

January 6, 2005

Notification of regulatory actions that may have an adverse effect on small businesses:

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). Based on advice from the Office of the Attorney General (OAG), regulatory stages that met 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>

VAC	Chapter Name	Action Title	Stage
2 VAC 20-51 1426/2875	Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act	certification amendment	Proposed 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	Amend the Nutrient Management Training and Certification Regulations	Proposed DCR

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

VAC	Chapter Name	Action Title	Stage
9 VAC 25-260 1368/3243	Water Quality Standards	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]	Proposed DEQ

It is questionable as to whether this proposal would have an adverse impact on small businesses. This action is now at the final stage.

4. <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	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>Proposed</u> DEQ

It is questionable as to whether this proposal would have an adverse impact on small businesses. This action is now at the final stage.

5. <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	Amendment to Board for Contractor Tradesman Regulations	Proposed 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.

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

	Action Title	Stage	
12 VAC 30-80 1618/3172	Methods and Standards for Establishing Payment Rate; Other Types of Care	Virginia Maximum Allowable Cost (VMAC)	Proposed DMAS

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

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

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

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

8. <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	To amend Section 240 to conform with the revisions of 59.1-386 of the Code of Virginia.	Proposed 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.