disease, cattle producers can suffer severe economic losses in their herds. Therefore, the regulation is necessary to protect the valuable Virginia cattle industry.

Cattle producers in states with brucellosis-infected herds are required by federal regulations to have their cattle tested and found to be negative for the disease before they can ship their cattle to other states or countries. Each state is ranked from bad to good by the severity of brucellosis-infection they have. Thus, it behooves Virginia to remain free of brucellosis in order to have the best trade opportunities for its cattle.

This regulation has no direct impact on the institution of the family and family stability.

The regulation governing the recordkeeping by Virginia cattle dealers for the control or eradication of brucellosis of cattle is clearly written and easily understood by the regulated entities and individuals affected.

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.

An alternative to the requirements of this regulation, which was considered, was to not require registration of cattle dealers or any record keeping of cattle handled by cattle dealers. This alternative would place the cattle industry in the position of being exposed to brucellosis and consequently, jeopardize the "brucellosis-free" status currently enjoyed by all Virginia cattle owners. Because brucellosis is transmissible to humans, such action would promote the possible spread of the disease and not protect the health and welfare of the citizens of the Commonwealth. Therefore, the regulation is the least burdensome alternative to assure that

cattle are identified and can be traced to the farm source where disease eradication measures can be initiated in case brucellosis is disclosed.

Recommendation

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

The Agency recommends that this regulation stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

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