

January 5, 2006

**How the Virginia Regulatory Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) has been modified to implement the small business legislation (Chapters 619 and 682, 2005 Virginia Acts of Assembly):**

When a DPB economist uploads his economic impact analysis (EIA) on the Town Hall in connection to a fast-track or proposed regulation, he will check “yes” or “no” where it says (as indicated on the “Edit EIA Information” page below),

**Adverse effect on small business? Yes No**

In addition, the economist may add a brief comment explaining the reason(s) why the regulatory proposal may have an adverse effect on small businesses. This comment is then forwarded to JCAR (along with other regulatory information) if it is determined that a regulatory action may have an adverse effect on small businesses.

The screenshot shows a web browser window displaying the "Edit EIA Information" page on the Virginia Regulatory Town Hall website. The page has a dark sidebar on the left with navigation links and a main content area on the right. The sidebar includes sections for "Find a regulation by" (with links for Subject/Title, Secretariat, Agency, Board, and Search form), "Regulatory changes" (with links for Now in progress, Open for comment, Required by VA law, and Requested by public), "Meetings" (with links for Future and Past meeting minutes), and "Agency functions" (with a search box and a "GO" button). At the bottom of the sidebar, there are links for "Log off" and "Hide Menu", and a "Session PublicUserID:" field. The main content area is titled "Edit EIA Information" and contains a form with the following fields: "DPB Stage Information" (Action title: New regulation (1419/3318)), "Completion Date" (11/16/2005), "Adverse effect on small business?" (Yes  No ) with radio buttons, "Brief Comment" (This is a test), "DPB Economist" (Bob Griffis), "Economic Impact Analysis" (with a "Browse..." button and "Current Value: EIA\_VDH\_3318\_v1.pdf"), and "DPB Analyst" (Rebecca Rowland). A "Save Changes" button is located at the bottom of the form. The browser's address bar shows "Internet".

If the regulatory action may have an adverse effect on small businesses, DPB will inform the agency directly, however, this information will also be available on the "Stage Information" page of the Town Hall (near the bottom) so that an agency knows that, as the regulatory proposal is currently drafted, JCAR will be notified when the fast-track or proposed regulatory stage is submitted electronically to the Virginia Registrar.

Virginia Regulatory  
**Town Hall**

**Stage Information**

**Agency** Department of Health

**Board** State Board of Health

**Regulation** Regulations for Bedding and Upholstered Furniture Inspection Program (12 VAC 5-125)

[Return to action](#)
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[Add meeting](#)

Stage Information	
Action title	New regulation
Stage	Proposed
Action ID/Stage ID	1419/3318
Date submitted to AG	8/4/2005
Date submitted to DPB	8/30/2005
Date submitted to Registrar	Not submitted
Identical to Emergency? Submission	No
Material incorporated by reference?	No
Comment period	
EIA completion date	11/16/2005
Adverse Effect on Small Business	Yes. Upon submission to the Registrar, JCAR will be notified. Analyst Comment: This is a test

Session: PublicUserID: 1

Internet

At the time the agency submits the fast-track or proposed regulation to the Registrar for publication, the agency will again receive notice that JCAR will be notified. Specifically, it will say at the bottom of the "Submit to Registrar" page: "In accordance with legislative requirements, DPB will notify JCAR by email that this regulatory action affects small businesses."

Virginia Regulatory  
**Town Hall**

## Submit to Registrar

**Agency** Department of Health

**Board** State Board of Health

**Regulation** Regulations for Bedding and Upholstered Furniture Inspection Program (12 VAC 5-125)

**Register Information**

Register Date

Register Volume

Register Issue

[Click here to view the Register publication schedule.](#) Then click on the Back button on your browser to return to this page

Activate forum for Town Hall to receive public comments during the comment period?  
 Yes  No

*Note: The economic impact analysis indicates that this regulatory proposal may adversely affect small businesses. Accordingly, notification will be sent to the Joint Committee on Administrative Rules, pursuant to the Code of Virginia.*

Session:PublicUsedID:  
1

Internet

At the moment the agency submits the regulatory package to the Registrar for publication, the Town Hall will automatically send email notification to JCAR (through Elizabeth A. Palen at [epalen@leg.state.va.us](mailto:epalen@leg.state.va.us)). The format of this email will be similar to the following:

The Department of Health has submitted a regulation for publication in the Virginia Register. DPB has concluded that this regulation may have an adverse effect on small businesses.

[Economist's comment] This is a test.

Please see DPB's Economic Impact Analysis Document for more information. ([Link to Stage Information and Documents](#))

BOARD NAME: State Board of Health

SECRETARIAT: Health and Human Resources

VAC NUMBER: 12 VAC 5-125

CHAPTER TITLE: Regulations for Bedding and Upholstered Furniture Inspection Program

ACTION TITLE: New regulation

STAGE: Proposed

DATE SUBMITTED: 12/12/2005

\*It is possible that, at some point after the publication of the proposed stage, a rulemaking body could make new significant changes to a regulatory proposal that would have an adverse impact on small businesses. DPB will also notify JCAR in these cases.

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
<a href="#">2 VAC 20-51</a> 1426/2875	Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act	<a href="#">certification amendment</a>	<a href="#">Proposed</a> VDACS

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

VAC	Chapter Name	Action Title	Stage
<a href="#">4 VAC 5-15</a> 1445/3068	Nutrient Management Training and Certification Regulations	<a href="#">Amend the Nutrient Management Training and Certification Regulations</a>	<a href="#">Proposed</a> 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	Action Title	Stage
12 VAC 30-80	Methods and	<u>Virginia Maximum Allowable Cost (VMAC)</u> Proposed

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
<u>22 VAC 40-740</u> 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
<u>11 VAC 10-20</u> 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.