

January 6, 2005

Notification of regulatory actions that may have an adverse effect on small businesses (where the EIA was completed prior to 7/1/05):

Beginning July 1, 2005, all regulations submitted to DPB or were in house at DPB became subject to the small business legislation (Chapters 619 and 682, 2005 Virginia Acts of Assembly). On advice of the Office of the Attorney General (OAG), regulatory stages that meet the following criteria also became subject to the requirements of the small business legislation: (1) the fast-track or proposed stage of a regulatory action for which an EIA was prepared was not concluded by July 1, 2005 (e.g., the 60-day public comment period had not ended), and (2) DPB determined that the regulatory proposal may have an adverse effect on small businesses as defined by the OAG as "if it would be likely to have a direct, immediately, pecuniary, and substantial impact on a legally protect right or interest."

The following is a list of regulatory actions that appear to meet the above-noted criteria or there is some question as to whether or not they meet the above-noted criteria. Below are links to further information about these regulatory actions. The economic impact analyses of these regulatory proposals are also located on the pages linked below.

1. <http://www.townhall.virginia.gov/Stage/ViewStage.cfm?Stage=2875>

AC	Chapter Name	Action Title	Stage
2 VAC 20-51 1426/2875	Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act	<u>certification amendment</u>	<u>Proposed</u> VDACS

2. <http://www.townhall.virginia.gov/Stage/ViewStage.cfm?Stage=3068>

VAC	Chapter Name	Action Title	Stage
4 VAC 5-15 1445/3068	Nutrient Management Training and Certification Regulations	<u>Amend the Nutrient Management Training and Certification Regulations</u>	<u>Proposed</u> DCR

3. <http://www.townhall.virginia.gov/Stage/ViewStage.cfm?Stage=2760>
- 4.

VAC	Chapter Name	Action Title	Stage
9 VAC 25-260 1368/3243	Water Quality Standards	<u>Amendments - Water Quality Standards – This Stage - Chesapeake Bay and Tidal Waters Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a and Designated Uses - Sections 310, 410 and 510 [SECTIONS 5, 10, 50, 185, 186, 350 EFFECTIVE JUNE 24, 2005]</u>	<u>Final</u> DEQ

It is questionable whether there may be adverse impact on small businesses. This action is now at the final stage.

5. <http://www.townhall.virginia.gov/Stage/ViewStage.cfm?Stage=2911>

VAC	Chapter Name	Action Title	Stage
9 VAC 25-40 1389/3265	Policy for Nutrient Enriched Waters	<u>Amendment to Policy Addressing Total Nitrogen and Phosphorus Limitations for Certain Permits within the Chesapeake Bay Watershed - This stage only 9 VAC 25-720-60 and 120</u>	<u>Final</u> DEQ

It is questionable whether there may be adverse impact on small businesses. This action is now at the final stage.

6. <http://www.townhall.virginia.gov/Stage/ViewStage.cfm?Stage=2915>

VAC	Chapter Name	Action Title	Stage
18 VAC 50-30 1435/2915	Tradesman Rules and Regulations	<u>Amendment to Board for Contractor Tradesman Regulations</u>	<u>Proposed</u> DPOR

Note: The EIA speaks about the new cost in a relatively positive manner, however, it is still a new cost that would be born by business.

7. <http://www.townhall.virginia.gov/Stage/ViewStage.cfm?Stage=3172>

VAC	Chapter Name	Action Title	Stage
12 VAC 30-80	Methods and	<u>Virginia Maximum Allowable Cost (VMAC)</u>	<u>Proposed</u>

1618/3172 Standards for
Establishing Payment
Rate; Other Types of
Care

DMAS

Note: This regulation became effective on 12/1/2005.

8. <http://www.townhall.virginia.gov/Stage/ViewStage.cfm?Stage=2963>

	Chapter Name	Action Title	Stage
22 VAC 40-740 1534/2963	Adult Protective Services	<u>Implement 2004 APS Legislation</u>	<u>Proposed</u> DSS

Note: A final stage for this regulatory has been submitted to the OAG for approval. We have marked this one as "questionable" to whether there may be adverse impact on small businesses."

9. <http://www.townhall.virginia.gov/Stage/ViewStage.cfm?Stage=2936>

VAC	Chapter Name	Action Title	Stage
11 VAC 10-20 1430/2936	Regulations Pertaining to Horse Racing With Pari- Mutuel Wagering	<u>To amend Section 240 to conform with the revisions of 59.1-386 of the Code of Virginia.</u>	<u>Proposed</u> VRC

Note: A final regulation has been submitted and has successfully undergone executive branch review. This final regulation has not yet been submitted to the Registrar for publication.