



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 20-10
Regulation Title:	Public Participation Guidelines
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.

This regulation establishes procedures for the development of regulations by the Pesticide Control Board (Board) by: (1) establishing methods for the identification and notification of parties, persons and groups interested in the development of regulations of the Pesticide Control Board; (2) requiring the establishment and maintenance of mailing lists of interested parties; and (3) setting out general policy for the use of advisors to assist the Board in regulation making.

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.

Section 9-6.14:7.1 of the Code of Virginia (1950), as amended, and Acts of Assembly 1993, Chapter 898 mandate that agencies of state government include a general policy for the use of standing or *ad hoc* advisory panels and consultation with groups and individuals registering interest in working with the agency. The agency is required to establish methods for the identification and notification of interested parties, and any specific means for seeking input from interested persons or groups which the agency intends to use in addition to the Notice of Intended Regulatory Action. Section 3.1-249.30 of the Code of Virginia (1950), as amended, authorizes the Pesticide Control Board to promulgate regulations pursuant to the Administrative Process Act which may be necessary or convenient to carry out the purposes of the Virginia Pesticide Control Act.

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 received no public comment on this regulation as the result of the Notice of Periodic Review 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 purposes of assisting in 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.

The specific and measurable goals of this regulation are: (1) to protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth; and (2) to solicit the input of interested parties on the development of regulations by the Board. Comments from interested parties on the Board's regulations have helped to ensure that the regulations met their regulatory intent and that they were understandable.

This regulation is clearly written and easily understood 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.

Due to the nature of the state mandate for this regulation, an alternative measure does not exist. This regulation is different from other regulations as it imposes a requirement upon the agency rather than the citizens.

Recommendation

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

It is recommended that this regulation be retained in its present form.

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.