

Office of Regulatory Management
Economic Review Form

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12 VAC 5-421
VAC Chapter title(s)	Food Regulations
Action title	Amend Regulations to Conform to Chapter 393 of the 2022 Acts of Assembly
Date this document prepared	September 21, 2022

Cost Benefit Analysis

Table 1a must be completed for all actions. Tables 1b and 1c must be completed for actions (or portions thereof) where the agency is exercising discretion, including those where some of the changes are mandated by state or federal law or regulation. Tables 1b and 1c are not needed if **all** changes are mandated, and the agency is not exercising any discretion. In that case, enter a statement to that effect.

- (1) Direct Costs & Benefits: Identify all specific, direct economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (A direct impact is one that affects entities regulated by the agency and which directly results from the regulatory change itself, without any intervening steps or effects. For example, the direct impact of a regulatory fee change is the change in costs for these regulated entities.) When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo. One bullet has been provided, add additional bullets as needed.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of total (overall) direct costs described above.
 - (b) Enter estimated dollar value of total (overall) direct benefits described above.
 - (c) Enter the present value of the direct costs based on the worksheet.
 - (d) Enter the present value of the direct benefits based on the worksheet.
- (3) Benefits-Costs Ratio: Calculate d divided by c OR enter it from the worksheet.
- (4) Net Benefit: Calculate d minus c OR enter it from the worksheet.
- (5) Indirect Costs & Benefits: Identify all specific, indirect economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (An indirect impact is one that results from responses to the regulatory change, but which are not directly required by the regulation. Indirect impacts of a regulatory fee change on regulated entities could include a change in the prices they charge, changes in their operating procedures or employment levels, or decisions to enter or exit the regulated profession or market. Indirect impacts also include responses by other entities that have close economic ties to the regulated

entities, such as suppliers or partners.) If there are no indirect costs or benefits, include a specific statement to that effect.

- (6) Information Sources: Describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (7) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc. b

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct Costs & Benefits</p>	<ul style="list-style-type: none"> • The proposed regulatory action will amend the <u>Food Regulations</u> (12VAC5-421) removing the requirement of a certified food protection manager (CFPM) on the premises of a food establishment at all times of operation. Chapter 393 of the 2022 Acts of Assembly mandates an amendment to the Food Regulations in order to conform to state law. <p>Direct Costs: There are no direct costs associated with this exempt regulatory action.</p> <p>Direct Benefits: Currently, certain food establishments are required to employ a CFPM to ensure safe operation of the facility. CFPM are required to take an exam and maintain certification. Certification costs range from \$28.00 to \$100.00 per individual and require a renewal every five years (a cost of \$5.60 to \$20.00 per year per individual). It is unknown how many additional staff members per food establishment would be required to ensure a CFPM is on the premises at all times of operation. This exempt regulatory action would remove the above mentioned additional costs.</p>		
<p>(2) Quantitative Factors</p>	<p>Estimated Dollar Amount</p>	<p>Present Value</p>	
<p>Direct Costs</p>	<p>(a) \$0</p>	<p>(c) Indeterminate (regulation is not in effect at this time)</p>	
<p>Direct Benefits</p>	<p>(b) Cost savings of \$5.60 to \$20.00 per year per additional certificate.</p>	<p>(d) Indeterminate (regulation is not in effect at this time)</p>	
<p>(3) Benefits-Costs Ratio</p>	<p>Indeterminate</p>	<p>(4) Net Benefit</p>	<p>Indeterminate</p>

(5) Indirect Costs & Benefits	<p>Indirect Costs: There are no indirect costs associated with this exempt regulatory action.</p> <p>Indirect Benefits: There are no indirect benefits associated with this exempt regulatory action. There does not appear to be any indirect costs or benefits to this proposed regulatory action.</p>
(6) Information Sources	N/A
(7) Optional	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

This table addresses current requirements and the implications of not making any changes. In other words, describe the costs and benefits of maintaining the current regulatory requirements as is.

(1) Direct Costs & Benefits	<ul style="list-style-type: none"> • N/A this action is required to conform to Chapter 393 of the 2022 Acts of Assembly (SB 146), the agency is not exercising any discretion. 		
(2) Quantitative Factors	Estimated Dollar Amount	Present Value	
Direct Costs	(a)	(c)	
Direct Benefits	(b)	(d)	
(3) Benefits-Costs Ratio		(4) Net Benefit	
(5) Indirect Costs & Benefits			
(6) Information Sources			
(7) Optional			

Table 1c: Costs and Benefits under an Alternative Approach

This table addresses an alternative approach to accomplishing the objectives with different requirements. These alternative approaches may include the use of reasonably available alternatives in lieu of regulation, or information disclosure requirements or performance standards instead of regulatory mandates.

(1) Direct Costs & Benefits	<ul style="list-style-type: none"> • N/A this action is required to conform to Chapter 393 of the 2022 Acts of Assembly (SB 146), the agency is not exercising any discretion. 		
(2) Quantitative Factors	Estimated Dollar Amount	Present Value	
Direct Costs	(a)	(c)	
Direct Benefits	(b)	(d)	
(3) Benefits-Costs Ratio		(4) Net Benefit	
(5) Indirect Costs & Benefits			
(6) Information Sources			
(7) Optional			

Impact on Local Partners

- (1) Describe the direct costs and benefits (as defined on page 1) for local partners in terms of real monetary costs and FTEs. Local partners include local or tribal governments, school divisions, or other local or regional authorities, boards, or commissions. If local partners are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of total (overall) direct costs described above.
 - (b) Enter estimated dollar value of total (overall) direct benefits described above.
- (3) Indirect Costs & Benefits: Describe any indirect benefits and costs (as defined on page 1) for local partners that are associated with all significant changes. If there are no indirect costs or benefits, include a specific statement to that effect.

- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (5) Assistance: Identify the amount and source of assistance provided for compliance in both funding and training or other technical implementation assistance.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 2: Impact on Local Partners

(1) Direct Costs & Benefits	<p>Direct Costs: There are no direct costs to local partners associated with this exempt regulatory action.</p> <p>Direct Benefits: There are no direct benefits to local partners associated with this exempt regulatory action.</p>
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a) \$0
Direct Benefits	(b) \$0
(3) Indirect Costs & Benefits	<p>Indirect Costs: There are no indirect costs to local partners associated with this exempt regulatory action.</p> <p>Indirect Benefits: There are no indirect benefits to local partners associated with this exempt regulatory action.</p>
(4) Information Sources	N/A
(5) Assistance	N/A
(6) Optional	N/A

Economic Impacts on Families

- (1) Describe the direct costs and benefits (as defined on page 1) to a typical family of three (average family size in Virginia according to the U. S. Census) arising from any proposed regulatory changes that would affect the costs of food, energy, housing, transportation, healthcare, and education. If families are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of direct costs.
 - (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe any indirect costs and benefits (as defined on page 1) to a typical family of three that are most likely to result from the proposed changes.
- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (5) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 3: Impact on Families

(1) Direct Costs & Benefits	<p>Direct Costs: There are no direct costs to families associated with this exempt regulatory action.</p> <p>Direct Benefits: As stated in Table 1a, CFPM certification costs range from \$28.00 to \$100.00 per individual and require a renewal every five years (a cost of \$5.60 to \$20.00 per year per individual). In order to defray the additional costs of certification, food establishments could increase the price of their goods resulting in a potential increased cost to families. As the cost of certification is minimal, it is likely food establishments would absorb such costs.</p>
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a) \$0
Direct Benefits	(b) Indeterminate
(3) Indirect Costs & Benefits	<p>Indirect Costs: There are no indirect costs to families associated with this exempt regulatory action.</p> <p>Indirect Benefits: There are no indirect benefits to families associated with this exempt regulatory action.</p>

(4) Information Sources	N/A
(5) Optional	N/A

Impacts on Small Businesses

- (1) Describe the direct costs and benefits (as defined on page 1) for small businesses. For purposes of this analysis, “small business” means the same as that term is defined in § 2.2-4007.1. If small businesses are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of direct costs.
 - (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe the indirect benefits and costs (as defined on page 1) for small businesses that are most likely to result from the proposed changes.
- (4) Alternatives: Add a qualitative discussion of any equally effective alternatives that would make the regulatory burden on small business more equitable compared to other affected business sectors, and how those alternatives were identified.
- (5) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 4: Impact on Small Businesses

(1) Direct Costs & Benefits	<p>Direct Costs: The agency is unable to determine the direct cost of this exempt regulatory action to small businesses as food establishments are not classified or licensed based on the number of employees, annual sales, or ownership status.</p> <p>Direct Benefits: The agency is unable to quantify the direct benefit of this exempt regulatory action to small businesses as food establishments are not classified or licensed based on the number of employees, annual sales, or ownership status. A direct benefit is that food establishments that serve only prepared food, some of which may be small businesses, will not need to have a certified food protection manager on premises during all hours of operation, which may save the establishment on salary or wage costs.</p>
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(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a) Indeterminate
Direct Benefits	(b) Indeterminate
(3) Indirect Costs & Benefits	<p>Indirect Costs: The agency is unable to determine the indirect cost of this exempt regulatory action to small businesses as food establishments are not classified or licensed based on the number of employees, annual sales, or ownership status.</p> <p>Indirect Benefits: The agency is unable to determine the indirect benefit of this exempt regulatory action to small businesses as food establishments are not classified or licensed based on the number of employees, annual sales, or ownership status.</p>
(4) Alternatives	None, this is an exempt regulatory action and mandated by Chapter 393 of the 2022 Acts of Assembly (SB 146).
(5) Information Sources	N/A
(6) Optional	

Changes to Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed.

Table 5: Total Number of Requirements

Chapter number	Number of Requirements			
	Initial Count	Additions	Subtractions	Net Change
421	584		1	-1

