



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-330
<b>Regulation title</b>	Rules and Regulations for Enforcement of the Virginia Pest Law – Virginia Gypsy Moth Quarantine
<b>Action title</b>	Expansion of Gypsy Moth Regulated Area
<b>Final agency action date</b>	March 9, 2009
<b>Document preparation date</b>	February 24, 2009

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 36 (06) 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.*

By authority granted under Section 3.2-703 of the Code of Virginia, the Commissioner of the Virginia Department of Agriculture and Consumer Services hereby extends the regulated areas under the Virginia Gypsy Moth Quarantine due to the detection of adult, larvae, or other life stages of the gypsy moth in areas not currently under regulation. The current regulated area is changed by the addition of the counties of Bland and Pulaski and the city of Radford. All other parts of the Virginia Gypsy Moth Quarantine will remain unchanged.

The regulated areas described in the quarantine are being revised to include areas which have been infested with gypsy moth since this regulation was last amended in 2008. The addition to the current regulated area includes the counties of Bland and Pulaski and the city of Radford. The purpose of the change to this regulation is to delay the long distance (artificial) spread of the gypsy moth from infested areas to non-infested areas. This will reduce the impact of the

gypsy moth to landowners and forest users in Virginia thereby protecting the public's health and welfare.

This revision to the regulation would change the current status of the law with the addition of Bland and Pulaski counties and the city of Radford to the Virginia Gypsy Moth Quarantine, which restricts movement of regulated articles, as defined in 2 VAC5-330-20, from this area as well as those already in the quarantine. A certificate or permit must be issued before movement of regulated articles from these quarantined areas into non-quarantined areas of Virginia and other states can occur. Conditions under which the certificate or permit will be issued are described in 2 VAC5-330-50. This certificate or permit must be attached to the regulated article to be moved.

The addition of the counties of Bland and Pulaski and the city of Radford to the existing gypsy moth quarantine will provide the following advantages and disadvantages:

#### Advantages

1. Prevents the spread of gypsy moth from infested areas of Virginia into areas which are currently non-infested in Virginia.
2. Prevents the spread of gypsy moth from areas infested in Virginia into areas which are currently non-infested in the United States.
3. Reduces the impact of gypsy moth damage to Virginia's forest land.
4. Allows available federal and state funds to be used for gypsy moth management in the newly regulated localities.
5. Prevents implementation of a federal quarantine impacting the entire state if Virginia's partial state quarantine fails to mirror the federal partial quarantine of Virginia.

#### Disadvantages

1. Nurseries, timber operations and homeowners would be required to have regulated articles inspected and certified before these articles could be moved from regulated to non-regulated areas.
2. The revision of these regulations would add to the workload of VDACS inspectors responsible for conducting inspections of regulated articles and issuing certificates.

### 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.*

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On March 9, 2009, the Commissioner of the Virginia Department of Agriculture and Consumer Services adopted amendments to Regulation 2 VAC 5-330, Rules and Regulations for Enforcement of the Virginia Pest Law – Virginia Gypsy Moth Quarantine.

### Family impact

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

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This regulatory action will have no impact on the institution of the family and family stability.