



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-140
Regulation title	Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds Into Virginia
Document preparation date	November 26, 2007

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

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 3.1-724 states that the Board of Agriculture and Consumer Services and the State Veterinarian shall have the authority, and that it shall be their duty to establish rules and regulations to protect domestic animals and poultry from disease.

Section 3.1-726 authorizes the Board of Agriculture and Consumer Services to adopt regulations governing health requirements for the admission of livestock, poultry, companion animals and other animals or birds into Virginia.

Section 3.1-730 mandates that the Board of Agriculture and Consumer Services or the State Veterinarian give and enforce directions and prescribe 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 affected with disease, or capable of communicating disease, from coming in contact with other animals or poultry not affected.

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 still achieves its intended purpose. Currently, there is no significant information available to substantiate the need for updating the existing requirements. Retaining the existing regulation is the least burdensome approach for governing the admission of livestock, poultry, companion animals and other animals and birds into Virginia to protect the viability of Virginia's livestock and poultry industries and the health of other animals and birds.

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.

There were no public comments received during the periodic review period.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, 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 prevention and introduction of contagious and infectious diseases into animal populations in the Commonwealth. The retention of the current regulation is necessary for the protection of the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

This regulation meets the criteria set out in Executive Order 36 and establishes the health certification and testing requirements for certain animals and birds entering Virginia from other states by:

- (1) Establishing disease-testing requirements that animals must meet before they enter the state, and;
- (2) Establishing a monitoring system of official certificates (Certificates of Veterinary Inspection) issued by other states and countries of the origin and health status of any animal brought into Virginia.

Result

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

The Department of Agriculture and Consumer Services is recommending that the regulation should stay in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

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