



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-50
Regulation Title:	Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia
Action Title:	Retain
Date:	September 5, 2001

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.

The regulation provides for a cattle brucellosis eradication program for Virginia. This state program is part of a national program implemented to eliminate brucellosis from cattle in the United States.

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.

§§3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia (1950), as amended, require the Virginia Board of Agriculture and Consumer Services and the State Veterinarian to establish rules and regulations to best protect Virginia’s cattle against all contagious and infectious diseases.

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.

The agency did not receive any public comment in response to the Notice of Periodic Review that was published in The Virginia Register of Regulations on June 18, 2001, to provide notice of opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). No informal advisory group was formed for the purpose of assisting the periodic review.

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.

Specific and measurable goals:

1. 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.
2. To prevent re-introduction of the economically devastating disease of brucellosis into Virginia’s cattle herds.
3. To ease the burden of interstate shipping restrictions on Virginia’s cattle producers by maintaining Virginia’s brucellosis-free status. Cattle coming from brucellosis-infected herds or states are required to be tested negative to brucellosis before they are accepted by the importing state.

Effectiveness of the regulation in achieving such goals: Virginia attained and maintained brucellosis-free status since July 28, 1998.

The regulation governing an effective program for brucellosis eradication and maintenance of Virginia's brucellosis-free status, protects the Commonwealth's public welfare by minimizing economic losses due to brucellosis in cattle, minimizing disease transmission to other animals susceptible to brucellosis (e.g., humans, bison, deer, sheep, goats, dogs and horses), and maximizing the cattle industry's market potential by easing interstate and intrastate shipment of Virginia's cattle to other markets.

The regulation protects the public health since brucellosis is an infectious and contagious disease of humans (known as undulant fever), which is characterized by persistent and recurring fever marked by weakness and painful joints. The regulation also protects the public's welfare by ensuring a low cost, plentiful beef supply for consumers by minimizing disease and economic losses to Virginia's cattle industry.

The regulation helps ensure family stability and the family institution by minimizing severe economic losses to families that derive incomes from the cattle industry and by protecting families from a potentially diminished or more costly food supply.

The regulation is clearly written and easily understandable by individuals and entities 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.

The alternative would be to cease having a brucellosis program. This alternative is rejected by the agency because without such a program, brucellosis could be re-introduced into Virginia with the resultant devastating animal and economic losses to the cattle industry, higher beef costs to consumers, and diminished revenues for the Commonwealth.

Recommendation

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

The regulation should 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.