



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 40-10 – Public Participation Guidelines
Department of Forensic Science
June 15, 2006

Summary of the Proposed Regulation

The General Assembly requires, in §2.2-4007(D) of the Code of Virginia, that all agencies adopt public participation guidelines in order to facilitate the involvement of citizens in the formulation and development of regulations.

In order to comply with this mandate, the Forensic Science Board proposes to promulgate Public Participation Guidelines.

Result of Analysis

The benefits likely exceed the costs for this proposed regulatory change.

Estimated Economic Impact

As the Forensic Science Board (board) is a relatively new board within a relatively new department, it has no current regulation pertaining to public participation or any other regulatory subject matter. This proposed regulation will set the framework within which any interested individuals or groups may seek to affect future regulatory action.

The proposed regulation will require that the Department of Forensic Science (DFS) maintain a list of individuals and groups who are to be notified of any future regulatory action. This list will comprise individuals or groups who have requested inclusion as well as individuals or groups who DFS believes would benefit from notification. The proposed regulation enumerates the actions that will trigger list notification. Also set out in the proposed regulation are the documents and information that must accompany a petition for rulemaking; any individual will be allowed to submit such a petition to the board. The proposed regulation will

require the board to make provisions to receive public comment during the regulatory process; comments will be accepted electronically and by fax or mail.

This proposed regulation is likely to have a positive, albeit probably small, economic impact on the citizens of Virginia. Citizens who are able to participate in the formation of the administrative rules they must live by are far more likely to affect change to (often costly) proposed regulations than those that are denied the opportunity to participate.

Businesses and Entities Affected

The DFS anticipates that those most likely to comment on future regulatory action are those that actually use DFS's services. This community comprises law enforcement agencies and Commonwealth's Attorneys. Other affected parties, such as defense attorneys, criminal defendants and other citizens might also choose to participate in the regulatory process, as well. There are approximately 375 law enforcement agencies and 125 Commonwealth's Attorneys Offices statewide.

Localities Particularly Affected

The proposed regulation will affect all localities in the Commonwealth.

Projected Impact on Employment

The proposed regulation is unlikely to have any affect on employment in the Commonwealth.

Effects on the Use and Value of Private Property

The proposed regulation will likely have no affect on the use or value of private property within the Commonwealth.

Small Businesses: Costs and Other Effects

The proposed regulation will likely have no effect on the cost structure of any small businesses in the Commonwealth.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed regulation will likely have no adverse impact on any small businesses in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.