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Exempt Action Final Regulation Agency Background Document

Agency name	Board of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation(s)	2 VAC 5-316
Regulation title(s)	Rules and Regulations for Enforcement of the Virginia Pest Law-Beach Vitex Quarantine
Action title	Repeal of the Beach Vitex Quarantine
Final agency action date	December 10, 2015
Date this document prepared	December 14, 2015

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) or an agency's basic statute, the agency is not required, however, 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, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulatory action repeals 2 VAC 5-316 *et seq.*, *Rules and Regulations for the Enforcement of the Virginia Pest Law- Beach Vitex Quarantine*, which is one of two regulations that establish a Beach Vitex quarantine throughout the entire Commonwealth.

Beach Vitex is classified as a Tier 1 noxious weed in subsection A of section 20 of 2 VAC 5-317 *et seq.*, *Regulations for the Enforcement of the Noxious Weeds Law*, because it is not native to the Commonwealth, not widely disseminated in the Commonwealth, and successful eradication or suppression is likely. 2 VAC 5-317 *et seq.* was established in January 2015 and seeks to

promote the eradication, suppression, and prevention of noxious weeds in the Commonwealth through (i) an established list of plants deemed by the Board of Agriculture and Consumer Services to be noxious weeds, (ii) prohibiting the movement of noxious weeds or articles capable of transporting noxious weeds into or within the Commonwealth, and (iii) identifying eradication activities for certain noxious weeds. Retaining a separate regulation that seeks to promote the eradication, suppression, and prevention of this noxious weed is redundant and no longer necessary.

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 December 10, 2015, the Board of Agriculture and Consumer Services voted to repeal 2 VAC 5-316 et seq., *Rules and Regulations for Enforcement of the Virginia Pest Law-Beach Vitex Quarantine*.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The repeal of this regulation does not impact the institution of the family or family stability.

Periodic review/small business impact review report of findings

This section may be used to report the results of a periodic review/small business impact review. Otherwise, delete this section.

Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

Commenter	Comment	Agency response
Nikki Rovner,	The Nature Conservancy stated	The agency thanks The Nature

The Nature Conservancy	its dedication to supporting the suppression and eradication of Beach Vitex and recommended that the regulation be retained.	Conservancy for its interest in this regulation. Given that the Virginia Administrative Code currently includes two regulations that seek to promote the eradication, suppression, and prevention of this noxious weed, this regulation is redundant and no longer necessary.
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The agency has determined that this regulation is no longer necessary for the protection of public health, safety, and welfare because the Virginia Administrative Code currently includes two regulations that promote the eradication, suppression, and prevention of Beach Vitex.