



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2VAC5-390
Regulation title	Rules and Regulation for the Enforcement of the Virginia Seed Law
Action title	Amend 2VAC5-390 to Temporarily Lower the Peanut Seed Germination Rate
Final agency action date	March 10, 2008
Document preparation date	March 10, 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This action seeks to temporarily reduce the minimum germination rate for peanut seed from 75% to 70% in order to ensure adequate supply of seed for Virginia's producers for the 2008 growing season. This action is initiated at the request of the State Certified Seed Board.

Unfavorable weather conditions during the 2007 growing and harvesting season adversely affected the germination rate of peanuts produced for seed. Germination tests conducted by the Seed Laboratory in the Virginia Department of Agriculture and Consumer Services indicate that the amount of seed failing to meet the minimum germination standard established by regulation will result in insufficient seed of certain varieties of Virginia grown peanuts to plant during the 2008 season. This action is necessary to ensure the adequate availability of peanut seed.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On March 10, 2008, the Commissioner of the Virginia Department of Agriculture and Consumer Services adopted an amendment to 2VAC 5-390-180, Minimum germination standard for peanut seed, a section of 2VAC 5-390, Rules and Regulations for the Enforcement of the Virginia Seed Law.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This action will not erode the authority and rights of parents in the education, nurturing, and supervision of their children; will not discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; will not erode the marital commitment; and could result in an increase in the disposable family income of affected growers.