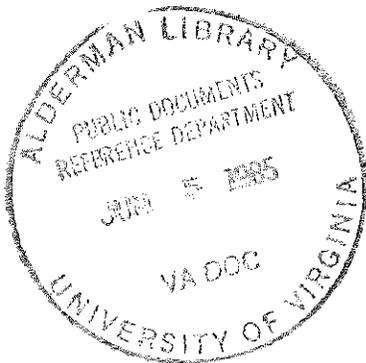


# THE VIRGINIA REGISTER

OF REGULATIONS

VA  
DOC



VOLUME ONE • ISSUE SEVENTEEN

MAY 27

1985

PAGES 1289 THROUGH 1478

# INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

## VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the Virginia Register a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

## EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

## CITATION TO THE VIRGINIA REGISTER

The Virginia Register is cited by volume, issue, page number, and date. 1:3 V.A.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the Virginia Register issued on November 12, 1984.

**Virginia Register of Regulations.** Published bi-weekly, with an index published quarterly by the Commonwealth of Virginia, Virginia Code Commission, P.O. Box 3-AG, Richmond, Virginia 23208, pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Subscriptions \$85 per year, postpaid to points in the U.S., 3rd-Class postage paid at Richmond, Virginia and individual copies \$4 each. Direct all mail to Registrar of Regulations, P.O. Box 3-AG, Richmond, Virginia 23208, Telephone (804) 786-3591.

**Members of the Virginia Code Commission:** Theodore V. Morrison, Jr., Chairman, Delegate; Dudley J. Emick, Jr., Vice Chairman Senator; A. L. Philpott, Speaker of the House of Delegates; James P. Jones, Senator; Russell M. Carneal, Circuit Judge; John Wingo Knowles, Retired Circuit Judge; William G. Broadbuss, Chief Deputy Attorney General; John A. Banks, Jr., Secretary, Director of the Division of Legislative Services.

**Staff of the Virginia Register:** Joan W. Smith, Registrar of Regulations; Ann M. Brown, Assistant Registrar of Regulations.

**Citizen Participation in the Rule-Making Process**

As required by the Administrative Process Act, each agency of the Commonwealth is required to develop, adopt and utilize public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations.

Citizens may participate in the process by which administrative regulations are adopted, amended, or repealed by submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see General Notices and Calendar of Events section of the *Virginia Register*).

**How to Follow State Agency Regulatory Action in the Virginia Register**

Under the provisions of the Administrative Process Act, state agencies must publish in the *Virginia Register* the full text of proposed rules and regulations, if substantive, as well as a summary statement.

In addition, the agency is required to provide a public comment period and hold a public hearing. A notice of hearing will be published sixty days prior to the hearing. Such notices are published in the CALENDAR OF EVENTS section of the *Virginia Register*. Proposed regulations and adopted regulations are published in separate sections of the *Virginia Register*.

All executive orders and comments on regulations issued by the Governor are published under the GOVERNOR section.

The CALENDAR OF EVENTS section not only contains the notices of public comment periods and hearings but also all notices of meetings required to be open under the provisions of the Freedom of Information Act.

**VIRGINIA REGISTER OF REGULATIONS  
PUBLICATION DEADLINES AND SCHEDULES**

ISSUE DATE	MATERIAL SUBMITTED BY 4:30 p.m. Friday	Will be included in PUBLICATION MAILED on Friday
Feb. 4 .....	Jan. 18 .....	Feb. 1
Feb. 18 .....	Feb. 1 .....	Feb. 15
Mar. 4 .....	Feb. 15 .....	Mar. 1
Mar. 18 .....	Mar. 1 .....	Mar. 15
Apr. 1 .....	Mar. 15 .....	Mar. 29
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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see information page.

**Symbol Key**

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

**VIRGINIA DEPARTMENT OF AGRICULTURE AND  
CONSUMER SERVICES**

~~of Animal Health Services; any veterinarian in employ  
with the Commonwealth of Virginia.~~

**Title of Regulations:** VR 115-02-01. Reporting  
Requirements for Contagious and Infectious Diseases of  
Livestock in Virginia.

**Statutory Authority:** § 3.1-726 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985 - 2 p.m.  
(See Calendar of Events Section  
for additional information)

**Summary:**

*This regulation replaces regulation AHD 1 entitled  
Prevention, Control and Eradication of Contagious and  
Infectious Diseases of Livestock in Virginia -  
Regulation 1 (General Requirements). One change has  
been made to improve sentence structure and clarity.  
No change is made in policy.*

VR 115-02-01. Reporting Requirements for Contagious and  
Infectious Diseases of Livestock in Virginia.

**Regulation 1**

**§ 1. Normal Reporting.**

**Section 1.1.**

It shall be the duty of Any person practicing  
veterinary medicine within the Commonwealth of Virginia  
~~to shall~~ report in writing to the State Veterinarian ; the  
existence of those contagious or infectious diseases among  
livestock *that normally are required to be reported by the  
State Veterinarian.* Such reports shall be on forms  
furnished by the State Veterinarian and shall be submitted  
~~at such time or times as he may require. as required.~~

**§ 2. Special Reporting.**

**Section 1.2.**

It shall be the duty of Any person practicing  
veterinary medicine within the Commonwealth of Virginia  
~~to shall~~ report ~~immediately~~ *within 24-hours* by telephone to  
the State Veterinarian the existence of anthrax, glanders,  
or any vesicular or exotic disease among livestock. If for  
any reason the State Veterinarian is not immediately  
available by telephone, such report shall be made directly  
to the ~~Assistant State Veterinarian or Veterinary Supervisor~~

**ANIMAL MORBIDITY REPORT**

Month \_\_\_\_\_ Please sign and return \_\_\_\_\_ D.V.M.

DISEASE AND SPECIES	CASES	HERDS	COUNTY
<b>CATTLE</b>			
Anaplasmosis _____			
Rhinotracheitis _____			
Mucosal Disease _____			
Listeriosis _____			
Blackleg _____			
Paratuberculosis _____			
<b>SWINE</b>			
Atrophic Rhinitis _____			
Hog Cholera _____			
Erysipelas _____			
TGE _____			
<b>POULTRY</b>			
Leukosis Complex _____			
CRD _____			
Newcastle _____			
<b>SHEEP</b>			
Contagious Ecthyma _____			
Foot Rot _____			
<b>SPECIFY SPECIES</b>			
Leptospirosis _____			
Rabies _____			
Coccidiosis _____			
Scabies _____			

VDACS-03175 (Revised 8/84)

**DIVISION OF ANIMAL HEALTH  
BUREAU OF VETERINARY SERVICES  
SUITE 600 - WASHINGTON BUILDING  
1100 BANK STREET  
RICHMOND, VIRGINIA 23219**



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# Proposed Regulations

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**Title of Regulations:** VR 115-02-02. Rules and Regulations Governing the Prevention, Control and Eradication of Bovine Tuberculosis in Virginia.

**Statutory Authority:** §§ 3.1-724, 3.1-730 and 3.1-749 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985 - 2 p.m.  
(See Calendar of Events Section for additional information.)

## Summary:

*This regulation replaces regulation AHD 2 entitled Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia - Regulation 2 (Tuberculosis of Cattle). Ten changes have been made to improve sentence structure and clarity. No change is made in policy.*

VR 115-02-02. Rules and Regulations Governing the Prevention, Control and Eradication of Bovine Tuberculosis in Virginia.

*§ 1. Report of Testing; Permanent Identification of Passed Cattle.*

### **Section 2-1.**

A report shall be promptly made submitted within 10 days to the State Veterinarian of all by any person making a tuberculin testing test of cattle in Virginia. All cattle passing a satisfactory satisfactorily passing an approved test within the Commonwealth of Virginia shall be identified by an official state pass tag, unless such cattle carry an official tag of some other state, or another permanent method of identification which is recognized by the State Veterinarian.

*§ 2. Method of Testing.*

Official tuberculin tests may be applied by the intradermal (caudal fold), single cervical and comparative cervical methods. An official tuberculin test shall be construed to be one applied by a veterinarian regularly employed veterinarian of by the Commonwealth of Virginia or federal government, a county or municipality, or an accredited veterinarian. The cervical tests are to be performed only by a state or federal veterinarian whose competency and reliability are vouched for by the State Veterinarian and who are approved by the United States Department of Agriculture. by an approved state or federal veterinarian.

*§ 3.*

### **Section 2-2.**

Cattle reacting to the tuberculin test or cattle found by clinical examination to be affected infected with tuberculosis shall be effectively branded with the letter

"T" not less than two inches high on the left jaw, tagged with a metal tag bearing the inscription "Virginia Reactor" and a serial number in the left ear, and promptly reported within 10 days to the State Veterinarian.

*§ 4.*

### **Section 2-3.**

No cattle, which have been injected with tuberculin, before they shall have been examined for reaction, and no cattle, which, after test, have reacted positive to such test, shall be removed from the premises where tested except as follows: No cattle which are waiting for evaluation after being injected with tuberculin and no positive reacting cattle shall be removed from the premises where tested, except as follows: All reactors shall be segregated and kept from contact with all other cattle on the premises, and no reactors shall be removed from the boundaries where confined without a permit from the State Veterinarian.

*§ 5.*

Permits required in the foregoing above paragraph shall be issued only to the owner of the cattle to be moved. Separate permits are required for each animal, except when animals are moved in one drove, truckload, or carload, in which case one permit shall suffice for each drove, truckload or carload.

*§ 6.*

Permits for movement may be issued only for moving animals from quarantined premises to slaughter houses operating under official state or federal meat inspection.

*§ 7.*

### **Section 2-4.**

All cattle which have reacted to the tuberculin test, or which have been found by clinical examination to be affected infected with tuberculosis, shall be slaughtered under official state or federal meat inspection; and the postmortem findings promptly shall be reported within 10 days to the State Veterinarian.

*§ 8.*

### **Section 2-5.**

Tuberculosis-free accredited herds of cattle in the Commonwealth of Virginia shall be governed by the regulations of the United States Department of Agriculture governing the establishment and maintenance of tuberculosis free accredited herds.

§ 9.

**Section 2.6:**

Tuberculosis-free areas in the Commonwealth of Virginia shall be governed by *the regulations of the United States Department of Agriculture . regulations governing the establishment and maintenance of tuberculosis free areas.*

§ 10. *Disposition of Tuberculosis Infected Herds.*

**Section 2.7:**

Tuberculosis infected herds may be depopulated when approved by the State Veterinarian , *provided funds are available to compensate the owner or the owner may follow a test-and-slaughter program as prescribed in the " Uniform Methods and Rules for Bovine Tuberculosis Eradication ,"* published by the *United States Department of Agriculture's Animal and Plant Health Inspection Service. Animal and Plant Health Inspection Service of the United States Department of Agriculture (Code of Federal Regulations Title 9, Chapter I, Parts 1 to 199).*

# Proposed Regulations

O. \_\_\_\_\_  
 name of owner \_\_\_\_\_  
 address \_\_\_\_\_  
 date of test \_\_\_\_\_  
 number of cattle \_\_\_\_\_  
 description of cattle \_\_\_\_\_  
 method of testing \_\_\_\_\_  
 tests applied by \_\_\_\_\_  
 date of certificate \_\_\_\_\_  
 expiration of certificate \_\_\_\_\_  
 \_\_\_\_\_  
 Veterinarian in Charge.

VS FORM 6-14  
NOV. 1972

REPLACES FORM ANH 6-14,  
WHICH IS OBSOLETE

<b>Accredited-Herd Certificate</b>		No. _____
<b>Cooperative Tuberculosis Eradication</b>		
UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE VETERINARY SERVICES AND THE STATE OF _____		
_____ COOPERATING		
This is to certify that the herd, consisting of _____ cattle, <small>(Number and description of cattle)</small>		
owned by _____	_____	_____
<small>(Name)</small>		<small>(Address)</small>
at _____ is an accredited tuberculosis-free herd. <small>(Location of herd)</small>		
<i>This certificate is issued in accordance with the rules and regulations adopted by the United States          Animal Health Association and approved by the Veterinary Services,          APHIS, and by the State, and is good for one year only,          expiring at the termination of unless revoked at an earlier date.</i>		
Name _____	_____	Name _____
<small>(State Official)</small>		<small>(Veterinary Services)</small>
Title _____		Title <b>VETERINARIAN IN CHARGE</b>

VS FORM 6-14  
NOV. 1972

VIRGINIA DEPARTMENT OF AGRICULTURE  
DIVISION OF ANIMAL AND DAIRY INDUSTRY

## TUBERCULOSIS TEST RECORD

U. S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL RESEARCH SERVICE  
ANIMAL DISEASE ERADICATION DIVISION

COUNTY	TWP	SEC	HERD OWNER - LAST	FIRST	INITIAL	PREVIOUS TEST DATE	VET. CODE	TOTAL	REA	SUS	
HERD NUMBER			ROUTE - STREET - ROAD			CERTIFICATION FOR PAYMENT			DATE LISTED		
						<input type="checkbox"/> (PROGRAM STATE-FEDERAL EXPENSE) <input type="checkbox"/> (PRIVATE OWNER'S EXPENSE)					
LES-ION	TEST	D-B	U	POST OFFICE			STATE				
COUNTY			TOWNSHIP OR DISTRICT		SECTION	FARM NO.					
REASON FOR TEST			COMPLETE HERD TEST OF ALL ELIGIBLE ANIMALS			SUMMARY		SIGNATURE			VET. CODE
AREA	1	RETEST	6	<input type="checkbox"/> YES <input type="checkbox"/> NO NO. IN HERD			NEG-ATIVE				
HERD (RE)-ACREDIT.	2	TRACING: REG. KILL	7	KIND OF HERD			SUS-PECT	INJECTION:	DATE	HOUR	
MILK ORDINANCE	3	TRACING: REACTORS	8	<input type="checkbox"/> DAIRY <input type="checkbox"/> BEEF <input type="checkbox"/> MIXED				OBSERVATION:	DATE	HOUR	
SALE-SHOW	4	TRACING: EXPOSED	9	METHOD OF TEST			REAC-TOR	REACTORS TAGGED AND BRANDED DATE:			VET. CODE
IMPORTED	5	OTHER	10	<input type="checkbox"/> CAUDAL <input type="checkbox"/> VULVA <input type="checkbox"/> CERVICAL			TOTAL	SIGNATURE:			

I CERTIFY: THAT THIS TEST WAS MADE BY ME ON EACH OF THE CATTLE IDENTIFIED BELOW ON THE DATES AND WITH THE RESULTS AS ENTERED IN APPROPRIATE SPACES. THAT WHEN PAYMENT IS CLAIMED AT PROGRAM EXPENSE IN ACCORDANCE WITH AGREEMENT NUMBER BELOW, NO PAYMENT HAS OR WILL BE RECEIVED FROM ANY OTHER SOURCE.

1	IDENTIFICATION NUMBER	AGE	BREED	SEX	RESULTS		REACTOR TAG NUMBER	1	IDENTIFICATION NUMBER	AGE	BREED	SEX	RESULTS		REACTOR TAG NUMBER
					SIZE	NSR							SIZE	NSR	
	1								16						
	2								17						
	3								18						
	4								19						
	5								20						
	6								21						
	7								22						
	8								23						
	9								24						
	10								25						
	11								26						
	12								27						
	13								28						
	14								29						
	15								30						

(RT) RETAG  
(NA) NATURAL ADDITION  
(PA) PURCHASED ADDITION

(N) NEGATIVE  
(S) SUSPECT  
(R) REACTOR

I HEREBY ACKNOWLEDGE RECEIVING A COPY OF THIS RECORD WHICH I HAVE EXAMINED AND FIND CORRECT.  
DATE: \_\_\_\_\_ OWNER'S SIGNATURE \_\_\_\_\_

THIS AUTHORIZATION TO TEST EXPIRES: \_\_\_\_\_

ADE FORM 6-22 (SEPT 1961)

ALL INCOMPLETE RECORDS WILL BE RETURNED FOR COMPLETION.





VIRGINIA'S OFFICIAL SHIPPING CERTIFICATE FOR CONSIGNMENT SALES

Va. Department of Agriculture & Consumer Services  
 Division of Animal Health & Dairies  
 823 East Main Street  
 Richmond, Virginia 23219

Herd Status  
 TB Accredited  Neg. Herd Test (Date) \_\_\_\_\_ TB Modified Accredited Area  
 Brucellosis Certified Herd  Neg. Herd Test (Date) \_\_\_\_\_ Free Area \_\_\_\_\_  
 \_\_\_\_\_ Free Area - Examined for \_\_\_\_\_

Herd or Flock of origin inspected and found free of visible symptoms of infectious or contagious disease - yes  no

Species - Cattle  Sheep  Permit No. \_\_\_\_\_ Date \_\_\_\_\_ Intended Use: Feeding  Breeding

Origin \_\_\_\_\_ Consignee \_\_\_\_\_

Address \_\_\_\_\_ Destination \_\_\_\_\_

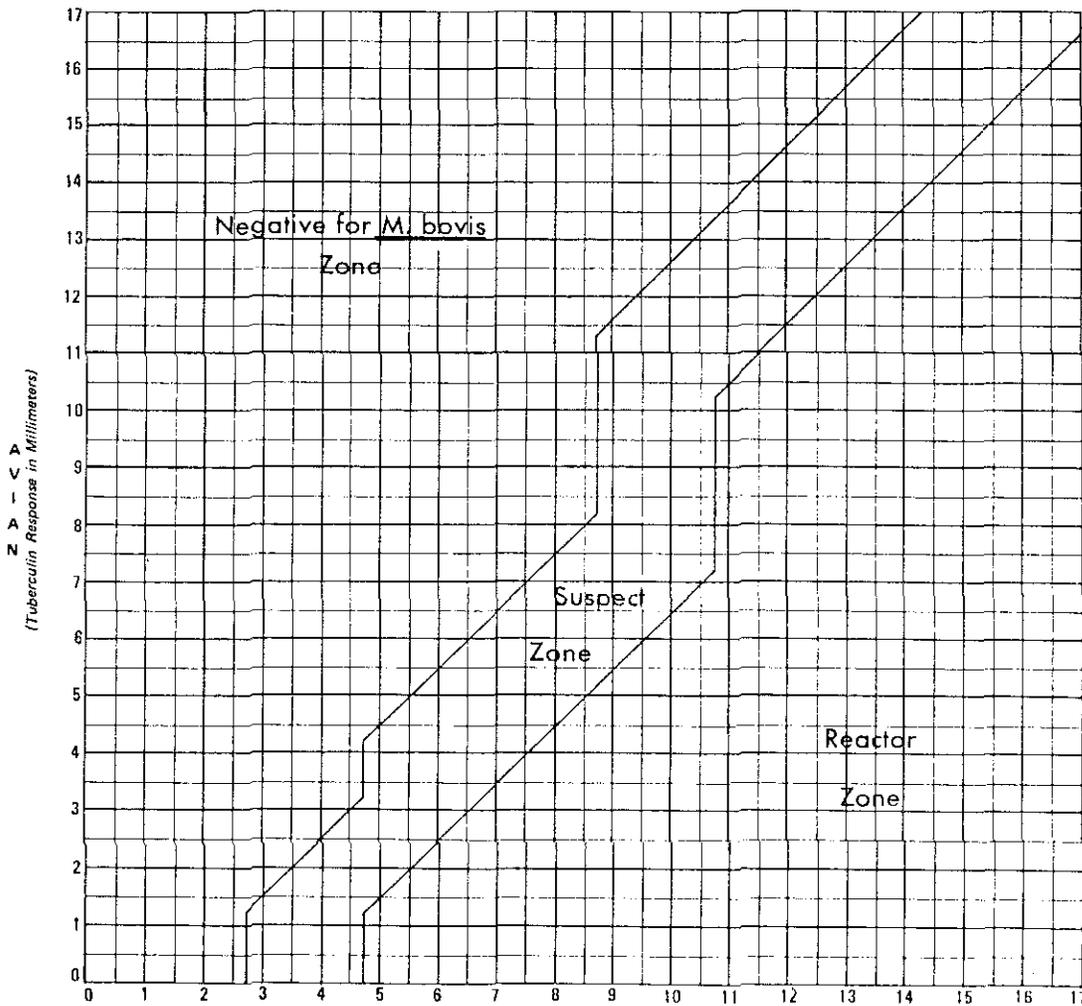
Lot	Description Reg. No. - Tattoo - Brand - Tag	Age	Breed	Sex	Test Status-Date-Results			Brucellosis Vaccination Status		Immunizatio Status-Prod Date
					TB	BD	Other	Date	Age	
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										

This is to certify that the sale animals were observed prior to the sale and they showed no visible evidence of any infectious or contagious disease. All animal tests, vaccinations, and verification of herd or flock health status were made by a licensed accredited veterinarian.

Approved \_\_\_\_\_ Date \_\_\_\_\_  
 VDACS-03033 State Veterinarian \_\_\_\_\_ State or Federal Veterinaria  
 AHD-24A - 8/1/78

## COMPARATIVE CERVICAL TUBERCULIN TEST RESULTS

NAME OF HERD OWNER (Last, First, Middle Initial)		ADDRESS (Including Zip Code)			
COMPARATIVE TEST		PRIOR CAUDAL TEST			
NUMBER TESTED	INJECTION DATE	NUMBER TESTED	DATE INJECTED		
COMPARATIVE RETEST		NEG.	DEV.	SUS.	REA.
<input type="checkbox"/> 1ST <input type="checkbox"/> 2ND <input type="checkbox"/> 3RD					
OBSERVATION DATE		TITLE		DATE	
NAME OF VETERINARIAN					



VS FORM 6-220  
(NOV 77)

BOVINE  
(Tuberculin Response in Millimeters)  
PART 1 - STATE - FEDERAL OFFICE

**TUBERCULIN TEST RECORD (Special)**

USDA - APHIS

HERD OWNER - LAST NAME			FIRST NAME			INITIAL			REASON FOR CAUDAL FOLD TEST				DATE INJECTED			CAUDAL FOLD TEST		
ROUTE - STREET - ROAD			POST OFFICE			STATE (INCLUDING ZIP CODE)			1 AREA	6 TRACING REG. KILL	RETEST OF CAUDAL SUSPECTS			COMPLETE HERD TEST NO. IN HERD OF ALL ELIGIBLE ANIMALS				
COUNTY			TOWNSHIP			SECTION			HERD NO.			2 HERD/REI ACCREDIT.	7 TRACING REACTORS	COMPARATIVE RETEST				
MILK ORDINANCE			SALE-SHOW			IMPORTED			3	8 TRACING EXPOSED	C-C TEST RESULTS			KIND OF HERD				
TUBERCULIN			SERIAL NO.			LICENSE NO.			4	9 HERD RETEST	LOCATION OF C-C TEST			1ST <input type="checkbox"/> 2ND <input type="checkbox"/> 3RD <input type="checkbox"/>				
MAMMALIAN			AVIAN			OTHER			5	10 OTHER	RIGHT SIDE OF NECK <input type="checkbox"/>			LEFT SIDE OF NECK <input type="checkbox"/>				

ANIMAL NUMBER	OFFICIAL IDENTIFICATION NUMBER	OTHER IDENTIFICATION	AGE	BREED	SEX	AVIAN PPD (UPPER)				BOVINE PPD (LOWER)				REMARKS	
						SKIN THICKNESS		SKIN THICKNESS		SKIN THICKNESS		SKIN THICKNESS			
						Millimeters Normal	Millimeters Increase	Millimeters Normal	Millimeters Increase	Millimeters Normal	Millimeters Increase	PREVIOUS CAUDAL FOLD RESPONSE IN	CLASSIFICATION (C-C TEST) R	REACTOR TAG NUMBER	
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SIGNATURE	TITLE	DATE
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VDACS - 03021

Original COMMONWEALTH OF VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES DIVISION OF ANIMAL HEALTH AND DAIRIES

Notice of QUARANTINE Q 1949

By virtue of the authority vested in the STATE VETERINARIAN OF VIRGINIA by Title 3.1, Chapter 27 of the Code of Virginia (1950) the following quarantine is hereby established this \_\_\_ day of \_\_\_, 19\_\_\_, and is to remain in effect until withdrawn in writing by the State Veterinarian or an Assistant Veterinarian:

Premise or Area and Description of Animals

Basis for Quarantine

No \_\_\_ may enter or leave the premises or area herein quarantined during the effective period of this quarantine except by permission of the State Veterinarian.

Other Specific Requirements to this Particular Quarantine

A person violating this quarantine hereby established or any order issued in accordance with it is, by statue, guilty of a misdemeanor (Class 1) and subject, upon conviction, to punishment by confinement in jail for not more than 12 months and a fine of not more than one thousand dollars, either or both, Va. Code § 3.1-733.

Given under my hand this \_\_\_ day of \_\_\_ 19\_\_\_ By order of the State Veterinarian Signed: \_\_\_

Copy acknowledged by: \_\_\_ Title: \_\_\_

A. H. D. 22 (6-80) VDACS - 03021

Original COMMONWEALTH OF VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES DIVISION OF ANIMAL HEALTH AND DAIRIES

The purpose for which quarantine No. Q 1949 was established, having been fully accomplished, this quarantine is hereby withdrawn.

Given under my hand this \_\_\_ day of \_\_\_ 19\_\_\_ By order of the State Veterinarian Signed: \_\_\_ Title: \_\_\_

# Proposed Regulations

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**Title of Regulations:** VR 115-02-03. Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia.

**Statutory Authority:** §§ 3.1-724, 3.1-725 and 3.1-749 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985 - 2 p.m.  
(See Calendar of Events Section for additional information)

**Summary:**

*This regulation replaces regulation AHD 3 entitled Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia - Regulation 3 (Brucellosis of Cattle). It also incorporates the requirement for brucellosis testing of adult breeding cattle upon change of ownership, a requirement previously published in Limited General Quarantine Order No. 1981-1. Five changes have been made to improve sentence structure and clarity. No change is made in policy.*

VR 115-02-03. Rules and Regulations Governing the Prevention, Control, and Eradication of Brucellosis of Cattle in Virginia.

## Regulation 3

### § 1. Official Tests; Identifying Cattle Tested.

#### Section 3-1.

The agglutination tests ( examples: plate agglutination test, tube agglutination test, and card agglutination), on blood serum from samples drawn and labeled so as to identify each animal from which the sample is drawn, and submitted to the laboratories of the Virginia Department of Agriculture and Consumer Services by an accredited veterinarian or a veterinarian in the employ of the state or federal government, are hereby adopted as the official tests for the diagnosis of brucellosis in Virginia. The testing of blood or blood serum for the diagnosis of brucellosis in any other manner is prohibited, unless specifically authorized in writing by the State Veterinarian. All cattle ; from which a blood sample has been drawn ; shall be indentified by an official pass tag, unless such cattle carry an official tag of some other another state, or another permanent method of identification or unless they carry some other form of permanent identification which is recognized by the State Veterinarian.

### § 2. Identifying, Quarantining, and Branding Reactor Cattle.

#### Section 3-2.

Cattle declared to be reactors to the official test for brucellosis, or cattle declared to be reactors to any other tests specifically authorized by the State Veterinarian, shall be effectively identified as such. Such cattle shall be

immediately tagged with a metal tag in the left ear, bearing the inscription Virginia B.D. or U.S.B.D. , and quarantined , and promptly reported to the State Veterinarian. Before such animals are permitted to leave the premises where tested , they shall be effectively branded with the letter "B" not less than two inches high on the left jaw.

### § 3. Permits Required for Movement.

#### Section 3-3.

No cattle which have been bled to be tested for brucellosis, before the test is completed, which have been bled for brucellosis testing and for which results are pending, and no cattle which after test are declared to be reactors which are declared to be reactors to such test, shall be removed from the premises where tested without a permit from the State Veterinarian.

### § 4. Number of Permits Required; To Whom Issued.

Permits as aboved provided provided above shall be issued only to the owner of the cattle to be moved. Separate permits are required for each animal ; or , when more than one animal is moved in one drove, one truck, or one carload, one permit shall suffice for each drove, truckload or carload. such group.

Permits for movement within the state may be issued for moving animals from quarantine only to stockyards or sale yards operated under state or federal inspection or to slaughterhouses in this state or to other states in interstate commerece under federal permits. Animals moved under state permit to stockyards or sale yards must be kept separate and apart from all other animals except those sold for immediate slaughter and all reactors shall be moved from stockyards or sale yards to slaughterhouses or interstate shipment.

### § 5. Authorized Consignment and Handling of Cattle Moved Under Permit; Movement of Reactors.

Permits for movement within the Commonwealth of Virginia may be issued for moving animals from quarantine only to:

1. Public stockyards or sale yards operated under state or federal inspection,
2. Slaughterhouses in the Commonwealth of Virginia.
3. Slaughterhouses in other states in interstate commerce under federal permits.

Animals moved under state permit to stockyards or sale yards must be kept separate from all other animals except those sold for immediate slaughter. All reactors shall be moved from stockyards or saleyards to slaughterhouses in Virginia or moved in interstate

shipment under federal permit to slaughterhouses in other states.

**§ 6. Testing of Adult Breeding Cattle Upon Sale or Transfer of Ownership; Transfer of Adult Animals From One Location to Another.**

Exclusive of animals specifically designated for slaughter, all adult breeding cattle which are represented for sale or transfer of ownership in Virginia shall be tested and found negative for brucellosis within 30 days prior to such sale or ownership transfer. This shall be applicable to all transactions involving the transfer of adult breeding cattle from one location to another within the Commonwealth of Virginia, whether the animals be conveyed via private or public sale, direct or indirect sale, or in any other manner. When the State Veterinarian deems it necessary, the cattle owners are so notified in writing that these requirements should be met. The State Veterinarian may waive this requirement if, in his opinion, brucellosis is no longer a threat to cattle of Virginia.

**§ 7. Calfhood Vaccination; Identification of Vaccinated Calves; Report Required.**

**Section 3-4.**

Official calfhood vaccination for brucellosis shall mean the injection into a female bovine of not less than four months of age nor more than 12 months of age, by an accredited veterinarian or veterinarian in the employ of the state or federal government of a reduced dose of *Brucella abortus* strain 19 vaccine diluted as approved by the State Veterinarian. At the time such vaccination is done cattle are vaccinated, the veterinarian shall apply an official vaccination tag in the right ear, provided no other tag has been previously applied, and apply to the right ear of the vaccinated animal a tattoo containing the United States Registered Shield and V, preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which the vaccination was done. A report of each vaccination shall be made promptly to the State Veterinarian on a form supplied by him.

**Section 3-5.** Official adult vaccination for brucellosis shall mean the injection into a female bovine of more than 12 months of age by an accredited veterinarian or veterinarian in the employ of the state or federal government of a reduced dose of *Brucella abortus* strain 19 vaccine diluted as approved by the State Veterinarian. At the time such vaccination is done, the veterinarian shall apply an official tag in the right ear, provided no other tag has been previously applied, and also apply to the right ear an official "AV" (adult vaccination) tattoo preceded the quarter of the year followed by the last digit of the year.

**§ 8. Vaccination of Adult Cattle; Identification of Vaccinated Adult Animals.**

Official adult vaccination for brucellosis shall be the injection of a reduced dose of *Brucella abortus* strain 19 vaccine into a female bovine over 12 months of age. The vaccine shall be diluted as approved by the State Veterinarian. The dose shall be given by a veterinarian employed by the state or federal government, or by an accredited veterinarian. At the time of vaccination, the veterinarian shall apply an official tag in the right ear, and shall also apply to the right ear an official "AV" (adult vaccination) tattoo, preceded by the quarter of the year, and followed by a number corresponding to the last digit of the current year.

**§ 9. Brucellosis-Free Certified Herds.**

**Section 3-6.**

Brucellosis-free certified herds of cattle in the Commonwealth of Virginia shall be governed by the United States Department of Agriculture's Animal and Plant Health Inspection Service as specified in the "Uniform Methods and Rules for Brucellosis Eradication" (Code of Federal Regulations, Title 9, Chapter I, Parts 1 to 199).

**§ 10. Classification Status of Brucellosis in Virginia.**

**Section 3-7.**

Brucellosis Classification in the Commonwealth of Virginia shall be governed by the United States Department of Agriculture's Animal and Plant Health Inspection Service as specified in the "Uniform Methods and Rules for Brucellosis Eradication".

**§ 11. Depopulation of Brucellosis Infected Herds.**

**Section 3-8.**

Brucellosis infected herds may be depopulated where approved by the State Veterinarian provided funds are available to compensate the owner; or, the owner may follow a test and slaughter program as outlined in the "Uniform Methods and Rules for Brucellosis Eradication", or by procedures established by the State Veterinarian.

# Proposed Regulations

ALL INCOMPLETE RECORDS WILL BE RETURNED FOR COMPLETION

COOPERATIVE STATE-FEDERAL BRUCELLOSIS ERADICATION PROGRAM

B0821401

## BRUCELLOSIS TEST RECORD

STATE		CODE		HERD NUMBER		HERD OWNER		LAST	FIRST	INITIAL	PREVIOUS TEST DATE	VET CODE	TOTAL	REA	SUS
OWNER NUMBER		ROUTE-STREET-ROAD										CERTIFICATION FOR PAYMENT			
TEST		PROG	WBBS	POST OFFICE		STATE		ZIP CODE		<input type="checkbox"/> FEDERAL EMPLOYEE <input type="checkbox"/> FEE BASIS (Federal) <input type="checkbox"/> STATE COUNTY <input type="checkbox"/> PRIVATE (Owner's Expense)					
REASON FOR TEST		<input type="checkbox"/> INITIAL	<input type="checkbox"/> RETEST	RGE	TWP	SEC	DISTRICT	FARM UNIT		<i>I certify:</i> That I have drawn blood samples from each animal identified below and have correctly listed each tube number with complete corresponding identification number, all numbers and letters of all ear tags have been listed, cattle with existing official ear tags have not been retagged, and when payment is claimed at program expense in accordance with agreement number below, no payment has been or will be received from any other source.					
Slaughter Res	1	Hd. Cert./ Validation	5	COMPLETE HERD TEST OF ALL ELIGIBLE ANIMALS				SUMMARY		SIGNATURE		AGREE. CODE			
Lvt. Mkt. Res	2	Post Move Quar. & Test	7	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NO IN HERD				NEG-ATIVE		ROUTE, STREET, ROAD		DATE BLED			
Sup. Ring Test	3	Area Test	8	KIND OF HERD				SUS-PECT		POST OFFICE		STATE	ZIP CODE	FIELD TEST DONE BY:	
Diagnostic	4	Epidemiology	9	<input type="checkbox"/> DAIRY <input type="checkbox"/> BEEF <input type="checkbox"/> MIXED <input type="checkbox"/> SWINE <input type="checkbox"/> OTHER (Specify below):				REAC-TOR		REACTORS TAGGED AND BRANDED DATE		SIGNATURE		AGREE. CODE	
Pvt. Sale	5	Other (Specify below)	10	LABORATORY		PLACE	DATE	TOTAL		REMARKS AND ADDITIONAL INFORMATION		REACTOR TAG NUMBER			
REMARKS		BY		DATE LISTED		LABORATORY RESULTS		TEST In-terp.		REMARKS AND ADDITIONAL INFORMATION		REACTOR TAG NUMBER			
TUBE NO.	2	RECORD ALL IDENTIFICATION NUMBER(S)		VACC TATTOO	AGE	BREED	SEX	FLD T	BAPA RST	O E < O	S T SPT	> R U	U O		
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2															
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RT - Retag    AB - Aborter NA - Natural Addition PA - Purchased Addition	Record ALL Ear tag(s) and Tattoo(s)	Record ALL Legible Characters	FIELD TEST CODE N - Negative P - Positive	TEST INTERPRETATION N - Negative Classified by S - Suspect R - Reactor Date Classified	TEST AUTHORIZATION EXPIRES
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U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE VETERINARY SERVICES <b>APPRAISAL AND INDEMNITY CLAIM FOR</b> <input type="checkbox"/> ANIMALS DESTROYED <input type="checkbox"/> MATERIALS DESTROYED					1. DATE ANIMALS/MATERIALS APPRAISED AND/OR TAGGED AND BRANDED		2. ALLOTMENT NO.		3. PAGE OF																																																																																																																																														
6. LEGAL NAME AND MAILING ADDRESS OF OWNER CLAIMANT (No. and Street, or R. F. D. No., City and Zip Code) (Type or print)					4. DATES ANIMALS/MATERIALS DESTROYED		5. DATE OF CLEANING AND DISINFECTING																																																																																																																																																
9. LOCATION OF PREMISES WHERE APPRAISAL MADE (if different from item 6)					7. PROPER NAME OF DISEASE INVOLVED																																																																																																																																																		
					8. IF JOINT OWNERSHIP GIVE FULL NAME OF ALL OWNERS (if SAME as item 6, so state) (Not necessary if a Corporation)																																																																																																																																																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">LINE</th> <th colspan="2">APPRAISED</th> <th colspan="5">IDENTIFICATION OR PAGE NO. OF VS FORM 1-23A (Animals-Reactor Tag No., or Breed, Age, Sex, Tag No., Tattoo, Brand or other, Materials-Lbs., Bu., Tons, Board Feet, etc.)</th> <th colspan="2">APPRAISAL</th> <th rowspan="2">WEIGHT OR NO. UNITS</th> <th colspan="2">TOTAL APPRAISAL</th> <th rowspan="2">SALVAGE (From VS 1-24)</th> <th rowspan="2">DIFFERENCE</th> <th colspan="2">AMOUNT DUE FROM</th> </tr> <tr> <th>NO.</th> <th>SPECIES</th> <th>AGE</th> <th>SEX</th> <th>BREED</th> <th>15</th> <th>VALUE PER UNIT</th> <th>UNIT (Head, Lb., Tons, etc.)</th> <th>16</th> <th>GRADE ANIMALS OR MATERIALS</th> <th>PUREBRED ANIMALS</th> <th>19</th> <th>20</th> <th>21</th> <th>22</th> <th>UNITED STATES</th> <th>STATE AGENCY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10</td> <td>11</td> <td>12</td> <td>13</td> <td>14</td> <td>15</td> <td>\$</td> <td>16</td> <td>17</td> <td>18</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> </tr> <tr> <td>2</td> <td></td> </tr> <tr> <td>3</td> <td></td> </tr> <tr> <td>4</td> <td></td> </tr> <tr> <td>5</td> <td></td> </tr> <tr> <td colspan="11" style="text-align: center;"> <b>GRAND TOTALS (Basis For Payment)</b>                  (Includes all attached VS Forms 1-23A)             </td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> </tr> </tbody> </table>											LINE	APPRAISED		IDENTIFICATION OR PAGE NO. OF VS FORM 1-23A (Animals-Reactor Tag No., or Breed, Age, Sex, Tag No., Tattoo, Brand or other, Materials-Lbs., Bu., Tons, Board Feet, etc.)					APPRAISAL		WEIGHT OR NO. UNITS	TOTAL APPRAISAL		SALVAGE (From VS 1-24)	DIFFERENCE	AMOUNT DUE FROM		NO.	SPECIES	AGE	SEX	BREED	15	VALUE PER UNIT	UNIT (Head, Lb., Tons, etc.)	16	GRADE ANIMALS OR MATERIALS	PUREBRED ANIMALS	19	20	21	22	UNITED STATES	STATE AGENCY	1	10	11	12	13	14	15	\$	16	17	18	\$	\$	\$	\$	\$	\$	\$	2																		3																		4																		5																		<b>GRAND TOTALS (Basis For Payment)</b> (Includes all attached VS Forms 1-23A)											\$	\$	\$	\$	\$	\$
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25. SOURCE OF PRICING DATA AND/OR SPECIAL FACTORS AFFECTING VALUE OF ANIMALS AND/OR MATERIALS.					<b>OWNER-CLAIMANT MORTGAGE CERTIFICATION</b> I certify that the animals and/or materials identified in this claim are (initials) _____ are not (initials) _____ mortgaged. I further certify that I own or am authorized to represent the owner of the animals and/or materials identified in this claim. I make claim for all amounts due me in accordance with all applicable laws and regulations governing the payment for the animals and/or materials identified in this claim. I fully understand my right to compensation accordance with applicable laws and regulations. I hereby agree that the appraised value of animals and/or materials shown herein is in accordance with all applicable laws and regulations and I hereby expressly waive any claim I may have to compensation for animals and/or materials identified in this claim above the value at which such animals and/or materials are appraised as shown on this claim. I further agree to the destruction of said animals and/or materials.																																																																																																																																																		
<b>CERTIFICATION AND APPRAISAL CERTIFICATE</b> I certify that animals and/or materials listed above are properly identified and are eligible for indemnity and animals and/or materials requiring appraisals are appraised individually unless all animals or materials in a group are of equal value.					26. SIGNATURE OF GOVERNMENT APPRAISER OR REPRESENTATIVE		27. TITLE		30. SIGNATURE OF OWNER-CLAIMANT OR AUTHORIZED REPRESENTATIVE IN ITEM 6 OR 8			31. DATE SIGNED																																																																																																																																											
28. SIGNATURE OF SPECIAL EXPERT APPRAISER					29. TITLE		32. TITLE OF CLAIMANT (Owner, co-owner, manager, Vice President, etc.)																																																																																																																																																
STATE CERTIFICATE: I certify that the amount shown in item 24 is due from the State Agency is correct and that each such amount has been or will be paid the Owner-Claimant.					33. IF MORTGAGED-FEDERAL INDEMNITY CHECK WILL BE DRAWN IN FAVOR OF MORTGAGOR AND SHOULD BE MAILED TO (Check one) <input type="checkbox"/> OWNER (Mortgagor in item 8) <input type="checkbox"/> MORTGAGEE (in item 34)																																																																																																																																																		
36. SIGNATURE			39. DATE		34. NAME AND ADDRESS OF MORTGAGEE (include zip code)			35. SIGNATURE OF MORTGAGEE OR AUTHORIZED REPRESENTATIVE IN ITEM 34																																																																																																																																															
40. TITLE			41. STATE AGENCY					36. TITLE (Signed by Auth. Representative)		37. DATE																																																																																																																																													
<b>APPROVED</b> → \$					43. BY (SIGNATURE)			44. TITLE		45. DATE																																																																																																																																													



**Certified Herd**  
**Cooperative Brucellosis Eradication**

UNITED STATES No. \_\_\_\_\_  
 DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
 VETERINARY SERVICES  
 AND THE STATE OF \_\_\_\_\_

**This is to certify that the herd, consisting of \_\_\_\_\_**  
*(Number and description)*

**owned by \_\_\_\_\_**  
*(Name) (Address)*

*Having passed the required number of tests, and the owner having complied with other requirements, is hereby declared a \_\_\_\_\_ certified brucellosis-free herd for a period of one year ending \_\_\_\_\_ unless this certificate is revo-  
 ked at an \_\_\_\_\_ earlier date*

Name \_\_\_\_\_ *(State Official)* Name \_\_\_\_\_ *(Veterinary Services)*

Title \_\_\_\_\_ Title \_\_\_\_\_ **VETERINARIAN IN CHARGE**

**DON'T GAMBLE WITH YOUR HERD**

1. Raise all replacements if possible.	4. Maintain regular herd testing.
2. If you must buy animals, purchase only from known, clean herds.	5. Any time there is a question about what you should do, don't do it until you have obtained good advice.
3. Immediately segregate any aborting animal and consult your veterinarian.	6. For your own protection, support official brucellosis eradication in your community.

VS FORM 4-13 (NOV 72)

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\_\_\_\_\_  
 Veterinarian in Charge

FORM 4-13 (NOV 72)



## COMMONWEALTH of VIRGINIA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH AND DAIRIES  
SUITE 600, 823 EAST MAIN STREET  
RICHMOND 23219

OFFICE OF THE ATTORNEY GENERAL  
100 SOUTH MAIN STREET  
RICHMOND, VIRGINIA 23219

### Brucellosis Memorandum of Agreement (Owner's Responsibility)

I am the owner and/or manager of the brucellosis-infected herd(s)  
located at \_\_\_\_\_,  
County \_\_\_\_\_. I understand that I must comply  
with the following procedures in order to eradicate brucellosis from  
my herd(s).

1. I understand that my infected herd(s) will be retested at 30-day intervals (herd test to herd test) until the herd(s) has passed two consecutive negative tests. The herd(s) is then to be retested in 90 days. If all testable animals are negative at that time, the herd(s) is to be placed under Conditional Quarantine and retested in 120-180 days. (The incubation period for brucellosis can be approximately from 14 to 270 days, thus the reason for requiring the Conditional Quarantine.)
2. I understand that testable cattle in an infected herd are all non-vaccinated animals six months of age and older (male and female) and all vaccinated animals 18 months of age and older (as evidenced by the presence of two pair or more of permanent incisor teeth). It is strongly recommended that vaccinated heifers 12-18 months of age be tested at 60-day intervals for informational purposes.

I understand that when testing a herd, each animal must be identified by a permanent means of identification; chain numbers by themselves are not acceptable.

As owner, I will have all testable cattle corralled each time I am notified by the State-Federal veterinarian that my herd is due for a retest. If I as the owner or manager cannot determine the age of my young stock as 6 months, 12 months, or 18 months of age, I will assemble these animals for the veterinarian, so he can determine which heifers that need to be tested.

# Proposed Regulations

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2

## Brucellosis Memorandum of Agreement

I understand that if swine or horses are in direct contact with my infected herd(s), they are to be tested and retested as deemed necessary by the testing veterinarian. Such animals are to be separated and maintained separate from the infected cattle herd(s).

3. I understand that the State Veterinarian's office will notify the State Health Department that my herd(s) has been placed under quarantine. Personnel from the Health Department may contact me, as man may become infected with brucellosis by drinking raw milk from infected animals or by removing afterbirth from infected animals.
4. As owner or manager, I agree to furnish information relative to the sale of testable animals from my herd, herd additions, and herd contacts that occurred within the 24 months prior to the disclosure of brucellosis in my herd. (It is important to determine as nearly as possible when the herd became infected.)

I will also keep a record of ear tag numbers of all testable cattle that die on my farm during the period of eradicating brucellosis from my herd.

I further agree not to borrow or loan bulls or cows, since they serve as a possible means of transmitting brucellosis from one herd to another.

### 5. Sale of Animals from My Brucellosis Infected Herd

- A. I agree to sell all reactors within five days after I have been officially notified by State or Federal Animal Health officials. I understand all reactors must be branded with a hot "B" brand on the left jaw and be accompanied by Shipping Permit (1-27) to immediate slaughter, or to a livestock market and from there to immediate slaughter. (1-27 Shipping Permits are issued by State or Federal Regulatory officials.) Reactors are to be isolated from the herd when I am so notified and maintained in isolation until sold for slaughter. Unpasteurized milk from such reactors is not to be used for human consumption or fed to calves. Such milk may be added to a bulk tank, as the milk will be pasteurized at the receiving plant. Raw milk from a brucellosis-infected dairy herd should not be used for human consumption until it is pasteurized.
- B. I agree that all nursing heifer calves less than six months of age from infected dams are to be considered infected and are to be sold for slaughter with the infected dam. Indemnity will be paid for the infected dam as well as the heifer calf. Both animals shall be branded and accompanied by a 1-27 shipping permit issued by State or Federal Regulatory personnel.

Research has shown that female calves from infected dams may be carriers of the disease and may become brucellosis reactors when they freshen.

## Brucellosis Memorandum of Agreement

Indemnity rates are: \$250 for all registered cattle, \$150 for non-registered dairy cattle, and \$25 for exposed female calves. (An exposed female calf is a female bovine less than six (6) months of age that is being nursed by a brucellosis reactor at the time the latter is condemned.) Indemnity for grade beef females is \$50. A nonregistered dairy cow may qualify for the \$150 indemnity if she is: (1) 20 months of age or within 90 days of calving, or has already calved; (2) is of a recognized dairy breed; and (3) is part of a dairy herd which produces milk for commercial purposes.

- C. I understand that all test negative exposed cattle and all non-testable heifers or bull calves can only be sold for immediate slaughter; or to a livestock market and from there to immediate slaughter. Such animals shall be hot "S" branded and accompanied by a shipping permit (1-27). Steers can be sold for immediate slaughter or to a quarantined feed lot upon approval of State or Federal Regulatory personnel.
- D. I agree that when cattle abort the fetus, afterbirth shall be burned or buried immediately. If animal(s) abort in a pasture or field, I will make an all-out effort to locate the fetus. Such aborting cows shall be isolated immediately from the herd and tested within 10-15 days, or be identified as exposed animals (S-branded) and shipped under a (1-27 permit) directly to slaughter. (Indemnity cannot be paid for such non-tested animal(s).)
- 6. I agree, if possible, to sell some of my first reactors directly to a slaughter in Virginia, so that glands can be collected for Brucella cultural purposes. If such reactor(s) are sold out of state, milk samples should be collected for Brucella cultural purposes. (Milk samples would be collected at the time the animal(s) are branded.)
- 7. I will make an all-out effort to comply with the following procedures: All heavy springers shall be isolated in calving pens or other isolated areas 10-14 days prior to calving. Afterbirth shall be immediately burned or buried. Such dams shall be tested for brucellosis 5-10 days after calving and before they are returned to the herd. Isolation pens shall be cleaned and disinfected with an approved disinfectant before other animals are placed in such stalls. All bedding from such pens shall be burned or buried.
- 8. During the quarantine period, I will not add purchased additions to my infected herd unless permission to do so is granted by the State Veterinarian.

# Proposed Regulations

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## Brucellosis Memorandum of Agreement

9. I understand that the barns, sheds, or other holding areas where my infected herd(s) has been confined must be thoroughly cleaned and disinfected with an approved disinfectant whenever reactors are disclosed in my herd(s). The cleaning and disinfection must be done within 15 days after the reactors are sold to slaughter.
10. I understand the ponds and low wet areas in my pastures can become polluted and serve as a source of infections to my herd; thus, it would be to my benefit to maintain my infected herd away from such areas.
11. I understand that watering tanks should be cleaned and disinfected immediately after infection is disclosed in the herd and periodically thereafter as recommended by the attending State or Federal veterinarian or my attending veterinarian. Care must be exercised that feed and watering areas are maintained free of contamination.
12. Recommendations owner must follow when purchasing breeding stock as herd additions: New herd infection occurs when a herd owner buys replacement cattle which are infected or have been exposed to infection prior to purchase. In other words, brucellosis is bought and paid for! Thus, we strongly recommend that when the infection is eradicated from your herd, all testable purchased additions should be tested prior to purchase and again 60-90 days after purchase. (One test is not enough.) I understand that failure on my part to comply with the foregoing requirements might jeopardize indemnity payments for reactors in my herd(s) if through such lack of compliance my herd should become reinfected with brucellosis.

Buy cattle that are calfhood vaccinated and that originate from qualified herds of known brucellosis status, where you can buy with confidence.

Remarks - Changes in Memorandum of Agreement or other pertinent information:

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Bruceellosis Memorandum of Agreement  
(Owner's Responsibility)

Revision of Memorandum of Agreement:

The above memorandum of agreement may be reevaluated and changed as agreed to by all parties concerned. It shall be the responsibility of all parties to the agreement to adhere to the plan throughout the period of eradication of the disease from this herd.

The above items have been discussed with me by the attending veterinarian(s), and I agree to comply with all procedures as outlined in this memorandum of agreement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner or Manager

\_\_\_\_\_  
State-Federal Veterinarian

\_\_\_\_\_  
Owner's Attending Veterinarian

Copies to the:

- (a) Owner
- (b) Attending Veterinarian
- (c) Regional Veterinary  
Supervisor
- (d) Veterinary Supervisor  
Animal Health Services

# Proposed Regulations

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(11113)

## EPIDEMIOLOGICAL STUDY OF BRUCELLOSIS IN QUARANTINED HERDS

Owner \_\_\_\_\_ Address \_\_\_\_\_ County \_\_\_\_\_

Veterinarian Used \_\_\_\_\_ Has he been contacted about herd history? \_\_\_\_\_

Number of herds \_\_\_\_\_ Dairy \_\_\_\_\_ Beef \_\_\_\_\_ Mixed \_\_\_\_\_ Do they intemingle? \_\_\_\_\_

Is the owner following a Brucellosis Vacc. Program? \_\_\_\_\_ Age heifer calves vacc. \_\_\_\_\_

What other vaccination procedures are followed? \_\_\_\_\_

Were the present reactor(s) recently vaccinated or treated? \_\_\_\_\_ If so explain \_\_\_\_\_

Does the owner lease cows or bulls? \_\_\_\_\_ Do farm employees have cattle? \_\_\_\_\_

If swine or horses are in contact with the infected herd are they going to be tested? \_\_\_\_\_

If breeding animals have been purchased, list name of previous owner, dealer or livestock market, their address and date of purchase \_\_\_\_\_

Herd history of purchased cattle - correlate with herd owner.

Will the herd(s) of origin of purchased cattle be tested? \_\_\_\_\_

If not, explain \_\_\_\_\_

If brucellosis suspects are sold, to whom are they sold and for what purpose? \_\_\_\_\_

Has there been abortions in the herd? (list ear tag numbers) \_\_\_\_\_

# Proposed Regulations

If yes, were they sold to slaughter? \_\_\_\_\_ Did you check and make sure they were sold for slaughter? \_\_\_\_\_

During this period how many cows have had retained placentas? \_\_\_\_\_

How many repeat breeders in the last two years? \_\_\_\_\_  
(Repeat equals 3 times or more)

Are bred heifers kept on separate pastures from cows? \_\_\_\_\_ Yes \_\_\_\_\_ No

Are there other farms in the area infected with brucellosis? \_\_\_\_\_ Has spread occurred? \_\_\_\_\_

List herd owners who breeding herds are in direct contact to the brucellosis infected herd

<u>Name of Owner</u>	<u>His Address</u>	<u>Date when herd will be tested</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Proportion of pasture(s) that is low and wet? \_\_\_\_\_ Do cattle have access to ponds? \_\_\_\_\_

Stream on Farm \_\_\_\_\_ Yes \_\_\_\_\_ No Rate of Flow \_\_\_\_\_ Fast \_\_\_\_\_ Slow

Do you use community pastures? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, list names and address of other owners:

_____	_____
Name of Owner	Name of Owner
_____	_____
Address	Address

Cattle sold for breeding purposes within twenty-four (24) months of this current brucellosis infection: (It is important to try and determine when the herd became infected)

Name and address of buyers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the general sanitation of the cattle housing areas? \_\_\_\_\_

Original test in which infection was disclosed was because of:

BRT                      MCI                      OTHER

# Proposed Regulations

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Name, address and history (include herd no. and census) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

History and origin of brucellosis reactor(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Where are cull cows sold or to whom are they sold? \_\_\_\_\_  
\_\_\_\_\_

In the last year, number of cull cows sold \_\_\_\_\_ Date and to whom sold? \_\_\_\_\_  
\_\_\_\_\_

Approximately when did this herd become infected? \_\_\_\_\_

List source of infection \_\_\_\_\_

Record all other information deemed pertinent and not included in this questionnaire:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has the owner's barn or other holding areas been thoroughly disinfected? \_\_\_\_\_

When permitted cresylic disinfectant is used, a 4% solution can be made by adding one cup to two gallons of water or one gallon to 32 gallons of water. The number of gallons of cresylic disinfectant needed can be estimated by multiplying the length of the barn by the width (in feet) and dividing by 500.

EXAMPLE: 30 feet wide X 50 feet long = 1,500 square feet - 1,500 divided by 500 would mean three gallons of disinfectant would be needed.

\_\_\_\_\_  
D.V.M. Date \_\_\_\_\_

copies:  
Veterinary Supervisor, Animal Health  
Regional Veterinary Supervisor

# Proposed Regulations

## Cattle Census for Brucellosis Infected Herds

### To Be Completed When Herd Is Placed Under Quarantine

The following census information is to be obtained when a herd is quarantined for brucellosis. Please submit a copy of this information to Coordinator of Animal Health Services the day the quarantine is issued.

Owner \_\_\_\_\_ Address \_\_\_\_\_

County \_\_\_\_\_ Reason herd was tested \_\_\_\_\_

#### Census

Farm location or name \_\_\_\_\_

Cows \_\_\_\_\_

Bulls \_\_\_\_\_

Steers \_\_\_\_\_

Heifers 1 to 2 yrs. of age

a. Nonvaccinated \_\_\_\_\_

b. Vaccinated \_\_\_\_\_

Calves Under 12 months of age

a. Nonvaccinated \_\_\_\_\_

b. Vaccinated \_\_\_\_\_

Cattle housed or pastured at other locations \_\_\_\_\_

Does the owner have other herds?  Yes  No If yes, please fill out similar census information on each herd.

Farm location or name \_\_\_\_\_

Farm location or name \_\_\_\_\_

Cows \_\_\_\_\_

Cows \_\_\_\_\_

Bulls \_\_\_\_\_

Bulls \_\_\_\_\_

Steers \_\_\_\_\_

Steers \_\_\_\_\_

Heifers 1 to 2 yrs. of age.

Heifers 1 to 2 yrs. of age.

a. Nonvaccinated \_\_\_\_\_

a. Nonvaccinated \_\_\_\_\_

b. Vaccinated \_\_\_\_\_

b. Vaccinated \_\_\_\_\_

Calves under 12 months of age

Calves under 12 months of age

a. Nonvaccinated \_\_\_\_\_

a. Nonvaccinated \_\_\_\_\_

b. Vaccinated \_\_\_\_\_

b. Vaccinated \_\_\_\_\_

Cattle housed or pastured at other locations \_\_\_\_\_

Cattle housed or pastured at other locations \_\_\_\_\_

Quarantine number \_\_\_\_\_

Date Issued \_\_\_\_\_

Signed \_\_\_\_\_

AH&D - Q 20 - 7/2/74

# Proposed Regulations

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S. MASON CARBAUGH  
Commissioner

## COMMONWEALTH of VIRGINIA

GEORGE B. USLES, DVM  
State Veterinarian

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH AND DAIRIES  
SUITE 600, 825 EAST MAIN STREET  
RICHMOND 23219

### Procedures State-Federal Animal Health Officials Follow When Brucellosis Is Being Eradicated In a Confirmed Infected Cattle Herd

(To Be Reviewed By All Parties At Time The Owner Signs His Agreement)

1. I have fully explained to the owner how brucellosis is spread, the length of the incubation period, symptoms of the disease, that brucellosis is transmissible to man, the advantages of a calfhood vaccination program and testing procedures when purchasing herd additions. I have discussed in detail the 12 items that must be complied with by the owner in order to eradicate brucellosis from his herd.
2. All contact or other exposed herds will be tested within 15-30 days of disclosure of infection. If testing cannot be accomplished within that time, the herd will be placed under written quarantine until such herds are tested and found to be negative. If negative on the original test, such herd(s) will be retested in approximately 120-180 days.
3. All animals sold for breeding purposes from the infected herd(s) within the past 24 months, or from the time that the herd became infected, shall be tested. If such animal(s) are disclosed as being brucellosis suspect(s), they will be retested as often as it is necessary to determine their brucellosis status. If such animal(s) are infected, the herd of destination shall be placed under written quarantine and handled as an infected herd. Further, we will determine, if possible, that all cull cows and feeder heifers sold from the infected herd during that period did go for slaughter.
4. A comparison of ear tag numbers from the original test versus each herd retest will be done by the testing veterinarian. An explanation by him of any discrepancy shall be noted on the test chart. This is necessary to determine that all testable animals are tested on each retest of the infected herd.

Procedures State-Federal Animal Health Officials Follow When Brucellosis  
Is Being Eradicated In a Confirmed Infected Cattle Herd

5. Blood samples from an infected herd are to be run at the laboratory where the attending State-Federal Veterinarian is assigned. The owner will be notified of the herd test results as soon as possible.
6. The card test may be used on the farm if animals that react to a test cannot be immediately branded and tagged because of large and poorly fenced pasture areas.
7. Milk or glands or combination of both shall be submitted for cultural procedures from a certain percentage of reactors during the eradication of the disease.
8. I will notify by personal contact or by an educational letter those cattle owner(s) in the community (herds adjacent to contact or exposed herds) that could be affected by an infected herd in their neighborhood. (These community herd owners should be notified within 30 days of the issuance of the quarantine.) I will contact the county extension agent to determine if other herd owners in the community should be notified.

I will retain a list of all community herd owners so notified, in order to advise them when brucellosis has been eradicated from the quarantined herd.

This is to verify I have discussed these topics with the owner.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assigned State or Federal Veterinarian

# Proposed Regulations

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**Title of Regulations:** VR 115-02-04. Rules and Regulations Governing the Operation of Livestock Markets.

**Statutory Authority:** §§ 3.1-724, 3.1-730 and 3.1-757 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985 - 2 p.m.  
(See Calendar of Events Section for additional information)

**Summary:**

*This regulation replaces regulation AHD 4 entitled Operation of Livestock Markets. It also incorporates the requirement for brucellosis testing of adult breeding cattle which pass through Virginia livestock markets, a requirement previously published in Livestock Market Brucellosis Testing Order No. 1981-2. Seventeen changes have been made to improve sentence structure and clarity. No change is made in policy.*

VR 115-02-04. Rules and Regulations Governing the Operation of Livestock Markets.

**§ 1. Definitions.**

**Section 4.1.**

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

*"Animal waste"* means livestock or poultry excreta and associated feed losses, bedding, litter or other materials.

*"Brucellosis"* means a disease of cattle, goats, and swine caused by the bacterium Brucella.

*"Cull pigs"* means those swine offered for sale that do not pass veterinary health inspection.

*"Department"* means the Virginia Department of Agriculture and ~~Commerce~~ Consumer Services.

*"Feeder or breeder swine"* means all swine except slaughter swine.

*"Interstate health certificate"* means a legible record covering the requirements for the importation of animals into the Commonwealth of Virginia, executed on an approved form of the state of origin and shall bear bearing the endorsement of the livestock health official of that state.

*"Livestock"* means farm animals kept for use and profit such as cattle, sheep, swine, goats, and horses.

*"Livestock inspector"* means an employee of the State Veterinarian who is assigned to each livestock market for

the purpose of carrying out the orders of the State Veterinarian.

*"Livestock market"* means any premise where animals are habitually assembled for sale or exchange as outlined in § 3.1-737 of the Code of Virginia.

*"Official brucellosis test"* means a blood plasma serum test for brucellosis, commonly called the card test.

*"Reactors"* means those animals which react positive to the official test for brucellosis.

*"Slaughter swine"* means those swine offered for sale, sold or exchanged for immediate slaughter, and which are so shipped without diversion; to a state of or federally inspected slaughtering establishment for immediate slaughter.

*"State District Regional Veterinarian"* means a veterinarian employed by the State Veterinarian who is responsible for the supervision of animal health programs in a specific geographical area of the Commonwealth of Virginia.

*"State Veterinarian"* A veterinarian employed by the Virginia Department of Agriculture and Commerce Consumer Services who is responsible for the animal health programs in the state. means a Virginia Department of Agriculture and Consumer Services veterinarian employed by the Commissioner of Agriculture and Consumer Services who is responsible for the animal health programs in the Commonwealth of Virginia.

*"State waters"* means all waters of any river, creek, branch, lake, reservoir, pond, bay, roadstead, estuary, inlet, spring, well; and bodies of surface or underground water, natural or artificial, wholly or partially within or bordering the Commonwealth or within its jurisdiction.

**§ 2. Supervision of Livestock Markets.**

**Section 4.2.**

All livestock markets shall be under the jurisdiction of the State Veterinarian, with each market under the direct supervision of a State District Regional Veterinarian during such time as the market is in operation or has on its premises any livestock on its premises. The said State District Regional Veterinarian shall assign a livestock inspector to each market in his district to be region to:

1. Be present at all times during the actual operation of the market for the purpose of enforcement of enforcing these regulations.
2. The livestock inspector shall also Periodically check the weight weigh scales and related activites at such the market.
3. The livestock inspector shall Make general

# Proposed Regulations

inspection of all livestock on the market premises before the sale to determine their health status ; and make proper disposition ; in accordance with these regulations or other orders of the State Veterinarian, of all sick or diseased livestock offered for sale. of all sick or diseased livestock offered for sale in accordance with these regulations or other orders of the State Veterinarian.

4. Issue (he or an assigned veterinarian) all necessary certificates and permits , required by this Regulation or by other laws and regulations including those certificates and permits required for the lawful movement of livestock to and from the market and into other states.

5. The livestock inspector shall Supervise the livestock identification procedures in effect at each market in support of official disease control programs.

6. The livestock inspector shall Make a thorough inspection of the livestock market to determine if the market premises is are maintained in a clean, sanitary, and orderly manner.

## § 3. Market Sanitation.

### Section 4.3.

A. The livestock market premises shall be maintained in a clean, sanitary , and orderly manner at all times , and must be satisfactorily cleaned after each use. This cleaning shall apply to the exterior surroundings as well as to the interior pens, stalls, runways , and other structures. The market shall be disinfected on a monthly basis or as otherwise required by the State Veterinarian.

B. At On the appointed date set for disinfecting the livestock market, all alleys, scales, docks, the sales ring , and pens in which livestock have been housed since the previous disinfection must be cleaned of all bedding and animal waste so that the basic surfaces can be thoroughly disinfected. No area shall be disinfected which has not been properly cleaned.

C. The livestock market premises must be maintained at a satisfactorily satisfactory level of sanitation which will to prevent contamination of state waters, production of noxious odors, and the breeding of insects or vermin.

D. Runoff water from the livestock market roofs, etc., are to be diverted from livestock holding areas so as not to create water holding areas prevent standing water or unusually muddy conditions in pens and/ or alleys.

E. Those livestock markets handling feeder or breeder swine shall provide well-lighted , imperviously surfaced pens, alleys , and the sales ring for holding, inspecting , and otherwise handling of this class of swine.

## § 4. Cattle.

### Section 4.4.

A. Brucellosis - All female bovines which have produced a calf, or are in advanced pregnancy (springers), or are two years of age or over as evidenced by the presence of four or more permanent incisor teeth , and which are offered for sale at a livestock market , shall be brucellosis tested while in the market. Such female bovines shall be bled by a licensed veterinarian, and such the blood samples shall be tested for brucellosis by a representative of the State Veterinarian employing the brucellosis card test. Such female bovines satisfactorily passing such this test may be sold without restriction. Those not passing such the test shall be sold for immediate slaughter after being properly tagged and branded by the livestock inspector.

1. The livestock market (hereinafter called "the market") shall furnish the necessary facilities and personnel to bleed all adult breeding cattle presented at the market, exclusive of those which are designated for slaughter.

2. The Department The Virginia Department of Agriculture and Consumer Services (hereinafter called "the Department") will furnish an employee and the equipment to perform the actual Brucellosis Card Test for each market.

3. The market will provide an acceptable room or area in which the Brucellosis Card Test can be performed.

4. The market shall provide a separate pen in which to confine any cattle which are found positive to the Brucellosis Card Test.

5. This testing requirement shall not apply to:

a. Those cattle offered for sale for immediate slaughter, or

b. Those cattle originating from bona fide Virginia farms unless the State Veterinarian has reason to suspect that such cattle they have been exposed to brucellosis, or

c. Those cattle which enter Virginia accompanied by an official interstate health certificate.

B. Cattle will be considered as exposed to brucellosis infection when they originate from a common source with known reactors , or those that have been closely penned with such reactors for periods of at least 24 hours or periods of less than 24 hours if the reactor has recently aborted, calved, or has vaginal or uterine discharges. Such exposed cattle shall be handled in the same manner as reactors.

# Proposed Regulations

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C. The State Veterinarian may grant such exceptions to this requirement dealing with exposed cattle as if he feels the circumstances warrant, and that if they are not at variance with national uniform methods and rules applying to the eradication of bovine brucellosis.

D. Adult female cattle originating from outside the Commonwealth that are offered for sale for slaughter shall have an "S", which is at least four inches in height, painted, or branded on the left shoulder. Such marking shall be the responsibility of the market operator. Such cattle may be moved from the market only to slaughter, without diversion.

## § 5. Swine.

### Section 4-5.

A. Slaughter Swine. No slaughter swine shall be moved from the premises unless accompanied by a written permit issued by the inspector showing the consignee of such swine, the purchaser, and the specific destination. Markets shall maintain adequate records of all such transactions and make them available to the livestock inspector as required. *These records shall contain animal identification, name and address of the seller, and the name and address of the buyer.*

B. When each market is so notified by the State Veterinarian in writing, all slaughter sows or boars sold at the livestock market are to be identified to the farm of origin by employing the use of a slap tattoo, bangle tag, or other identification procedure as approved by the State Veterinarian. The markets shall maintain adequate records of all such transactions and make them available to the livestock inspector as required.

C. Feeder and Breeder Swine. Feeder and breeder swine sold in livestock markets must be identified as to the specific point of origin and specific ownership. Such swine shall be promptly identified with a metal eartag, and may move from the market only under written permit showing a specific point of destination. Feeder and breeder swine may be permitted to move through one market premise only, or as it is generally termed, from farm to market to farm. The market shall keep specific records of transactions involving such swine and make them available to a livestock inspector as required. *These records shall contain animal identification, name and address of the seller, and the name and address of the buyer.*

D. "Cull" pigs at a feeder or breeder swine sale shall be penned apart from all feeder and breeder swine and consigned under written permit, direct to slaughter.

E. The admission of feeder or breeder swine to any livestock market, or on any livestock market premise, is prohibited on any day when slaughter swine are assembled at any such place there.

F. The handling of both slaughter swine and feeder or breeder swine on separate days is permitted, but the handling of feeder or breeder swine by any livestock market following the handling of slaughter swine is prohibited unless and until the livestock market has been cleaned and disinfected following the removal of all slaughter swine.

## § 6. Sheep and Goats.

### Section 4-6.

Lots of sheep or goats showing evidence of scabies shall be quarantined to the livestock market premises. If confirmed as being infected with scabies, such these sheep or goats shall be returned to the farm of origin under quarantine. Those sheep or goats showing clinical evidence of being infected with foot rot shall be sold for immediate slaughter.

## § 7. Interstate Shipment.

### Section 4-7.

Shipment of Virginia livestock into other states shall be subject to all federal laws and regulations governing the interstate shipment of livestock, and in conformity with the requirements of the state of destination.

## § 8. Removal of Dead and Diseased Livestock.

### Section 4-8.

A. Dead animals shall be removed promptly; from the livestock market premises.

B. Condemned livestock, diseased livestock, or brucellosis reactors shall be penned in separate pens *penned separately* from other livestock. Such pens shall be plainly marked "For Slaughter Only".

## § 9. Restriction of Livestock Movement.

### Section 4-9.

Whenever the sanitation of the market is not maintained as required in ~~Section 4-3~~ § 3 of this regulation, the State Veterinarian may, at his discretion, prohibit the use of certain areas of the market; or he may limit the activities of such markets with regards to the type or to the destination of livestock sold in such markets. ~~These restrictions will~~ *This restriction shall remain in effect until the State Veterinarian has determined that full compliance has been met by the market management market management is in compliance.* Whenever the State Veterinarian has reason to suspect or knowledge that a threat to the livestock industry or to the public safety exists by the continued operation of such livestock market, he may prohibit the operation of such market for such time as the threat or condition exists.





U. S. DEPARTMENT OF AGRICULTURE ANIMAL & PLANT HEALTH INSPECTION SERVICE VETERINARY SERVICES										BRUCellosis TEST RECORD MARKET CATTLE TESTING PROGRAM					STATE		
<input type="checkbox"/> SAMPLES DRAWN AT ("X" One) <input type="checkbox"/> LIVESTOCK MARKETS <input type="checkbox"/> SLAUGHTER ESTAB.			ESTAB. NUMBER		CERTIFICATION I CERTIFY THAT I HAVE COLLECTED AND CORRECTLY IDENTIFIED EACH BLOOD SAMPLE LISTED BELOW.					TESTING LABORATORY LABORATORY ADDRESS DATE SIGNATURE		TEST RESULTS NEG. SUS. REA. TOTAL					
NAME AND ADDRESS OF PLACE WHERE SAMPLES WERE DRAWN										SIGNATURE		DATE		SIGNATURE		TOTAL	
JOB NO.	SALES TAG OR BRAND	BACK TAG NUMBER	EAR TAG NUMBER	VACC. TAT-TOO	AGE	BREED	SEX	LABORATORY RESULTS					COUNTY	HERD OWNER'S NAME	ADDRESS		
								BRUC. CARD	S TT SPT	R IV	CF	TEST IN-TERP.					
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FORM 4-54      Previous editions are obsolete.  
(JUL 81)

PART 1 - OFFICE COPY

# Proposed Regulations

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## VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF ANIMAL HEALTH AND DAIRIES

Washington Building, Suite 600 • 1100 Bank Street • Richmond, VA 23219

### LIVESTOCK FOR SLAUGHTER PURPOSES ONLY

CATTLE  SWINE  SHEEP  HORSES

Market \_\_\_\_\_ Date \_\_\_\_\_

Owner or Shipper \_\_\_\_\_ Address \_\_\_\_\_

Identification of animals (tag no., brand, marks, sex, etc.) \_\_\_\_\_

These animals shall be moved to an approved slaughter plant or yard for immediate slaughter without diversion.

Slaughter Plant or Yard: \_\_\_\_\_ Address \_\_\_\_\_

State - Federal Official \_\_\_\_\_

I certify that the animals covered by this certificate were received:

Date \_\_\_\_\_ Approved Slaughter Plant or Yard \_\_\_\_\_

Please Sign and Return To:  
Virginia Department of  
Agriculture & Consumer Services

Signature \_\_\_\_\_

AHD 46D 8/82 -VDACS-03019

**DISTRIBUTION:**

1. Mail to destination
2. Accompany shipment
3. Mail to state destination
4. Retain

BUSINESS FORMS SPECIALTY, INC. HAMPTON VA 23670

# Proposed Regulations

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH AND DAIRIES

VETERINARIAN LIVESTOCK MARKET EVALUATION REPORT

Date \_\_\_\_\_

Market \_\_\_\_\_ Address \_\_\_\_\_

Manager \_\_\_\_\_ Date of last Inspection \_\_\_\_\_

Opening time \_\_\_\_\_ Closing time \_\_\_\_\_

I. Facilities:	Yes	No
1. Condition of pens, gates, fences, etc., permitting safe and sanitary operation.		
2. Proper facilities for restraint and tagging.		
3. Floors of pens, ring, and alleys solid and free of holes, etc., permitting proper cleaning.		
4. Roof and gutters maintained in such a manner as to prevent water entering pens.		
* 5. Lighting - adequate light to properly inspect animals as presented to sale.		
6. Proper diversion of run-off water so as to prevent it entering pens or reaching State waters.		
II. Livestock market premises maintained in a clean, sanitary and orderly manner at all times and satisfactorily cleaned after each use:		
1. Exterior - free of trash, manure, etc.		
a. Drives and docks properly cleaned and drained.		
2. Interior:		
a. Pens.		
b. Alleys.		
c. Ring.		
d. Water troughs - adequate number properly maintained.		
III. Insect and vermin control adequate.		
IV. Cleaning and disinfection:		
1. Livestock market interior premises properly cleaned for disinfection purposes		
2. Completed monthly (date of last disinfection _____)		
3. Equipment and disinfectant present to disinfect trucks, pens, etc.		
4. "Slaughter Only" pen cleaned and disinfected after each use.		

\*Suggest minimum light meter reading, especially for use in pre-dawn darkness of DLS.

# Proposed Regulations

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V. Operations:	Yes	No
1. Identification:		
a. Cattle - back tags properly applied as required.		
"s" brand properly applied.		
b. Swine - slaughter hogs identified by tattoo or tag.		
feeder pigs identified by ear tag.		
2. Brucellosis testing of all eligible cattle as required.		
3. Separate sale dates for slaughter and feeder swine.		
4. Sheep infected with foot rot sold for slaughter.		
scabies sheep returned to farm under quarantine.		
5. Dead animals promptly removed.		
VI. Inspector's Activities:		
1. Inspects all livestock.		
2. Makes thorough inspection of premises.		
3. Insures that all livestock leaving stockyard are released		
under proper permits or certificates are required.		
4. Observes weighing procedures.		

Statement of Inspector's Appraisal of Stockyard:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Signature) \_\_\_\_\_

Statement of Veterinarian's Appraisal of Stockyard:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Signature) \_\_\_\_\_ D. V. M.

# Proposed Regulations

DIVISION OF ANIMAL HEALTH AND DAIRIES  
1100 BANK STREET, SUITE 600  
RICHMOND, VIRGINIA 23219

## LIVESTOCK MARKET INSPECTION

I. Market \_\_\_\_\_ Address \_\_\_\_\_

II. Sanitation of the livestock market: \_\_\_\_\_ Satisfactory \_\_\_\_\_ Unsatisfactory

If unsatisfactory, list areas and your recommendations \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. Livestock numbers:

Cattle: Stocker cattle \_\_\_\_\_, Breeding replacement \_\_\_\_\_, Slaughter cattle \_\_\_\_\_, Total \_\_\_\_\_

Total cattle tested \_\_\_\_\_; Health certificates issued for these cattle: \_\_\_\_\_ Yes \_\_\_\_\_ No

Total number of cattle backtagged \_\_\_\_\_; Tags applied properly: \_\_\_\_\_ Yes \_\_\_\_\_ No

Number of breeding cattle from out of state \_\_\_\_\_; What health certificates accompanied these cattle \_\_\_\_\_

Hogs: Boars \_\_\_\_\_, Sows \_\_\_\_\_, Slaughter hogs \_\_\_\_\_, Total \_\_\_\_\_

Were all slaughter hogs consigned on permits? \_\_\_\_\_ Yes \_\_\_\_\_ No

Sheep: Slaughter sheep \_\_\_\_\_, Lambs \_\_\_\_\_, Sheep returned to farm \_\_\_\_\_ Total \_\_\_\_\_

IV. Diseased Livestock:

Species	No.	Condition	Disposition

V. Sale started \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. Sale ended \_\_\_\_\_ a.m. \_\_\_\_\_ p.m.

VI. Comments (If unable to attend, instructions to market manager, problems, etc.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

Form - LSM - 5 AHD - 4-28-82

\_\_\_\_\_  
Livestock Inspector

# Proposed Regulations

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**Title of Regulations:** VR 115-02-05. Health Requirements Governing the Control of Equine Infectious Anemia in Virginia.

**Statutory Authority:** §§ 3.1-724 through 3.1-730 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985 - 2 p.m.  
(See Calendar of Events Section for additional information)

**Summary:**

*This regulation replaces regulation AHD 10 of the same title. Thirty-eight changes have been made to improve sentence structure and clarity. No changes are made in policy.*

VR 115-02-05. Health Requirements Governing the Control of Equine Infectious Anemia in Virginia.

**§ 1. Definitions.**

**Section 10-1:**

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

**"Accredited veterinarian"** means a licensed veterinarian approved by the United States Department of Agriculture/Animal and Plant Health Inspection Service and State Veterinarian (hereinafter referred to as USDA-APHIS).

**"Approved laboratory"** means a laboratory approved by USDA-APHIS or the State Veterinarian to conduct the official test for equine infectious anemia. ~~Approved laboratories shall report promptly all testing of Virginia horses to the State Veterinarian, with the results thereof.~~

**"Approved veterinarian"** means a state-federal regulatory veterinarian, an accredited veterinarian, or other veterinarian approved by the State Veterinarian for special testing.

**"Department"** means the Virginia Department of Agriculture and Consumer Services.

**"Equine Infectious Anemia"** (EIA or Swamp Fever) means a contagious and infectious disease of horses, characterized by a variety of symptoms related to anemia. It may be acute, subacute, or chronic in nature : ~~The disease may terminate sooner or later in death, and may terminate in death.~~ The virus ~~may remain~~ remains in the blood of infected animals throughout their lifetime. The virus may be spread from horse to horse via biting flies, mosquitoes, hypodermic needles, or blood-letting procedures.

**"Horse"** - The term "horse", as used herein, is

~~intended to include~~ *Includes* all horselike animals embracing all members of the equine species including horses, ponies, the asinine species, and burros ; ~~and . It also including~~ *includes* hybrid offspring of the equine and asinine species by whatever name they may be known, such as mules, hinnies, and donkeys.

**"Interstate health certificate"** means a legible record covering the health requirements for ~~the importation~~ importing of horses into Virginia, executed on an approved form of the state of origin , and bearing the endorsement of the livestock health official of that state.

**"Licensed veterinarian"** means a veterinarian who has graduated from a recognized college of veterinary medicine and has been examined and found proficient by the Virginia State Board of Veterinary Medicine.

**"Official test"** means the agar gel immunodiffusion test (Coggins AGID) . ~~on blood serum from samples drawn and labeled so as to effectively identify each animal from which the sample is drawn, and submitted to approved laboratories on official forms by an approved veterinarian, is hereby adopted as the official test for the diagnosis of equine infectious anemia. The testing of blood or blood serum for the diagnosis of equine infectious anemia in any other manner is prohibited unless specifically authorized in writing by the State Veterinarian.~~

**"Reactor"** means a horse over eight months of age that reacts positively to an official test performed by an approved laboratory.

**"State-Federal Regulatory Veterinarian"** means a veterinarian employed by the State Veterinarian or USDA-APHIS.

**"State Veterinarian"** means a Virginia Department of Agriculture and Consumer Services veterinarian employed by the Commissioner of Agriculture and Consumer Services who is responsible for the animal health programs in the Commonwealth of Virginia.

**"Veterinary services"** - ~~United States Department of Agriculture/Animal and Plant Health Inspection Service.~~ Hereafter referred to as USDA-APHIS. *Services of USDA-APHIS.*

**§ 2. Testing Requirements for Horses Exhibited at Shows, Fairs, or Other Exhibitions in Virginia.**

**Section 10-2:**

All horses assembled at a show, fair, race meet, or other such function in Virginia, must be accompanied by a report of an official negative test for equine infectious anemia conducted within 12 months prior to such event. The person in charge will ~~ascertain~~ ensure that a copy of the official negative test results accompanies each horse in the event , and shall make such reports available for inspection by a representative of the State Veterinarian

upon request. Failure to furnish such test reports when requested shall exclude such horses from such events. The person in charge shall exclude any horse which is not accompanied by a negative test report.

## Testing Requirements for Horses Assembled for

### Sale or Auction in Virginia

#### Section 10.3:

Section 3. All horses assembled at a sale or auction in Virginia must be accompanied by a report of an official negative test for equine infectious anemia conducted within six (6) months prior to such event. The State Federal Regulatory Veterinarian assigned to the district in which a horse sale or auction is held will supervise such sales for compliance and to inspect all horses in the sale to determine they are free of visible symptoms of infectious or communicable disease. Shipment of horses into other states from such sales or auction shall be subject to all federal laws and regulations governing the interstate shipment of horses and in conformity with the requirements of the state of destination. Horses assembled at a sale or auction for immediate slaughter shall be exempt from the testing requirements, but shall be identified as such in a manner approved by the State Veterinarian before leaving such sale or auction.

#### § 3. Alternate Testing Requirements for Horses Assembled for Sale or Auction in Virginia.

#### Section 10.4:

Horses may be assembled at a sale or auction without a negative test for equine infectious anemia, provided that the State Veterinarian so approves, and that the following requirements are met: complied within their entirety.

A. 1. All horses, while assembled at the sale or auction, shall have blood samples drawn for equine-infectious-anemia testing.

B. 2. Horses consigned or sold for immediate slaughter at to an official slaughtering establishment may be are exempt from equine-infectious-anemia testing. Such horses shall be identified in a manner approved by the State Veterinarian, and a written permit shall be issued for their transfer to the slaughtering establishment.

C. 3. The owner or manager of the sale or auction shall employ a licensed accredited veterinarian, who shall draw blood samples from all horses required to be tested, and shall record all visible markings or other permanent identification for each horse bled.

D. 4. The owner or manager shall announce, prior to the sale or auction, that all nonslaughter horses will be tested. Each buyer of a nonslaughter horse or horses at the sale or auction shall sign a release form, signifying his agreement to maintain such horse or horses at a specified

location until notified of the results of the test. Horses that prove negative to the test may move in normal trade channels. Owners of horses that react to the test must comply with Sections 10.5 and 10.6 6 and 7 § 4 of this regulation.

E. 5. The State Veterinarian may grant such exceptions to these requirements as he feels the circumstances warrant and that are not in variance with other rules and regulations of the Commonwealth of Virginia.

## Testing Requirements for Horses Imported

### into Virginia

#### Section 10.5:

Section 5. All horses that are Horses imported into Virginia must be accompanied by an official interstate health certificate, and a copy of such certificate shall be in the possession of the person in charge of such horses. Such persons shall have keep this certificate in his possession for a period of at least 60 days after entry of such horses. The interstate health certificate shall indicate that all horses covered by such certificate have been officially tested and negative for equine infectious anemia within the past twelve (12) months. When horses are imported into Virginia, a copy of the official interstate health certificate shall be promptly mailed to the State Veterinarian. Horses that originate from infected premises in other states are not eligible for entry into Virginia unless a written permit is obtained from the State Veterinarian. Horses may be shipped into Virginia for research purposes, or for immediate slaughter to approved slaughter establishments, or to approved slaughter establishments for immediate slaughter, after first obtaining a permit from the State Veterinarian. Such horses shall be satisfactorily identified and the their origin and destination clearly stated on the permit.

#### § 4. Reactors to the Official Test.

#### Section 10.6:

A. Horses which have reacted positive to the official test shall be quarantined to the premises where tested by a State-Federal Regional Veterinarian.

B. When reactor(s) are a reactor is disclosed on a premises, and such testing does not constitute a complete herd test; ; then all horses on such premises shall be tested, including the test-positive animal(s) animal. The required testing will be for the purpose of detecting if additional infection exists on the premises and, secondly, and to confirm the identity of the reactor(s) reactors. Such testing will be performed under the supervision of a representative of the State Veterinarian. Additional testing as needed may be required by the State Veterinarian to clarify the equine-infectious-anemia status of horses on the premises.

# Proposed Regulations

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C. Reactor animals shall be permanently identified by a freeze brand, using the official Commonwealth of Virginia code identification (52A) placed under the mane. The branding of such reactors will be performed by or under the supervision of a representative of the State Veterinarian.

D. Negative horses on the premises where a reactor animal ~~(s)~~ *is* disclosed may not be removed from such premises without the approval of the State Veterinarian.

E. Virginia horses under eight months of age which have reacted to the official test shall be placed under written quarantine and retested when they become eight months of age. If such animals are reactors when they are eight months of age, they shall be subject to the same regulation as the adult infected animal.

F. When reactor ~~(s)~~ *is* disclosed, a thorough investigation shall be made to determine the source of the disease and to determine whether ~~or~~ spread has occurred. Depending upon these findings, additional testing may be required by the State Veterinarian.

## § 5. Disposition of Reactor Animals.

### Section 10-7.

A. Reactor horses may be humanely destroyed. The destruction of such horses shall be the owner's responsibility and at his or her expense, but will be *done* under the supervision of a representative of the State Veterinarian.

B. Reactor horses may be further identified as required by the State Veterinarian and sold:

1. Under permit to an approved slaughter establishment , ~~or~~

2. To a market for sale to an approved slaughter establishment , or

3. For rendering *or* research purposes. ~~or for research purposes.~~

C. At the owner's option, reactor horses may be retained under quarantine and held in isolation from all other horses on the premises. ~~However,~~ Provisions may be made by agreement with the State Veterinarian, and under terms specified by him, under terms specified by the State Veterinarian for the use of such reactor animals by the owner or his agent in such a manner as ~~will not risk the spread of that there is no risk of spreading~~ equine-infectious-anemia. The terms and conditions shall be made part of the quarantine document. The restrictions ~~herein~~ placed on the movement and maintenance of reactor animals shall be permanent or until such animals die , ~~or~~ are destroyed , or are cleansed of the carrier

state.

D. When reactor animals are quarantined as provided herein, all other horses on the premises may be required to be tested every six months if deemed necessary by the State Veterinarian. All testing shall be at the owner's expense unless otherwise authorized by the State Veterinarian.

E. Whenever it has been determined that the provisions of the quarantine and isolation are not being maintained, the State Veterinarian may require that all horses on the premises be placed under quarantine . This quarantine ~~to~~ *shall* remain in effect until the State Veterinarian has determined that the threat to the health of other horses no longer exists.

### Penalty

Section 10-8. Any person who shall exhibit, offer for sales, or import into Virginia any horse(s) in violation of the requirements of this regulation shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and, in addition, shall be subject to such order as may be deemed necessary by the State Veterinarian to control the potential spread of equine infectious anemia. In lieu of such penalty, the State Veterinarian may, at his discretion, require any horse(s) found to be in violation of this regulation to be returned to farm of origin, slaughtered, or tested for equine infectious anemia at the expense of the person or persons responsible for the violation.

# Proposed Regulations

Virginia Department Of Agriculture And Consumer Services  
 Division of Animal Health and Dairies  
 Suite 600, 823 East Main Street  
 Richmond, Virginia 23219

## EQUINE INFECTIOUS ANEMIA TEST REPORT

Print name and address legibly for window envelope use

1. DATE	COUNTY
3. NAME & ADDRESS OF OWNER (include Zip Code)	

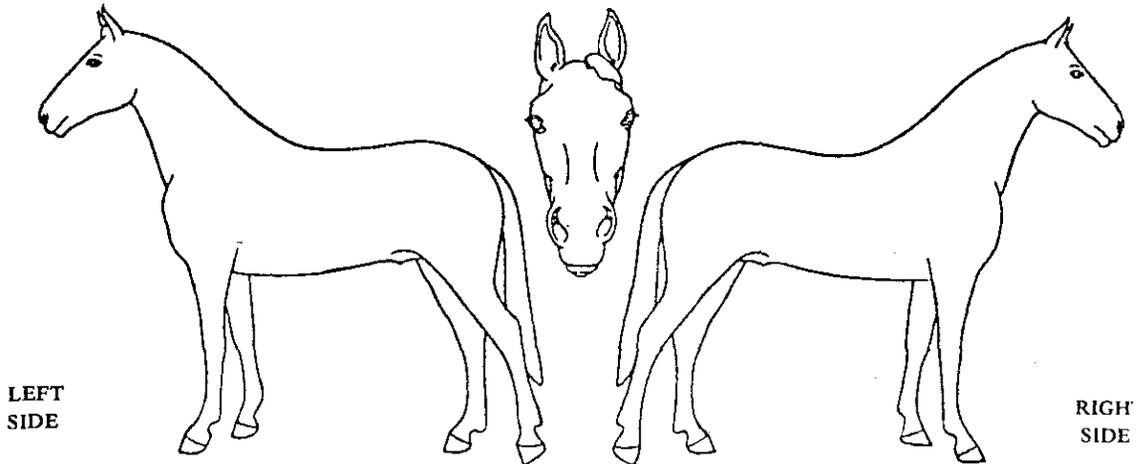
Reason for Test:

- Owner
- Clinical Symptoms
- Recent Purchase
- Sale
- Show - Fair
- Interstate Shipment
- Other \_\_\_\_\_

I hereby certify that the blood specimens submitted with this form were drawn by me from the horses described on this sheet on the date indicated.

Signature - Accredited Veterinarian

Sketch all visible markings on horse outline.



LABORATORY ACCESSION NUMBER

DATE RECEIVED

TUBE NO.	IDENTIFICATION (Name, ID No., Brand, etc.)	AGE	BREED	SEX	COLOR	TEST RESULTS
1.						

4. VETERINARIAN'S NAME & ADDRESS (include Zip Code) - TYPE OR PRINT LEGIBLY BELOW & BETWEEN DOTS.

NAME OF LABORATORY

BY

DATE

AHD EIA 2  
 REVISED 10/74  
 VDACS-03/72

TESTING LABORATORY

EQUINE SALE RELEASE REQUIREMENT & QUARANTINE

Virginia Department of Agriculture & Consumer Services  
Division of Animal Health  
Suite 600, 1100 Bank Street  
Washington Building  
Richmond, Virginia 23219  
Telephone Number: (804) 786-2483  
Date \_\_\_\_\_

Name of Purchaser \_\_\_\_\_  
Address \_\_\_\_\_  
Location of Stable \_\_\_\_\_  
County \_\_\_\_\_ Phone # \_\_\_\_\_  
Horse Auction \_\_\_\_\_

Hip Tag Number	Lot Number	Identification - Color - Markings	Age	Breed	Sex

On this date a blood sample(s) was collected from the above horse(s). Until you are officially notified in writing of the test results, the above described horse(s) is not eligible to be moved from the above address.

To verify the identity of your purchased horse(s), you shall not remove the auction's hip tag(s) until notified of the test results.

All purchased horses shall be held in isolation until the test results are known. If purchased horses are positive, all other horses on the premises will be required to be tested. Reactors to the Coggins test will be held in isolation or destroyed as required.

I have read and understand the above stipulations and agree to abide by them.

Purchaser \_\_\_\_\_ Date \_\_\_\_\_  
State Representative \_\_\_\_\_  
Date \_\_\_\_\_

Original: To the Purchaser Duplicate: Regional Veterinarian

# Proposed Regulations

**Title of Regulations:** VR 115-02-06. Requirements Governing the Branding of Cattle in Virginia.

**Statutory Authority:** § 3.1-796.36 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985 - 2 p.m.  
(See Calendar of Events Section for additional information)

## Summary:

*This regulation replaces regulation AHD 11 of the same title. Seven changes have been made to improve sentence structure and clarity. No change is made in policy.*

VR 115-02-06. Requirements Governing the Branding of Cattle in Virginia.

## § 1. Definitions.

### Section 11.1

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Brand" means a recorded identification mark applied on the hide of live cattle by means of heat, acid, chemical, or freezing . ~~except~~ Tattoo marks in the ear, numbers used to keep production records and records of age, or identification marks used by any governmental agency are not brands.

"Department" means the Virginia Department of Agriculture and ~~Commerce~~ Consumer Services.

"Livestock market" means a place where a person assembles livestock for public sale if ~~such person is required to procure~~ a license or permit from the Department of Agriculture and ~~Commerce~~ Consumer Services is required to operate such market.

"Person" means any individual, partnership, corporation, or association.

"State Veterinarian" A veterinarian employed by the Virginia Department of Agriculture and ~~Commerce~~ who is responsible for the animal health programs in the state. means a Virginia Department of Agriculture and Consumer Services veterinarian employed by the Commissioner of Agriculture and Consumer Services who is responsible for the animal health programs in the Commonwealth of Virginia.

## § 2. Application for Registration.

### Section 11.2

Applications for the registration of brands shall be made to the State Veterinarian on forms provided by the

Department . ~~and~~ The applications must be accompanied by a check or money order payable to the Treasurer of Virginia in the amount of ~~ten dollars~~ \$10 for each brand to be registered. In the event the Department denies registration of a brand for any reason , the registration fee of ~~ten dollars~~ \$10 shall be returned to the person making application for registration to the applicant with a statement of the grounds for refusal.

## § 3. Renewal of Registration.

### Section 11.3

In order to retain their validity, brand registrations must be renewed at the beginning of every five-year registration period. Brands registered during the five-year period beginning July 1, 1974, must be re-recorded recorded on or before July 1, 1979, and July 1 of the initial year of each succeeding five-year period thereafter for as long as the registrant desires to maintain the registration of his brand in Virginia. The fee of renewal of brand registration is ~~ten dollars~~ \$10 for each brand . reregistered

## § 4. Brand Transfers.

### Section 11.4

A brand that has been properly registered is the personal property of the person to whom the brand is registered. A brand may be transferred from one owner to another. The fee for such a transfer is ~~three dollars~~ ( \$3.00 ) .

## § 5. Brand Certificate.

### Section 11.5

Each cattle owner who makes proper application and whose brand is registered by the Department will receive a certificate attesting to the fact that his brand is registered in the Commonwealth of Virginia.

## § 6. Register of Brands.

### Section 11.6

A. The Department shall maintain a complete register of all cattle brands recorded, showing the name and address of the owner of each brand, and shall publish this register annually.

B. Every operator of a livestock market where cattle are sold shall keep a copy of the register of brands in his place of business, where it will be easily accessible for public inspection.

C. The operator of every livestock market where cattle are sold in the Commonwealth of Virginia shall keep a record, for at least two years, of all cattle received and of the names and addresses of the owners of such cattle.

# Proposed Regulations

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## § 7. Characters Used in the Brand.

provisions of this regulation shall be guilty of a misdemeanor.

### Section 11-7

A. The selection of characters for a brand must be limited to the following:

1. The 26 letters of the alphabet.
2. Numbers from two to nine, inclusive.
3. The following symbols:

— bar. / slash. □ box. ▤ half-box. → arrow.

◇ diamond. ∨ half-diamond. ▲ triangle.

⤿ quarter-circle.

A brand must have at least two characters and no more than three.

B. The characters in a brand must be positioned so they may be read from left to right, or from top to bottom.

## § 8. Location of Brand.

### Section 11-8

A. Location of the brand on cattle is limited to one of the following positions: left shoulder, right shoulder, left ribs, right ribs, left hip, or right hip.

B. Care must be exercised in applying the brand so that the position of this identifying mark upon the cattle is exactly the same as shown on the brand registration application.

## § 9. Transfer of Branded Cattle.

### Section 11-9

A. It is unlawful for any person to alter, obliterate, deface, burn over, or otherwise disfigure or mutilate a brand, including his own brand.

B. When buying cattle that are already branded, the buyer shall secure a bill of sale to indicate how and why he is in possession of cattle carrying another owner's brand. The new owner may then put his own brand on the cattle, provided this is done without defacing or burning over the old brand.

### Penalties

Section 11-10 Any person who violates any of the



**Division of Animal Health  
and Dairies  
NOVEMBER, 1983**

**REGISTER**

**OF**

**VIRGINIA CATTLE BRANDS**

# Proposed Regulations

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH AND DAIRIES  
Washington Building  
1100 Bank Street - Suite 600  
Richmond, Virginia 23219

## REGISTER OF CATTLE BRANDS

Pursuant to the authority contained in Chapter 27.2, Title 3.1, Sections 3.1-796.29 through 3.1-796.38 of the Code of Virginia (1950) as amended, the following Cattle Brands are registered in the Richmond Office of the Division of Animal Health and Dairies

Agricultural Capital Enterprises, Inc. 127 East Gooch Street Palestine, Texas 75801	ACE	Keene C. Brown Buffalo River Ranch Route 1, Box 65 Amherst, Virginia 24521	(BR)
Paul L. Allen Route 6, Box 198-AA Richmond, Virginia 23231	A	James C. Butler Route 4, Box 86-B Powhatan, Virginia 23139	B
Wade H. Allison Route 1, Box 189 Draper, Virginia 24324	W	Robert Bye Route 2, Box 212-C New Castle, Virginia 24127	B
Bath Barn Elm Farm Arthur J. McQuillan P. O. Box 68 Wake, Virginia 23176	BDE	Campbell Farms P. O. Box 786 Lebanon, Virginia 24266	CF
Bar D Enterprises, Inc. (Donald L. Bulger, owner) Route 2, Box 191-B Richmond, Virginia 23231	D	Hugh Campbell Route 2 Beaverdam, Virginia 23015	V
Hollis P. Black Route 2, Box 71-A Scottsville, Virginia 24590	BG	D. K. Chacey Sherborne Markham, Virginia 22643	(R)
Blue Ridge Cattle Company North Garden Virginia 22959	BR	Circle C. Farm Delmer Mays, Manager Route 1, Box 628 Tazewell, Virginia 24651	(C)
Booth's Longview Farm Route 2, Box 60 Pulaski, Virginia 24301	BLF	C K R Cattle Company Box 836 Wallace, Idaho 83873	(JK)
Borg-Warner Leasing Suite 175 4141 Blue Lake Circle Dallas, Texas 75234	BWL	Paul C. Clapsadl Fancy Step Farm Route 2, Box 77 Moneta, Virginia 24121	FSF
William R. Brockett Route 1, Box 115 Ashburn, Virginia 22011	V	Coles Egg Farm, Inc. P. O. Box E Bent Mountain, Virginia 24059	C

# Proposed Regulations

Ellis D. and Douglas D. Corvin Route 4, Box 64-A Wytheville, Virginia 24382	C	N. C. Gregory Route 1, Box 382 Doswell, Virginia 23047	◇
Frank L. Cowles, Jr. Hidden Hill Farm Route 2, Box 90 Culpeper, Virginia 22701	H	Mrs. Helen K. Groves Silverbrook Farms Middlebrook, Virginia 24459	⊕
Robert L., William Joe and Tommy G. Cox Independence Virginia 24348	C	Scott Lenior Gwyn P. O. Box 563 Rural Retreat, Virginia 24368	SLC
Clarence A. den Dulk Route 1, Box 59 Bremo Bluff, Virginia 23022	D	Hare Forest P. O. Box 465 Orange, Virginia 22960	HF
Dongary Holstein Leasing, Inc. 3980 Quebec Street Denver, Colorado 80207	DL	Highland Resources, Inc. Route 1, Box 159-A Middleburg, Virginia 22117	H
Dresden Farm Box 392 Middleburg, Virginia 22117	F	Rison Daniel Hines, Jr. P. O. Box 448 Altavista, Virginia 24517	RD
William B. Dunlap Brownsburg Virginia 24415	D	Henry S. Holland III Route 3, Box 167-A Scottsville, Virginia 24590	H <sub>3</sub>
John D. Farmer P. O. Box 211 Chase City, Virginia 23924	A	Paul W. Holston Holston Farms P. O. Box 735 Pulaski, Virginia 24301	h
Lawrence R. Foran Route 2, Box 257 Orange, Virginia 22960	4AN	Dale Keith Hubbard 5717 Artemus Road Gainesville, Virginia 22065	HX
Robert L. Fox P. O. Box 721 Lexanon, Virginia 24266	F	William Kent Ison Route 1, Box 137 Troutdale, Virginia 24378	UK
Dr. Paul J. Friedman 10702 Chipewyan Drive Richmond, Virginia 23233	F	Joe Jones Route 4, Box 49 Burlington, North Carolina	J
B. C. Gannaway General Delivery Amelia, Virginia 23002	GT	Thomas Nelson Jones D Bar J Farms 10411 Wickens Road Vienna, Virginia 22180	DJ
Richard R. Glenn Route 1, Box 251 Baphine, Virginia 24472	JL	Donald E. Joyner 530 Rossmore Road Richmond, Virginia 23225	DJ
Green Valley Poultry Farm, Inc. Box 518 Abingdon, Virginia 24210	GV	Frank H. Kenan Route 1, Box 345 Tazewell, Virginia 24651	K

# Proposed Regulations

Kerwood Limited Partnership P. O. Box 165 Orange, Virginia 22960		Michael L. Mayo Route 1, Box 203 Unionville, Virginia 22567	-A
Kathryn S. Kidd Route 6, Box 19-A Roanoke, Virginia 24014		John E. McCarthy Route 2, Box 12 Arrington, Virginia 22922	J
J. Earl and Lyle R. Kindig Kirmont Farm Route 2, Box 380 Waynesboro, Virginia 22980		McDonald Farm--Green Hill Route 2, Box 383 Blacksburg, Virginia 24060	
Dean Kirk Route 4 Wytheville, Virginia 24382		Daniel Melcher Glen Echo Farm Route 4 Charlottesville, Virginia 22901	=S
Nelson Phelps Lane Eldon Farms Box 3 Woodville, Virginia 22749		Frank S. Moore Few Acres Farm P. O. Box 99 Goshen, Virginia 24439	
Vernon L. Leeds Route 636 Rice, Virginia 23966		Stuart M. Motley P. O. Box 1455 Richmond, Virginia 23212	SMI
Rudolph H. Light 7154 Eads Avenue La Jolla, California 92037		Oscar Nelson, Jr. Box 428 Lewisburg, West Virginia 24901	M
Myron W. Littlehale Route 2, Box 149-V Concord, Virginia 24538		Neuhoff Farms, Inc. Route 2, Box 213 Dublin, Virginia 24084	NH
Los Ganaderos' Livestock Company, Inc. Delaplane, Virginia 22025		Edward M. Norge, Jr. 2262 Shillelagh Road Chesapeake, Virginia 23323	N 4
L-Seven Cattle Company Delaplane Virginia 22025		North American Cattle Corp. 3304 Mallard Cove Lane Fort Wayne, Indiana 46804	AC
Donald I. Lyons Route 2, Box 93 Sterling, Virginia 22170		Oliver P. Norton Route 1, Box 108 Rapidan, Virginia 22733	7L
Walter N. and Cynthia M. Malloy P. O. Box 1407 Tappahannock, Virginia 22560		Robert H. Nutt Nutt Farms Route 1, Box 25 Middlebrook, Virginia 24459	NF
Bill Martin P. O. Box 16381 Greensboro, North Carolina 27406		R. D. Phillips Route 1, Box 192 Draper, Virginia 24324	DP
Lawrence Dean Mawyer, Sr. Route 2, Box 121 Lexington, Virginia 24450		Ray E. Porter and Sons Route 2, Box 506 Galax, Virginia 24333	

# Proposed Regulations

Bratt Farms Route 1, Box 432 Draper, Virginia 24324	LTP	Springhill Farm Route 2, Box 208 Scottsville, Virginia 24590	SHF
Richard A. Purgitt 445 S. Washington Street Falls Church, Virginia 22046	P	Nancy H. Stettinius White Oak Farm Middleburg, Virginia 22117	S
Quality Holstein Leasing Co. Assn. Ltd. Partnership P. O. Box 274 Palestine, Texas 74801	Q	Robert B. Stinnett 522 Kenmore Avenue Oakland, California 94610	B S
John W. Ratliff Route 1, Box 365 Tazewell, Virginia 24651	-R	William S. Stokes III Ayrshire Farm Upperville, Virginia 22176	X
Rich Valley Cattle Company Route 3 Saltville, Virginia 24370	H	Bill Reece Taylor Route 2 Cedar Bluff, Virginia 24609	I
Louis S. and William L. Richardson Church View Virginia 23032	W M	Buddy Taylor Route 1, Box 213-AA Lebanon, Virginia 24266	T
Charles D. Roberts Box 93 Rural Retreat, Virginia 24368	n	Dorothy W. Tousignant Cordova Farm Box 427 Middleburg, Virginia 22117	⊕
Rocklands Farm (Timothy C. Neale) Gordonsville, Virginia 22942	RF	Lloyd Guy Walton, Jr. Route 2, Box 136 Pennington Gap, Virginia 24277	W
Running Bee Farm Route 2, Box 69-AA The Plains, Virginia 22171	B-S	R. R. Watson P. O. Box 71 Meadowview, Virginia 24361	R
Fred W. Scott, Jr. Bundoran Farm North Garden, Virginia 22959	BF	William C. Weaver Route 2, Box 286 Orange, Virginia 22960	-W
Andrew H. Seay 702 Andora Drive Fredericksburg, Virginia 22401	AS	William C. Weaver, Jr. Route 2, Box 286 Orange, Virginia 22960	W
R. Francis Shonaker Route 1, Box 211 Lovettsville, Virginia 22080	FS	Whitewood Farm P. O. Box 225 The Plains, Virginia 22171	W W
Joe B. Shumate III 104 Yorkshire Court Blacksburg, Virginia 24060	J	Weaver and Tommy Widener Route 1, Box 251 Glade Spring, Virginia 24340	⊙
Charles W. Spradlin Triple Hill Farm Route 1, Box 151 Vinton, Virginia 24179	h	J. M. Wilkinson Route 2 Chilhowie, Virginia 24319	W

# Proposed Regulations

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Lenny Wilson Livestock, Inc. Route 4 Newport, Tennessee 37821	W	
W. Bruce Wingo 11230 Robious Road Bon Air, Virginia 23235	W	
George T. Wortman, Jr. 15100 Lee Road Chantilly, Virginia 22021	R <sub>W</sub>	

# Proposed Regulations

Recording Fee: \$10.00

Rcvd. \_\_\_\_\_

Ck. No. \_\_\_\_\_

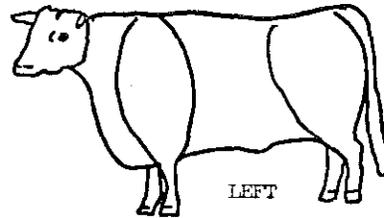
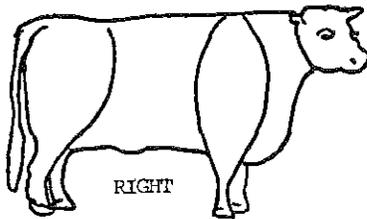
Br. No. \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH AND DAIRIES  
Washington Building, Suite 600  
1100 Bank Street  
Richmond, Virginia 23219

## APPLICATION FOR CATTLE BRAND REGISTRATION

Know All Men by These Presents:

That \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_, County of \_\_\_\_\_ in the  
Commonwealth of Virginia, desiring to adopt a brand for the purpose of branding cattle in the  
said Commonwealth, under and by virtue of the provisions of Chapter 27.2, Title 3.1 of the Code  
of Virginia (1950), as amended, relating to the recording of brands, does hereby apply for the  
exclusive right to use the brand shown on the cuts below.



Note the outlined locations: Hips, ribs, shoulder. Place brand on cuts exactly as you wish  
to use it on the animals.

NAME OF BRAND \_\_\_\_\_

Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_  
(Route and Box No.) (City) (State) (Zip)

Make remittance of ten dollars (\$10.00) payable to the Treasurer of Virginia and mail to the  
address shown at the top of this form.

# Virginia Department of Agriculture and Consumer Services



## CERTIFICATE OF BRAND REGISTRATION

KNOW ALL MEN BY THESE PRESENTS:

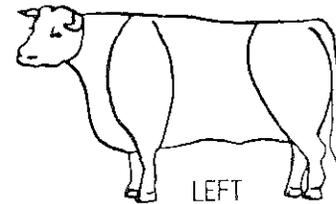
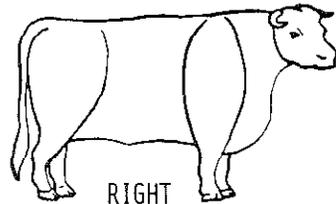
THAT

\_\_\_\_\_

OF

\_\_\_\_\_

HAVING COMPLIED WITH THE PROVISIONS OF THE VIRGINIA CATTLE  
BRANDING LAW, HAS THE BRAND SHOWN BELOW DULY RECORDED WITH  
THIS OFFICE



NO. \_\_\_\_\_

DATE OF ISSUE \_\_\_\_\_

\_\_\_\_\_  
STATE VETERINARIAN

# Proposed Regulations

**Title of Regulations:** VR 115-02-07. Control and Eradication of Pullorum Disease and Fowl Typhoid in Poultry Flocks and Hatcheries and Products Thereof in Virginia.

**Statutory Authority:** §§ 3.1-724 and 3.1-730 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985 - 2 p.m.  
(See Calendar of Events Section for additional information)

## Summary:

*This regulation replaces an unnumbered AHD regulation of the same title. Changes have been made in three requirements to improve sentence structure and clarity. No change is made in policy.*

VR 115-02-07. Control and Eradication of Pullorum Disease and Fowl Typhoid in Poultry Flocks and Hatcheries and Products Thereof in Virginia.

## § 1. Definitions.

### ~~Section 12.1~~

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

*"Baby poultry"* means newly hatched poultry (chicks, poults, ducklings, goslings, keets, etc.) that have not been fed or watered.

*"Department"* means the Virginia Department of Agriculture and ~~Commerce~~ Consumer Services.

*"Flock"* means all of the poultry on one premises ; except that, at the discretion of the Department, any group of poultry which is segregated from other poultry and has been so segregated for a period of at least 21 days may be considered as a separate flock.

*"Fowl typhoid or typhoid"* means ~~a~~ an infectious and contagious disease of poultry caused by *Salmonella gallinarum*.

*"Hatchery"* means incubators, hatches, and auxiliary equipment on one premises operated and controlled by ~~any person~~ for the hatching of poultry.

*"Hatching eggs"* ~~Eggs for use in a hatchery to produce young poultry or to produce embryonated eggs.~~ means fertile eggs used to produce poultry.

*"Person"* A ~~natural~~ means any person, firm, or corporation.

*"Poultry"* means live fowl, including chickens, turkeys, waterfowl, and game birds, which are propagated and

maintained under the control of any person.

*"Products"* means poultry breeding stock and hatching eggs, baby poultry, and started poultry.

*"Pullorum disease or pullorum"* means ~~a~~ an infectious and contagious disease of poultry caused by *Salmonella pullorum*.

*"State Veterinarian"* A veterinarian employed by the Department who is responsible for the animal health programs in the state. ~~means a Virginia Department of Agriculture and Consumer Services veterinarian employed by the Commissioner of Agriculture and Consumer Services who is responsible for the animal health programs in the Commonwealth of Virginia.~~

*"Started poultry"* means young poultry (chicks, pullets, cockerels, capons, poults, ducklings, goslings, keets, etc.) that have been fed and watered, and are less than six months of age.

## § 2. Authority.

### ~~Section 12.2~~

~~Full~~ Authority for the control and eradication of pullorum and typhoid in poultry in the Commonwealth of Virginia is hereby vested in the State Veterinarian ; ~~and, without limiting the generality of the foregoing provision,~~ It shall be the function, power and duty of the State Veterinarian to administer the following provisions:

1. All poultry hatcheries and hatchery supply flocks within the Commonwealth of Virginia must qualify as U. S. Pullorum-Typhoid Clean or meet equivalent requirements for pullorum-typhoid control under official supervision of the State Veterinarian.

2. All shipments of products other than U. S. Pullorum-Typhoid Clean, or equivalent, into the Commonwealth of Virginia are prohibited.

3. Whenever a veterinarian or other person performing poultry disease diagnostic services has knowledge or reason to suspect that pullorum or typhoid exists in a poultry flock or hatchery, he shall ; ~~within 48 hours,~~ give notice of such fact to the State Veterinarian *within 48 hours* .

4. Upon receipt of the report of pullorum or typhoid in poultry, the State Veterinarian shall direct an immediate investigation by an authorized representative to determine the origin and avenue of transmission of the infection.

5. Flocks deemed to be infected with pullorum or typhoid shall be quarantined by the State Veterinarian. Quarantined flocks or any portion thereof shall not be removed from the premises where the infection was detected, except with the written permission of the State Veterinarian.

# Proposed Regulations

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6. All poultry shown in public exhibitions in the Commonwealth of Virginia shall ~~have originated~~ *originate* from U. S. Pullorum-Typhoid Clean or equivalent flocks or have had a negative pullorum-typhoid test within 90 days of the movement to the public exhibition.

## *§ 3. Poultry Flock Requirements.*

### *Section 12.3*

All poultry flocks from which hatching eggs are set in any Virginia hatchery must be in compliance with the current pullorum-typhoid provisions of the National Poultry Improvement Plan. ~~(9 CFR, Section 445.23(b)(3),(4),(5), and related provisions in Subparts C, D, and E.) (9 CFR, §§ 145.1 through 145.54).~~

Proposed Regulations

Original

DIVISION OF ~~MARKETS~~  
VIRGINIA DEPARTMENT OF AGRICULTURE

No. 45231

Washington Bldg., 1100 Bank St. ~~1200 E. Main Street, Richmond~~  
116 Reservoir Street, Harrisonburg

Lab No. \_\_\_\_\_

FLOCK SELECTION AND PULLORUM TESTING REPORT

(Micro ~~Tube~~ Agglutination Test for Pullorum Disease)

Flock Owner \_\_\_\_\_ Date of Report \_\_\_\_\_  
Address \_\_\_\_\_ Date of Test \_\_\_\_\_  
Flock No. \_\_\_\_\_ Breed \_\_\_\_\_ Bled By \_\_\_\_\_  
Hatchery \_\_\_\_\_ Source of Birds \_\_\_\_\_  
Number Rejected \_\_\_\_\_ Whole Flock \_\_\_\_\_ Breeders Only \_\_\_\_\_ Initial Test \_\_\_\_\_ Retest \_\_\_\_\_  
Females Tested \_\_\_\_\_ Pos. \_\_\_\_\_ Neg. \_\_\_\_\_ Males Tested \_\_\_\_\_ Pos. \_\_\_\_\_ Neg. \_\_\_\_\_  
Percent Infection \_\_\_\_\_

Birds with the following leg band numbers are positive and must be removed from the flock within ten days:

INSTRUCTIONS FOR DISPOSING OF REACTORS (READ CAREFULLY)

Please send ALIVE and PREPAID \_\_\_\_\_ of these reactors to the State Laboratory that is nearest to you for bacteriological examination. Do not remove the leg bands. Use the enclosed post card to notify laboratory receiving reactors.

A reactor to the blood test in many cases is not infected with pullorum disease. This is why it is important to send the birds to the laboratory for bacteriological examination. If reactors are not sent when requested, we must consider the flock infected and not allow sale of hatching eggs until retests show no reactors.

Location of State Laboratories: ~~1200 E. Main Street, Richmond 19~~  
1 North 14th St. (Use Rear Entrance) Richmond 19  
116 Reservoir Street, Harrisonburg  
Wytheville ♦ Ivor ♦ Warrenton

Sell the remaining reactors, if any, for slaughter only. Remove the leg bands at time of sale and mail them, together with affidavit signed by the buyer, to the Division of Markets, 1200 E. Main Street, Richmond 19, Virginia.

When reacting birds are used for home consumption, which must be within the 10-day limit, do not remove the leg band until the bird has been slaughtered. Then cut off the shank and slip off the band without breaking the seal and mail to this office.

ANIMAL HEALTH SERVICES  
DIVISION OF ~~MARKETS~~

FEE \_\_\_\_\_

Supervisor.

# Proposed Regulations

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## COMMONWEALTH of VIRGINIA

S. MASON CARBAUGH  
Commissioner

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH AND DAIRIES  
SUITE 600, WASHINGTON BUILDING, 1100 BANK STREET  
RICHMOND 23219

GEORGE B. ESTIS, D.V.M.  
State Veterinarian

116 Reservoir Street  
Harrisonburg, Virginia 22801

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above number is your Virginia Approval Number for shipping hatching eggs, chicks, poultts and breeding stock into the State of Virginia and should be recorded on all Forms or Shipping Certificates. The number will expire on December 31, 1985.

A handwritten signature in cursive script, appearing to read 'Ivan L. Long'.

Ivan L. Long, Supervisor  
National Poultry Improvement Plan

/drf



COMMONWEALTH of VIRGINIA

S. MASON CARBAUGH  
Commissioner

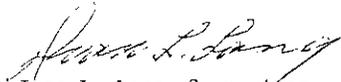
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH AND DAIRIES  
SUITE 600, WASHINGTON BUILDING, 1100 BANK STREET  
RICHMOND 23219

GEORGE B. ESTES, D.V.M.  
State Veterinarian

116 Reservoir Street  
Harrisonburg, Virginia 22801

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above number is your Virginia Approval Number for shipping psittacine birds into the State of Virginia and should be recorded on all Forms or Shipping Certificates. The number will expire on December 31, 1985.

  
Ivan L. Long, Supervisor  
National Poultry Improvement Plan

/drf



# Proposed Regulations

This report is required by Reg. (9 CFR 145). Failure to report can result in non-classification of poultry and poultry products under the NPIP.

FORM APPROVED OMB NO. 0579-0007      **REPORT NO. A-13851**

**UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
NATIONAL POULTRY IMPROVEMENT PLAN**

**FLOCK SELECTING AND TESTING REPORT**

**SUBPART:**  
 B -- Egg Type Chickens  
 C -- Meat Type Chickens  
 D -- Turkeys  
 E -- Waterfowl, Exhibition Poultry and Game Birds

**CLASSIFICATION -- U.S.**  
 Pullorum - Typhoid Clean  
 M. Gallisepticum Clean  
 M. Synoviae Clean  
 Sanitation Monitored  
 Other

**TYPE**  
 Primary  
 Multiplier

1. Name and Address of Flockowner (Include Zip Code)

2. Location of Flock

3. Date of Preceding Test - This Location

4. Supply Flock for: (Name and address of hatchery or dealer - include Zip Code)      Approval Number

5. Breed, Variety, Strain or Trade Name of Stock      Code Identification

6. MALES (Source & Number)		Date of Hatch	7. FEMALES (Source & Number)		Date of Hatch	8. TOTAL Birds Selected
BLOOD TESTING	(a) Number of Males Tested	(b) Number of Females Tested	(c) TOTAL Number Tested	(d) Number of Reactors	(e) Number Sent to Laboratory	(f) Laboratory Findings
9. PULLORUM-TYPHOID						
10. M. GALLISEPTICUM						
11. M. SYNOVIAE						
12. OTHER (specify)						

**AGREEMENT OF FLOCKOWNER**  
 I agree to keep my poultry breeding stock segregated from other poultry and in accordance with the provisions of the Plan and regulations of the Official State Agency. I further agree to flock inspection by a representative of the Official State Agency as prescribed by the provisions and regulations.

Signature of Inspector or authorized agent      Date  
 Signature of flockowner      Date

VS FORM 9-2 (JUN 81) Previous edition may be used.      **PART 1 - OFFICIAL STATE AGENCY COPY**

This report is required by Memo of Understanding. Failure to report can result in publication of inaccurate and/or incomplete information for the NPIP.

U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE  <b>REPORT OF HATCHERIES, DEALERS AND INDEPENDENT FLOCKS                  PARTICIPATING IN THE NPIP</b>	FORM APPROVED - OMB NO. 0579-0007 STATE _____ DATE SUBMITTED _____  SUBMITTED BY: _____
--	--

IMPORTANT: Read instructions on reverse.

NAMES AND ADDRESSES OF PARTICIPANTS <i>(List alphabetically by Subpart, and                      give complete mailing address of each, including zip code)</i>	SUBPART OR TYPE OF POULTRY	EGG CAPACITY OR TYPE OF DEALER	PRODUCTS CLASSIFIED "U.S. PULLORUM-TYPHOID CLEAN"	ADDITIONAL CLASSIFICATIONS FOR WHICH THESE PRODUCTS QUALIFY

VS FORM 9-5 Replaces NPIP Form 27 which is obsolete  
 (MAR 81)

# Proposed Regulations

This report is required by Regulations (9 CFR 145). Failure to report will hinder nationwide review and analysis of disease investigations.

FORM APPROVED  
OMB NO. 0579-0607

U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE THE NATIONAL POULTRY IMPROVEMENT PLAN  <b>INVESTIGATION OF SALMONELLA ISOLATIONS IN POULTRY</b>	1. ISOLATION REPORTED a. <input type="checkbox"/> PULLORUM    b. <input type="checkbox"/> TYPHOID c. <input type="checkbox"/> TYPHIMURIUM    d. <input type="checkbox"/> ARIZONA e. <input type="checkbox"/> OTHER (Specify): _____
INSTRUCTIONS: Read instructions on reverse before completing this form.	2. VS FORM 9-6 SERIAL NO. _____  3. SPECIMEN SUBMITTED a. <input type="checkbox"/> CHICKEN    b. <input type="checkbox"/> TURKEY c. <input type="checkbox"/> OTHER (Specify) _____
4. DATE SPECIMEN SUBMITTED _____	

**SECTION A - FLOCK FROM WHICH INFECTED SPECIMENS WERE SUBMITTED**

5. NAME & ADDRESS OF OWNER (Include zip code)			6. LOCATION OF FLOCK		
7. BREED, STRAIN OR TRADE NAME	8. NO. BIRDS	9. AGE	10. PURPOSE OF FLOCK (Check appropriate blocks)		
			a. <input type="checkbox"/> PRODUCTION    b. <input type="checkbox"/> REPRODUCTION    c. <input type="checkbox"/> EGGS d. <input type="checkbox"/> MEAT    e. <input type="checkbox"/> PRIMARY    f. <input type="checkbox"/> MULTIPLIER g. <input type="checkbox"/> OTHER (Specify) _____		
11. ESTIMATED EFFECTS OF THIS INFECTION	MORTALITY % b. MORBIDITY %		13. KIND OF SPECIMENS COLLECTED FOR LAB. EXAM.		
12. SUSPECTED SOURCE OF THIS INFECTION		14. CORRECTIVE MEASURES APPLIED			
a. <input type="checkbox"/> PREMISES    b. <input type="checkbox"/> NEARBY FLOCK c. <input type="checkbox"/> CONTAMINATED SUPPLIES d. <input type="checkbox"/> OTHER (Specify) _____		a. <input type="checkbox"/> QUARANTINE    b. <input type="checkbox"/> DISCONTINUE AS HATCHERY FLOCK c. <input type="checkbox"/> CLEAN & DISINFECT PREMISES    d. <input type="checkbox"/> SLAUGHTER e. <input type="checkbox"/> CLEAN-UP BY RETESTING    f. <input type="checkbox"/> FUMIGATE EGGS g. <input type="checkbox"/> MEDICATION    h. <input type="checkbox"/> OTHER (Specify) _____			
15. MEASURES CHECKED IN ITEM 14 ADEQUATE TO PREVENT SPREAD <input type="checkbox"/> YES <input type="checkbox"/> NO					

**SECTION B - HATCHERY SOURCE OF FLOCK REPORTED IN SECTION A**

16. NAME & LOCATION OF HATCHERY (Include zip code)		17. APPROVAL NUMBER	18. PREVIOUS ISOLATIONS OF SAME SEROTYPE IMPLICATING THIS HATCHERY
			NO. OF REPORTS .....
19. INVESTIGATIVE PROCEDURES. (Indicate positive (+) or negative (-) results for each procedure used.)			
A. SURVEY OF FLOCKS FROM:		B. LABORATORY EXAMINATION OF SPECIMENS COLLECTED AT HATCHERY	
a. <input type="checkbox"/> SAME OR PROXIMATE HATCHES b. <input type="checkbox"/> SAME PARENT FLOCK(s)		a. <input type="checkbox"/> EGGS (incubator rejects)    b. <input type="checkbox"/> INCUBATOR SWABS    c. <input type="checkbox"/> AIR SAMPLE d. <input type="checkbox"/> FLUFF    e. <input type="checkbox"/> BABY POULTRY    f. <input type="checkbox"/> OTHER (Specify) _____	
20. ADEQUATE MEASURES APPLIED TO ELIMINATE PREMISES (hatchery) INFECTION <input type="checkbox"/> YES <input type="checkbox"/> NO			

**SECTION C - PARENT FLOCK OF FLOCK REPORTED IN SECTION A**

21. NAME & ADDRESS OF OWNER OF PARENT FLOCK (Include zip code)		22. LOCATION OF PARENT FLOCK		23. NO. BIRDS IN PARENT FLOCK
24. SOURCE OF PARENT FLOCK BY SEX	A. MALES (Name & address of breeder)		B. FEMALES (Name & address of breeder)	
25. CLASSIFICATION AND BASIS OF QUALIFICATION	A. U.S. PULLORUM-TYPHOID CLEAN		B. U.S. TYPHIMURIUM CONTROLLED	
	a. <input type="checkbox"/> 100% TEST    b. <input type="checkbox"/> SAMPLE TEST (____ % tested) c. <input type="checkbox"/> MONITORING PROGRAM (Date of last exam .....)		a. <input type="checkbox"/> PREMISES HISTORY b. <input type="checkbox"/> 100% TEST	
26. EXAMINATIONS FOR SUSPECTED SEROTYPE	A. SEROLOGICAL		B. BACTERIOLOGICAL (Indicate positive (+) or negative (-) results)	
	a. NO. BIRDS TESTED ....., b. NO. REACTORS .....,		a. <input type="checkbox"/> REACTORS    b. <input type="checkbox"/> CLOACAL SWABS    c. <input type="checkbox"/> CULL BIRDS d. <input type="checkbox"/> FECES    e. <input type="checkbox"/> LITTER    f. <input type="checkbox"/> DUST	

27. SERIAL NOS. OF VS FORM 9-6 REPORTS OF POSITIVES SHOWN IN ITEM 26B AND ISOLATIONS OF OTHER SEROTYPES

28. REMARKS

29. INSPECTOR	30. STATE	31. DATE

VS FORM 9-7 (MAR 81)    Replaces NPIP Form 30 which is obsolete

# Proposed Regulations

U. S. DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL RESEARCH SERVICE  
 ANIMAL SCIENCE RESEARCH DIVISION

THE NATIONAL POULTRY IMPROVEMENT PLAN  
**HATCHERY INSPECTION REPORT**

1. NAME & MAILING ADDRESS OF HATCHERY (include zip code)

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2. CLASSIFICATION OF PRODUCTS

U.S. PULLORUM-TYPHOID CLEAN       U.S. APPROVED  
 U.S.M. GALLISEPTICUM CLEAN       U.S. CERTIFIED FOR EGGS  
 U.S. TYPHIMURIUM CONTROLLED       OTHER \_\_\_\_\_

3. DAYS OF WEEK ON WHICH CHICKS ARE HATCHED.  
 MON.    TUE.    WED.    THU.  
 FRI.    SAT.    SUN.

4. INCUBATORS

NUMBER A	MAKE B	MODEL C	EGG CAPACITY (Setting & Hatching Trays) D

5. COMPLIANCE

IDENTIFICATION OF RECORDS	SAT	UNSAT	LOCATION OF AREA FOR	Handling of market eggs		General hatchery Cleanliness		
				SAT	UNSAT	SAT	UNSAT	
Egg Purchases (Affiliated flocks)			LOCATION OF AREA FOR					
Egg & Chick Purchases (Other sources)				Advertising				
Selecting & testing Report				Egg Receiving				
Sales				Incubation				
Eggs in incubators				Hatching				
Products sold				Chick holding				
Products purchased				Waste disposal				
Egg Cleanliness				Tray Cleaning				
Egg Size				Storage				
Egg shell texture				Work flow in hatchery				
Egg shell color (Tint-White eggs)			Hatchery ventilation					

6. BREEDING STOCK FOR SUPPLY FLOCK REPLACEMENT

NAME SOURCE OF FLOCK OF ORIGIN A	INDICATE P-PRIMARY OR M-MULTIPLIER B	OFFICIAL CLASSIFICATION C

7. REMARKS (include recommendations for correction of Unsatisfactory Compliance)

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8. SIGNATURE OF HATCHERYMAN \_\_\_\_\_

9. SIGNATURE OF STATE INSPECTOR \_\_\_\_\_

10. DATE \_\_\_\_\_

## FLOCK INSPECTION AND BLOOD TESTING REPORT

Flock No. \_\_\_\_\_ Original \_\_\_\_\_ Retest \_\_\_\_\_ Inspector \_\_\_\_\_

Date Inspected \_\_\_\_\_

Flock Owner \_\_\_\_\_ Address \_\_\_\_\_

Breed \_\_\_\_\_ Sells to \_\_\_\_\_ Hatchery \_\_\_\_\_

Whole Flock \_\_\_\_\_ Breeders Only \_\_\_\_\_ No. Rejected \_\_\_\_\_

Inspection complete \_\_\_\_\_ More to follow \_\_\_\_\_

Source of Females \_\_\_\_\_

Source of Males \_\_\_\_\_

U. S. Approved \_\_\_\_\_ U. S. Certified \_\_\_\_\_

Pullorum-Typhoid: Clean \_\_\_\_\_ Passed \_\_\_\_\_

	FEMALES	MALES
BAND NO. AT FINISH		
BAND NO. AT START		
TOTAL		

Farm \_\_\_\_\_ Fee: \_\_\_\_\_ birds @ \_\_\_\_\_ ¢ TOTAL \$ \_\_\_\_\_

REMARKS OR PEN NUMBERS:

Diagnosis of previous reactor: Pullorum \_\_\_\_\_ Typhoid \_\_\_\_\_ Paratyphoid \_\_\_\_\_ Other \_\_\_\_\_

### LABORATORY REPORT

#### PULLORUM

Date \_\_\_\_\_ 19\_\_

Total birds tested \_\_\_\_\_ No. reactors \_\_\_\_\_

REACTORS

#### TYPHIMURIUM

Date \_\_\_\_\_ 19\_\_

Total birds tested \_\_\_\_\_ No. reactors \_\_\_\_\_

REACTORS

FEE FOR TYPHIMURIUM TEST @ \_\_\_\_\_ ¢ PER BIRD  
\$ \_\_\_\_\_

# Proposed Regulations

**Title of Regulations:** VR 115-02-08. Rules and Regulations Governing the Qualifications for Humane Investigators.

**Statutory Authority:** § 29-213.75 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985 - 2 p.m.  
(See Calendar of Events Section for additional information.)

## Summary:

*This regulation replaces regulation AHD 13 entitled Qualifications for Humane Investigators. A change has been made in one requirement to improve sentence structure and clarity. No change is made in policy.*

VR 115-02-08. Rules and Regulations Governing the Qualifications for Humane Investigators.

**§ 1. Requirements and Procedures Relating to Application for Approval of Humane Investigators.**

### Section 13-1

A. An applicant must be at least 18 years of age and shall have a minimum of a high school diploma or its equivalent .

B. An applicant shall not have been convicted of a felony or a crime of moral turpitude.

C. An applicant shall file a completed Application for Approval of Humane Investigator with the State Veterinarian. The blank Application for Approval of Humane Investigator shall be supplied by the State Veterinarian.

D. An applicant shall list on the Application for Approval of Humane Investigator the names and addresses of three persons who know the qualifications and character of the applicant. The three persons listed as references shall not be related to the applicant.

E. An applicant shall provide a summary of past and present employment and an educational background summary on the Application for Approval of Humane Investigator.

**§ 2. Prescribed Training Program.**

### Section 13-2

A. A prospective humane investigator shall be required to complete satisfactorily a prescribed training program within 12 months following the date of filing an Application for Approval of Humane Investigator with the State Veterinarian. The prescribed training program shall be approved by the State Veterinarian and consist of the subject matter and requirements listed below :

1. The humane and animal welfare laws and

regulations of the Commonwealth of Virginia.

2. Practical information about the proper care of animals and birds.

3. Investigative procedures.

4. Applicable local health, animal control, and zoning ordinances.

5. Approved materials and methods used for euthanasia.

6. The Miranda Rule.

7. Six months of field training with a qualified humane investigator or other law-enforcement officer as defined in § 9-108.1 of the Code of Virginia.

8. Attendance at no less than three criminal trials.

B. Verification of training shall be made to the State Veterinarian by a qualified humane investigator or other law-enforcement officer.

C. The State Veterinarian is directed to maintain a current list of prospective humane investigators who have applied for approval and are undergoing training.

**§ 3. Written Examination.**

### Section 13-3

Prospective humane investigators shall be required to pass a written examination on the subject matter and requirements set forth in § ~~13-2~~ § 2. of these rules and regulations. The examination shall be prepared and administered by the State Veterinarian.

**§ 4. Approved List of Humane Investigators.**

### Section 13-4

A. The names of humane investigators who have satisfactorily completed the requirements contained in §§ ~~13-1~~, ~~13-2~~, and ~~13-3~~ §§ 1., 2., and 3. of these rules and regulations shall be placed on a current list of approved humane investigators maintained by the State Veterinarian.

B. All humane investigators appointed by a Court of Record in Virginia prior to July 1, 1977, are hereby placed on the State Veterinarian's list of approved humane investigators, unless an objection is filed by the Attorney for the Commonwealth in a Jurisdiction wherein the appointment was made.

B. No requirements set forth herein shall be waived except by affirmative vote of the Board of Agriculture and Commerce Consumer Services.

D. If the Commonwealth's Attorney of a local

jurisdiction certifies there is an urgent need for a humane investigator in his jurisdiction and the State Veterinarian conducts an examination of the qualifications of the prospective investigator and is satisfied that the candidate is qualified by reason of his knowledge of topics outlined in Section 13.2 of these Rules and Regulations, the State Veterinarian may place the candidate forthwith on the approved list. The provisions of this subsection shall expire on July 1, 1979, unless re-enacted by the Board.

# Proposed Regulations

## APPLICATION FOR APPROVAL OF HUMANE INVESTIGATOR

Telephone \_\_\_\_\_

Name \_\_\_\_\_  
 (Last) (First) (Middle) (Home) (Business)

Permanent Address \_\_\_\_\_  
 (Street and Number) (City) (State) (Zip Code)

Temporary Address \_\_\_\_\_  
 (Street and Number) (City) (State) (Zip Code)

Date of Birth \_\_\_\_\_

List below the names and addresses of three persons not related to you who know your qualifications and character.

\_\_\_\_\_  
 (Name) (Address) (Occupation)

\_\_\_\_\_  
 (Name) (Address) (Occupation)

\_\_\_\_\_  
 (Name) (Address) (Occupation)

List all schools you have attended, including armed forces schools, USAFI, and other correspondence courses.

School	Name and Location	Attended				Approx. No. Semester Hrs. Credit	Major Subject	Degree or Certif. and Date
		From		To				
		Mo.	Yr.	Mo.	Yr.			
Elementary								
Junior High								
High School								
Business or Vocational								
College or Technical								
Graduate or Professional								
Other, e.g., Armed Forces Correspondence								

Have you ever been convicted of a felony or a crime of moral turpitude? \_\_\_\_\_ . If the answer is yes, please explain.

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Furnish below a summary of your present and past employment, beginning with your current position and working back to the first you held.

(1) PRESENT OR LAST POSITION	
Place _____ (City) _____ (State) _____	Exact title of your position _____
From _____ 19 _____ to _____ 19 _____ (Month) (Year) (Month) (Year)	Full-time _____ Part-time _____ If part-time, number of hours per week _____
Name of employing firm (or owner) _____	Duties and responsibilities _____
Address _____	_____
Kind of business or organization _____	_____
Number and class of employees you supervised _____	_____
Name and title of your immediate supervisor _____	_____
Reason for leaving _____	_____
(2) NEXT PREVIOUS POSITION	
Place _____ (City) _____ (State) _____	Exact title of your position _____
From _____ 19 _____ to _____ 19 _____ (Month) (Year) (Month) (Year)	Full-time _____ Part-time _____ If part-time, number of hours per week _____
Name of employing firm (or owner) _____	Duties and responsibilities _____
Address _____	_____
Kind of business or organization _____	_____
Number and class of employees you supervised _____	_____
Name and title of your immediate supervisor _____	_____
Reason for leaving _____	_____
(3) NEXT PREVIOUS POSITION	
Place _____ (City) _____ (State) _____	Exact title of your position _____
From _____ 19 _____ to _____ 19 _____ (Month) (Year) (Month) (Year)	Full-time _____ Part-time _____ If part-time, number of hours per week _____
Name of employing firm (or owner) _____	Duties and responsibilities _____
Address _____	_____
Kind of business or organization _____	_____
Number and class of employees you supervised _____	_____
Name and title of your immediate supervisor _____	_____
Reason for leaving _____	_____

# Proposed Regulations

(4) NEXT PREVIOUS POSITION	
Place _____ (City) _____ (State) _____	Exact title of your position _____
From _____ 19 _____ to _____ 19 _____ (Month) (Year) (Month) (Year)	Full-time _____ Part-time _____ If part-time, number of hours per week _____
Name of employing firm (or owner) _____	Duties and responsibilities _____
Address _____	
Kind of business or organization _____	
Number and class of employees you supervised _____	
Name and title of your immediate supervisor _____	
Reason for leaving _____	
(5) NEXT PREVIOUS POSITION	
Place _____ (City) _____ (State) _____	Exact title of your position _____
From _____ 19 _____ to _____ 19 _____ (Month) (Year) (Month) (Year)	Full-time _____ Part-time _____ If part-time, number of hours per week _____
Name of employing firm (or owner) _____	Duties and responsibilities _____
Address _____	
Kind of business or organization _____	
Number and class of employees you supervised _____	
Name and title of your immediate supervisor _____	
Reason for leaving _____	
(6) NEXT PREVIOUS POSITION	
Place _____ (City) _____ (State) _____	Exact title of your position _____
From _____ 19 _____ to _____ 19 _____ (Month) (Year) (Month) (Year)	Full-time _____ Part-time _____ If part-time, number of hours per week _____
Name of employing firm (or owner) _____	Duties and responsibilities _____
Address _____	
Kind of business or organization _____	
Number and class of employees you supervised _____	
Name and title of your immediate supervisor _____	
Reason for leaving _____	
(7) NEXT PREVIOUS POSITION	
Place _____ (City) _____ (State) _____	Exact title of your position _____
From _____ 19 _____ to _____ 19 _____ (Month) (Year) (Month) (Year)	Full-time _____ Part-time _____ If part-time, number of hours per week _____
Name of employing firm (or owner) _____	Duties and responsibilities _____
Address _____	
Kind of business or organization _____	
Number and class of employees you supervised _____	
Name and title of your immediate supervisor _____	
Reason for leaving _____	

# Proposed Regulations

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Use the space below to give additional information about your qualifications, such as scholastic honors, membership in professional societies, etc., or to amplify any statement made in this application.

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Whether you are applying for initial approval as a humane investigator or have been approved and appointed as a humane investigator, please indicate the following about the position:

Part-time \_\_\_\_\_ Full-time \_\_\_\_\_ Voluntary \_\_\_\_\_

Salaried \_\_\_\_\_ Amount of annual salary \_\_\_\_\_

If you hold a current appointment as a humane investigator, please give the following information relative to the appointment:

Name of Circuit Court \_\_\_\_\_ Date of Appointment \_\_\_\_\_

Name of Circuit Court Judge \_\_\_\_\_

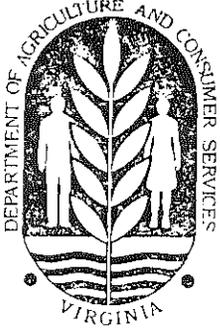
Interview and testing centers are located in Richmond, Ivor, Lynchburg, Warrenton, Wytheville, and Harrisonburg. Please indicate your preference \_\_\_\_\_

I hereby certify that the information given in this application is true and accurate to the best of my knowledge.

Date \_\_\_\_\_

Signature \_\_\_\_\_

VDAC-03165



VIRGINIA DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES

Richmond, Virginia

*Certificate of Training*

*This is to certify that*

*has satisfactorily completed*

*given by Division of Animal Health & Dairies*

DATE

CREDIT HOURS

STATE VETERINARIAN

DIVISION TRAINING OFFICER

VDACS - 03179

# Proposed Regulations

Title of Regulations: VR 115-02-09. Guidelines Pertaining to a Pound or Enclosure to be Maintained by Each County or City.

Statutory Authority: § 29-213.66 of the Code of Virginia.

Public Hearing Date: August 6, 1985 - 2 p.m.  
(See Calendar of Events Section for additional information.)

## Summary:

*This regulation replaces regulation ADH 15 of the same title. Changes have been made in three requirements to improve sentence structure and clarity. No change is made in policy.*

VR 115-02-09. Guidelines Pertaining to a Pound or Enclosure to be Maintained by Each County or City.

### § 1. Water supply.

#### ~~Section 15.1~~

Water for drinking shall originate from a potable source.

### § 2. Drinking water devices.

#### ~~Section 15.2~~

Each confinement area shall be provided with a durable nontoxic water bowl or an automatic watering device. Drinking water receptacles or bowls shall be secured in a fixed position or be of the type that cannot be tipped over by the animal.

### § 3. Solid waste disposal.

#### ~~Section 15.3~~

The disposal of all solid wastes shall meet the requirements of any applicable local ordinances, state laws, or regulations governing the disposal of solid wastes.

### § 4. Minimum animal housing standards.

#### ~~Section 15.4~~

A. All kennel buildings and enclosures shall provide adequate protection against weather extremes for each animal. The floors and ~~wall~~ walls of such enclosures, buildings, and runs shall be of a surface material that will permit proper cleaning and disinfecting. Building temperature shall be maintained at a temperature comfortable for each animal. Each such building and enclosure shall provide adequate ventilation for each animal and shall be kept clean, dry, and in a sanitary condition.

B. Animals shall be maintained in quarters ~~so as~~ to

prevent their escape, protect them from injury, and safeguard them from being stolen.

C. Provisions shall be made for the separation of animals according to species, sex, age, and temperament.

### § 5. Individual cage construction and size.

#### ~~Section 15.5~~

A. Acceptable materials for cage construction are stainless steel, fiberglass, heavy galvanized metal, galvanized wire, or their equivalent. Individual cages shall have solid bottoms.

B. Pallets or resting boards constructed of a nonporous material may be provided so animals can rest or sleep off the floor.

C. Primary enclosures for all animals shall be constructed and maintained ~~so as~~ to provide sufficient space to allow each animal to turn freely and to easily stand, sit, and lie in a comfortable position.

### § 6. Cleaning of the confinement area.

#### ~~Section 15.6~~

A. There shall be faucet and hose connections provided at convenient locations for washing and cleaning the animal housing area.

B. Disinfectants or germicidal agents shall be used when cleaning the housing or confinement area.

#### **Accessibility**

~~Section 15.7. The pound shall be open to the public at reasonable hours during the week. The hours of operation of the pound shall be posted so as to be readily seen by the public.~~

### § 7. Food preparation and storage area.

#### ~~Section 15.8~~

Where a food preparation and storage area is maintained for the pound, that area shall be adequately equipped to store and prepare food for animals. The equipment and utensils used in the preparation and serving of food to the animals shall be made of materials which are easily cleanable, noncorrosive, and nontoxic. Bins used to store foods shall provide protection against insects and rodents. Food shall not be stored directly on the floor, but shall be on shelves or pallets a minimum of 12 inches above the floor, or in bins on rollable casters. Perishable food shall be refrigerated or disposed of as necessary. A sink equipped with hot and cold water shall be provided for cleaning equipment and utensils.

### § 8. Euthanasia.

# Proposed Regulations

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## Section 15.9

Euthanasia shall be performed in accordance with methods approved or prescribed by the State Veterinarian.

§ 9. Disposal in 24 hours.

## Section 15.10

A. Unrefrigerated dead animals shall be disposed of within 24 hours by burial, incineration, or any other method ~~method~~ acceptable to the Department of Health. Dead animals may be refrigerated and accumulated until the owner has collected a quantity for disposal by an approved method.

B. No animal shall be buried, incinerated, or otherwise disposed of until it has been positively determined that death has occurred.

§ 10. Isolation and observation area.

## Section 15.11

Provisions shall be made for a designated and marked observation and isolation area for incoming animals which are ill or suspected of being ill. These animals shall be confined separately in this area and held a minimum of 48 hours before being placed in the main housing area.

### Existing Facilities

## Section 15.12

Section 12. The Virginia Department of Agriculture and Consumer Services shall develop a fair and effective method for handling existing facilities that do not meet these guidelines. The provision shall apply to pounds or enclosures constructed prior to January 1, 1981.

§ 11. Approval of plans and specifications.

## Section 15.13

In order to facilitate uniform interpretation and application of these guidelines, it is strongly recommended that each county or city submit plans and specifications to the Department for review and approval prior to beginning new construction or renovation projects. The Virginia Department of Agriculture and Consumer Services will provide assistance and advice concerning the adequacy of minimum housing and individual cage construction.

# Proposed Regulations

Division of Animal Health and Dairies

**CHECKLIST RELATIVE TO CONFORMANCE WITH GUIDELINES ESTABLISHED  
FOR A POUND OR ENCLOSURE TO BE MAINTAINED  
BY EACH COUNTY OR CITY\*\***

County or City of \_\_\_\_\_ Date of Review \_\_\_\_\_

Owner of Pound or Enclosure: County, City, Private, Combination, Other

Mailing address of pound or enclosure (Give location of pound or enclosure if not located at mailing address).

Name, address and telephone number of operator or official directly in charge of the day-to-day operation of the pound or enclosure:

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Reviewer \_\_\_\_\_ Accompanied by \_\_\_\_\_

	Requirement	Requirement Status***		
		ACC	UAC	ACV
1	Water Supply			
2	Drinking Water Devices			
3	Solid Waste Disposal			
4	Minimum Animal Housing Standards			
5	Individual Cage Construction and Size			
6	Cleaning of the Confinement Area			
7	Food Preparation and Storage Area			
8	Euthanasia			
9	Disposal in 24 Hours			
10	Isolation and Observation Area			

\*\* Authority for Guidelines: Title 29, Chapter 9.4, Article 4, Section 29-213.66 of the Code of Virginia (1950) as amended. Guidelines 1 - 10 were adopted by the Board of Agriculture and Consumer Services on September 22, 1980.

\*\*\* ACC - Acceptable      UAC - Unacceptable      ACV - Acceptable Variation

Items marked unacceptable (UAC) or acceptable variation (ACV) must be explained in writing on a sheet(s) attached to the Checklist.

If you have any questions about the review, please contact Dr.  
Division of Animal Health and Dairies, Virginia Department  
of Agriculture and Consumer Services,  
telephone

# Proposed Regulations

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**Title of Regulations:** VR 115-02-10. Rules and Regulations Governing the Recordkeeping by Virginia Cattle Dealers for the Control or Eradication of Brucellosis of Cattle.

**Statutory Authority:** §§ 3.1-724 and 3.1-730 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985 - 2 p.m.  
(See Calendar of Events Section for additional information.)

## Summary:

*This regulation replaces regulation AHD 16 entitled Recordkeeping by Virginia Cattle Dealers for the Control or Eradication of Brucellosis of Cattle. Changes have been made in 17 requirements to improve sentence structure and clarity. No change is made in policy.*

VR 115-02-10. Rules and Regulations Governing the Recordkeeping by Virginia Cattle Dealers for the Control or Eradication of Brucellosis of Cattle.

### Section 16.1. Purpose of Regulation AHD 16.

This regulation is necessary in order to:

**A. Comply with the National Brucellosis Eradication Program, Uniform Methods and Rules (U.M.& R.).** USDA APHIS 91-1.

**B. Control or eradicate brucellosis of cattle.** Brucellosis affecting domestic cattle continues to exist in this state, and the existence thereof endangers the health and welfare of the people of the state.

### § 1. Definitions.

#### Section 16.2

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

**"Agent"** means any person, firm, association, partnership, or corporation buying, or receiving, or soliciting, or negotiating the sale of animals for, or on behalf of, any dealer.

**"Cattle"** means all animals of the bovine species except steers and animals under one year of age.

**"Cattle dealer"** means any person, not a market agency, who routinely engages in the business of buying, selling, exchanging, or bartering cattle in the Commonwealth of Virginia for his own account or that of another person.

**"Department"** means the Virginia Department of Agriculture and Consumer Services.

**"Identification"** means sale or purchase units of cattle shall be identified so as to make them distinguishable from all other cattle. Those cattle which cannot be specifically identified by color, markings, and/or for appearance shall be identified by a numerical insignia affixed to some part of the body of that animal. This numerical insignia may be, but is not limited to, one of the following: tattoo, brand, ear tag, back tag, or bangle tag.

**"Official health certificate"** means a certificate issued by a licensed graduate, accredited veterinarian approved by the health official of the state of origin; or issued by a veterinarian in the employment of the state of origin; or by a veterinarian in the employ of the Veterinary Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture; or such other veterinarian as may be approved by the State Veterinarian. As a minimum, the certificate shall contain the names and exact destination of the animals or birds covered, and the current health status of these individuals with dates and results of all required tests. The certificate shall be legible and bear the endorsement of the livestock health official of the state or origin.

**"State Veterinarian"** A veterinarian employed by the Virginia Department of Agriculture and Consumer Services who is responsible for animal health programs in the State; means a Virginia Department of Agriculture and Consumer Services veterinarian employed by the Commissioner of Agriculture and Consumer Services who is responsible for the animal health programs in the Commonwealth of Virginia.

### § 2. Exceptions.

#### Section 16.3

A. Nothing in this regulation shall apply to:

1. A person who sells only cattle which he has produced.

2. A person who purchases only cattle for immediate (direct) slaughter.

### § 3. Dealer Registration.

#### Section 16.4

A. Each cattle dealer or his agent in the Commonwealth of Virginia shall be registered with the State Veterinarian Washington Building, Sixth Floor, 1100 Bank Street, Richmond, Virginia 23219.

B. A registration card will be issued to each cattle dealer or his agent, and said dealer or his agent and that person shall have that card in his possession at all times while engaged in the business of dealing in cattle.

#### Section 16.5. Records Requirement.

# Proposed Regulations

(This section has been included in § 4.6.)

Each registered cattle dealer or his agent shall maintain a record of all cattle purchased, sold or otherwise handled by him as defined in Section 16.2 (C) of this regulation.

## § 4. Contents of Records.

### Section 16.6

A. The records required by Section 16.5 of this regulation shall include the following information, which shall be recorded immediately upon the completion of each transaction:

1. Record of the identification of each animal.
2. The name and address of the person or firm from whom the animal was purchased and the date of such purchase. If such animal was purchased at a cattle sale, the name and address of the selling agent and date of purchase shall be recorded.
3. The name and address of the person or firm to whom the animal was sold and the date of such sale. If such animal was sold at a cattle sale, the name and address of the buying agent and date of such consignment shall be recorded.
4. The breed (Example: Holstein, Hereford, Angus) or type (beef or dairy) of each animal.
5. The date and result of any test performed for sale or movement of each animal, or a copy of any official test record.
6. Each registered cattle dealer or his agent shall maintain a record of all cattle purchased, sold, or otherwise handled by him as defined in § 16.2(C) § 1. "Cattle Dealers".
7. The records as required in Section 16.5 and 16.6 of § 4. of this regulation shall be kept and retained in the possession of the cattle dealer or his agent for a period of at least two years after the date of each transaction.

### Section 16.7. Retention of Records.

(This section has been incorporated into Section 4.7.)

The records as required in Section 16.5 and 16.6 of this regulation shall be kept and retained in the possession of the cattle dealer or his agents for a period of at least two years after the date of each transaction.

## § 5. Inspection of records.

### Section 16.8

Every cattle dealer or his agent shall, during all reasonable hours, shall permit the State Veterinarian or his representative to have access to and to copy any and all records made and retained as required by this regulation. Said Such copies are for the express use of the Department and further dissemination thereof is prohibited except as required by law.

## § 6. Identification not to be altered.

### Section 16.9

The removal or altering of the identification of any cattle to the herd of origin by any cattle dealer or his agent which would prevent the identification of such cattle to the herd of origin is prohibited.

## § 7. Out-of-state cattle.

### Section 16.10

All cattle imported into Virginia shall comply with the health requirements governing the admission of cattle into Virginia. (Regulation AHD 5, Department of Agriculture and Consumer Services, Division of Animal Health and Dairies) as well as each and every requirement of this regulation. A copy of the Official Health Certificate shall be delivered to the final purchaser by the dealer.

## § 8. Denial, suspension or cancellation of registration.

### Section 16.11

A. The State Veterinarian shall have the authority, after due notice and opportunity for hearing to the individual or firm involved, to deny an application for registration, or to suspend, or cancel the registration as of a cattle dealer when the State Veterinarian has determined one or more of the following: that a cattle dealer or his agent has:

1. That said cattle dealer or his agent has Violated state or federal statutes laws or official regulations governing the interstate or intrastate movement, shipment, or transportation of cattle.
2. That said cattle dealer or his agent has Made false or misleading statements in their the application for registration.
3. That said cattle dealer or his agent has Sold cattle for dairy or breeding purposes; cattle which he knew were affected with brucellosis; or that said cattle dealer or his agent has made false or misleading statements as to the brucellosis status or official test results of the cattle.
4. That said cattle dealer or his agent has Removed or altered the identification of any cattle which would prevent the identification of such cattle to the herd of origin.

# Proposed Regulations

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5. ~~That said cattle dealer or his agent has~~ Failed to carry out the requirements of this regulation.

6. ~~That said cattle dealer or his agent has~~ Made false or misleading entries in the records that are required by this regulation.

B. Nothing in this regulation shall be construed as requiring the ~~Commissioner~~ *Department* to report for prosecution or for the denial, suspension or cancellation of registration, minor violations of this regulation whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

# Proposed Regulations

## A P P L I C A T I O N

### REGISTRATION FOR VIRGINIA CATTLE DEALERS AND AGENTS

NAME: \_\_\_\_\_

OTHER NAME(S) UNDER WHICH BUSINESS IS TRANSACTED: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

HOME ADDRESS: (If different from above) \_\_\_\_\_

MAILING ADDRESS: (Check one) \_\_\_\_\_ BUSINESS ADDRESS \_\_\_\_\_ HOME ADDRESS

PHONE: (BUSINESS) \_\_\_\_\_ (HOME) \_\_\_\_\_

IF NOT SELF-EMPLOYED, LIST NAME AND ADDRESS OF EMPLOYER:

\_\_\_\_\_  
\_\_\_\_\_

NAME AND ADDRESS OF ANY AGENTS WHO ARE EMPLOYED BY YOU:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER COMMENTS BY APPLICANT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-----  
FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: \_\_\_\_\_ DATE APPROVED: \_\_\_\_\_

DATE APPLICATION REJECTED: \_\_\_\_\_

REASONS: \_\_\_\_\_

DATE CARD MAILED: \_\_\_\_\_ CARD NUMBER: \_\_\_\_\_

# Proposed Regulations

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not transferable

DACS-00060-B

Virginia Department of Agriculture and Consumer Services

P. O. Box 1163, Richmond, Virginia 23209

ISSUED

PERMIT

PERMIT  
NUMBER

EXPIRES

Issued in accordance with application duly executed by the  
below who has agreed to comply with all applicable laws, rules and regulations  
and has paid the required fee of

shown

not transferable

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

P. O. Box 1163, Richmond, Virginia 23209

PERMIT

(FOLD HERE)

EXPIRES

PERMIT NUMBER



\_\_\_\_\_  
COMMISSIONER

BY

\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE

BY

\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE

**Title of Regulations: VR 115-02-11. Rules and Regulations Governing Laboratory Fees for Services Rendered or Performed.**

**Statutory Authority: § 3.1-725 of the Code of Virginia.**

**Public Hearing Date: August 6, 1985 - 2 p.m.  
(See Calendar of Events Section  
for additional information.)**

**Summary:**

*This regulation replaces regulation ADH 14 entitled Rules and Regulations Pertaining to Laboratory Fees for Services Rendered or Performed. Changes have been made in the regulation number, title and format. No change is made in policy.*

**VR 115-02-11. Rules and Regulations Governing Laboratory Fees for Services Rendered or Performed.**

***§ 1. Prescribing and collecting fees; establishment of laboratory services; fee schedule review.***

**Section 14.1**

A. The Board authorizes the State Veterinarian to prescribe and collect reasonable fees for laboratory services rendered or performed relative to companion animals and birds, and exotic animals and birds. The State Veterinarian is further authorized to establish the laboratory services that are to be rendered or performed for a fee.

B. The State Veterinarian shall maintain a current schedule of fees being charged for laboratory services rendered or performed. The State Veterinarian shall submit any significant changes in the laboratory services or in the fee schedules to the Board. Any person wishing to comment on the changes may do so by writing to the Secretary of the Board.

# Proposed Regulations

Department of Agriculture and Consumer Services  
 Division of Animal Health and Dairies

FEE BASIS

BUREAU OF LABORATORY SERVICES

FEE BASIS

SPECIMEN SUBMISSION

COMPANION OR EXOTIC ANIMAL OR BIRD

LABORATORY \_\_\_\_\_ LAB. NUMBER \_\_\_\_\_ DATE REC'D. \_\_\_\_\_ REPORTED \_\_\_\_\_

OWNER \_\_\_\_\_ ADDRESS \_\_\_\_\_

VETERINARIAN \_\_\_\_\_ ADDRESS \_\_\_\_\_

SPECIMEN \_\_\_\_\_ CONDITION \_\_\_\_\_

SPECIES \_\_\_\_\_ BREED \_\_\_\_\_ SEX \_\_\_\_\_ AGE \_\_\_\_\_ COUNTY \_\_\_\_\_

REGION OF BODY IF GROWTH \_\_\_\_\_

NUMBER SICK \_\_\_\_\_ NUMBER LOST \_\_\_\_\_ NUMBER IN GROUP \_\_\_\_\_

VACCINE RECEIVED \_\_\_\_\_

TREATMENT RECEIVED \_\_\_\_\_

CLINICAL TEST RESULTS \_\_\_\_\_

\_\_\_\_\_

CLINICAL SYMPTOMS \_\_\_\_\_

\_\_\_\_\_

NECROPSY FINDINGS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DISEASE SUSPECTED \_\_\_\_\_

TEST REQUESTED: Submitting veterinarian will be billed for these services:

- |  |                       |
|--|-----------------------|
| _____ Necropsy                         | _____ Toxicology      |
| _____ Examination of Tissues Submitted | _____ Virology        |
| _____ Bacteriology                     | _____ Canine Brucella |
| _____ Hematology                       | _____ Feline Leukemia |
| _____ Histopathology                   | _____ Leptospirosis   |
| _____ Mycology                         | _____ Microfilaria    |
| _____ Parasitology                     | _____ Other Serology  |

Distribution: Original - AH&D Administrative Office  
 Copies - as needed

\_\_\_\_\_  
 Signature of Licensed Veterinarian - must be signed  
 by submitting veterinarian

BLS - 2-84

# Proposed Regulations

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
DIVISION OF ANIMAL HEALTH  
Washington Building, Suite 600  
1100 Bank Street  
Richmond, Virginia 23219

\* \* \* S T A T E M E N T \* \* \*

NO. \_\_\_\_\_

DATE \_\_\_\_\_

[ \_\_\_\_\_ ]

[ \_\_\_\_\_ ]

THIS AMOUNT DUE WITHIN 30 DAYS \$ \_\_\_\_\_

Make check payable to TREASURER OF VIRGINIA.

PLEASE PUT YOUR STATEMENT NO. ON YOUR CHECK

Social Security No.: \_\_\_\_\_

PLEASE DETACH AND RETURN THIS PORTION WITH PAYMENT

NO. \_\_\_\_\_

PREVIOUS UNPAID BALANCE \_\_\_\_\_ \$ \_\_\_\_\_

TESTING FOR THE MONTH OF \_\_\_\_\_

\_\_\_\_\_  
(301-303-01-531-01-09060) Brucellosis samples @ \$ \_\_\_\_\_ each \$ \_\_\_\_\_

\_\_\_\_\_  
(301-352-02-531-02-02637) C.E.M. samples @ \$ \_\_\_\_\_ each \$ \_\_\_\_\_

\_\_\_\_\_  
(301-350-02-531-02-02637) EIA samples @ \$ \_\_\_\_\_ each \$ \_\_\_\_\_

Laboratory Services \$ \_\_\_\_\_  
(301-351-02-531-02-02637)

Other Services \$ \_\_\_\_\_

TOTAL AMOUNT DUE \$ \_\_\_\_\_

Itemized explanation of services rendered can be obtained from this office upon request.

# Proposed Regulations

**Title of Regulations:** VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.

**Statutory Authority:** §§ 3.1-724 and 3.1-730 of the Code of Virginia.

**Public Hearing Date:** August 9, 1985 - 2 p.m.  
(See Calendar of Events Section for additional information)

## Summary:

*Changes have been made in 38 requirements to improve sentence structure and clarity. This regulation replaces regulation AHD 5 entitled Health Requirements Governing the Admission of Livestock into Virginia. It also incorporates the requirements for specified testing of stallions and mares being imported into the Commonwealth from countries where contagious equine metritis has occurred. These requirements previously were published in Limited General Orders No. 1980-1 and 1981-3. The new regulation also incorporates the requirements which prohibit the importation of hatching eggs and poultry into Virginia unless they originate from flocks that are designated as being free of Mycoplasma Gallisepticum, a requirement previously published in Limited Quarantine Order No. 1983-1.*

VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.

## § 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Dogs" shall include mean all domestic and wild members of the dog family (Canidae).

"Hatching eggs" shall include mean chicken eggs and turkey eggs which are, or which are intended to be, used for hatching purposes.

"Horses" The terms as used herein is intended to imply mean all horse-like animals, embracing all members of the equine species including ponies, the asinine species, and burros ; and . It also including includes the hybrid offspring of the equine and asinine species by whatever name they may be known, such as mules, hinnies, and donkeys.

"Monkeys" shall include mean all monkeys and other primates, such as lemurs, marmosets, chimpanzees, and other apes.

"Poultry" shall include means chickens and turkeys of

all varieties and of all ages.

"Psittacine birds" shall include mean parrots, cockatoos, parakeets, and budgerigars.

## § 2. Official health certificates.

### Section 5-1

A. No livestock, other animals, poultry, or other birds, of any species, that are affected with or that have been exposed to any infectious or contagious disease shall be imported into Virginia except by special approval by the State Veterinarian.

B. All livestock, other animals, poultry, or other birds imported into Virginia, except for immediate slaughter, shall be accompanied by an official health certificate, which shall be attached to the waybill or shall be in the possession of the person in charge of such animals or birds, and a copy of such health certificate shall be forwarded promptly to the State Veterinarian of the Commonwealth of Virginia.

C. An official health certificate shall be a written record covering meeting the requirements of the Commonwealth of Virginia, executed on an approved form of state of origin. It shall contain the names and exact addresses of the consignor and consignee and the exact destination of the animals or birds covered ; and . It shall indicate the health status of the animals or birds, including and include the dates and results of all required tests.

1. The official health certificate shall be issued, following physical examination of the animals or birds involved and completion of all required tests, within 30 days prior to the date of entry of such animals or birds, unless a different time limit is set hereinafter; After physical examination of the animals or birds and completion of all required tests, the Official Health Certificate shall be issued within 30 days before the date of their entry, unless a different time limit is set elsewhere in this regulation. The certificate shall be issued by a licensed, graduate, accredited veterinarian approved by the livestock health official of the state of origin ; ; a veterinarian in the employ of the state of origin ; ; or a veterinarian in the employ of the Veterinary Services Division, Animal and Plant Health Inspection Services, United States Department of Agriculture ; ; or such other veterinarian as may be approved by the State Veterinarian of Virginia .

2. All copies of such the Official Health Certificate, including the original, shall be legible, and shall bear the endorsement of the livestock health official of the state of origin.

D. The requirements for the importation of livestock, other animals, poultry and other birds for exhibition

# Proposed Regulations

purposes shall be the same as the requirements governing the admission of such animals and birds for breeding purposes, unless specific exceptions are made hereinafter.

## § 3. Entry by permit only.

### Section 5-2

A. When the State Veterinarian is informed of the existence of any unusual or serious outbreak of disease among livestock or poultry in any other state or states; or any condition or circumstances, state which, in his opinion, constitutes a threat to livestock or poultry in Virginia and which in his opinion may introduce such disease into Virginia, he shall by proclamation prohibit the entrance into Virginia for any purpose, of any livestock or poultry; originating which originate either directly or indirectly from such other state or states, or state. He may also prohibit the entrance of any "products" thereof as that term as defined in the meat or poultry inspection regulations of the United States Department of Agriculture, or in the Virginia Meat and Poultry Products Inspection Act, the Virginia Milk and Cream Law, or any other applicable or related Virginia statutes and any regulations promulgated thereunder, except by special written permit.

B. All requests for special permits must be in writing or by wire, directed to the State Veterinarian of the State of Virginia, and must give such information as the State Veterinarian may require. All requests for special permits must be directed to the State Veterinarian in writing or by wire, and must give such information as he may require.

C. All livestock or poultry, or products thereof, entering Virginia under such special permit must be consigned to a definite legal resident of Virginia. Under such special permit, all livestock, poultry, or products thereof entering Virginia must be consigned to a definite legal resident of Virginia.

## § 4. Common carriers, trucks.

### Section 5-3

A. Owners and operators of common carriers, trucks, or other conveyances are forbidden to move any livestock or poultry into Virginia except in compliance with the provisions set forth in this regulation.

B. All railway cars, trucks, and other conveyances used for transportation of livestock or poultry must be kept in a sanitary condition. The State Veterinarian may require the cleaning and disinfecting of any such conveyance at such any time or times as he may deem necessary to prevent the spread of infectious or contagious diseases.

## § 5. Cattle.

### Section 5-4

#### A. Tuberculosis.

1. Cattle for dairy or breeding purposes may enter the Commonwealth of Virginia if they are accompanied by a certificate and signed by the State Veterinarian of the state of origin stating that the cattle originate directly from officially certified tuberculosis-free areas; or officially from accredited or negative-tested herds; and are officially identified as being of such origin.

2. Cattle for dairy or breeding purposes originating from areas or herds other than as specified in subparagraph 1, immediately above A.1 of this section must have been found negative to an individual official test for tuberculosis within 60 days prior to entry.

3. Cattle originating directly or indirectly from herds quarantined or subject to quarantine under State-Federal Uniform Methods and Rules (Code of Federal Regulations, Title 9, Chapter I, Parts 1 to 199) for the eradication of tuberculosis are not eligible for entry, except for immediate slaughter under special permit issued by the State Veterinarian of Virginia.

#### B. Brucellosis.

##### 1. Permit.

a. Cattle for dairy or breeding purposes that originate from Class B (herd infection rate less than 1.5%) or Class C (herd infection rate more than 1.5%) states may enter the Commonwealth of Virginia, provided that they are accompanied by a prior permit issued by the State Veterinarian of Virginia.

b. Permits may be obtained by the Virginia purchaser or consignee by contacting the State Veterinarian's Office Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23210. (Telephone Number 804 786-2483 or 804 786-2481) Telephone permits are issued during normal working hours: 8:00 A.M. to 4:30 P.M.

c. Permits are void fifteen expire 15 days after date of issuance.

d. The following information must be furnished before permits are issued: area or state status, herd status, individual status, vaccination status, name and address of consignor and consignee, and any other information the State Veterinarian may desire require.

##### 2. Brucellosis testing.

When individual testing is required hereinafter on female cattle, those of the dairy breeds under 20 months of age and those of the beef breeds under 24 months of age are exempt from such testing, provided that they have been officially calthood vaccinated in the state of origin against brucellosis and that fact has

# Proposed Regulations

been certified by the State Veterinarian of the state of origin. Nonvaccinates (male or female) are exempt from testing if under eight months of age.

### 3. Classification of states.

Cattle for dairy or breeding purposes which originate directly from officially classified states may enter Virginia, provided that they are accompanied by an Official Health Certificate and also meet the following requirements:

#### a. Class: Free States.

- (1) No herd status
- (2) No individual test
- (3) No permit.

#### b. Class: A States.

- (1) Negative herd status, or
- (2) Individual tested within 30 days
- (3) No permit.

#### c. Class: B States.

- (1) Originate from negative herd or certified herd, and
- (2) Individual tested within 30 days, and
- (3) Permit, and
- (4) Quarantine and retest 45 to 120 days post-movement.

#### d. Class: C States.

- (1) Originate from certified herd, and
- (2) Individual tested within 30 days, and
- (3) Permit, and
- (4) Quarantine and retest 45 to 120 days post-movement.

#### C. Scabies.

No cattle affected with or exposed to scabies shall be imported into Virginia for any purpose.

#### D. Feeder cattle.

Cattle intended for feeding purposes shall be qualified for entry into the Commonwealth under exactly the same conditions as cattle for dairy or breeding purposes. Steers and spayed heifers shall be exempt from any previously stated test requirements hereinbefore set forth.

### § 6. Sheep.

#### Section 5-5

##### A. Scabies.

Sheep intended for feeding or breeding purposes may enter the Commonwealth of Virginia only if they originate directly from a state officially designated scabies-free by the United States Department of Agriculture as scabies free.

##### B. Slaughter.

Sheep imported into Virginia for immediate slaughter shall be consigned directly to a recognized stockyard or to a slaughtering establishment that is approved and inspected by the United States Department of Agriculture or by the Virginia Department of Agriculture and Consumer Services.

### § 7. Swine.

#### Section 5-6

##### A. Brucellosis.

Swine over four months of age intended for breeding purposes shall have originated originate from an officially validated brucellosis-free herd, or from a herd in which all breeding swine over four months of age were negative to an official test for brucellosis conducted in a state or federal laboratory within 12 months prior to date of entry, or which individually shall have been negative to an official test for brucellosis conducted in a state or federal laboratory within 30 days prior to entry. The Official Health Certificate accompanying such these swine shall indicate such the official herd status of such the negative test.

##### B. Pseudorabies.

1. No swine of any age intended for breeding or feeding purposes shall be imported into Virginia from herds in which there has been an incidence of pseudorabies within the past 12 months.

2. No swine for breeding or feeding purposes shall be imported into Virginia which has been exposed to pseudorabies within the past 12 months.

3. Swine of any age intended for breeding purposes shall be negative to a test approved by the State Veterinarian for pseudorabies conducted within 30 days prior to entry into Virginia. The Official Health Certificate shall indicate such negative test. Breeding swine may originate from herds that have been classified as Pseudorabies Qualified Negative herds and identified as being from such origin. Pseudorabies Qualified Negative herds are those herds in which 25 percent 25% of the herd have exhibited negative test results in successive quarters (80-105 days) until the entire herd is tested. The test shall not be duplicated on previously tested swine.

### § 8. Horses.

#### Section 5-7

A. Horses may enter the Commonwealth of Virginia providing provided that they are accompanied by an Official Health Certificate giving an accurate description of each animal for entry, with a copy of such health

# Proposed Regulations

certificate being forwarded to and received by the State Veterinarian of Virginia prior to the arrival of such animals at a destination in the Commonwealth of Virginia.

B. The State Veterinarian may ; by proclamation ; prohibit ; or restrict ~~under such conditions as he may prescribe~~, the entry of any horses into Virginia which would , in his opinion, presents a disease threat to Virginia horses or other animals. ~~Such~~ The proclamation shall be only for the duration of ~~such~~ the potential threat, and shall be officially withdrawn when it has served its purpose.

C. An Interstate Health Certificate on all horses that are imported into Virginia shall indicate that ~~all horses covered by such certificate~~ they have been officially tested and found negative for equine infectious anemia within the past twelve months. When horses are imported into Virginia, a copy of the Official Interstate Health Certificate shall be promptly mailed to the State Veterinarian. Horses that originate from infected premises in other states are not eligible for entry into Virginia unless a written permit is obtained from the State Veterinarian. Horses may be shipped into Virginia for research purposes or for immediate slaughter to approved slaughter establishments after first obtaining a permit from the State Veterinarian. Such horses shall be satisfactorily identified and the origin and destination clearly stated on the permit.

D. No male horse (stallion) or mare over 731 days of age, which either originates in or has passed through a country where the disease contagious equine metritis is known to exist, may enter the Commonwealth of Virginia except by special permit issued by the State Veterinarian. Those male horses or mares which are issued a special entry permit will be placed under quarantine until the State Veterinarian is satisfied that they pose no danger to the Commonwealth of Virginia's equine population.

## § 9. Poultry.

### Section 5-8

#### A. Pullorum-Typhoid.

No Hatching eggs and no poultry shall not be imported into ~~this~~ the Commonwealth of Virginia unless such eggs or poultry originate exclusively from flocks participating in the National Poultry Improvement Plan (NPIP) or the National Turkey Improvement Plan (NTIP) (Code of Federal Regulations, Title 9, Chapter I, Parts 1 to 199) . These programs shall be under the supervision of the Official State Agency of NPIP or NTIP, the livestock health official, or other authorized government agency of the state of origin certifying them to be free of Pullorum-Typhoid.

#### B. Mycoplasma Gallisepticum.

Hatching eggs and poultry shall not be imported into the Commonwealth of Virginia unless such eggs or poultry

originate from flocks that are designated free of Mycoplasma Gallisepticum by the livestock health official of the state of origin. Each importer of hatching eggs or poultry into Virginia shall secure from the State Veterinarian an approval number, after having provided evidence that the flocks of origin are free of Mycoplasma Gallisepticum. This approval number shall appear on shipping labels or containers of each lot shipped into Virginia.

#### C. Approval Numbers.

1. Each shipper of hatching eggs or poultry into this state shall first secure from the State Veterinarian of Virginia an Approval Number from the State Veterinarian . This Approval Number must appear on each shipping label or on each container of hatching eggs or poultry shipped into Virginia.

2. Applications for Approval Numbers must be made on forms provided by the State Veterinarian of Virginia . Each application shall require the following information on each flock from which the hatching eggs or poultry originate to supply the shipper :

a. The name and address of each flockowner;

b. The species (i.e., chickens or turkeys) and the number of birds in each flock;

c. The date of the most recent pullorum-typhoid test;

d. The total number, or the percentage, of positive reactions to the most recent pullorum-typhoid test;

e. The pullorum-typhoid status attained; and

f. Such additional information as the State Veterinarian may require.

3. Such applications, when completed, must be forwarded to the official state agency, the state livestock health official, or other competent and recognized authority of the state of origin for verification, approval and signature ; ; and then forwarded to the State Veterinarian of Virginia for final approval. No shipment of Hatching eggs or poultry shall not be shipped into Virginia until such final approval has been granted and the Approval Number is received.

#### D. Exceptions.

Nothing in This regulation shall not apply to hatching eggs or poultry passing directly through the Commonwealth of Virginia in interstate commerce , nor to poultry imported into the Commonwealth of Virginia for immediate slaughter and consigned directly to a poultry processing establishment that is approved and inspected by the United States Department of Agriculture or by the Virginia Department of Agriculture and Consumer Services.

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## § 10. Goats.

### Section 5-9

#### A. General.

Goats imported into the Commonwealth of Virginia for any purpose shall comply with the applicable provisions of Sections 5-1, 5-2, and 5-3 §§ 2, 3, and 4 of these rules and regulations.

#### B. Tuberculosis.

1. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they originate directly from a herd in which all animals were negative to a test for tuberculosis approved by the State Veterinarian within 12 months prior to entry; or

2. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are individually tested and found to be negative to a test for tuberculosis approved by the State Veterinarian within 30 days prior to entry.

#### C. Brucellosis.

1. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they originate directly from a herd in which all animals were negative to a test for brucellosis approved by the State Veterinarian within 12 months prior to entry; or

2. Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are individually tested and found to be negative to a test for brucellosis approved by the State Veterinarian within 30 days prior to entry.

#### D. Caseous Lymphadenitis.

Goats for dairy or breeding purposes may enter the Commonwealth of Virginia if they are free of clinical symptoms of caseous lymphadenitis. "Clinical symptoms", with reference to caseous lymphadenitis, is used to define abscesses of the lymph nodes, whether they are draining or not.

## § 11. Dogs.

### Section 5-10

#### A. General.

All Dogs to be transported into the Commonwealth shall be accompanied by an Official Health Certificate issued by an accredited veterinarian of the state of origin, certifying that the issuing veterinarian has personally examined the animal or animals described therein within ten days prior to issuance of such certificate and date of shipment; and that such this professional physical

examination indicated that the animal or animals were in apparent good health at that time.

#### B. Rabies.

In addition to the requirements of paragraph B A of this section; ~~immediately above~~, the Official Health Certificate covering any dogs to be transported or moved into the Commonwealth of Virginia shall state that they did not originate in an area under quarantine for rabies; that such dogs have not been exposed to rabies; that they have been vaccinated against rabies not ~~more~~ more than one year (inactivated virus) and not more than three years (attenuated virus) prior to shipment.

#### C. Exceptions.

1. The requirement for rabies vaccination specified ~~immediately above~~, under Paragraph C, subparagraph (1) in paragraph B of this section shall not apply to puppies less than four months of age.

2. None of the provisions, requirements, or restrictions of this section shall apply to:

a. Any dog passing directly through the Commonwealth of Virginia in interstate commerce; or

b. Any dog consigned directly to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia; or

c. Any dog brought into the Commonwealth of Virginia by a person who intends to ~~make his or her residence~~ reside in Virginia.

## § 12. Monkeys.

### Section 5-11

#### A. General.

Monkeys to be transported ~~or moved~~ into the Commonwealth of Virginia shall be accompanied by an Official Health Certificate issued by an accredited veterinarian of the state or origin, certifying that the issuing veterinarian personally has examined the monkey(s) ~~or monkeys described therein~~ within ten days prior to the issuance of such certificate; and that ~~such~~ the professional physical examination indicated that the monkey(s) ~~or monkeys~~ were in apparent good health at the time. In addition to the ~~this~~ general statement ~~hereinbefore required~~, a separate statement shall be included attesting to the fact the ~~such~~ the veterinarian has carefully examined the oral mucosa of the monkey(s) ~~or monkeys~~ and has found no evidence of disease lesions or inflammatory processes.

#### B. Tuberculosis.

# Proposed Regulations

1. Monkey (s) ~~or monkeys~~ transported ~~or moved~~ into the Commonwealth of Virginia shall successfully have passed a tuberculin test performed by an accredited veterinarian ; within 30 days prior to date of shipment. Certification of this fact, including the kind and amount of tuberculin used, the date and hour of injection, and the date and hour ~~or that~~ no response of any kind or degree was observed, shall appear upon the face of the health certificate.

2. Monkeys that have been associated with , or that originate in , a monkey colony where there have been other monkeys showing response to the tuberculin test shall not be eligible for entry into Virginia unless and until all monkeys in such a ~~the~~ group or colony shall have passed two consecutive negative tuberculin tests not less than 30 days apart.

## C. Exceptions.

The provisions, requirements, or restrictions of this section shall not apply to any monkey (s) ~~or monkey (s)~~ passing directly through the Commonwealth of Virginia in interstate commerce, nor to any monkey (s) ~~or monkeys~~ consigned to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia.

## § 13. Psittacine Birds.

### Section 5-12

#### A. Isolation.

All Psittacine birds transported ~~or moved~~ into Virginia shall be confined immediately by ~~the~~ their owner , or custodian , or by his agent, by ~~restriction~~ to a building or other an enclosure in absolute isolation from other birds, animals, and persons, except for the absolute minimum contact necessary for the ~~their~~ care of such psittacine birds in isolation . Such confinement shall continue, under the direct supervision of an accredited veterinarian specifically authorized for such purpose by the State Veterinarian, until such time as the said veterinarian shall notify the State Veterinarian, in writing, that such birds have been under continuous and uninterrupted feeding, for a period of not less than 15 consecutive days following their arrival in Virginia, with either a mash type feed or a feed containing dehulled millet seed, containing or impregnated with 0.5 milligrams of chlortetracycline per gram of feed or seed. This confinement shall continue for a minimum of 15 days. During this time, the birds shall experience continuous and uninterrupted feeding with either a mash-type feed, or a feed containing dehulled millet seed, containing 0.5 milligrams of chlortetracycline per gram of feed or seed. An accredited veterinarian, specifically authorized for direct supervision of such quarantine, shall notify the State Veterinarian in writing when the birds have completed their isolation period.

#### B. Approval numbers.

1. Each shipper of psittacine birds into the Commonwealth of Virginia shall first secure an ~~Approval Number~~ from the State Veterinarian of Virginia an ~~Approval Number~~. Such . This official Approval Number, along with the words "Virginia Department of Agriculture and Consumer Services Approved", or other equivalent, shall appear prominently on each shipping label or on each package or other container used for the ~~transportation~~ of such psittacine transporting these birds into Virginia.

2. Applications for approval numbers must be made on forms provided by the State Veterinarian of Virginia. Approval shall be for such time or duration as the State Veterinarian may designate . The State Veterinarian shall designate the duration of such approval. Application shall require the following information:

a. The proper legal name and address of each applicant. If an applicant has more than one address or premise intended as a source of psittacine birds to be shipped into Virginia, a separate application must be filed and a separate Approval Number secured for each such address or premise;

b. The usual or average number of birds maintained at any given time at each address or premise;

c. A statement, over the signature of either signed by a local or state professional livestock health official or public health authority, attesting to the fact that all psittacine birds leaving the address or premise specified on each application have been subjected to the same or fully equivalent restrictions as to isolation and treatment as are specified in Paragraph Subsection A of § 13, subparagraph (1), of this Section for psittacine birds after arrival in Virginia ; and

d. Such Any additional information as the State Veterinarian may require.

3. Applications for Approval Numbers must be forwarded to the State Veterinarian of Virginia for approval . And such Approval Numbers must be issued by the State Veterinarian, and received by the shipper before shipment is made into this State is made the Commonwealth of Virginia.

#### C. Exceptions.

1. The requirements for isolation and treatment with chlortetracycline as shown in Paragraph Subsection A of § 13 subparagraph (1) 2. of this Section shall not apply to psittacine birds transported ~~or moved~~ into Virginia directly from sources which have been approved by the Virginia Department of Agriculture and Consumer Services which have been issued an official Approval Number . and such Approval Number and a legend as specified in Paragraph Subsection B.1.

## Proposed Regulations

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*of § 13 subparagraph (1) of this Section must appear on each shipping label or container used for shipments into Virginia . provided, however, that Shipments made without such approval, or prior to the issuance of such approval is pending , will be subjected to the same restrictions of confinement and treatment as birds from nonapproved sources.*

*2. None of The provisions of this section shall not apply to any psittacine birds passing directly through the Commonwealth of Virginia in interstate commerce ; nor to psittacine birds brought into the Commonwealth of Virginia by a person who intends to make his residence in Virginia ; nor to any psittacine birds consigned directly to a laboratory or institution authorized by law to conduct research, teaching, or clinical studies within the Commonwealth of Virginia.*

# Proposed Regulations

STATE OF VIRGINIA  
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
SUITE 600, WASHINGTON BUILDING, 1100 BANK STREET  
RICHMOND, VIRGINIA 23219

## APPLICATION AND PERMIT GOVERNING THE IMPORTATION OF POULTRY AND HATCHING EGGS INTO THE STATE OF VIRGINIA

I (We) \_\_\_\_\_, of \_\_\_\_\_  
hereby apply to the Virginia Department of Agriculture and Consumer Services for  
permission to ship the following into the State of Virginia. Check the desired  
square or squares.

- |  |  |
|--|--|
| <input type="checkbox"/> Poults under 4 months of age.   | <input type="checkbox"/> Turkey Hatching Eggs.                     |
| <input type="checkbox"/> Chicks under 4 months of age.   | <input type="checkbox"/> Chicken Hatching Eggs.                    |
| <input type="checkbox"/> Other domesticated fowl, such as<br>pheasants, Bantams, exhibition<br>birds, etc. under 5 months of<br>age. | <input type="checkbox"/> Other domesticated fowl<br>hatching eggs. |
| <input type="checkbox"/> Pullets under 16 wks. of age.   | <input type="checkbox"/> Wild or rare turkeys and/or<br>eggs.      |

I am familiar with the Rules and Regulations governing the importation of poultry  
and hatching eggs into the State of Virginia and agree to comply with same.

\_\_\_\_\_  
(Signature of breeder or hatchery)

OFFICIAL STATE AGENCY - After completion, forward to your State NPIP Agency.  
The status of the above checked products must be indicated below or permit will not  
be processed.

- |   |   |
|---|---|
| <input type="checkbox"/> U. S. Pullorum-Typhoid Clean State | <input type="checkbox"/> U. S. M. synoviae Clean    |
| <input type="checkbox"/> U. S. Pullorum-Typhoid Clean       | <input type="checkbox"/> U. S. Sanitation Monitored |
| <input type="checkbox"/> U. S. M. gallisepticum Clean       | <input type="checkbox"/> Other (explain)            |

\_\_\_\_\_  
Signature - Official State Agency

\_\_\_\_\_  
Title

NOTE: Any permit issued on the basis of this application is valid only for the items  
checked above. Submit original and keep copy for your files. Be sure  
application is properly endorsed.

# Proposed Regulations

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Virginia Department of Agriculture & Commerce  
Division of Animal Health & Dairies  
823 E. Main St. - Suite 600  
Richmond, Virginia 23219

Send to:

M. V. Morrison, D. V. M.  
Virginia Department of Agriculture and Commerce  
116 Reservoir Street  
Harrisonburg, Virginia 22801  
Phone No. - (703) 434-3897

\_\_\_\_\_  
(Do not use this space)

Virginia Approval No. \_\_\_\_\_  
Date Issued \_\_\_\_\_  
Expiration Date \_\_\_\_\_  
Approval By \_\_\_\_\_

APPLICATION FOR APPROVAL NUMBER TO SHIP PSITTACINE BIRDS INTO VIRGINIA

Name of Firm \_\_\_\_\_

Address \_\_\_\_\_  
Street or R. F. D. City State Zip

Average number of birds maintained at any given time on the premise intended as a source of birds to be shipped into Virginia \_\_\_\_\_

Signature \_\_\_\_\_  
Owner or Operator

\*\*\*\*\*

TO BE FILLED IN BY YOUR LOCAL OR STATE PROFESSIONAL LIVESTOCK SANITARY OR PUBLIC HEALTH AUTHORITY:

This is to certify that the undersigned has inspected the above described aviary premise; that the parakeets origination upon the said premise have received a mash-type feed (or a feed containing dehulled millet seed) containing or impregnated with 0.5 milligrams of cholortetracycline per gram of feed or seed; and the birds being offered for shipment into Virginia have been subjected to such treatment for a period of not less than fifteen consecutive days prior to shipment.

Signature of Local or State Professional  
Livestock or Public Health Authority \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_

# Proposed Regulations

**Title of Regulations:** VR 115-04-17. Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock.

**Statutory Authority:** § 3.1-188.35 of the Code of Virginia.

**Public Hearing Date:** August 7, 1985 - 10 a.m.  
(See Calendar of Events Section for additional information)

## Summary:

This regulation provides a voluntary registration and certification of grape nursery stock. It sets forth the specifications to certify grape nursery stock, including vines, rooted cuttings, cuttings, grafts or buds, as apparently virus free.

This regulation would provide for voluntary participation by applications.

VR 115-04-17. Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock.

## § 1. Definitions.

Terms used in the singular form in this regulation shall be deemed to import the plural, and vice versa, as the case may demand. The following terms when used in this regulation, shall be construed, respectively to mean:

"Applicant" means any person who files an application for participation in this program.

"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer Services.

"Department" means the Virginia Department of Agriculture and Consumer Services.

"Foundation block" means a planting of grape vines established, operated and maintained by the Department in collaboration with Virginia Polytechnic Institute and State University, that are indexed to be free from viruses and that are true-to-name. Propagating wood from the foundation block to establish mother blocks will be furnished to the applicants. Written requests for foundation stock must be received by the Department of Agriculture and Consumer Services before December 1 of each year.

"Foundation stock" means plants or propagating wood which have been produced in a foundation block established, operated and maintained by the Department in collaboration with Virginia Polytechnic Institute and State University or from any other foundation block in a state or country which has grapevine certification regulations and is approved by the Department.

"Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any direct detection method approved by the Department.

"Off-type" means different from the variety as stated on the application for registration or certification. A vine or a cane shall be considered off-type when affected by a disorder of genetic origin.

"Progeny vine" means a vine propagated from a parent rootstock and/or a parent topstock source which has been indexed and is intended for planting in a foundation block.

"Propagating wood" means cuttings or buds taken from plants.

"Registered" means that a registration number has been assigned by the Department to a grapevine in a foundation block, to an entire mother block, or to an entire increase block following the inspection and testing required in this article.

"Registered increase block" means a planting of grapevines from registered mother blocks or foundation stock and maintained by the applicant.

"Registered mother block" means a planting of grapevines maintained by the applicant to serve as a source for registered increase blocks and/or registered stock.

"Registered stock" means plants or propagating wood which have been produced in a foundation block, registered mother block or a registered increase block.

"Virginia Certified Grape Nursery Stock" to be known as certified stock means vines, rooted cuttings, cuttings, grafts, or buds taken from registered stock and certified in accordance with the provisions of this article. Certified stock also means vines, rooted cuttings, cuttings, grafts or buds taken from registered stock in another state or country which has grapevine certification regulations and is approved by the Department with certification being approved for one growing season following introduction to a Virginia nursery.

"Virus-infected" means infected by a virus or manifesting symptoms or behavior characteristic of a virus disease as specified in § 8(a).

## § 2. Voluntary program.

Participation in this program shall be voluntary and may be withdrawn at the option of the applicant.

## § 3. Warranty.

The Commonwealth of Virginia and the Department warrants the certified stock produced under the provisions of these rules and regulations as being apparently virus free. A certification tag, as detailed in subsection A of § 10a, will be attached by the applicant. Certification is based on visual inspections of the vines and documentation of foundation stock source. Certification of this lot does

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not represent virus freedom of any other lot of noncertified grape nursery stock. Inspection reports of all grape nursery stock entered for certification can be inspected at the Department's office in Richmond, Virginia.

## § 4. Applicant requirements.

A. The applicant shall be responsible, subject to the approval of the Department, for the selection of the location and the proper maintenance for the following: registered mother blocks, registered increase blocks, and registered stock. The applicant shall be responsible for maintaining the identity of all registered mother blocks, registered increase blocks, and registered stock, and for keeping all plants in a thrifty growing condition and free of plant pests.

B. The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other management practices to guard against the spread of soil-borne pests to plantings entered under this program. The applicant shall keep all areas clean and cultivated except for cover crops.

C. Any registered vine or nursery plant found to be infected by a virus-like disease or is off-type shall be immediately reported to the Department. Upon Department inspection, the infected vine or nursery plant may be required to be removed and destroyed, if so ordered by the Department.

## § 5. Planting location requirements.

Each planting shall be located in an area where contamination by soil-borne virus diseases of grapes from drainage, flooding, irrigation or other means is not likely to occur.

Each planting shall be located at least 25 feet from any land on which grapevines or other fruit known to be susceptible to viruses infecting grape have been grown within the past 10 years, or shall be in a location approved by the Department. This distance may be reduced if approved by the Department provided the adjacent land is planted to a vineyard of certified stock. Preparation of the site shall be in a manner approved by the Department.

## § 6. Planting and maintenance requirements.

A. Plants in registered mother blocks and registered increase blocks shall be spaced at a minimum of five feet in the row, and rows eight feet apart, with 20 feet between varieties in the row. These spacing requirements will not apply to registered mother blocks and registered increase blocks established in a greenhouse. Treatment to eliminate soil-borne pests in a manner approved by and under the supervision of the Department may be required.

B. Propagating wood from each registered mother block variety and registered increase block variety must

be identified by its progeny vine registration number and kept separate during the growing season.

C. Certified stock, including propagating wood, produced under the provisions of this article shall be stored, heeled-in, or calloused in media, beds, or storage areas approved by the Department. The Department may require such treatment as may be necessary to protect against infection or infestation with pests.

D. The Department shall be notified in advance of the planting, replanting, grafting, budding, rebudding, pruning, removal of certified stock, or removal of vines in any planting entered in this program in order that necessary inspections may be made or approval granted before the work is done.

E. Certified stock shall be sold within two years of certification. Certified stock introduced from another state or country shall be sold within one year following introduction into the Virginia nursery. Certified stock not sold within these periods shall have its certification revoked.

F. Any planting entered in this program shall be kept in a thrifty growing condition, and pests shall be kept under intensive control. Suitable precautions shall be taken in cultivation, irrigation, movement and use of equipment and in other approved cultural practices to guard against the spread of pests to plantings entered under this program.

## § 7. Eligibility for planting.

### A. In a foundation block.

To be acceptable for planting in the foundation block, a plant shall be foundation stock, or its rootstock and top-stock sources and the plant itself shall have been inspected and tested and found not to be virus-infected or off-type, as provided in subsections A and E of § 8 of this regulation and the index readings shall have been completed within 24 months, or the plant shall have an equivalent known history approved by the Department.

The plant shall have been protected from possible virus infection in an approved manner from the time it was originally propagated until it is planted in the foundation block.

### B. In a registered mother block.

Foundation stock shall be acceptable for planting in a registered mother block. When approved by the Department, propagating wood from a field planted permanent registered mother block may be planted in the same registered mother block to increase its size or as replacement.

Registered stock in movable containers is acceptable as long as the location is approved by the Department and

does not change.

## C. In a registered increase block.

Foundation stock or registered stock from a registered mother block shall be acceptable for planting in a registered increase block. When approved by the Department propagating wood from a field planted permanent registered increase block may be planted in the same increase block to increase its size or as replacements.

Registered stock in movable containers is acceptable as long as the location is approved by the Department and does not change.

## § 8. Inspection and testing procedures.

Inspection and testing procedures prescribed in this section may be made by the Virginia Polytechnic Institute and State University, the United States Department of Agriculture, or the Department, and shall be conducted in a manner and at times determined by the Department as suitable. Index-testing may also be made by another state or country upon approval of the Department. In the indexing procedures required in this section the substitution of other indicator plants or methods may be approved, if equally suitable. Indexing on a fewer number of indicator plants may be approved if the plant being tested is itself a good indicator for a particular disease. Indexing by a direct detection method may be approved if the method is comparable to indexing on indicator plants.

### A. For progeny vines.

The parent rootstock and top-stock sources of a progeny vine for which registration is planned shall be index-tested on Mission, St. George, Baco 22 A, LN-33 varieties of grapevines, and *Chenopodium* spp., or by any other method approved by the Department for the following virus diseases: tomato ring spot, leafroll, fanleaf degeneration and corky bark.

### B. In a foundation block.

At least two visual inspections of each vine shall be made each growing season with annual indexing for tomato ring spot virus. Systematic indexing for other viruses shall be done as requested by the Department based upon the biannual visual inspections or other indications which indicate reindexing is required.

### C. In a registered mother block.

At least two inspections of each vine shall be made each growing season with systematic indexing as required by the Department.

### D. In a registered increase block.

At least one visual inspection shall be made each year

prior to the removal of fruit, if any, from the vines, with systematic indexing as required by the Department.

E. Additional inspections or tests may be required if seasonal conditions or other factors tend to obscure virus symptoms or make adequate inspection impossible, or when virus infection is suspected or virus symptoms may be masked in a particular variety.

## § 9. Cancellation of registration or certification.

Stock may be denied certification as "Virginia Certified Grape Nursery Stock" or as registered stock if:

1. The requirements of this article have not been met;
2. Any vine in the planting is found virus-infected unless in the opinion of the Department the remainder of the planting can be adequately protected, by treatment or by removal and destruction of all vines in the infected area, or by other means;
3. The plant is off-type;
4. It is determined that the registered stock used to produce certified or other registered stock is found to be virus infected;
5. The pest cleanliness requirements as required in these regulations and for nursery stock in the Virginia Plant and Plant Products Inspection Law have not been met.

## § 10. Tagging and identity.

### A. Tagging.

The Department will authorize the use of official certification tags for the identification of "Virginia Certified Grape Nursery Stock" that meets the requirements of this program.

### B. Identity.

Any person selling "Virginia Certified Grape Nursery Stock" is responsible for the identity of such nursery stock. Persons issued tags authorized by the program shall account by variety for stock produced and sold and keep such other records as may be required.

## § 11. Application and fees.

### A. Application.

The applicant shall furnish information requested and shall give consent to the Department to take plants or plant parts from any planting for inspection or testing purposes.

Application for participation in the Registration and Certification of Grape Nursery Stock Program must be

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filed with the Department by January 1 of each year accompanied by an application fee.

## B. Fees.

Fees established in this article are for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures herein provided.

The Commissioner shall establish a schedule of fees for services provided in these regulations.

## § 12. Viticultural Technical Advisory Committee.

A Viticultural Technical Advisory Committee shall be appointed by the Commissioner and shall advise the Department on additions, deletions, and/or modifications of the Registration and Certification of Grape Nursery Stock Program. It shall become effective when approved by the Commissioner.

**Title of Regulation:** VR 115-05-03. Regulation III of the Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products.

**Statutory Authority:** § 3.1-562.1 of the Code of Virginia.

**Public Hearing Date:** August 7, 1985 - 10 a.m.  
(See Calendar of Events Section for additional information)

## Summary:

The proposed amendments to Regulation III of the Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products add §§ 31 and 32, and amend § 37 (formerly § 18.B).

## The proposed amendments:

1. Establish a standard of identity for lowfat parevine, a frozen dessert which does not contain any milk or meat products nor any derivatives of such products, thus enabling it to be manufactured or offered for sale in Virginia. Under the present regulations, this same product must be identified as an imitation parevine to be legally sold in Virginia. The proposed standard is the same as the existing standard for parevine except for the fat content. Lowfat parevine shall not contain more than 6% fat.

2. Permit dry whey and certain modified wheys in the formulation of powder or dry imitation frozen desserts mixes.

The existing standard for these mixes prohibits the use of any milk or other dairy product ingredients or

derivatives except caseinates in their formulation. These mixes are exempted from the pasteurization requirements of Regulation XII which states, "After formulation the entire mix except for flavoring ingredients shall be pasteurized".

VR 115-05-03. Regulation III of the Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products.

## Regulation III.

### STANDARDS OF IDENTITY.

§ 1. Ice cream; identity; label statement of optional ingredients.

A. Ice cream is the food prepared by freezing, while stirring, a pastuerized mix composed of one or more of the optional ingredients specified in ~~paragraph subsection C.~~ of this section, sweetened with one or more of the optional sweetening ingredients specified in ~~paragraph subsection D.~~ of this section. One or more of the optional characterizing ingredient specified in ~~paragraph subsection B.~~ of this section and one or more of the optional ingredients specified in ~~paragraphs 5 to 10 of paragraph subsection D.~~ (5) to (10) may be used to characterize the ice cream. One or more of the optional caseinates specified in ~~paragraph subsection E.~~ and one or more of the optional ingredients specified in ~~paragraph subsection F.~~ of this section may be used, subject to the conditions hereinafter set forth. The mix may be seasoned with salt, and may be homogenized. The kind and quantity of optional dairy ingredients used, as specified in ~~paragraph subsection C.~~ of this section, and the content of milk fat and nonfat milk solids therein, are such that the weights of milkfat and total milk solids are not less than 10% and 20%, respectively, of the weight of the finished ice cream; but in no case shall the content of milk solids not fat be less than 6%, except that when one or more of the bulky optional ingredients as specified in paragraphs 3 to 8 of ~~subsection B.~~ (3) to (8), inclusive, of this section, are used, the weights of milkfat and total milk solids (exclusive of such fat and solids in any malted milk used) are not less than 10% and 20%, respectively, of the remainder obtained by subtracting the weight of such optional ingredients, modified as prescribed in this paragraph, from the weight of the finished ice cream; but in no case is the weight of milkfat or total milk solids less than 8% and 16%, respectively, of the weight of the finished ice cream. The optional caseinates specified in ~~paragraph subsection E.~~ of this section are not deemed to be milk solids. In calculating the reduction of milkfat and total milk solids from the use of bulky optional ingredients, chocolate and cocoa solids used shall be considered the bulky ingredients of ~~paragraph B.~~ (3) of ~~subsection B.~~ of this section. In order to make allowance for additional sweetening ingredients needed when bulky ingredients are used, the weight of chocolate or cocoa solids may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially

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or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight multiplied by 1.4. The finished ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon; except that when the optional ingredient microcrystalline cellulose specified in paragraph F, { 6 } of subsection F of this section is used, the finished ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon exclusive, in both cases, of the weight of the microcrystalline cellulose. Artificial flavoring in any chocolate, cocoa, confectionary, or other ingredient used is an optional ingredient of the finished ice cream. Coloring, including artificial coloring, may be added.

B. The optional characterizing ingredients referred to in paragraph subsection A. of this section are:

{ 1. } Ground spice, ground vanilla beans, infusion of coffee or tea, or any natural food flavoring.

{ 2. } Artificial food flavoring.

{ 3. } Chocolate or cocoa, which may be added as such or as a suspension in sirup, and which may contain disodium phosphate or sodium citrate in such quantity that the finished ice cream contains not more than 0.2% by weight of disodium phosphate or sodium citrate. For the purposes of this section, the term "cocoa" means one or any combination of two or more of the following: Cocoa, breakfast cocoa, lowfat cocoa, and the unpulverized residual material prepared by removing part of the fat from ground cacao nibs.

{ 4. } Mature fruit or the juice of mature fruit, either of which may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be whole, shredded, or comminuted; it may be sweetened, thickened with pectin or with one or more of the ingredients named in paragraph F, { 2 } of subsection F of this section, subject to the restriction on the total quantity of such substances in ice cream prescribed in that paragraph, and it may be acidulated with citric acid, ascorbic acid, or phosphoric acid. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is used in preparing that kind of fruit for consumption as fresh fruit. In the case of fruit or fruit juice from which part of the water is removed, the substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of the citrus fruits the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juice, cold-pressed citrus oil may be added in an amount not exceeding that which would have been obtained if the peel from the whole fruit had been used. For the purposes of this section the flesh of the coconut shall be considered a fruit.

{ 5. } Nut meats, which may be roasted, cooked in an edible fat or oil, or preserved in sirup, and which may be salted.

{ 6. } Malted milk.

{ 7. } Confectionary. For the purposes of this section, the term "confectionery" means candy, cakes, cookies, and glazed fruits.

{ 8. } Properly prepared and cooked cereal.

{ 9. } Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the ice cream.

C. The optional dairy ingredients referred to in paragraph subsection A. of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milkfat), butter, butter oil, milk, concentrated milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5%, has a titratable acidity of not more than 0.17%, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Any concentrated cheese whey and dried cheese whey used contribute not more than 25% by weight of the total nonfat milk solids content of the finished food. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5%, a titratable acidity of not more than 0.16%, calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and as adjusted with water to a total solids content of 6.5%, calculated as lactic acid. The modified skim milk, when adjusted with water to a total solids content of 9%, is substantially free of lactic acid as determined by titration with 0.1N NaOH and it has a pH value in the range of 8.0 to 8.3.

D. The optional sweetening ingredients referred to in paragraph subsection A. of this section are:

{ 1. } Sugar (sucrose) or sugar sirup.

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- ← 2. → Dextrose.
- ← 3. → Invert sugar (in paste or sirup form).
- ← 4. → Corn sirup, dried corn sirup, glucose sirup, dried glucose sirup.
- ← 5. → Maple sirup, maple sugar.
- ← 6. → Honey.
- ← 7. → Brown sugar.
- ← 8. → Malt sirup, maltose sirup, malt extract.
- ← 9. → Dried malt sirup, dried maltose sirup, dried malt extract.
- ← 10. → Refiner's sirup.
- ← 11. → Molasses (other than black strap).
- ← 12. → Lactose.
- ← 13. → Fructose.

E. The optional caseinates referred to in ~~paragraph~~ *subsection A.* of this section which may be added to ice cream mix containing not less than 20% total milk solids are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali.

F. Other optional ingredients referred to in ~~paragraph~~ *subsection A.* of this section are:

- ← 1. → Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen egg yolks, and dried egg yolks. Any egg ingredients used is added to the mix before it is pasteurized. The total weight of egg yolk solids in the finished ice cream from one or a combination of two or more such ingredients is less than the minimum prescribed for frozen custard by ~~Section 2 § 3~~ (1.4%).
- ← 2. → Agar-agar, algin (sodium alginate), calcium sulfate, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, lecithin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used (including any such ingredient and pectin added separately to the fruit ingredient) is not more than 0.5% of the weight of the finished ice cream. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.
- ← 3. → Monoglycerides or diglycerides or both of fat-forming fatty acids. The total weight of such ingredients is not more than 0.2% of the weight of the

finished ice cream. If the preparation used is one having a high proportion of monoglycerides (over 90%), it may be preblended with edible fat, but the amount of such fat does not exceed 20% by weight of the blend, and the total amount of the blend used does not exceed 0.2% of the weight of the finished ice cream.

← 4. → Polysorbate 65, polysorbate 80, or both may be used, with a limit on either, used separately or both used in combination, of not more than 0.1% by weight of the finished frozen dessert.

← 5. → Propylene glycol alginate limit of not more than 0.5% by weight of the finished frozen dessert.

← 6. → Microcrystalline cellulose, in a quantity not to exceed 1.5% by weight of the finished frozen dessert.

← 7. → When one or more of the optional thickening ingredients in ~~subparagraph~~ *paragraphs* ← 2 → or ← 5 → of this ~~paragraph~~ *subsection* are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5% by weight of such ingredients.

~~(8)~~ ~~(i)~~ 8. a. Sodium citrate, disodium phosphate, tetrasodium pyrophosphate, sodium hexametaphosphate, or any combination of two or more of these; but the total quantity of the solids of such ingredients (exclusive of any disodium phosphate or sodium citrate present in chocolate or cocoa, as permitted by ~~paragraph B-~~ ← 3 → of *subsection B* of this section) is not more than 0.2% by weight of the finished ice cream.

~~(ii)~~ b. Calcium oxide, magnesium oxide, calcium hydroxide, magnesium hydroxide, calcium carbonate, magnesium carbonate, or any combination of two or more of these; but the total quantity of the solids of such ingredients is not more than 0.04% of the weight of the finished ice cream.

G. ← 1. → The name of the food is "ice cream."

~~(2)~~ ~~(i)~~ 2. a. If the food contains no artificial flavor, the name on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, e.g., "vanilla," in letters not less than one-half the height of the letters used in the words "ice cream."

~~(ii)~~ b. If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the words "ice cream," followed by the word "flavored," in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "VANILLA

flavored," or "PEACH flavored," or "VANILLA flavored STRAWBERRY flavored."

(iii) (c) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone, the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the words "ice cream," preceded by "artificial" or "artificially flavored," in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "artificial VANILLA," or "artificially flavored STRAWBERRY" or "artificially flavored VANILLA and artificially flavored STRAWBERRY."

(3) (i) 3. (a.) If the food is subject to the requirements of subparagraph (2) (ii) 2. b. of this paragraph subsection or if it contains any artificial flavor not simulating the characterizing flavor, the label also shall bear the words "artificial flavor added" or "artificial ..... flavor added," the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it.

(ii) b. When the optional ingredient microcrystalline cellulose specified in paragraph F- (6) of subsection F of this section is used, the label shall bear the statement "microcrystalline cellulose added" or "with microcrystalline cellulose."

(iii) c. When two or more of the optional ingredients specified in paragraphs B- (2) paragraph 2 of subsection B and F- (6) paragraph 6 of subsection F of this section are used, such words may be combined; for example, "microcrystalline cellulose and artificial flavor added."

(iv) d. Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this subparagraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over; Provided, however, That where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trademark or brand, may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing

flavor: And provided further, That if the finished product contains more than one flavor of ice cream subject to the requirements of this subparagraph, the statements required by this subparagraph need appear only once in each statement of characterizing flavors present in such ice cream, e.g., "VANILLA flavored, CHOCOLATE and STRAWBERRY flavored, artificial flavors added."

( 4. ) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, shall be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., "strawberry and artificial strawberry flavor."

( 5. ) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) a. In the case of vanilla beans or vanilla extract used in combination with vanillin if the amount of vanillin used is greater than 1 ounce per unit of vanilla constituent.

(ii) b. In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2% in the case of citrus ice cream, 6% in the case of berry or cherry ice cream, 10% in the case of ice cream prepared with other fruits.

(iii) c. In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished ice cream, the weight of the nut meats is less than 2%.

(iv) d. In the case of two or more fruit or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice or nut meat is less than one-half the applicable percentage specified in subdivision (ii) subparagraphs b and (iii) c of this subparagraph paragraph. For example, if a combination ice cream contains less than 5% of bananas and less than 1% of almonds it would be "Artificially flavored banana-almond ice cream." However, if it contains more than 5% of bananas and more than 1% of almonds it would be "Banana-almond flavored ice cream."

( 6. ) If two or more flavors of ice cream are distinctively combined in one package, e.g., "Neapolitan" ice cream, the applicable provisions of

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this paragraph shall govern each flavor of ice cream comprising the combination.

H. Optional Ingredients other than those included in ~~paragraph~~ subsections B., C., D. and F. may be used when permitted for use in ice cream by the Federal Food and Drug Administration.

## § ~~1~~ § 2. Ice cream mix.

Ice cream mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of ice cream.

## § ~~2~~ § 3. Frozen custard, french ice cream, french custard ice cream; identity; label statement of optional ingredients.

Frozen custard, french ice cream, french custard ice cream conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for ice cream by § 1, except that one or more of the optional egg ingredients permitted by Section § 1 F. { 1 } are used in such quantity that the total weight of egg yolk solids therein is not less than 1.4% of the weight of the finished frozen custard; Provided, however, that when the ingredients named in paragraphs 3 through 8 of Section § 1 B. {~~3~~} through {~~8~~} , inclusive, are used the content of egg yolk solids may be reduced in proportion to the bulky ingredient or ingredients added, under the conditions prescribed by Section ~~1~~ A: subsection A of § 1 for reduction in milkfat and total milk solids; but in no case is the content of egg yolk solids less than 1.12%.

## § ~~2~~ § 4. Frozen custard mix, french ice cream mix, and french custard ice cream mix.

Frozen custard mix, french ice cream mix, and fresh custard ice cream mix are the pasteurized unfrozen combinations of ingredients which when frozen while stirring will produce products conforming to the definition of frozen custard, french ice cream, and french custard ice cream.

## § ~~3~~ § 5. Ice milk; identity; label statement of optional ingredients.

Ice milk is the food prepared from the same ingredients and in the same manner prescribed in § 1 for ice cream and complies with all the provisions of § 1 , { including the requirements for label statement of optional ingredients } , except that:

~~A~~ 1. Its content of milkfat is not less than 2% but not more than 7%.

~~B~~ 2. Its content of total milk solids is not less than 11%.

~~C~~ 3. Caseinates may be added when the content of

total milk solids is not less than 11%.

~~D~~ 4. The provision for reduction in milkfat and total milk solids from the addition of bulky ingredients in Section ~~A~~ A subsection A of § 1. does not apply.

~~E~~ 5. The quantity of food solids per gallon is not less than 1.3 pounds, exclusive of the weight of the microcrystalline cellulose.

~~F~~ 6. When any artificial coloring is used in ice milk, directly or as a component of any other ingredient, the label shall bear the statement "artificially colored," "artificial coloring added," "with added artificial color," or "....., an artificial color added," the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "..... artificially colored."

~~G~~ 7. The name of the food is "ice milk."

~~H~~ 8. If both artificial color and artificial flavoring are used, the label statements may be combined.

~~I~~ 9. Ice milk sold at the retail level may be drawn from a dispensing freezer and a sign must be plainly marked "Ice Milk," in a manner conspicuous to the public in letters at least three {~~3~~} inches in height. Ice milk shall not be dispensed for sale from packages or containers unless used for milk shakes or shakes. "Dispensed" shall mean dipping or scooping from packages or containers.

## See: ~~3~~ § 6. Ice milk mix.

Ice milk mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of ice milk.

## § ~~4~~ § 7. Fruit sherbets; identity; label statement of optional ingredients.

A. Fruit sherbets are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing fruit ingredients specified in ~~paragraph~~ subsection B. of this section and one or more of the optional ingredients specified in ~~paragraph~~ subsection C. of this section, sweetened with one or more of the optional sweetening ingredients specified in ~~paragraph~~ subsection D. of this section. One or more of the optional ingredients specified in ~~paragraph~~ subsection E. of this section may be used, subject to the conditions hereinafter set forth. The mix of combined dairy ingredients, with or without other ingredients, is pasteurized. The titratable acidity of the finished fruit sherbet, calculated as lactic acid, is not less than 0.35%. The mix with or without added water may be seasoned with salt, and may be homogenized. The optional dairy ingredients used and the content of milkfat and nonfat

milk solids therein are such that the weight of milkfat is not less than 1% and not more than 2%, and the weight of total milk solids is not less than 2% and not more than 5% of the weight of the finished fruit sherbet. The optional caseinates specified in paragraph E: ( 7 ) of subsection E of this section are not deemed to be milk solids. The finished fruit sherbet weighs not less than 6 pounds to the gallon; except that when the optional ingredient microcrystalline cellulose specified in paragraph E: ( 11 ) of subsection E of this section is used, the finished fruit sherbet weighs not less than 6 pounds to the gallon, exclusive of the weight of the microcrystalline cellulose.

B. The optional fruit characterizing ingredients referred to in ~~paragraph~~ subsection A. of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other of the optional ingredients named in paragraph E: ( 2 ) of subsection E of this section, subject to the restriction on the total quantity of such substances in fruit sherbets prescribed in that ~~paragraph~~ subsection. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated with citric acid, ascorbic acid, or phosphoric acid. In the case of concentrated fruit or fruit juices from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be, ( including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content ) , is not less than 2% in the case of citrus sherbets, 6% in the case of berry sherbets, and 10% in the case of sherbets prepared with other fruits. For the purposes of this section, tomatoes and rhubarb are considered as kinds of fruit.

C. The optional dairy ingredients referred to in ~~paragraph~~ subsection A. of this section are: Cream, dried cream, plastic cream, (sometimes known as concentrated milkfat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose

has been removed by crystallization, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5% has a titratable acidity of not more than 0.17%, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1 N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5%, a titratable acidity of not more than 0.16%, calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1 N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5%, a titratable acidity of not more than 0.18%, calculated as lactic acid.

D. The optional sweetening ingredients referred to in ~~paragraph~~ subsection A. of this section are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

E. Other optional ingredients referred to in ~~paragraph~~ subsection A. of this section are:

( 1. ) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the weight of the egg yolk solids therein is less than 0.5% of the weight of the finished fruit sherbet.

( 2. ) Agar-agar, algin (sodium alginate), calcium sulfate, egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methylcellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, lecithin, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used (including any such ingredient added separately to the fruit ingredient) is not more than 0.5% of the weight of the finished fruit sherbet. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

( 3. ) Monoglycerides or diglycerides or both of fat-forming fatty acids. The total weights of such ingredients is not more than 0.2% of the weight of the finished fruit sherbet. If the preparation used is one of having a high proportion of monoglycerides (over 90%), it may be preblended with edible fat, but the amount of such fat does not exceed 20% by weight of the blend, and the total amount of the blend used does not exceed 0.2% of the weight of the finished fruit sherbet.

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{ 4. } Polysorbate 65, polysorbate 80, or both (the limit on either used separately or both used in combination of not more than 0.1% by weight of the finished frozen dessert).

{ 5. } Propylene glycol alginate (limit of not more than 0.5% by weight of the finished frozen dessert).

{ 6. } Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combination of two or more of these in such quantity as seasons the finished food.

{ 7. } Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, sodium caseinate.

{ 8. } Any natural food flavoring.

{ 9. } Any artificial flavoring.

{ 10. } Coloring, including artificial coloring.

{ 11. } Microcrystalline cellulose, in a quantity not to exceed 0.5% of the weight of the finished fruit sherbet.

{ 12. } When one or more of the optional thickening ingredients in ~~subparagraph~~ paragraphs { 2 } or { 5 } of this ~~paragraph~~ subsection are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5% by weight of such ingredients.

F. The name of each such fruit sherbet is "..... sherbet," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredients used are obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used.

G. When the optional ingredients artificial coloring or artificial flavorings are used in fruit sherbet they shall be named on the labels as follows:

{ 1. } The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "..... an artificial color added," the blank being filled in with the name of the artificial coloring used.

{ 2. } The label shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or "..... an artificial flavor added," the blank being filled in with the name of the artificial flavoring used.

{ 3. } Whenever artificial flavoring is not added as such but as a component of some other ingredient, the label shall include the statement "..... artificially flavored," the blank being filled in with the name of

such other ingredient.

{ 4. } When the optional ingredient microcrystalline cellulose specified in paragraph E: { 11 } of subsection E of this section is used, the label shall bear the statement "microcrystalline cellulose added" or "with added microcrystalline cellulose." Label statements may be combined, as for example, "with added artificial flavoring and artificial coloring."

H. Where one or more of the optional ingredients artificial coloring or artificial flavoring are used and there appears on the label any representation as to the fruit or fruits in the sherbet, such representation shall be immediately and conspicuously accompanied by appropriate label statements as prescribed in ~~paragraph~~ subsection G. of this section, showing the optional ingredients used.

I. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

See: 4-: § 8. Fruit sherbet mix.

Fruit sherbet mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of fruit sherbet.

See: 5- § 9. Water ices; identify; label statement of optional ingredients.

A. Water ices are the foods, each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing fruit ingredients specified in ~~paragraph~~ subsection B. of this section, sweetened with one or more of the optional sweetening ingredients specified in ~~paragraph~~ subsection C. of this section. One or more of the optional ingredients specified in ~~paragraph~~ subsection D. of this section may be used, subject to the conditions hereinafter set forth. The titratable acidity of the finished water ice, calculated as lactic acid, is not less than 0.35%. The mix, with or without added water, may be seasoned with salt, and may be homogenized. The finished water ice weighs not less than 6 pounds to the gallon.

B. The optional fruit ingredients referred to in ~~paragraph~~ subsection A. of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other of the optional ingredients named in paragraph D: { 1 } of subsection D of this section subject to the restriction on the total quantity of such substances in water ices prescribed in that paragraph. The fruit is

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prepared by the removal of pits, seeds, skins, and cores where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated with citric acid, ascorbic acid, or phosphoric acid. In the case of fruit or fruit juices from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that in relation to the weight of the finished water ice, the weight of fruit or fruit juice as the case may be, { including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content } , is not less than 2% in the case of citrus ices, 6% in the case of berry ices, and 10% in the case of ices prepared with other fruits.

C. The optional sweetening ingredients referred to in ~~paragraph~~ subsection A. of this section are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

D. Other optional ingredients referred to in ~~paragraph~~ subsection A. of this section are:

(1)(1) I.a. Agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methyl cellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, propylene glycol alginate, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, { including any such ingredient added separately to the fruit ingredient } , is not more than 0.5% of the weight of the finished water ice. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

(1)(1) b. When one or more of the optional thickening ingredients in subdivision (1) subparagraph a of this ~~subparagraph~~ paragraph are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5% of weight of such ingredients.

{ 2. } Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combination of two or more of these in such quantity as seasons the finished food.

{ 3. } Any natural flavoring.

{ 4. } Any artificial flavoring.

{ 5. } Coloring, including artificial coloring.

E. The name of each such water ice is "..... ice," the blank being filled with the common name of the fruit or fruits from which the fruit ingredient used is obtained. When the names of two or more fruits are included such names shall appear in the order of predominance, if any, by weight of the respective fruit ingredients used.

F. When the optional ingredients artificial coloring and artificial flavoring are used in water ices they shall be named on the labels as follows:

{ 1. } The label shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or "....., an artificial flavor added," the blank being filled in with the name of the artificial flavoring used.

Label statements may be combined, as for example, "flavoring and artificial coloring added."

G. Where one or more of the optional ingredients artificial coloring or artificial flavoring are used and there appears on the labeling any representation as to the fruit or fruits in the ice, such representation shall be immediately and conspicuously accompanied by appropriate label statements as prescribed in ~~paragraph~~ subsection F. of this section, showing the optional ingredients used.

H. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements set out in this section showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

See: 6-1- § 10. Water ice mix.

Water ice mix is the unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of water ice.

See: 6- § 11. Nonfruit sherbets; identify; label statement of optional ingredients.

A. Nonfruit sherbets are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing ingredients specified in ~~paragraph~~ subsection B. of this section and one or more of the optional dairy ingredients specified in ~~paragraph~~ subsection C. of this section, sweetened with one or more of the optional sweetening ingredients specified in ~~paragraph~~ subsection D. of this section. One or more of the optional ingredients specified in ~~paragraph~~ subsection E. of this section may be used, subject to the conditions hereinafter set forth. The mix of combined dairy

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ingredients, with or without other ingredients, is pasteurized. The mix, with or without added water, may be seasoned with salt and may be homogenized. The optional dairy ingredients used and the content of milkfat and nonfat milk solids therein are such that the weight of milkfat is not less than 1% and not more than 2% and their weight of total milk solids is not less than 2% and not more than 5% of the weight of the finished nonfruit sherbets. The optional caseinates specified in paragraph E- { 7 } of subsection E. of this section are not deemed to be milk solids. The finished nonfruit sherbet weighs not less than 6 pounds to the gallon; except that when the optional ingredients microcrystalline cellulose specified in paragraph E- { 9 } of subsection E of this section is used, the finished nonfruit sherbet weight not less than 6 pounds to the gallon, exclusive of the weight of the microcrystalline cellulose.

B. The optional characterizing ingredients referred to in paragraph subsection A. of this section are:

- { 1. } Ground spice or infusion of coffee or tea.
- { 2. } Chocolate or cocoa, including sirup.
- { 3. } Confectionery.
- { 4. } Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the sherbet.
- { 5. } Any natural or artificial food flavoring , { except any having a characteristic fruit or fruit-like flavor } .

C. The optional dairy ingredients referred to in paragraph subsection A. of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milkfat), butter, butter oil, milk, concentrated milk, evaporated milk, super-heated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, concentrated cheese whey, and dried cheese whey. Water may be added or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5%, has a titratable acidity of not more than 0.17% calculated as lactic acid. The term "milk" as used in this section means cow's milk. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash not more than 225 milliliters 0.1 N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5%, a titratable acidity of not more than 0.16%

calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash not more than 115 milliliters of 0.1 N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5%, a titratable acidity of not more than 0.18% calculated as lactic acid.

D. The optional sweetening ingredients referred to in paragraph subsection A. of this section are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

E. Other optional ingredients referred to in paragraph subsection A. of this section are:

- { 1. } Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the weight of egg yolk solids therein is less than 0.5% of the weight of the finished nonfruit sherbet.
- { 2. } Agar-agar, algin (sodium alginate), calcium sulfate, egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methylcellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, lecithin, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used is not more than 0.5% of the weight of the finished nonfruit sherbet. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.
- { 3. } Monoglycerides or diglycerides or both of fat-forming fatty acids. The total weight of such ingredients is not more than 0.2% of the weight of the finished nonfruit sherbet. If the preparation used is one having a high proportion of monoglycerides (over 90%), it may be preblended with edible fat, but the amount of such fat does not exceed 20% by weight of the blend and the total amount of the blend used does not exceed 0.2% of the weight of the finished nonfruit sherbet.
- { 4. } Polysorbate 65, polysorbate 80, or both (limit on either used separately or both used in combination of not more than 0.1% by weight of the finished frozen dessert.)
- { 5. } Propylene glycol alginate (limit of not more than 0.5% by weight of the finished frozen dessert).
- { 6. } Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combinations of two or more of these in such quantity as seasons the finished food.
- { 7. } Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium

caseinate, sodium caseinate.

{ 8. } Coloring, including artificial color.

{ 9. } Microcrystalline cellulose, in a quantity not to exceed 0.5% of the weight of the finished nonfruit sherbet.

{ 10. } When one or more of the optional thickening ingredients in ~~subparagraph~~ { paragraph 2 } or paragraph { 5 } of this ~~paragraph~~ subsection are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5% by weight of such ingredients.

F. Except as provided for in paragraph G. of this section, the name of each such nonfruit sherbet is "..... sherbet," the blank being filled in with the common or usual name or names of the characterizing flavor or flavors; for example, "peppermint."

G. If the characterizing flavor is vanilla, the name of the food is "..... sherbet," the blank being filled in as specified by ~~Section 1-~~ subsections G. { 2 } and {5} {4} 5.a. of § 1 .

H. When the optional ingredients artificial flavoring, artificial coloring, or microcrystalline cellulose are used in nonfruit sherbet, they shall be named on the label as follows:

{ 1. } If the flavoring ingredient or ingredients consists exclusively of artificial flavoring, the label designation shall be "artificially flavored."

{ 2. } If the flavoring ingredients are a combination of natural and artificial flavors, the label designation shall be "artificial and natural flavoring added."

{ 3. } The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "....., an artificial color added," the blank being filled in with the name of the artificial coloring used.

{ 4. } When the optional ingredient microcrystalline cellulose is used, the label shall bear the statement "microcrystalline cellulose added" or "with added microcrystalline cellulose."

I. Wherever there appears on the label any representation as to the characterizing flavor or flavors of the food and such flavor or flavors consist in whole or in part of artificial flavoring, the statement required by ~~paragraph H-~~ { 1 } or paragraph { 2 } of subsection H of this section, as appropriate, shall immediately and conspicuously precede or follow such representation, without intervening written, printed, or graphic matter , { except that the word "sherbet" may intervene } , in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type

is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over.

J. Except as specified in ~~paragraph~~ subsection I. of this section, the statements required by ~~paragraph~~ subsection H. of this section shall be set forth on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

~~See: 6-~~ § 12. Nonfruit sherbet mix.

Nonfruit sherbet mix is the unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of nonfruit sherbet.

~~See: 7-~~ § 13. Nonfruit water ices; identity; label statement of optional ingredients.

A. Nonfruit water ices are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing ingredients specified in ~~paragraph~~ subsection B. of this section, sweetened with one or more of the optional sweetening ingredients specified in ~~paragraph~~ subsection C. of this section. One or more of the optional ingredients specified in paragraph D. of this section may be used, subject to the conditions hereinafter set forth. The mix, with or without added water, may be seasoned with salt and may be homogenized. The finished nonfruit water ice weight not less than 6 pounds to the gallon.

B. The optional characterizing ingredients referred to in ~~paragraph~~ subsection A. of this section are:

{ 1. } Ground spice or infusion of coffee or tea.

{ 2. } Chocolate or cocoa, including sirup.

{ 3. } Confectionery.

{ 4. } Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the water ice.

{ 5. } Any natural or artificial food flavoring , { except any having a characteristic fruit or fruit-like flavor } .

C. The optional sweetening ingredients referred to in ~~paragraph~~ subsection A. of this section are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

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D. Other optional ingredients referred to in ~~paragraph~~ *subsection A.* of this section are:

(†) (†) *1.a.* Agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methylcellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, propylene glycol alginate, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients is used, is not more than 0.5% of the weight of the finished nonfruit water ice. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

(†) *b.* When one or more of the optional thickening ingredients in ~~subdivision~~ (†) *subparagraph a.* of this ~~subparagraph~~ *paragraph* are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5% by weight of such ingredients.

{ 2. } Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combination of two or more of these in such quantity as seasons the finished food.

{ 3. } Coloring, including artificial coloring.

E. Except as provided for in ~~paragraph~~ *subsection F.* of this section, the name of each such nonfruit water is "..... ice," the blank being filled in with the common or usual name or names of the characterizing flavor or flavors; for example, "peppermint."

F. If the characterizing flavor used is vanilla, the name of the food is "..... ice," the blank being filled in as specified by ~~Section 7-6~~ { *paragraphs 2* } and (5) (†) *5.a. of subsection G of § 1.*

G. When the optional ingredients artificial flavoring or artificial coloring are used in nonfruit water ice, they shall be named on the label as follows:

{ 1. } If the flavoring ingredient or ingredients consist exclusively of artificial flavoring, the label designation shall be "artificially flavored."

{ 2. } If the flavoring ingredients used are a combination of natural and artificial flavors, the label designation shall be "artificial and natural flavoring added."

{ 3. } The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "....., an artificial color added," the blank being filled in with the name of the artificial coloring used.

H. Wherever there appears on the label any representation as to the characterizing flavor or flavors of

the food and such flavor or flavors consist in whole or in part of artificial flavoring, the statement required by ~~paragraph G-1~~ or *paragraph { 2 }* of *subsection G.* this section, as appropriate, shall immediately and conspicuously precede or follow such representation, without intervening written, printed, or graphic matter, { except that the word "ice" may intervene }, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon and not less than 12-point on packages containing 1 gallon or over.

I. Except as specified in ~~paragraph~~ *subsection H.* of this section, the statements required by ~~paragraph~~ *subsection G.* of this section shall be set forth on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

See: 7-1: § 14. Nonfruit Water Ice Mix.

Nonfruit water ice mix is the unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of nonfruit water ice.

See: 8- § 15. Artificially sweetened ice cream or frozen dietary dairy dessert; identity; label statement of optional ingredients.

Artificially sweetened ice cream or frozen dietary dairy dessert means ice cream manufactured, prepared, or processed for consumption by persons who wish to restrict their intake of ordinary sweetening ingredients and shall conform to the definition and standard of identity prescribed for ice cream in ~~Section~~ § 1 of this ~~part~~ *regulation*, except that it shall be sweetened with an artificial sweetening agent and contains edible carbohydrates other than sugar. The artificial sweetening agent and the edible carbohydrates ~~must~~ *shall* be approved by the Federal Food and Drug Administration and no sugars other than those naturally present in the milk solids or flavoring agent shall be added thereto.

A. The manufacturer shall place the product in packages or containers which shall be conspicuously labeled either "artificially sweetened" immediately preceding the words "ice cream" in similar type at least one-half the size of the type used for the words "ice cream" and on the same contrasting background, or "frozen dietary dairy dessert."

B. The label shall also contain a statement in terms of percentage by weight of protein, fat, and carbohydrates, the total number of calories per ounce, the number of calories contributed by carbohydrates and any

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carbohydrates other than lactose, and the name of each ingredient entering into the composition other than flavors.

C. The following statement shall appear conspicuously following the declaration of the artificial sweetener used, such as "Contains .....% saccharine, (or sodium salt of saccharine, as the case may be), a non-nutritive artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets." The blank is to be filled in with the percent by weight of saccharine or other artificial sweetener in said product.

D. The product shall not be sold in any manner other than in sealed or unbroken packages or containers from one or more separate compartments of a refrigerated container or cabinet.

See: ~~8-1~~ § 16. Artificially sweetened ice cream mix or frozen dietary dairy dessert mix.

Artificially sweetened ice cream mix or frozen dietary dairy dessert mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of artificially sweetened ice cream or frozen dietary dairy dessert.

See: ~~9~~ § 16. Artificially sweetened ice milk; identity; label statement of optional ingredients.

Artificially sweetened ice milk means ice milk manufactured, prepared, or processed for consumption by persons who wish to restrict their intake of ordinary sweetening ingredients and shall conform to the definition and standard of identity prescribed for ice milk in Section ~~3~~ § 5. of this ~~part~~ regulation, except that it shall be sweetened with an artificial sweetening agent and contains edible carbohydrates other than sugar. The artificial sweetening agent and the edible carbohydrates must be approved by the Federal Food and Drug Administration and no sugars other than those naturally present in the milk solids or flavoring agent shall be added thereto.

A. The manufacturer shall place the product in packages or containers which shall be conspicuously labeled "artificially sweetened" immediately preceding the words "ice milk" in similar type at least one-half the size of the type used for the words "ice milk" and on the same contrasting background.

B. The label shall also contain a statement in terms of percentage by weight of protein, fat, and carbohydrates and any carbohydrates, the total number of calories per ounce, the number of calories contributed by carbohydrates and any carbohydrates other than lactose, and the name of each ingredient entering into the composition other than flavors.

C. The following statement shall appear conspicuously following the declaration of the artificial sweetener used, such as "contains .....% saccharine, (or sodium salt of saccharine, or other artificial sweetener, as the case may

be), a nonnutritive artificial sweetener which should only be used by persons who must restrict their intake of ordinary sweets." The blank is to be filled in with the percent by weight of saccharine or other artificial sweetener in said product.

D. The product shall not be sold in any manner other than in sealed or unbroken packages or containers from one or more separate compartments of a refrigerated container or cabinet.

See: ~~9-1~~ § 18. Artificially sweetened ice milk mix.

Artificially sweetened ice milk mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of artificially sweetened ice milk.

See: ~~10~~ § 19. Frozen yogurt; identify; label statement of optional ingredients.

Frozen yogurt is a food which is prepared by freezing while stirring a pasteurized mix, containing one or more of the following ingredients, whole milk, partially defatted milk, skim milk, other milk products, and with or without fruits, nuts, flavoring materials, sweeteners, stabilizers, emulsifiers, and any other safe and suitable approved ingredient which is cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus* provided however, fruits, nuts, or other flavoring materials may be added before or after the mix is pasteurized and cultured. The standard plate count requirement for frozen desserts shall apply only to the mix prior to culturing. The finished frozen yogurt shall weigh not less than 5 pounds per gallon. The name of the product is "frozen yogurt." The label on a package of frozen yogurt, in addition to other required information, shall include a complete list of all ingredients in descending order or predominance; for the purposes of this regulation the strains of bacteria may be collectively referred to as yogurt culture. (Amended 9-28-76.)

See: ~~10-1~~ § 20. Frozen yogurt mix.

Frozen yogurt mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of frozen yogurt.

See: ~~10-2~~ § 21. Shipping frozen yogurt mix.

Frozen yogurt mix may be shipped in a frozen state to plants and frozen desserts retail establishments. (Amended 9-28-76.)

See: ~~11~~ § 22. Quiescently frozen confection; identify; label statement of optional ingredients.

Quiescently frozen confection means the frozen, sweetened, flavored product in the manufacture of which freezing has not been accompanied by stirring or agitation

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, { generally known as quiescent freezing } . This confection may be acidulated with harmless organic acid, may contain milk products, may be made with or without added harmless natural or artificial flavoring, with or without added harmless coloring. The finished product may contain not more than one-half of 1% by weight of stabilizing agents. The finished product shall contain not less than 17% by weight of total food solids. This confection must be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped, properly labeled and purveyed to the consumer in its original factory-filled package. In the production of this quiescently frozen confection no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of 10%.

See: ~~11-1~~ § 23. Quiescently frozen confection mix.

Quiescently frozen confection mix is the unfrozen combination of ingredients which when frozen will produce a product conforming to the definition of quiescently frozen confection.

See: ~~12~~ § 24. Quiescently frozen dairy confection; identify; label statement of optional ingredients.

Quiescently frozen dairy confection means the frozen product made from water, milk products and sweetening agents, with added harmless coloring, with or without added stabilizing and emulsifying ingredients, and in the manufacture of which freezing has not been accompanied by stirring or agitation , { generally known as quiescent freezing } . It contains not less than 13% by weight of total milk solids, not less than 33% by weight of total food solids, not more than one-half of 1% by weight of stabilizing agents, not more than one-fifth of 1% by weight of monoglycerides or diglycerides or a combination of both, not more than one-tenth of 1% by weight of polysorbate 65 or polysorbate 80 or a combination of both. This confection must be manufactured in the form of servings individually packaged, bagged or otherwise wrapped, properly labeled and purveyed to the consumer in its original factory-filled package. In the production of this quiescently frozen dairy confection no processing or mixing prior to quiescent freezing shall be used that develops in the finished confection mix any physical expansion in excess of 10%.

See: ~~12-1~~ § 25. Quiescently frozen dairy confection mix.

Quiescently frozen dairy confection mix is the pasteurized unfrozen combination of ingredients which when frozen will produce a product conforming to the definition of quiescently frozen dairy confection.

See: ~~13~~ § 26. Manufactured dessert mix; identity; label statement of optional ingredients.

Manufactured desserts mix, whipped cream confection, bisque tortoni means a pasteurized frozen dessert made

with milk products, sweetening agents, flavoring agents, stabilizing agents, emulsifying agents, with or without harmless coloring. It contains not less than 18% by weight of milkfat, not more than one-half of 1% by weight of stabilizing agents, not more than two-tenths of 1% by weight of monoglycerides or diglycerides of fat forming fatty acids or a combination of both, not more than one-tenth of 1% by weight of polyoxyethylene (20) sorbitan tristearate or polysorbate eighty (polyoxyethylene (20) sorbitan monooleate) or a combination of both, not more than 12% of milk solids not fat, and may be packaged with harmless gas causing it to fluff upon ejection from the package or container.

See: ~~14~~ § 27. Mellorine; identity; label statement of ingredients.

A. Mellorine conforms to the definition and standard of identity, and is subject to the requirements for optional ingredients, prescribed for ice cream by ~~Section~~ § 1, except that in place of optional dairy ingredients containing butterfat as permitted pursuant to ~~Section~~ ~~1~~, subsection C. of § 1, edible fats or oils other than milkfat are used, and provided further that the weight of edible fats or oils other than milkfat, is not less than 10% of the weight of the finished mellorine and the weight of the milk solids not fat is not less than 10% of the weight of the finished mellorine, except that when one or more of the bulky optional ingredients as specified in ~~Section~~ ~~1~~ B: ~~(3)~~, ~~(4)~~, ~~(5)~~, ~~(6)~~, ~~(7)~~, or ~~(8)~~ paragraphs 3, 4, 5, 6, 7, or 8 of subsection B of § 1 are used, the weight of the edible fats or oils other than milkfat and the combined weight of edible fats or oils other than milkfat and milk solids not fat , { exclusive of any fat and milk solids not fat in any malted milk used } , are not less than 10% and 20% respectively, of the remainder obtained by subtracting the weight of such optional ingredients as provided in ~~Section~~ ~~1~~ subsection A. of § 1, from the weight of the finished mellorine, but in no case is the weight of edible fats or oils other than milkfat, or the combined weight of edible fats and oils other than milkfat and milk solids not fat to be less than 8% and 16% respectively of the weight of the finished mellorine, and that whenever provisions appear in said ~~Section~~ § 1 referring to milkfat, it shall be understood to be edible fats or oils other than milkfat in the case of mellorine.

B. The name of the product is "mellorine."

C. When any artificial color is used in mellorine, directly or as a component of any other ingredient, the label shall bear the statement, "artificially colored," "artificial coloring added," "with added artificial color," or "....., an artificial color added," the blank to be filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "....., artificially colored."

D. If both artificial color and artificial flavoring are used, the label statements may be combined.

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E. Mellorine shall be manufactured in the form of servings individually packaged, bagged or otherwise wrapped, properly labeled and purveyed to the consumer in its original plant sealed container.

F. The label on a package of mellorine shall conform to the provisions of ~~Section 1-~~ subsection G. of § 1 and in addition to other required information shall include the name "Mellorine" in a conspicuous manner. Mellorine may not be designated by the use of the word "cream" or its phonetic equivalent.

See: ~~14-1-~~ § 28. Mellorine mix.

Mellorine mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of mellorine.

See: ~~15-~~ § 29. Parevine.

Parevine is the food prepared by freezing, while stirring, a pasteurized mix composed of: (i) one or more edible vegetable fats; (ii) any optional sweetening ingredient except lactose and (iii) protein or any other source of carbohydrate food solids. Parevine shall not contain any milk or meat products nor any derivatives of such products.

A. Its fat content shall not be less than 10%, except that when bulky optional characterizing ingredients are used, the fat content may be reduced, as a result of the addition of such ingredients, but shall in no case be less than 8%.

B. Its content of food solids shall not be less than 1.3 pounds per gallon of the finished product.

C. The weight of the finished product shall not be less than 4.5 pounds per gallon.

Parevine shall be offered in the form of servings individually packaged, bagged or wrapped and properly labeled and purveyed to the consumer in original plant sealed container. When any artificial color or flavor is used in parevine directly or indirectly as a component of any other ingredient, then it must be declared in the label statement, "Artificial color and flavor added," or words of like import.

See: ~~15-1-~~ § 30. Parevine mix.

Parevine mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of parevine.

§ 31. Lowfat parevine.

Lowfat parevine is the food prepared by freezing, while stirring, a pasteurized mix composed of: (i) one or

more edible vegetable fats; (ii) any optional sweetening ingredient except lactose; and (iii) protein or any other source of carbohydrate food solids. Lowfat parevine shall not contain any milk or meat products nor any derivatives of such products.

A. Its fat content shall not be more than 6%.

B. Its content of food solids shall not be less than 1.3 pounds per gallon of the finished product.

C. The weight of the finished product shall not be less than 4.5 pounds per gallon.

Lowfat parevine shall be offered in the form of servings individually packaged, bagged or wrapped and properly labeled and purveyed to the consumer in original plant sealed container. When any artificial color or flavor is used in lowfat parevine directly or indirectly as a component of any other ingredient, then it must be declared in the label statement, "Artificial color and flavor added," or words of like import.

§ 32. Lowfat Parevine Mix.

Lowfat parevine mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of lowfat parevine.

See: ~~16-~~ § 33. Freezer made milk shake; identity; label statement of optional ingredients.

A. Freezer made milk shake means a pure, clean, wholesome semi-viscous drink prepared by stirring while freezing in a dispensing freezer a pasteurized mix obtained from an approved source consisting of milkfat, milk solids not fat, water, optional sweetening ingredients, with or without egg or egg products, with harmless flavoring, with or without harmless coloring and with or without approved stabilizer or approved emulsifier. It shall contain not less than three and one-fourth percent milkfat. It shall contain not less than 10% milk solids not fat, it shall contain not more than one-half percent by weight of stabilizer and not more than one-fifth of 1% of emulsifier. Freezer made milk shakes may only be sold or served from a dispensing freezer and may not be sold hard frozen.

B. Other freezer made shakes including jumbo shake, thick shake, T. V. shake, or any coined or trade name containing the word "shake" shall meet the requirements of ~~Section 16 A-~~ subsection A of this section, except that the minimum percent of milkfat may be less than three and one-fourth percent.

C. "Shakes" not meeting the requirement for "milk" shakes shall not be advertised, sold or served as a milk shake.

See: ~~16-1-~~ § 34. Freezer made milk shake mix.

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Freezer made milk shake mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of freezer made milk shake.

See: 16-2: § 35. Freezer made shake mix.

Freezer made shake mix is the pasteurized unfrozen combination of ingredients which when frozen while stirring will produce a product conforming to the definition of freezer made shake.

See: 17: § 36. Frozen desserts; identity.

A. Frozen desserts means any or all of the following: Ice Cream, Frozen Custard, French Ice Cream, French Custard Ice Cream, Ice Milk, Fruit Sherbets, Water Ices, Non-Fruit Sherbets, Non-Fruit Water Ices, Artificially Sweetened Ice Cream of Frozen Dietary Dairy Dessert, Artificially Sweetened Ice Milk, Frozen Yogurt, Quiescently Frozen Confection, Quiescently Frozen Dairy Confection, Mellorine, Parevine, Freezer Made Milk Shakes and Freezer Made Shakes. Frozen desserts shall also mean the mix used in the freezing of the preceding list of frozen desserts. Powder or dry frozen dessert mixes are not required to be repasteurized when reconstituted with water as described in Regulation XI, Section 3A. (Amended 12-12-78.)

See: 18: § 37. Imitation Frozen Desserts: Identity.

A. Imitation frozen dessert is any frozen substance, mixture or compound regardless of the name under which it is represented, which is made in imitation or semblance of ice cream, or is prepared or frozen as ice cream is customarily prepared or frozen, and which is not Ice Cream; Frozen Custard; French Ice Cream, and French Custard Ice Cream; Ice Milk; Fruit Sherbets, Water Ices; Non-Fruit Sherbets; Non-Fruit Water Ices; Artificially Sweetened Ice Cream or Frozen Dietary Dessert; Artificially Sweetened Ice Milk; Frozen Yogurt; Quiescently Frozen Confection; Quiescently Frozen Dairy Confection; Mellorine; Parevine; Freezer Made Milk Shakes; and Freezer Made Shakes, as established by definitions and standards of identity in ~~Regulation III~~ *this regulation* .

B. Powder or dry imitation frozen desserts mixes which contain no milk or other dairy product ingredients but contain *dry whey, reduced minerals whey, whey protein concentrate, reduced lactose whey and/or optional caseinates* specified in See: 1-E: *subsection E of § 1* of this regulation are exempted from the pasteurization requirements of Regulation XII. The *wheys* , caseinates or egg ingredients used in the formulation of these mixes shall have been pasteurized or subjected to any other method of process demonstrated to be equally efficient. Powder or dry imitation frozen dessert mixes shall contain no ingredients except those which are generally recognized as safe by the Federal Food and Drug Administration or these which are permitted by these regulations in a frozen dessert. (Amended 12-12-78.)

C. Imitation frozen desserts sold at the retail level may be drawn from a dispensing freezer and a sign must be plainly marked "Imitation ....." the blank being filled in with the name of the frozen dessert imitated, in a manner conspicuous to the public in letters at least three (3) inches in height. Imitation frozen desserts shall not be dispensed for sale from packages or containers. "Dispensed" shall mean dipping or scooping from packages or containers. (Amended 12-12-78.)

See: 19: § 38. Imitation frozen desserts; prohibitions, execution, filings confidential.

A. No imitation frozen desserts shall be manufactured, sold, advertised, offered or exposed for sale in this *State Commonwealth* unless 30 days prior to such manufacture, advertisement, offer, exposure for sale, or sale, the manufacture, offeror or dealer shall file with the Commissioner such intent. The filing herein required shall be on forms supplied by the Commissioner and shall include such information as the name under which the imitation frozen dessert is to be advertised or offered for sale, ingredients including any optional ingredients, proportion of ingredients expressed in a percentage, method of preparation, and any other relevant information the Commissioner may require.

B. Information filed pursuant to this section shall be confidential and used solely for administration and enforcement of these regulations.

C. Imitation frozen desserts shall be considered as frozen desserts in the enforcement of Regulations IV through XIV. (Amended 9-26-72.)

The Department of Agriculture and Consumer Services proposes to REPEAL the six regulations listed below:

Title of Regulations: Limited General Quarantine Order No. 1980-1.

Statutory Authority: §§ 3.1-726 and 3.1-734 of the Code of Virginia.

Public Hearing Date: August 6, 1985.  
(See Calendar of Events Section for additional information)

Summary:

*This quarantine prescribes specified testing to qualify stallions for quarantine release when originating from countries where contagious equine metritis has occurred.*

*The provisions of this quarantine are being incorporated into proposed VR 115-02-12, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals and Birds in Virginia, which is anticipated to become effective on October 15, 1985.*

# Proposed Regulations

**Title of Regulations:** Limited General Quarantine Order No. 1981-1.

**Statutory Authority:** §§ 3.1-726 and 3.1-727 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985.  
(See Calendar of Events Section for additional information)

**Summary:**

*This quarantine prescribes specified testing of adult breeding cattle for brucellosis upon change of ownership in Virginia. The provisions of this quarantine are being incorporated into proposed VR 115-02-03, Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia, which is anticipated to become effective on October 15, 1985.*

**Title of Regulations:** Limited General Quarantine Order No. 1981-3.

**Statutory Authority:** § 3.1-734 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985  
(See Calendar of Events Section for additional information)

**Summary:**

*This quarantine prescribes specified testing to qualify stallions and mares for quarantine release when originating from countries where contagious equine metritis has occurred. The provisions of this quarantine are being incorporated into proposed VR 115-02-12, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals and Birds in Virginia, which is anticipated to become effective on October 15, 1985.*

**Title of Regulations:** Limited Quarantine Order No. 1983-1.

**Statutory Authority:** §§ 3.1-723 through 3.1-741 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985.  
(See Calendar of Events Section for additional information)

**Summary:**

*This quarantine prohibits the importation of hatching eggs and poultry into Virginia from other than designated disease-free areas. The provisions of this quarantine are being incorporated into proposed VR 115-02-12, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals and*

*Birds in Virginia, which is anticipated to become effective October 15, 1985.*

**Title of Regulations:** Livestock Market Brucellosis Testing Order No. 1981-2.

**Statutory Authority:** § 3.1-737 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985.  
(See Calendar of Events Section for additional information)

**Summary:**

*This Order prescribes specified testing at livestock markets for brucellosis when breeding and replacement cattle are returned to the farm. The provisions of this Order are being incorporated into proposed VR 115-02-04, Rules and Regulations Governing the Operations of Livestock Markets, which is anticipated to become effective on October 15, 1985.*

**Title of Regulations:** AHD 7, Artificial Insemination.

**Statutory Authority:** §§ 3.1-723 through 3.1-741.1 of the Code of Virginia.

**Public Hearing Date:** August 6, 1985.  
(See Calendar of Events Section for additional information)

**Summary:**

*This regulation prescribes controls on health status of bull studs used for artificial insemination; also specifies qualifications of individuals certified as inseminators. This regulation is being repealed because the livestock industry has developed satisfactory standards that are in use and replace those contained in this regulation.*

## GOVERNOR'S EMPLOYMENT AND TRAINING DIVISION

**Title of Regulation:** VR 350-01-2. Management Requirements for Job Training Partnership Act Programs and Activities.

**Statutory Authority:** § 2.1 - 708 (3) of Code of Virginia.

**Public Hearing Date:** July 29, 1985 - 10 a.m.  
(See Calendar of Events Section for additional information)

**Summary:**

*These regulations set forth criteria for use in the management of Job Training Partnership Act activities. The regulations are applicable to: Service Delivery*

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## Areas and their contractors.

The regulations are being revised in order to restructure, clarify, and simplify the requirements. The regulations are divided into eight parts. Parts I-III present general information; no substantive changes have been made to existing material. The definitions were expanded to allow classification of older worker as a family of one. Parts IV-V present information on EEO Affirmative Action and grievances. Language has been simplified; information on appeals to Department of Labor has been added. In Part VI, Fraud and Abuse, the nepotism provisions have been rewritten to more clearly delineate requirements. Additions were made to Part VII, Eligibility Requirements, to more accurately reflect federal requirements. Part VIII, Contract Management, was restructured. Expanded information was included on property management, fixed cost contracts, administrative cost pool, and modifications to Job Training Plans. This additional information was based on previously existing federal or state guidance.

VR 350-01-2. Management Requirements for Job Training Partnership Act Programs and Activities.

## PART I. PURPOSE AND AUTHORITY.

### PREAMBLE AND TITLE.

§ 1.1. Preamble: These regulations are promulgated by the Governor's Employment and Training Division Department pursuant to Chapter 622, Section 1 100, Acts of Assembly 1983 and Chapter 728, Acts of Assembly 1984. § 2.1-708 (3) of the Code of Virginia. These regulations supplement regulations of the United States Department of Labor entitled Implementing Regulations for programs under the Job Training Partnership Act published on March 15, 1983 in 48 Federal Register beginning at page 11076. Further, these regulations are in force together with the requirements of the Job Training Partnership Act (PL 97-300) and the regulations of the United States Department of Labor. Hence, these regulations, (20 CFR Parts 626 through 629). They must be read with the Job Training Partnership Act (PL 97-300) and the regulations of the Department of Labor.

Title: These regulations may be cited as Management Requirements for Job Training Partnership Act Programs and Activities and are effective July 1, 1985.

## PART II. DEFINITIONS.

§ 2.1. The following words and terms when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

1.1 "Contractor" For the purpose of these regulations, "Contractor" means a person or entity under contract to

the SDA to provide a service or training to participants. The term shall also include those persons or organizations of whatsoever nature who receive funds from an SDA and are deemed to be employers of participants, or who provide customized training to participants who, upon successful completion of that training, are employed by the provider in accordance with an agreement with the SDA.

1.2 "DOL" means United States Department of Labor.

13.1 For the purpose of participant eligibility, and pursuant to 20 CFR Section 626.4, the term "Family" shall mean: means, for the purpose of determining participant eligibility:

1. One Two or more persons living in a single residence related by blood, marriage, or adoption. A step-child or a step-parent may be considered to be related by marriage.

2. An adult handicapped individual may be considered a family of one when applying for programs under the Act. A handicapped youth (age 16-21) shall be considered a family of one when applying for programs under the Act.

3. An individual, 18 or older, except as provided in 1. above, who receives less than 50% of support from the family, and who is not the principal earner nor the spouse of the principal earner, is not considered a member of the family. Such an individual is considered a family of one.

4. An individual, 14 years of age or older, living in a single residence/household and not related to the family by blood, marriage, or adoption shall be considered a family of one when applying for programs under the Act.

5. An individual released from an institution or facility within six months of the date of applying for programs under the Act may be considered a family of one, provided that such confinement status presents a significant barrier to employment and the person is not claimed as a dependent on a family member's income tax return.

6. An older worker, aged 55 or older, whether living in the residence or not, may be considered a family of one when applying for programs under the Act.

13.2 Pursuant to 20 CFR Section 626.4, "Family income" shall mean means income received from all sources for the six-month period prior to eligibility determination by persons who are family members at the time of eligibility determination and who have been family members for the six-month period prior to eligibility determination.

"Family size" shall be means the maximum number of family members at time of eligibility determination who

# Proposed Regulations

have been family members for six months prior to eligibility determination.

"Food stamp recipient" means any person listed on the certified or approved food stamp application as a member of the household

1-3 "GETD" means Governor's Employment and Training ~~Division~~ Department.

1-4 "JTPA" means Job Training Partnership Act, Public Law 97-300.

1-5 "Participant" means any person who has been determined eligible for participation and receives services funded under the JTPA, other than outreach, intake and assessment and post-termination services.

1-6 "SDA" For the purpose of these regulations, the term "SDA" means collectively, the administrative entity, the grant recipient and the Private Industry Council that cooperatively manage the Job Training Partnership programs and activities in a geographic area designated as a JTPA Service Delivery Area. Where a provision of these regulations places a duty or imposes a requirement upon SDAs, the same shall be read by each SDA to mean the JTPA component stated above upon which the duty or requirement would fall by the terms of the JTPA or by virtue of local agreement.

1-7 sda For the purpose of these regulations, the term "sda" means a geographic area designated as a JTPA service delivery area.

1-8 "State agency" For the purpose of these regulations, the term State agency means any agency of state government (1) under contract to the GETD to operate JTPA programs; and, (2) any agency of state government which receives JTPA funds through the GETD and has responsibility for operation of JTPA programs by virtue of an executive order. Reference to state agencies in these regulations is made for the purpose of delineating rules applicable to the two classes of agencies specified above in common. Other requirements are supplied by contract in the case of agencies first above specified and, by contract and the internal authority of agencies in the second instance.

## PART III. GENERAL PROVISIONS.

PART 14 § 3.1. Right to review and require compliance.

GETD reserves the right to review all actions, procedures and materials submitted, implemented or utilized in response to these regulations and to require modifications and/or amendment to bring those actions, procedures, and materials into compliance with these regulations and applicable laws.

PART 15 § 3.2. Failure to comply.

Failure to comply with the provisions of these regulations may result in loss of funding.

PART 16 § 3.3. Evaluations.

At least every two years following the adoption of these regulations, the GETD will provide for and publicly announce a procedure to be used to evaluate their effectiveness. The evaluation will include a process by which the public will be invited to comment on the regulations in writing and through a public hearing.

PART 17 § 3.4. Clarification of JTPA and related regulations.

Pursuant to the agreement between the Governor and the U. S. Secretary of Labor regarding the implementation of JTPA, the GETD from time to time, at its discretion, shall issue interpretations of the Job Training Partnership Act and related regulations issued by DOL. These interpretations shall be issued by the GETD and "JTPA Interpretations," and compliance with the "JTPA Interpretations" is required of SDAs and their contractors.

PART 18 § 3.5. Conflicts and severability; application

16.1 A. Any conflict between these regulations and the Forms Preparation Handbook shall be resolved in favor of these regulations. Any provision contained herein in these regulations which is found to be unlawful shall be severable from the remaining provisions.

16.2 B. These regulations in all of their foregoing parts are of prospective application only and are of no application shall not be applicable prior to the effective date.

## PART 3 IV. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION.

3-1 § 4.1. In accordance with the Job Training Partnership Act, § 167, Nondiscrimination, all recipients of federal funds under the Act must comply with the laws prohibiting discrimination as follows:

1. Age Discrimination Act of 1975 - Age,
2. Rehabilitation Act, § 504 - Handicap,
3. Education Amendments of 1972, Title IX - Sex,
4. Civil Rights Act of 1964, Title VI and Title VII as amended - Race, Color, National Origin;

Each SDA shall include assurances of compliance with these laws in any contracts developed for funding under the JTPA.

3-2 § 4.2. Each SDA and State agency operating JTPA programs must formulate personnel policies and

# Proposed Regulations

procedures to serve the requirements of § 167 of the JTPA and an EEO/Affirmative Action Plan. Copies of these documents and information on staff characteristics ~~must shall~~ be filed with the Governor's Employment and Training ~~Division Department~~ and updated as changes are made .

~~§ 4.3.~~ SDA's shall monitor program operations to ensure that the processes for hiring staff and selecting participants are in compliance with nondiscrimination provisions.

~~§ 4.4.~~ Each SDA must maintain and shall require their contractors to maintain a procedure conforming to the requirements of 29 CFR § 32.45 " Investigations " , as the same presently exists or may hereafter be amended, for the prompt and equitable resolution of complaints alleging any action prohibited by 29 CFR Part 32 " Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance " , implementing § 504 of the Rehabilitation Act.

## PART 9 V. GRIEVANCE AND COMPLAINT PROCEDURES.

### Article 1. SDA Procedure and Review.

~~§ 5.1.~~ A grievance and complaint procedure shall be established by SDA's for the resolution of grievances or complaints. This procedure shall be approved by the Private Industry Council . ~~and shall (1) Be available to:~~

~~§ 5.2.~~ The procedure shall be available to:

1. Any person in interest alleging a violation by either the SDA or its contractors of the JTPA, the implementing regulations of the DOL and the GETD, the terms of any agreement between an SDA and a contractor, the procedures of an SDA or any contractor adopted in response to the requirements of the JTPA and said regulations or agreements by the SDA or its contractors , including any such violation alleged to have arisen in connection with their JTPA programs and activities. The violation may be alleged against either the SDA or its contractors. For the purpose of this provision, a "person in interest" means any person or organization of whatsoever nature denied a right or benefit by virtue of the alleged violation.

~~(2) Be available, in addition, to~~

2. Any participant engaged in an activity which constitutes employment of that participant for the purpose of resolving grievances of such participants concerning the application of the employer's terms and conditions of employment to them. This provision shall not be deemed to require abrogation or abridgement of the customary prerogatives of

management. ~~e. Notwithstanding the foregoing subsections a and b,~~

3. A contractor, person or entity deemed to be an employer of participants shall receive grievances of such participants relating solely to terms and conditions of employment. The employer shall may utilize either the SDA procedure or a the employer's procedure. of the employer's choosing All such participants shall be advised of the procedure to be followed and shall be afforded recourse to the SDA procedure in the event that the employer's decision is unsatisfactory to the participant or a decision is not forthcoming in accordance with the procedure utilized by the employer and shall thereafter have review by the GETD in accordance with Section 9-1-2 .

~~(3) § 5.3.~~ The procedure shall also be available for the resolution of issues arising from audit disallowances and findings, investigations, monitoring reports or the imposition of any sanction made, conducted, or imposed by an SDA.

~~(b) § 5.4.~~ This procedure shall not be available for:

1. Not be available for The resolution of complaints alleging irregularities in the procurement of goods and services.

2. Not be available for The resolution of grievances of SDA or contractor employees, other than participants, relating solely to terms and conditions of their employment.

~~9-1-1 § 5.5.~~ The procedure required by Section 9-1-6 shall:

~~(1) 1.~~ Provide for a hearing within 30 days of the filing of a complaint or grievance.

~~(2) 2.~~ Provide for adequate written notice of the date, time, and place of hearing.

~~(3) 3.~~ Provide for an opportunity to present evidence. which Any evidence presented shall be preserved in a form suitable for subsequent review by the GETD and the GETD may from time to time prescribe .

~~(4) 4.~~ Provide for a written decision by the SDA. to The decision must include a statement of the issues, the relief sought by the grievant or complainant, and findings of fact which shall be received by furnished to the grievant or complainant within 60 days after the grievance or complaint is was filed.

~~9-1-5a § 5.6.~~

A. All hearings pursuant to the procedure adopted by the SDA shall be conducted by the PIC, the administrative entity, or by an outside hearing officer appointed as the procedure may prescribe.

b B. All grievances and complaints shall be filed with the SDA in the manner, form, and at an office of the SDA prescribed in the SDA's procedure, regardless of whether the subject of the grievance or complaint is a contractor, a unit of the SDA, or an officer or employee thereof.

## 9-1-2 § 5.7.

A. Grievants or complainants desiring review of decisions unsatisfactory to them, or who do not receive a written decision within the period prescribed in ~~9-1-1 (4)~~, § 5.5 may file a request for review with the GETD. A request for review shall be filed within ~~ten~~ 10 days of receipt by the grievant or complainant of the written decision or within ~~ten~~ 10 days from the date on which the grievant or complainant should have received the decision. The grievant or complainant shall ~~also~~ simultaneously file a copy of the request for review within the same period of time with an individual designated for this purpose by the SDA.

B. The request for review shall be addressed to the Personnel Director, GETD, P.O. Box 12083, Richmond, Virginia, 23241, or delivered to the office of the GETD, 417 East Grace Street, Richmond, Virginia, and shall contain the following information:

a 1. The full name, address and telephone number of the grievant or complainant

b 2. The name and address of the employer or the name of the SDA with which the grievance or complaint was originally filled.

e 3. The name and address of the party or organization responsible for issuing the written decision.

d 4. The date the grievance was filed and the date that the written decision was or should have been received by the grievant or complainant.

e 5. The relief or outcome sought by the grievant or complainant. ~~on review of the matter~~

~~9-1-3~~ C. The SDAs shall designate an individual to receive copies of requests for review by the GETD filed as required by Section 9-1-2. Upon such receipt, or otherwise as may be directed by the Personnel Director of the GETD, . This individual shall ~~forthwith~~ cause transmit the evidence introduced at the hearing and any other papers forming a part of the hearing record thereof to be transmitted to the personnel director of the GETD as directed by the personnel director .

~~9-1-4~~ D. The executive director of the GETD shall issue a written decision within ~~thirty~~ 30 days from the date of receipt of the request for review. This decision shall be based on the record before the GETD; provided, however, that the GETD reserves the discretion in unusual cases to receive argument within the period of time

established for review by the GETD. A prior written decision which meets the requirements of Section ~~9-1-1 (4)~~ shall be set aside if erroneous as a matter of law, if unsupported by the evidence, or if plainly wrong as a matter of fact. The GETD disposition of the matter may include remand of the same to the SDA with direction for further proceedings. The decision of the GETD ~~however~~ shall be final and shall not thereafter be reopened unless the same be shown to have been procured by fraud, or for the purpose of correcting clerical errors. ~~therein~~.

## § 5.8.

A. Grievants or complainants who do not receive a written decision from the GETD within the period prescribed may request from the Secretary of Labor a determination whether reasonable cause exists to believe that the Act or its regulations have been violated.

B. The request shall be filed no later than 10 days from the date on which the complainant should have received a decision. The request should contain the following information:

1. A copy of information filed with the GETD.

2. A clear and concise statement of the facts, including pertinent dates, constituting the alleged violations.

3. A statement on the provisions of the Act, regulations, grant or other agreements under the Act believed to have been violated.

4. A statement of the date the complaint was filed with the GETD, the date on which the GETD should have issued a decision and an attestation that no decision was issued.

C. The request will be considered to have been filed when the Secretary of Labor receives from the complainant a written statement sufficiently precise to evaluate the complaint and grievance procedures used by the state and the SDA.

## Article 2.

### Subpart B GETD Procedure.

9-2 § 5.9. The procedure of the GETD set forth in the succeeding sections of this subpart shall a (1) be by the GETD available to any person in interest alleging a violation of the JTPA, the implementing regulations of the DOL and the GETD, the terms of any agreement between the GETD and an SDA, procedures adopted by the GETD in response to the requirements of the JTPA, and said regulations or agreements, including any such violation alleged to have arisen in connection with JTPA programs and activities of the GETD. For the purpose of this provision, a "person in interest" means any person or organization of whatsoever nature who or which is denied a right or benefit by virtue of the alleged violation.

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§ 5.10. The procedure of the GETD shall be by the GETD available to:

1. ~~Resolve~~ issues ~~existing~~ arising from audit disallowances and findings, investigations, monitoring reports or the imposition of any sanction made, conducted, or imposed by the GETD.

~~(3)~~ 2. ~~Be available to~~ Resolve complaints alleging that any action of the GETD is prohibited by the provisions of 20 CFR Part 32, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance." Any such complaint shall be filed with GETD within 180 days from the date of the alleged discrimination. Sections ~~9.2.3, 9.3.1, and 9.3.2~~ 5.14 and 5.15 of these regulations shall have no application to such complaints. *Any appeals on these complaints shall be made to the Secretary of Labor.*

§ 5.11. ~~b.~~ This procedure shall *not be available for* :

~~(1)~~ 1. ~~Not be available for~~ The resolution of complaints alleging irregularities in procurement of goods and services.

~~(2)~~ 2. ~~Not be available for~~ The resolution of grievances of GETD employees relating solely to terms and conditions of their employment.

~~9.2.1~~ § 5.12. Grievances and complaints falling within the purview of this ~~Subpart B~~ Article shall be filed with the personnel director of the GETD and shall state (i) the grievant's full name, address and telephone number, (ii) the full particulars of the grievance or complaint, (iii) the date when the same arose or is believed to have arisen, (iv) the interest of the grievant or complainant in the matter, and (v) the specific relief or outcome sought.

~~9.2.2~~ § 5.13. The GETD shall ~~thereafter~~ furnish written notice of the date, time and place of the hearing on the matter ~~to which shall~~ be held within ~~thirty~~ 30 days following the filing of the grievance or complaint. The hearing shall be conducted in accordance with the provisions of § 9-6.14:12 of the Code of Virginia and the grievant or complainant shall receive the written decision of the GETD within ~~sixty~~ 60 days after the grievance or complaint is filed.

~~9.2.3~~ § 5.14. ~~In the event that the Grievant complainant desires Grievants or complainants desiring~~ further review, or ~~no~~ who do not receive a written decision has been received from the GETD within ~~sixty~~ 60 days then ~~within ten~~ 10 days of receipt of the written decision or ~~within ten~~ 10 days of the date when the written decision was due, the grievant or complainant may file a request for review by the executive director of the GETD with the personnel director of the GETD. ~~who shall forthwith transmit the request and record of the proceeding to the Executive Director. A request for review shall be filed within 10 days of receipt of the written decision or within 10 days~~

of the date the decision was due. The executive director shall review the record and issue a final decision within ~~thirty~~ 30 days following receipt of the request by the personnel director. ~~9.1.4~~ Section 5.7 D shall govern review by the executive director.

§ 5.15.

A. Grievants or complainants who do not receive a written decision within the period prescribed may request from the Secretary of Labor a determination as to whether reasonable cause exists to believe that the Act or its regulations have been violated.

B. The request for determination shall be filed in accordance with procedures outlined in § 5.8.

## Article 3.

### Subpart C: Limitations; Posting of Procedures.

~~9.3~~ § 5.16. SDAs shall post and ~~shall~~ ensure that their contractors post their applicable grievance and complaint procedures, together with those of the GETD and this Part ~~9~~ V for the benefit of participants, employees and other interested persons.

~~9.3.1~~ § 5.17. Grievances and complaints shall be filed within one year of the occurrence of the event giving rise thereto; except under ~~9.2(a)~~ ~~(3)~~ § 5.10 B, relating to discrimination on the basis of handicap, provided, however, that notice of the potential filing of a grievance or complaint within the prescribed period shall be filed with the person with whom the grievance or complaint must be filed within ~~thirty~~ ~~(30)~~ days following the said event, unless the grievance or complaint itself be sooner filed.

~~9.3.2~~ Notwithstanding the provisions of Section ~~9.3.1~~, any grievance or complaint which has as its basis an audit disallowance or finding, an investigation, monitoring report or the imposition of a sanction shall be filed with the SDA or GETD, as the case may be, within ~~thirty~~ ~~(30)~~ days after the action complained of becomes final.

## PART ~~II~~ VI.

### FRAUD AND ABUSE.

~~II.1~~ § 6.1. Duty to report instances for fraud and abuse.

To ensure the integrity of JTPA programs, efforts are necessary to prevent fraud and other program abuses. Fraud includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for the use of program funds. Abuse is a general term which encompasses improper conduct which may or may not be fraudulent in nature. All instances of fraud and of abuse, to include violations of §§ 141 (f) and (j), 142(a), 143(b) and (c)(1), 165(a) (1), 167 and 182, amending Title 18, United States Code, § 665 contained in § 182 of the JTPA, shall be promptly reported within one work day to the executive director of the GETD by the administrative entity SDA or the state agency cognizant of the occurrence

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or by the Private Industry Council if it performs as an administrative entity .

## 11-2 § 6.2. Political activities.

The following provisions pertaining to political activities shall be enforced:

a 1. No person may engage in partisan or nonpartisan political activities during hours for which that person is paid with, or receives training supported by, JTPA funds.

b 2. No person may engage, at any time, in partisan political activities in which such participant represents themselves as a spokesperson of a JTPA program, activity or organization.

e 3. No participant may be employed in a position involving political activities in the office of an elected official.

## 11-3 § 6.3. Sectarian activities.

Participants shall not be employed in the construction, operation, or maintenance of any facility that is used, or is to be used, for sectarian instruction or as a place for religious worship, nor trained in any sectarian activity.

## 11-4 § 6.4. Unionization and antiunionization activities.

A. JTPA funds shall not be used in any way to promote or oppose union activities.

B. No individual shall be required to join a union as a condition for enrollment in a JTPA program.

C. No participant may be placed into, or remain working in, any position which is affected by labor disputes involving a work stoppage. If such a work stoppage occurs, participants in affected positions must shall :

1. Be relocated to positions not affected by the dispute; or

2. Be placed on leave.

D. If participants belong to the labor union involved in a work stoppage, they must be treated in the same manner as any union member. Such members must not remain working in the affected position. The contractor shall make every effort to relocate participants who which to remain working into suitable positions unaffected by the work stoppage.

## 11-5 § 6.5. Nepotism.

A. The following words and terms , for the purpose of this section; shall have the following meaning:

1. The term "Employ" means to hire, or place by transfer or any other means of whatsoever nature.

2. The term "Immediate family" means a person's spouse and any other relative, by blood, marriage (including step-children and step-parents) or adoption, who resides in the person's household.

3. The term "Person in an administrative capacity" means the members a member of a public or private governing board or council. It also includes a persons person having overall administrative responsibility, and persons a person in subordinate positions thereto having selection, hiring, placement or supervisory responsibilities regarding or over a person to be employed at the time of, or subsequent to, employment.

4. The term "Staff position" means any position, filled by a person other than a person in an administrative capacity.

Neither The GETD nor any private industry council, administrative entity or grant recipient, shall not employ a person in an administrative capacity or staff position funded in whole or in part under the FTPA if a member of that person's immediate family is engaged in an administrative capacity for the GETD or in a component of the SDA .

C. An SDA shall not employ a person in an administrative capacity or staff position funded in whole or part under JTPA if a member of that person's immediate family is engaged in an administrative capacity for that SDA .

D. No An SDA contractor shall not employ a person in an administrative capacity or staff position funded in whole or part under the JTPA if a member of that person's immediate family is engaged in an administrative capacity for the contractor or any component of the contracting SDA .

## PART VII. ELIGIBILITY FOR SERVICES.

§ 7.1. When computing family income, include all income for each family member at the time of eligibility determination and who have been family members for the entire six months. determination will be included in the family income computation.

## § 7.2.

(a) A. For the purposes of determining eligibility, family income includes shall include :

1. Gross wages and salaries (before deductions).

2. Net self-employment income (gross receipts minus operating expenses).

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3. Other money income received from sources such as net rents, Old Age and Survivors Insurance, social security benefits, pensions, alimony, periodic income from insurance policy annuities, and other sources of income.

~~(b)~~ B. Family income ~~does~~ shall not include:

1. Noncash income such as food stamps, or compensation received in the form of food or housing.

2. Rental value of owner-occupied property.

3. Public assistance payments.

4. Cash payments received pursuant to a state plan approved under Titles I, IV, X or XVI of the Social Security Act, or disability insurance payment received under Title II of the Social Security Act.

5. Federal, state or local unemployment benefits.

6. Payments made to participants in employment and training programs.

7. Capital gains and losses.

8. One-time unearned income, such as, but not limited to:

~~(i)~~ a. Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans.

~~(ii)~~ b. One-time or fixed-term scholarship and fellowship grants.

~~(iii)~~ c. Accident, health, and casualty insurance proceeds.

~~(iv)~~ d. Disability payments.

~~(v)~~ e. One-time awards and gifts.

~~(vi)~~ f. Inheritance, including fixed term annuities.

~~(vii)~~ g. Fixed term workers' compensation awards.

~~(viii)~~ h. Terminal leave pay.

~~(ix)~~ i. Soil bank payments.

~~(x)~~ j. Agriculture crop stabilization payments.

9. Pay or allowances received by any veteran while serving on active duty in the Armed Forces.

10. Educational assistance and compensation payments to veterans and other eligible persons under Chapters 11, 13, 31, 34, 35, and 36 of Title 38, United States Code.

11. Payments received under the Trade Act of 1974 as amended.

12. Black Lung payments received under the Benefits Reform Act of 1977, Public Law 95-239 20 USC 901.

13. Child support payments.

§ 7.3. Each SDA has the responsibility for establishing criteria for enrolling those "most in need" within the parameters established by the Act and federal and state regulations. Applicants shall be enrolled in accordance with these criteria.

§ 7.4. Any eligible individual who maintains a bona fide residence within the geographic boundaries of a Service Delivery Area is eligible for the services and programs of the SDA.

§ 7.5. Applicants required to register under § 3 of the Military Selective Service Act must comply with registration requirements prior to enrollment in the JTPA programs. Verification of registration must be a part of the official file of all participants subject to these requirements.

§ 7.6. The entrance requirements for any activity funded in whole or in part by JTPA shall be in writing. Competency levels rather than formal education diplomas or other such criteria shall be used. In no instance is high school graduation or possession of a GED to be cited as a prerequisite for participation. In each instance where a competency or skill level is a prerequisite and method(s) used to assess the competency must be included in the written eligibility requirements.

## PART VIII. CONTRACT MANAGEMENT.

### Article 1.

§ 8.1. Expiration.

Part VIII Contract Management in its entirety will expire on July 1, 1986.

### Article 2. Financial Management.

§ 8.2. Accounting Standards.

12.3 A. SDAs administrative entities and State agencies shall maintain a written accounting system that will ~~(a)~~ present fairly and with full disclosure the financial position and results of the financial operation of the funds and account groups of the SDA and State agency in conformity with generally accepted accounting principles and ~~(b)~~ enable the users of financial reports to determine the compliance with financial related legal and contractual provisions.

~~12.3.1~~ B. Written fiscal controls and accounting procedures shall be developed by SDA administrative entities, State agencies, and their contractors to:

1. Permit the preparation and timely submission of reports required by the GETD .
2. Permit the tracing of funds to a level of detail adequate to establish that funds have not been expended in violation of the restrictions imposed by federal, state and local laws, regulations and procedural requirements.
- e. Demonstrate compliance with program cost matching requirements.
3. Provide reports and records that are:
  - a. Uniform in definition.
  - b. Accessible to authorized federal and state officials.
  - c. Verifiable for monitoring, auditing and evaluation purposes.

~~12.3.2~~ C. Development of Standards of Internal Administrative Control At a minimum, SDAs, State agencies , and contractors must develop standards of *internal control* which assure the following:

1. Competent key personnel.
2. Qualified supervision with clear lines of responsibility and accountability.
3. Properly recorded and executed transactions.
4. Clear documentation and accountability for resources and financial transactions.
5. Separation of duties.
6. Limitation in access to resources.

SDAs, State agencies, and contractors shall also include as part of their standards for administrative control the provisions of Subpart C - "Administrative Standards and Procedures," 48 Federal Register 11082, of March 15, 1983 to the extent practical given staff size.

### § 8.3. Subpart A Administrative requirements.

~~12.1.~~ A. Signature Authorization The GETD shall be advised of the identity of any officer(s) or official(s) of any SDA component or state agency operating a JTPA program who is authorized to bind that SDA component or state agency to agreements with the GETD, or request funds pursuant to such agreement. ~~Such advice shall be in the form of The GETD may require an SDA to provide a duly authenticated copy of the resolution or other instrument conferring that authority mailed or delivered to~~

the Finance Director of the GETD . Thereafter, it shall be the responsibility of the SDA component or state agency to promptly notify the Finance Director GETD of any subsequent change in, or withdrawal of, such authority.

~~12.1.2~~ B. Fiscal Agent The SDAs administrative entities and state agencies operating JTPA programs shall designate an individual responsible for their accounting and fiscal operations and notify the GETD in writing of the name, title, and phone number of the individual. This person will be the contact person utilized by the GETD fiscal staff in the event fiscal questions arise.

~~12.1.3~~ C. Contractor Responsibilities The Administrative Entity SDA and state agencies must ensure that their contractors adhere to all applicable federal and state laws and regulations, as well as SDA or state agency procedures, for operation of JTPA programs. To implement the above policy, each SDA and state agency shall train contractors in all relevant technical matters. The SDAs and state agencies shall also ensure that each contractor has timely access to all written materials bearing on its administration and performance under the contract.

### ~~12.1.4~~ § 8.4. Bonding and insurance.

a. A. The GETD assumes no liability with respect to for bodily injury, illness or any other damages or losses, or with respect to any claims arising out of any activity under a JTPA contract or agreement whether concerning persons or property in the SDA's, state agency's, or contractor's organizations or any third party.

b. B. SDAs and contractors shall secure reasonable insurance coverage for injuries suffered by participants who are not covered by existing worker's compensation.

c. C. A blanket fidelity bond shall be secured for all officers, directors, agents and employees of the SDA with authority over and accessibility to JTPA funds. Coverage limits shall be in the sum of \$100,000 or 20% of the total funds allocated to the SDA over the period for which the Job Training Plan is in effect, whichever is greater. ~~and shall The GETD may require an SDA to furnish evidence thereof at the request of the GETD.~~ of bonding.

d. D. General liability insurance, unemployment insurance monies and securities coverage ~~and other insurance may must~~ be secured by the SDA.

### Subpart B § 8.5. Accounting requirements.

~~12.2~~ Books of Accounts and Records A. The SDAs Administrative Entity and state agencies shall maintain accounting records and other necessary supporting documents and ledgers in sufficient detail to provide the following information in an accurate and timely fashion:

- a. 1. Budgetary control and analysis.

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b 2. Cash forecasting and reporting.

e 3. Proper matching of cost categories and expenditures.

d 4. Accurate report preparation, based on accrual accounting concepts.

e 5. Proper reconciliation of account balances.

f 6. Determination of allowable costs.

## ~~12.2.2~~ § 8.6. Cash.

The SDAs and state agencies shall forecast cash needs to enable the disbursement of JTPA funds within a time limit established in writing by the GETD three days of receipt. Failure to develop and adhere to this procedure will result in the SDAs and state agencies being funded on a reimbursement method. All JTPA cash provided to the SDAs Administrative Entities and state agencies must be deposited into an FDIC insured bank within one working day of receipt of the check. The SDAs or state agencies shall ensure that its contractors adhere to the GETD's cash management policies.

## ~~12.2.4~~ § 8.7. Program income.

a: Income generated in a program operated by a SDA administrative entity or state agency shall may be retained by the SDA administrative entity, state agency, or contractor at the direction of the SDA administrative entity and shall be utilized to further program objectives. Program income may be used to satisfy the matching requirements of § 123(b) and 304 of the Act. Program income returned to the GETD shall be used to provide technical assistance.

## ~~12.1.6~~ § 8.8. Property management standards.

Personal or real property procured with JTPA funds or transferred from programs under the Comprehensive Employment and Training Act must be used for purpose authorized by the JTPA. The SDA shall maintain accountability for property. All property records are to be maintained on the GETD's Automated Property Management System.

The JTPA program shall be reimbursed the fair market value of any unneeded property retained by local governments or other entities for use in a non JTPA program. The proceeds from the sale of any property or transfer of property to a not JTPA program shall be used for purposes authorized under the JTPA.

Lease/purchases of non expendable property with a unit acquisition cost of \$1000 or more shall be submitted to the GETD for approval before the transaction is closed by the SDA, State agency, or contractor.

A. Property acquired by the Service Delivery Area

shall be classified as the following:

1. Real property: Land, land improvements, structures and appurtenances thereto, excluding moveable machinery and equipment.

2. Personal property: Property of any kind, except real property. It may tangible—having physical existence, or intangible—having no physical existence, such as patents and copyright.

3. Nonexpendable personal property: Tangible personal property having a useful life of more than one year and an acquisition cost of \$300 or more per unit.

4. Expendable personal property: Anything less than nonexpendable personal property.

5. Excess property: Property no longer needed for the purpose for which it was purchased.

6. Federally-owned property: Government furnished property or property acquired with federal funds to which the government holds title.

B. Personal or real property procured with JTPA funds or transferred from programs under the Comprehensive Employment and Training Act (CETA) must be used for purposes authorized by the JTPA.

D. All property purchased with CETA or JTPA funds with an acquisition cost of \$300-\$999 shall become the property of the Service Delivery Area and be used in the administration of JTPA. If the SDA does not have a need for such property in the JTPA programs, then the property shall be used in other federally or nonfederally funded programs. If no need exists, the property may be disposed. Disposal shall be at the discretion of the SDA. All proceeds shall revert to JTPA.

E. All property purchases with CETA or JTPA funds with an acquisition cost of less than \$300 shall become the property of the Service Delivery Area. Disposal of this property shall be at the discretion of the SDA. All proceeds shall revert to JTPA.

F. The SDA shall maintain accountability for all property. Property with an acquisition cost of \$300 or more must be maintained on the GETD's Automated Property Management System, all property inventory may be maintained on the automated system for management purposes.

G. The request to purchase or dispose of nonexpendable property having an acquisition cost of \$1,000 per unit, including lease/purchase and/or lease agreements with aggregate payments exceeding \$1,000, shall be submitted to the GETD for prior approval before the purchase or disposal of such property is entered into by the SDA or any subcontractor of the SDA.

H. The SDA shall ensure that the Virginia Procurement Act has been adhered to for all aspects of the purchase and/or lease of nonexpendable property. The GETD approval to purchase and/or lease property costing \$1,000 shall not ensure that the SDA and/or the subcontractor has complied with the Virginia Procurement Act.

I. All acquired property shall be approved by authorized personnel through some type of qualified purchasing procedure or system.

J. The SDA shall conduct an annual physical inventory to reconcile property records, verify existence, current utilization, and continued need. A copy of the updated master list shall be submitted to the GETD at the close of each fiscal year.

K. The SDA shall maintain a control system which ensures adequate safeguards to prevent property damage, loss, or theft, and shall investigate and document any loss or theft to local and state authorities. The GETD shall be notified in writing as to any loss, damages or theft of property.

#### 12.2.2 § 8.9. Allowable Costs.

a A. ~~General~~. To be allowable, a cost must be necessary and reasonable for proper and efficient administration of the program; be allocable thereto under these principles, and, except as provided herein, not be a general expense required to carry out non-JTPA activities of the SDA or subrecipient. Costs charged to the program shall be consistent with those normally allowed in like circumstances in nonfederally sponsored activities.

b B. Direct and indirect costs shall be charged in accordance with 41 CFR 29-70.102.

e C. Office of Management and Budget Circular A-87 dated January 15, 1981, details those costs which are allowable or unallowable charges to grant recipients of federal funds. SDA ~~Administrative Entities~~ shall comply with OMB-A-87 when determining the allowability of charges to the grant. Additional direction to ~~OMB-A-87~~ are provided as follows:

1. Costs resulting from violations of, or failure to comply with, federal, state or local laws and regulations are not allowable.
2. Entertainment costs are not allowable.
3. Insurance policies offering protection against debts established by the federal government are not allowable JTPA costs.
4. Interest cost, explicit or implicit, associated with lease-purchase and other capital lease arrangements are not allowable except for interest costs associated with certain buildings as noted in OMB Circular A-87,

Attachment B, paragraph C 2a.

4 5. Personal liability insurance for PIC members is allowable.

d D. The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a state or local government or staff solely for the purpose of discharging general responsibilities as a legal officer are unallowable. Legal expenses for the prosecution of claims against the federal government are unallowable.

#### 12.1.5 § 8.10. Needs-based payments.

a A. Subject to the provisions of §§ 106 and 142(a) (1) of the Act and in accordance with an SDA or state agency developed formula or procedure, payments based on need may be provided to individual participants in cases where such payments are necessary to enable individuals to participate in a training program funded under the JTPA.

b B. ~~Documentation~~ supporting the SDA or State agency developed ~~The~~ formula or procedure for needs-based payments shall be detailed in the SDA Job Training Plan or in the state agency's plan for JTPA services.

e C. The formula or procedure shall provide for the maintenance of an individual record of the determination of the need for, and the amount of, any participant's needs-based payment.

#### 12.2.3 § 8.11. Classification of Costs.

a A. To comply with the limitations on certain costs contained in § 108 of the Act, allowable costs shall be charged against the following cost categories: training; administration; and participant support. SDAs, state agencies, and their contractors shall plan, control, and charge expenditures against the  ~~aforementioned~~  these cost categories.

b B. Costs are allowable to a particular cost category to the extent that benefits are received by such category. Refer to 20 CFR, §§ 629.37 through 629.39, (48 Federal Register 11081 - 11084, March 15, 1983), and to the "Classification of Costs" table which follows (Appendix A) for additional guidance on charging costs to particular JTPA categories.

C. Training costs shall not include the direct or indirect costs associated with the supervision and management of the program.

f D. Training costs shall not include supportive service costs as defined in § 4 of the JTPA or other participant support costs which are determined to be necessary by the SDA.

g E. All costs of employment generating activities to

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increase job opportunities for eligible individuals in the area and the remaining 50% of the costs of a limited work experience program, as well as 100% of the costs of other work experience programs, are not allowable training costs (Sec. 108(b) (2)(A), JTPA).

h F. The salaries and fringe benefits of project directors, program analysts, labor market analysts, supervisors and other administrative positions shall not be charged to training. The compensation of individuals who both instruct and supervise other instructors shall be prorated among the training and administration cost categories based on time records or other verifiable means.

i G. Construction costs may be allowable training or participant support costs only when funds are used to:

(ii) 1. Purchase equipment, materials and supplies for use by participants while on the job and for use in the training of such the participants. Examples of such equipment, materials and supplies are handtools, workclothes and other low cost items; and .

(ii) 2. Cover costs of a training program in a construction occupation, including costs such as instructors' salaries, training tools, books, and needs-based payments and compensation to participants.

j H. Any single cost which is properly chargeable to training and to one or more other cost categories shall be prorated among training, and the other appropriate cost categories according to a method which is both documented and verifiable.

## § 8.12. Fixed unit cost contracts.

d A. Costs which are billed as a single unit charge do not have to be allocated or prorated among the several cost categories, but may be charged entirely to training when the agreement:

(ii) 1. Is for training.

(ii) 2. Is a fixed unit price.

(iii) 3. Stipulates that full payment for the full unit price will be made only upon completion of training by a participant; and placement of the participant into unsubsidized employment in the occupation trained for, and at not less than a wage specified in the agreement.

B. In the case of youth activities, payment for training packages purchased competitively, pursuant to § 141 (d) (3) of the JTPA, shall include payment for the full unit price if the training results in either placement in unsubsidized employment, or the attainment of an outcome specified in § 106 (b) of the JTPA.

C. Fixed unit cost contracts should, at a minimum:

1. Specify the exact price to be paid for a specific amount of work, or for the attainment of desired outcomes. Such a contract may not be advisable if reliable pricing information is unavailable, or if the fixed unit cost exceeds usual and customary charges for similar services

2. Contain language which clearly and explicitly spells out the terms of the agreement and defines the terms used in the agreement.

3. Define the specific occupation for which training is to be provided.

4. Define training-related placement.

5. Define for youth activities the successful attainment of specified outcomes.

## § 8.13. Administrative cost pool.

k A. Administrative funds within a Service Delivery Area may be pooled and used for all administrative costs of JTPA programs within the service delivery area.

B. Each SDA using an administrative cost pool shall submit information on the use of the pool as a part of its job training plan. SDA shall report expenditures from the administrative cost pool according to instructions issued by the GETD.

## § 8.14. Record retention.

a A. All SDAs and state agencies operating JTPA programs shall retain financial, statistical, and participant records and supporting documentation for a period of three years following the date of the grant closing report.

b B. Records for nonexpendable property shall be retained for three years after final disposition of the property.

c C. ~~The aforementioned~~ All records will be retained beyond the three years if any litigation or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records will be retained until the litigation, audit or claim has been finally resolved.

d D. In the event of the termination of the relationship between the SDA or state agency and a contractor, the SDA or state agency shall be responsible for the maintenance and retention of all of the contractor's relevant records.

e E. The GETD may request the transfer of records to its custody from the administrative entities and grant recipients when it determines that the requested records possess long-time retention value.

## Article 3.

### PART 8 Procurement of property and services; contracts.

~~8-1~~ § 8.15. All procurement of property and services with JTPA funds shall be in accordance with the provisions of the Virginia Public Procurement Act (§§ 11-36 through 11-71, of the Code of Virginia), except as hereinafter provided.

8-2 A. For the purposes of Section ~~8-1~~ *this article*, "services" shall not be deemed to include on-the-job training or any participant employment authorized by the JTPA, ~~nor shall the term include~~ or contracts for customized training, the successful completion of which results in employment of the participant by the contractor as a term of the contract.

8-3 B. For the purposes of this Part 8 article, the board of directors of a Private Industry Council shall be the "governing body," and the administrative entity, if separate from the Private Industry Council, shall be the "public body" as these terms are used in the provisions of the Virginia Public Procurement Act.

8-5 C. Sections 8-2 and 8-3 Subsections A and B shall have no application where the administrative entity is an agency of a city or county which is otherwise subject to the provision of the Virginia Public Procurement Act.

8-4 § 8.16. Every entity responsible for procurement under this Part 8 Article shall adopt and enforce a code of procurement ethics which embodies the principles articulated in §§ 11-73 through 11-79 of the Code of Virginia.

§ 8.17. All procurement activity shall avoid conflict of interest and be conducted in a manner that provides for free and open competition.

8-8 § 8.18. All procurement activity shall comply with each SDA's written procedures, as approved by the appropriate Private Industry Council, for assessing potential effectiveness based on demonstrated performance and for assuring that duplication of effort does not occur.

8-6 § 8.19.

A. All agreements between SDAs and contractors, as defined in Part 1 including those described in Section 8-5 which require expenditure of JTPA funds shall contain standards for ensuring accountability and establish clear goals and obligations in unambiguous terms.

8-7 B. All contracts or agreements of whatsoever nature to which an SDA or State agency is a party and which require the expenditure of JTPA funds, directly or indirectly, shall contain a term whereby the contract or agreement may be terminated without penalty at the discretion of the SDA or State agency in the event that JTPA funds become unavailable to the SDA or state

agency for performance under the contract.

## Article 3.

### PART 2 Audit Requirements for JTPA Programs.

~~2-2~~ § 8.20.

A. Annual audits will be conducted based on the availability of administrative funds. Should funds not be available for annual audits, audits will be performed at least once every two years. The GETD reserves the right to audit any or all of the SDAs as the need is determined. ~~2-1 Subject to Section 2-2, financial and compliance~~ Audits of the SDAs will be conducted annually by either of the following two methods:

a 1. For those SDAs processing financial transactions through a unit of local government, at the option of the SDAs and local governments, audits of JTPA programs will be conducted in conformance with OMB Circular A-102, Attachment P audit to satisfy the cognizant agency as to the sufficiency of the review.

b 2. For those SDAs not included in an Attachment P audit, unified audits will be performed. Unified audit requires that one audit firm conduct the entire audit for all SDAs. ~~not included in an "Attachment P" audit;~~ that The audit coverage shall be for a uniform time period for all entities covered in the audit; a proper sampling of contractors shall be audited, and one audit report shall be issued for each SDA including all entities audited thereunder.

2-3 B. The GETD will bear the audit fees associated with auditing expenditures of funds by the SDA. The SDA will bear the audit fees associated with auditing expenditures of funds by contractors within the SDA. ~~This cost is an allowable charge to SDA administrative grant funds.~~

2-4 § 8.21.

Neither the GETD nor the SDAs shall audit state agencies receiving JTPA funds which are audited through the normal state auditing process, if these normal state audit processes specifically include financial and compliance testing that meet JTPA standards. Should normal state audit processes not include JTPA funds, the state agencies' JTPA programs shall be included in the unified audit. The state agencies shall be responsible for all audit fees, whether associated with state or unified audits.

2-6 All audits shall be conducted by certified public accountants licensed by the Virginia Board of Accountancy, Virginia Department of Commerce.

2-7 § 8.22.

Each audit shall be conducted in accordance with applicable auditing standards set forth in § 164(a) of the

# Proposed Regulations

JTPA. Copies of Attachment P audit reports will be submitted to the cognizant federal audit agency and to the GETD by the unit of local government involved.

## 2-5 § 8.23.

Unified audits will be arranged by the GETD on a statewide basis. SDAs, and applicable state agencies will be notified who the auditors are and when the audit for each SDA and state agency is scheduled to begin. A draft audit report will be issued and the SDA will be given 30 days to respond to the draft report. The final report will incorporate the SDA's ~~or~~ and state agency's *paraphrased* comments. ~~(paraphrased)~~ into the final audit report.

## 2-8 § 8.24.

The SDAs and state agencies operating JTPA programs shall be responsible for the following:

a 1. The GETD shall be immediately notified *Notifying, immediately, the GETD* in writing of possible acts of fraud discovered during the performance of an audit.

b 2. Upon their availability, the GETD shall be provided *Providing, upon availability, the GETD* with audit report(s) covering all JTPA funded programs. The Auditor of Public Accounts will determine the acceptability of the audit reports.

e 3. Disposition must be made *Disposing* of all questioned costs and administrative findings in the audit. The disposition must show the action (i.e. either *allowance or disallowance*). If costs are allowed, appropriate supportive documentation must be provided. ~~or disallowed on all costs questioned in audits~~ All administrative findings must be addressed to the satisfaction of the GETD

## 2-9 § 8.25.

The audit resolution process shall be as follows:

a 1. The SDA or state agency shall provide to each contractor ~~the~~ with appropriate sections of the final audit report dealing with administrative findings and questioned costs.

2. b Within 30 days from the date of the final audit report, the SDA or state agency shall issue to each contractor an initial determination on the administrative findings and questioned costs to each contractor .

e 3. Within 60 days from the date of the final audit report, the SDA or state agency shall issue to each contractor a final determination on the administrative findings and questioned costs to each contractor . The SDA or state agency shall include in the final determination issued to the contractor notice of the

right to appeal the determination using the GETD Grievance Procedures *as specified in Part V* . ~~afforded contractors for the review and resolution of disputes concerning audit matters~~ Included in the notice of the right to appeal shall be instructions on initiation of the appeal.

d 4. Within 90 days from the date of the final audit report, the SDA or state agency will provide the GETD written responses to all administrative findings and questioned costs ~~contained in the audit report~~ . A 30-day informal resolution process will allow the SDA or state agency and GETD to attempt to resolve informally any differences at this point.

e 5. Within 120 days from the date of the final audit report, the GETD will issue a final determination to the SDA or state agency on the entire audit report. A copy of the final determination will be provided to the Secretary of the DOL with support documentation and, if appropriate, a request for waiver of liability under § 164(e) (2) of the Act.

f 6. The determination, by the GETD, SDA, or state agency, to allow questioned costs, does not preclude the Secretary of the DOL from making a determination that the costs are unallowable and demanding a refund from nonfederal funds at a later date. Consequently, a determination of allowability of costs shall not be final until final favorable disposition by DOL occurs .

## Article 5.

PART 4 Monitoring and Evaluation Responsibilities of the Service Delivery Areas and State Agencies.

## 4-1 § 8.26.

A. The administrative entity for the SDAs and state agencies operating JTPA programs shall be responsible for eliminating abuses in programs and preventing misuse of funds. *Each SDA and state agency shall establish and adhere to an appropriate system for the emonitoring of contracts. Appropriate monitoring activities shall be carried out at reasonable interval.* 4-2a. An effective monitoring system is required for the proper administration of contracts and for ensuring that abuses and poor management of specific programs are promptly detected and corrected. Administrative entities and State agencies shall maintain a monitoring capability that is objective and free from the appearance of conflict of interest. Administrative entities SDAs and state agencies shall regularly monitor contractors and shall require immediate remediation of deficiencies.

b B. The GETD shall from time to time monitor SDAs and, as appropriate , state agencies and may monitor their contractors with or without notice . Monitoring by the GETD shall not relieve private industry councils and administrative entities SDAs of their duties under the JTPA and implementing regulations. Financial agreements

# Proposed Regulations

between the SDAs, state agencies, and their contractors, shall make specific provision for entry by GETD monitors upon contractor premises for the purpose of inspecting JTPA records and activities. To the extent possible, the GETD will coordinate its monitoring visits to contractors with those of the SDA and, as appropriate, will provide advance notice of the monitoring schedule.

## 4-4 § 8.27.

**Erroneous determination of program participant eligibility under JTPA may result in substantial liability. To minimize such liability, the administrative entity SDAs and state agencies shall maintain on-going monitoring/verification of participant eligibility. The system shall provide for a 100%, 30-day review of participant records after intake by someone other than the verification official. The system shall be detailed in the Job Training Plan as provided for in the JTPA, § 104(b) (3). Eligibility verification shall include a review of supporting documentation of all eligibility data given by the participant at the time of application. Ineligible participants shall be terminated immediately following discovery, as shall participants who are proven knowingly to have provided false information at the time of application. Any liability incurred as a result of an ineligible participant shall be the responsibility of the SDA or state agency.**

## 4-3 § 8.28.

Evaluation of programs funded under the JTPA shall be an integral part of the operation of each administrative entity and state agency operating JTPA programs. Program evaluation efforts must be designed and conducted so as to accomplish the following:

a 1. To assist in future planning by providing information on the outcome of programs, including the degree to which planning objectives are being accomplished and the identification of programs that are particularly successful in aiding participants in obtaining established goals.

b 2. To assist in selecting capable service providers. § 107(a) of the Job Training Partnership Act requires "effectiveness . . . based on demonstrated performance" to be considered when selecting service providers within an SDA.

e 3. To measure an SDA's progress in meeting established performance standards. See Section 106 of the JTPA.

## Article 6.

### PART 6 Submission of Job Training Plans.

## 5-1 Due Date § 8.29.

Job Training Plans will be submitted to the GETD ~~no~~ not later than 5:00 p.m. on April 12th of each year or the

next working day thereafter if the same falls on a weekend or holiday 80 days before the first of the two program years covered by the plan. Each plan shall be submitted in four copies, ~~three~~ one of which shall bear original signatures. Plans shall be addressed to Technical Assistance Section Program Services Unit, GETD, P.O. Box 12083, Richmond, Virginia 23241, or delivered to the office of the GETD, 417 E. Grace Street, Richmond, Virginia.

5-2 § 8.30. Plan Content and Format The Job Training Plan shall be prepared and submitted in the proper format, and in accordance with the instructions for preparation contained in the Forms Preparation Handbook promulgated issued by the GETD.

## 5-3 § 8.31. Review of SDA plans.

The GETD has the primary responsibility for reviewing each SDA's Job Training Plan, and each state agency's plan, for JTPA programs to ensure compliance with the JTPA and all other applicable rules and regulations.

Upon completion of the review by the GETD staff, the plans will be forwarded to the Governor's Job Training Coordinating Council for review. The GJTCC then will forward its recommendations to the Governor through the Secretary of Human Resources for final action which shall occur within 30 days after the date the plans are submitted.

In the event that disapproval of a plan is recommended, the plan will be returned to the SDA or state agency for correction. The SDA or state agency shall have ~~twenty~~ 20 days to correct its plan and return it for further consideration. ~~As provided in Section 105 of the JTPA~~ The SDA will be notified in writing within 15 days after resubmittal of final action. In the event of a final disapproval, the SDA may appeal the ~~final~~ decision to the DOL within ~~thirty~~ 30 days of receipt of notice of final disapproval. The appeal must be submitted by both the Private Industry Council and appropriate chief elected official(s) for the SDA. Simultaneously, a copy of the appeal must be provided to the governor. No JPTA funds will be allotted to an SDA or state agency without an approved job training plan.

## Article 7.

### PART 6 SUBMISSION OF Modifications to Job Training Plans.

## 6-1 § 8.32.

**Purpose** If changes in labor market conditions, funding, or other factors require substantial deviation as defined in the Governor's Coordination and Special Services Plan, In the event of substantial deviation from an approved Job Training Plan, modification to the plan must be submitted to the GETD for approval. The following circumstances will be deemed to be substantial deviation :

# Proposed Regulations

1. A change in designation of either the grant recipient and/or the administrative entity.

2. An increase or decrease of 15% or more in the number of participants planned to be served, in estimated training cost per participant, or in the approved budget.

3. Increases or decreases in the unemployment rate during the base period for establishing the JTPA funding formula factors which, during the first year of the two program years covered by the plan, changes the SDA's status as a designated "Area of Substantial Unemployment".

4. Increases or decreases of 15% or more in the SDA's JTPA allocation.

5. An increase or decrease of five percentage points or more in an SDA's unemployment rate during the first year of the two program years covered by the plan.

6. Failure to meet three or more of the seven required performance standards during the first of the two program years covered by the approved plan.

7. The guidelines for submitting modifications to Job Training Plan shall be specified in instructions issued annually by the GETD on or before July 15 of each year. Each modification shall be submitted in four copies, one of which shall bear original signatures. Modifications shall be addressed to Technical Assistance Section Program Services Unit, GETD, P. O. Box 12083, Richmond, Virginia, 23241, or delivered to the office of the GETD, 417 E. Grace Street, Richmond, Virginia.

§ 8.33.

The GETD reserves the right, in its sole discretion, to waive the criteria of § 8.32 on a case by case basis for good cause shown.

6-2 § 8.34.

**Format of Plan Modification.** The modified plan will be submitted to the GETD as specified in annual instructions issued pursuant to the Coordination and Special Services Plan. **6-3 Content of Plan Modification :** The first substantive item of the a modification shall be the reason, or reasons, for the modification. Elements of the Job Training Plan which are modified shall be clearly identified and explained in detail. Modifications may only be made for reasons specified in the Coordination and Special Services Plan.

6-4 § 8.35.

**Review of Modifications:** The GETD has the primary responsibility for reviewing all modifications to Job

Training Plans to ensure compliance with the JTPA and all other applicable rules and regulations.

Upon completion of the review by the GETD staff, the modification will be forwarded to the Governor's Job Training Coordinating Council for review. The GJTCC then will forward its recommendations to the governor through the Secretary of Human Resources for final action which shall occur within 30 days after the date the modification is submitted.

In the event that disapproval of the modification is recommended, the modification will be returned to the SDA or state agency for correction. The SDA or state agency shall have twenty 20 days to correct its modification and return it for further consideration. The SDA will be notified in writing within 15 days after resubmittal of final action. In the event of a final disapproval, the SDA may appeal the decision to the DOL within thirty 30 days of receipt of notice of final disapproval. The appeal must be submitted by both the Private Industry Council and appropriate chief elected official(s) for the SDA. Simultaneously, a copy of the appeal must be provided to the governor.

6-5 § 8.36.

Modifications shall become effective on the date they are approved by the Governor.

§ 8.37.

The GETD may require SDAs and state agencies to submit annual revisions to the job training plans. Revised plans will be submitted as specified in instructions issued by the GETD.

## Article 8.

### PART 10 JTPA Management Information System ; REPORTS; FORMS PREPARATION HANDBOOK

10.1 The SDA or State agency operating a JTPA program is responsible for collecting and maintaining financial, property and participant information for JTPA programs and activities. This information shall be collected as acquired in the computerized JTPA Management Information System, the constituent parts of which are stated in sub section (a), (b) and (c) hereof, subject, however, to the caveat of sub section (c).

(a) § 8.38.

As directed by the GETD, All SDAs and State agencies shall use the GETD's Participant Information System to enter and to maintain data on JTPA participants.

(b) § 8.39.

As directed by the GETD, All SDAs and State agencies shall use the GETD's Property Inventory System to enter and to maintain information on JTPA property.

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(e) § 8.40.

At their option, SDAs and State agencies may participate in the GETD's Financial Information System. SDAs and State agencies using the FIS may be charged a reasonable fee established by the GETD to offset the costs associated with operating the system. SDAs and State agencies electing not to participate therein shall, nevertheless, report expenditures of JTPA funds in accordance with the format prescribed by the GETD with the approval of the Virginia Department of Accounts.

10.2 Each SDA and State agency operating a JTPA program shall submit an Annual Report to the Governor in a format and according to a schedule prescribed by the Executive Director of the GETD.

10.3 All forms and formats required by the foregoing Sections 10.2, and 10.2 and any other provision of these regulations are collected in a GETD *Forms Preparation Handbook* of even date herewith, which said Handbook is incorporated in these regulations as such as if fully set forth in its entirety herein.

§ 8.41.

Each SDA shall establish procedures to ensure that the information is entered into the Management Information System accurately, completely, and in a timely manner.

§ 8.42.

The GETD will provide offsite storage for data collected on the Management Information System. Monthly, each SDA shall submit data cartridges to the GETD as instructed.

## Article 9. Required Reports.

§ 8.43.

The following reports shall be submitted to the GETD:

1. Cash Forecast Report-submitted monthly according to the schedule developed by the GETD.
2. Quarterly Expenditure Report-submitted the last day of the month immediately following the end of each quarter.
3. Quarterly Status Report-submitted the last day of the month immediately following the end of each quarter.
4. Annual Status Report-submitted 30 days following the close of the contract.

## VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

### Safety and Health Codes Commission

Title of Regulations: VR 425-02-1. Virginia Occupational Safety and Health Standards for General Industry, Hazard Communication Standard.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Public Hearing Date: August 2, 1985 - 10 a.m.  
(See Calendar of Events Section  
for additional information)

#### Summary:

Federal OSHA adopted the Hazard Communication Standard (29 CFR 1910.1200) on November 25, 1983. The federal standard covers only employers in Standard Industrial Classification (SIC) Codes 20 through 39.

The present Hazard Communication Standard as adopted by the Virginia Safety and Health Codes Commission on August 17, 1984 applies to SIC Codes 20-39 and state and local government employers.

By the present regulatory action the Virginia Occupational Safety and Health (VOSH) Program proposes to amend the scope of the Hazard Communication Standard to include all employers except those in the Agricultural and Construction SIC Codes (i.e., thus the scope of the amended Hazard Communication Standard will apply to SIC Codes 20-90).

Also by the present regulatory action the Virginia Occupational Safety and Health (VOSH) Program proposes to amend § 1910.1200 (i) (3) to include nurses within the definition of "Health Professionals" who may request access to trade secret information in nonemergency situations.

#### Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Hazard Communication Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in The Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of The Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-1. Virginia Occupational Safety and Health Standards Concerning the Hazard Communication Standard.

The Commission of Labor and Industry proposes to adopt, through incorporation by reference to the Virginia

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*Occupational Safety and Health Standards for General Industry, and issue, as recommended to it by the Safety and Health Codes Commission of the Commonwealth of Virginia, the following amendments relating to the Hazard Communication Standard, as codified in 29 CFR 1910.1200 and published in Federal Register, Volume 48, No. 228, Friday, November 25, 1983, Rules and Regulations, Pages 53340 through 53348; adopted by the Virginia Occupational Safety and Health (VOSH) program on October 5, 1984 verbatim, except extended to include state and local government employers.*

*The VOSH program proposes to amend the scope of the Hazard Communication Standard to include all employers except those in the Agricultural and Construction Standard Industrial Classification (SIC) codes, thus the scope of the amended Hazard Communication Standard will apply to SIC Codes 20-90.*

*The VOSH program also proposes to amend § 1910.1200 (i) (3) to include nurses within the definition of "Health Professionals" who may request access to trade secret information in nonemergency situations.*

## **VIRGINIA MARINE RESOURCES COMMISSION**

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. The Regulations printed below are voluntarily published by the Marine Resources Commission for the public's benefit and for informational purposes only.

**Title of Regulations: General Permit VGP #1.**

**Statutory Authority: §§ 28.1-23 and 62.1-3 of the Code of Virginia.**

**Public Hearing Date: May 28, 1985 - 9:30 a.m.**  
(Please refer to Calendar of Events section for further information.)

### **Summary:**

*This General Permit (VGP #1) is designed to simplify*

*and streamline the regulatory process for all road construction projects in, on or over state-owned submerged land which are unprotected by any agency or individual after appropriate public review, and are approved by all state and federal agencies during formal monthly state/federal interagency project review processes.*

### **General Permit VGP #1.**

VMRC General Permit for projects which conform to certain criteria and are undertaken by the Virginia Department of Highways and Transportation (VDH&T) in, on or over state-owned subaqueous lands anywhere in the Commonwealth.

#### **1. Authority-Effective Date:**

a. This General Permit is promulgated pursuant to the authority contained in §§ 28.1-23 and 62.1-3 of the Code of Virginia.

b. The effective date of this General Permit is August 24, 1982, and reauthorized and amended on May 28, 1985.

#### **2. Discussion:**

a. The U.S. Army Corps of Engineers has granted a Nationwide General Permit for certain minor projects in waters of the United States.

b. Norfolk District U. S. Army Corps of Engineers has granted a General Permit effective October 21, 1982, for VDH&T projects in the waters of the Commonwealth which meet certain rigid criteria (82-GP-14).

c. Projects which do not qualify under (a) and (b) above will be processed in accordance with established joint state/federal regular permit procedures.

d. Formal monthly state/federal interagency coordination procedures have been established and practiced over the past several years at which each VDH&T project is subjected to rigorous review and routinely modified to satisfy agency concerns.

e. All VDH&T projects are routinely given wide public notice in conformance with established state/federal highway project requirements and public hearings are held by VDH&T on all significant proposals.

f. VDH&T is exempt by statute from all fees and royalties.

#### **3. Authorization/Conditions:**

All proposals by VDH&T to encroach in, on or over state-owned subaqueous land which qualify for a

# Proposed Regulations

Nationwide Permit, paragraph 2(a), or a Norfolk District General Permit, paragraph 2(b), above, are hereby permitted subject to the following standard conditions:

a. Any proposed deviation from the preconditioned plan must be formally reconditioned and approved prior to undertaking the work.

b. Permittee shall notify the Commission when the project has been completed.

c. This permit grants no authority to the permittee to encroach upon the property rights, including riparian rights, of others.

d. The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting the work being done pursuant to this permit.

e. The permittee shall comply with the water quality standards as established by the State Water Control Board and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the permittee of the responsibility of obtaining any and all other permits or required authorization for the project.

f. This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fishing, fowling and the catching of and taking of oysters and other shellfish in and from the bottom of areas and waters not included within the terms of this permit.

g. The permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.

h. This permit may be revoked at any time by the Commission upon the failure of the permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.

i. This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the permittee to encroach on any lease without the consent of the leaseholder. The permittee shall be liable for any damages to such lease.

j. The issuance of this permit does not confer upon the permittee any interest or title to the beds of the waters.

k. Specifically prohibited is the sale by subcontractors, without Commission approval, of material removed from state-owned bottoms.

l. All structures authorized by this permit which are

not maintained in good repair shall be completely removed from state-owned bottom within three months after notification by the Commission.

m. This permit authorizes no claim to archaeological artifacts which may be encountered during the course of construction. If, however, archaeological remains are encountered, the permittee agrees to notify the Commission, who will, in turn, notify the Virginia Historic Landmarks Commission. The permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.

#### 4. Procedures:

The Chief, Habitat Management Division, will administer this General Permit and establish procedures to assure:

a. That all projects authorized by this permit satisfy either the Nationwide Permit criteria established by Department of the Army Regulations or General Permit Criteria established by the Norfolk District U.S. Army Corps of Engineers in 82-GP-14.

b. Minimum cumulative impact on the marine environment.

c. Adequate opportunity for public review.

d. That a record is maintained on all projects authorized by this permit.

Such records will include:

(1) The name, address, and telephone number of the highway office who wishes to perform the work.

(2) The location of the project, including waterway, county/city and route number of roadway.

(3) Detailed drawings of the project including a plan view and section view with the mean high and mean low water lines or the ordinary high water mark, whichever is appropriate.

(4) The amount of dredging and fill. If dredging is involved, the type of dredge, hydraulic or dragline, the location of disposal sites and the type of erosion and sediment controls if necessary.

(5) When projects involve the destruction of wetlands, the type of species involved, the amount to be disturbed, and any plan for compensation, or mitigation.

(6) A copy of the environmental assessment or Environmental Impact Statement prepared by the Virginia Department of Highways and Transportation.

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e. If any objections are raised by either individuals or agencies which cannot be resolved at the monthly project coordination meeting, that project must then be processed for an individual permit to encroach in, on or over state-owned bottomlands.

f. Those projects located within a nontidal drainage basin of less than five square miles can be undertaken without the review process outlined in paragraph 2(d) above unless the project involves one or more of the following resources:

- (1) A designated or proposed scenic river as determined by the Virginia Division of Parks and Recreation.
- (2) A natural trout stream as designated by the Virginia Commission of Game and Inland Fisheries.
- (3) A public water supply as determined by the State Health Department and/or the State Water Control Board.
- (4) A habitat or critical area designated for endangered and/or threatened species as listed on the Commonwealth of Virginia's "Official List".
- (5) A unique spawning area designated by the Virginia Institute of Marine Science and/or the Virginia Commission of Game and Inland Fisheries.
- (6) A historical or archaeological site as determined by the Virginia Historic Landmarks Commission.
- (7) A total area of open water, greater than one acre.

g. The Commission may conduct periodic inspections to evaluate compliance with applicable environmental management laws and regulations and sediment and erosion control practices specified by the Virginia Division of Soil and Water Conservation.

h. The results of any inspections conducted may be utilized by the Commission to assess the advisability of continuation of the provisions of the VGP #1. Such continuation may be on a highway district basis. The Commission will advise the VDH&T in writing if a highway district is not in compliance and may suspend this VGP #1 for that district until evidence of compliance satisfactory to the Commission is achieved.

i. Where emergency conditions exist in time of flood or other catastrophic event or a declared disaster by the Governor's Office, the VDH&T, after consultation with the Commission, will take whatever actions it deems appropriate to protect life and property of both private citizens and the transportation system of the Commonwealth. The emergency actions taken will be reported in writing by the VDH&T to the Commission within three months of the completion of such action.

/s/ William A. Pruitt, Commissioner  
Date: May 7, 1985

Title of Regulations: General Permit VGP #2

Statutory Authority: §§ 28.1-23 and 62.1-3 of the Code of Virginia.

Public Hearing Date: May 28, 1985 - 9:30 a.m.  
(See Calendar of Events Section for additional information.)

Summary:

*The General Permit (VGP #2) is designed to simplify and streamline the regulatory process for minor groin projects undertaken by riparian property owners. The Norfolk District U. S. Army Corps of Engineers has already issued a similar general permit and this action by VMRC will reduce to only one the permits needed to undertake a minor groin project to control shoreline erosion. In order to qualify for this General Permit (GP) a completed local/state/federal joint permit application must be filed. It must be processed and approved by the local wetlands board in accordance with the procedures contained in the Wetlands Act and the local wetlands ordinance. The Virginia Institute of Marine Science (VIMS) must have issued a written Environmental Assessment of the project, the approved groin must be treated timber material; may not exceed 60 feet in length, and artificial nourishment of the groin(s) by the placement of fill material on state-owned bottoms cannot be authorized by the local board.*

*If a proposed project does not meet this criteria, it will be processed for an individual VMRC permit in addition to the local wetlands board permit which is required by law.*

General Permit VGP #2.

*VMRC General Permit for groin projects designed to control shoreline erosion, which conform to certain criteria and are undertaken by riparian owners in, on or over state-owned subaqueous lands in waters of the Commonwealth.*

*1. Authority - Effective Date:*

*a. This General Permit is promulgated pursuant to the authority contained in §§ 28.1-23 and 62.1-3 of the Code of Virginia.*

*b. This General Permit conforms with current Commission policy in its establishment of general permits for projects which meet certain restrictive criteria.*

*c. This General Permit is consistent with the official opinion of the Attorney General issued on October 31,*

# Proposed Regulations

1984, and attached hereto.

d. The effective date of this General Permit is July 1, 1985.

## 2. Discussion.

a. A principal objective of the permit streamlining efforts of this agency is the achievement of a single permit wherever possible for minor projects with minimal cumulative impacts.

b. The Norfolk District U. S. Army Corps of Engineers has approved a general permit for groin projects in Virginia waters which are authorized by a local wetlands board and/or VMRC (83 GP-19).

c. Local wetlands boards now process applications and issue permits for groins under the 1983 amendments to the Wetlands Act which placed the nonvegetated intertidal area of the "Tidewater Virginia" shoreline under their jurisdiction.

d. The Virginia Institute of Marine Science reviews all applications for groins in tidal waters and submits a written evaluation to local boards for their use in the decision process.

e. All local wetlands board decisions are made at public hearings which are public noticed in accordance with § 62.1-13.5 of the Code of Virginia.

f. The Commissioner reviews all decisions of local wetlands boards in compliance with § 62.1-13.10 of the Code of Virginia.

g. Any applicant, or 25 or more freeholders of property within the locality, aggrieved by a final decision of the local board, whether such decision is affirmative or negative in form, may appeal that decision to the Commission which will then review the local record in accordance with §§ 62.1-13.11, 62.1-13.12, and 62.1-13.13 of the Code of Virginia.

h. The Commission has promulgated guidelines to assist local boards in determining the appropriateness and suitability of proposed groin structures.

## 3. Procedures:

The Chief, Habitat Management Division, will administer the General Permit and assure:

a. That the approved local/state/federal joint permit application form is completed and filed in accordance with the instructions contained therein.

b. That applications are processed in accordance with the procedures established in § 62.1-13.5 of the Wetlands Act and the local ordinance adopted thereunder.

c. That groin projects authorized by this permit achieve the policy and standards implicit in Title 62.1 of the Code of Virginia, reasonably accommodate guidelines promulgated by the Commission, and are consistent with the attached opinion of the Attorney General.

d. That the local board permit: (i) authorizes only groins that are constructed of treated timber material, are of low profile design and do not exceed 60 feet in length, and (ii) does not authorize the artificial nourishment of groins by the placement of fill material on state-owned bottoms.

Projects which do not meet the criteria in items a. through c. above will be processed for an individual VMRC permit with appropriate fees and royalties.

## 4. Authorization/Conditions:

All proposals for groin structures to encroach in, on or over state-owned subaqueous land which meet the criteria in paragraph 3a. through 3c. above are hereby permitted subject to the following standard conditions.

1. This permit grants no authority to the permittee to encroach upon property rights, including riparian rights, of others.

2. The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purposes of inspecting the work being done pursuant to this permit.

3. The permittee shall comply with the water quality standards as established by the State Water Control Board and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the permittee of the responsibility of obtaining any and all other permits or authority for the project.

4. This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fowling and the catching of and taking of oysters and other shellfish in and from the bottoms of areas and waters not included within the terms of this permit.

5. The permittee shall minimize, to the greatest extent practicable, the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.

6. This permit may be revoked at any time by the Commission upon the failure of the permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.

7. There is expressly excluded from this permit any portion of the waters within the boundaries of the Baylor Survey. (Public Oyster Ground)

# Proposed Regulations

8. This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the permittee to encroach on any lease without the consent of the leaseholder. The permittee shall be liable for any damages to such lease.

9. The issuance of this permit does not confer upon the permittee any interest or title to the beds of the waters.

10. All structures authorized by this permit which are not maintained in good repair shall be completely removed from state-owned bottom within three months after notification by the Commission.

11. The permittee agrees to indemnify and save harmless the Commonwealth of Virginia from any liability arising from the establishment operation or maintenance of the project.

12. This permit authorizes no claim to archaeological artifacts which may be encountered during the course of construction. If, however, archaeological remains are encountered, the permittee agrees to notify the Commission, who will, in turn, notify the Virginia Historic Landmarks Commission. The permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.

## 5. Evidence of Authorization:

This General Permit should be retained by the permittee for the life of his project as evidence of authorization.

/s/ William A. Pruitt, Commissioner  
May 7, 1985

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## Appendix 1

### COMMONWEALTH OF VIRGINIA

Office of the Attorney General

October 31, 1984

The Honorable William A. Pruitt, Commissioner  
Marine Resources Commission  
P. O. Box 756  
Newport News, Virginia 23607

My dear Mr. Pruitt:

You have requested my opinion regarding the authority of a local wetlands board to regulate the length of structures known as groins (structures built out from a shore to prevent erosion) and other similar structures

constructed as part of a single project extending beyond the wetlands in both the intertidal zone and below mean low water.

The Wetlands Act § 62.1-13.1 et seq. of the Code of Virginia, provides for local wetlands boards and gives them authority to regulate wetlands which are contiguous to and above mean low water, including the intertidal zone.

The lands below mean low water, unless previously conveyed away, are owned by the Commonwealth. See § 62.1-1. Section 62.1-3 allows certain uses of these lands and gives the Marine Resources Commission (the "Commission") authority to permit other uses. See 1981-1982 Report of the Attorney General at 242.

The Wetlands Act prohibits any use or development of wetlands without a wetlands permit issued by a wetlands board. See §§ 62.1-13.9 and 62.1-13.5(4)(a). A wetlands board must base its decision to issue or deny a permit on the impact the use or development will have on the public health and welfare as expressed by the Act's Policy of preserving wetlands. Sections 62.1-13.5(9) and 62.1-13.1. The Commission is empowered by § 62.1-13.13 to modify, remand or reverse the decision of the wetlands board. See 1982-1983 Report of the Attorney General at 761.

In granting or denying any permit for the use of state-owned bottom lands, the Commission must consider the effect of the project "upon the wetlands of the Commonwealth, except when its effect upon said wetlands has been or will be determined under the provisions of Chapter 2.1 (§ 62.1-13.1 et seq. ) [The Wetlands Act]...." § 62.1-3, paragraph 6.

By reading the wetlands boards' authority to carry out the Commonwealth's strong policy favoring wetlands preservation, together with the deference to Wetlands Act decisions contained in § 62.1-3, I conclude that a local wetlands board should consider the impact on wetlands from the total project, including that portion of the project resting on subaqueous lands beyond the wetland. Although not expressly authorized to do so by statute, regulation of the length of a structure is vital to exercising the authority to regulate the use of wetlands. Whether such consideration will require imposition of a limitation on the length or structures located below mean low water is a factual determination which must be made on a case-by-case basis. That decision is subject to review by the Commission. If the wetlands board does not consider the wetlands impact of the total project of such a subaqueous project on wetlands, when it determines whether or not to grant a permit to use subaqueous lands.

I am, therefore, of the opinion that a local wetlands board is authorized to regulate the length of a structure which is constructed through both the intertidal zone and channelward of mean low water, subject to superior jurisdiction of the Commission to modify or reverse the decision.

With kindest regards, I am

Sincerely,

/s/ Gerald L. Baliles  
Attorney General

6:3/54-203

## DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

**Title of Regulations:** VR 470-03-03. Rules and Regulations to Assure the Rights of Clients in Community Programs.

**Statutory Authority:** §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

**Public Hearing Date:** September 13, 1985 - 11 a.m.  
(See Calendar of Events Section for additional information)

### Summary:

*The Rules and Regulations to Assure the Rights of Clients in Community Programs, Licensed or Funded by the Department of Mental Health and Mental Retardation (Community Rules and Regulations) delineate the rights of clients receiving treatment or care in community mental health, mental retardation and substance abuse programs. These rules and regulations apply to all community programs licensed or funded by the Department of Mental Health and Mental Retardation except private psychiatric hospitals and facilities.*

*The Community Rules and Regulations identify those fundamental rights which may not be restricted by the program. The regulations further define those rights which may be restricted for therapeutic reasons, aid in the assurance of client participation in treatment decision-making and define client participation in work activities. The regulations also establish an administrative review process for review of alleged violations of rights, delineating the roles and responsibilities of persons involved. Community programs are charged with developing written policies and procedures implementing the rights and remedies contained in the regulations. The relationships between the State Human Rights Committee, the local human rights committees, and the community programs are also delineated. The position of regional advocate is created and its responsibilities delineated.*

VR 470-03-03. Rules and Regulations to Assure the Rights of Clients in Community Programs.

### PART I. INTRODUCTION.

*The Rules and Regulations to Assure the Rights of Clients in Community Programs delineate the rights of clients receiving services from community services boards or other agencies, public or private, which receive or benefit from funding, under the provisions of Chapter 10, Title 37.1, (§ 37.1-194 et seq.) of the Code of Virginia, and all other providers of mental health, mental retardation or substance abuse services which are required to be licensed by the Department of Mental Health and Mental Retardation. These regulations apply to all programs funded or licensed by the department that are not subject to either the Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals and other Psychiatric Facilities, or the Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health and Mental Retardation.*

*Since many services supported by the Department of Mental Health and Mental Retardation under Chapter 10, Title 37.1 of the Code of Virginia, are also supported by, administered or coordinated by local government, these regulations seek to preserve autonomy for local administrators in protecting client rights, while establishing fair and easily understood statewide standards by which local efforts can be guided and measured. The local programs are charged with developing written policies implementing the rights and remedies described in the regulations. The board, through the state human rights committee, is charged with reviewing these policies to assure that they conform with the regulations contained herein.*

### Article 1. Definitions.

§ 1.1. The following words and terms, when used in these regulations, shall have the following meanings, unless the context clearly indicates otherwise:

*"Authorized representative" means that the person best situated, by law or by his relationship to the client or his understanding of the client's condition, to make a decision on the behalf of a client who, because of his mental illness, mental retardation or substance abuse is unable to make an informed decision to give or withhold consent to a program's action. The director of the program shall have the primary responsibility for designating an authorized representative in the following order of priority:*

1. A legal guardian of the client, not employed by the program and currently authorized to give consent, or an attorney in fact currently authorized to give consent under the terms of a durable power of attorney or, if the client is a minor, a parent having legal custody of the client. Where appropriate, the program director shall seek judicial appointment of a guardian as long as this attempt does not jeopardize the well-being of a client by a delay in treatment or other needed services.

2. In designating the next-of-kin, the director of the

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program shall select the best qualified person, if available, according to the following priority, unless from all information available to the director, another person in a lower priority is clearly better qualified: (i) spouse; (ii) an adult son or daughter; (iii) a parent; and (iv) any other relative of the client.

"Board" means the State Mental Health and Mental Retardation Board.

"Client" means a person receiving treatment or other services from a program whether that person is referred to as a patient, resident, student, consumer, recipient or another term.

"Commissioner" means the Commissioner of the Department of Mental Health and Mental Retardation.

"Community services board" means a citizens' board established pursuant to § 37.1-195 of the Code of Virginia, which provides mental health, mental retardation and substance abuse programs and services within the political subdivision or political subdivisions participating on the board including its contractual agencies.

"Compensable work" means those activities that have direct economic value or benefit to the program, excluding personal maintenance activities that are a necessary and ongoing function of a program. The definition of compensable work does not refer to those activities such as cleaning, maintenance and upkeep usually performed by residents in a family household.

"Department" means the Department of Mental Health and Mental Retardation.

"Director" means the executive director of the community services board or the director of a program of another organization subject to these regulations.

"Hazardous risk" means to involve risks greater than minimal risks. Procedures that present a hazardous risk include but are not limited to psychotropic medication, intrusive aversive therapy and certain surgical procedures.

"Informed consent" means the voluntary and informed agreement of a person to any action of the program for which consent is required under these regulations. The fact that a person is mentally ill, mentally retarded or substance abusing, does not alone render the person incapable of giving such consent, but it does call for added diligence by all staff in assuring that consent obtained from a client is truly voluntary and informed. To be voluntary, the consent must be given by a person so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress or any form of constraint or coercion. Informed consent usually must be based on disclosure and understanding of the following kinds of information:

1. A fair and reasonable explanation of the action

proposed to be taken by the program and its purpose.

2. A description of any adverse consequences and risks to be expected and an indication whether there may be other hazardous risks not yet identified.

3. A description of any benefits reasonably to be expected.

4. A disclosure of any appropriate alternative procedures that might be equally advantageous for the client.

5. An offer to answer any inquiries by the client or his authorized representative.

6. Notification that the person is free to refuse or withdraw his consent and to discontinue participation in any prospective program's action requiring his consent at any time without fear of reprisal against or prejudice to him.

7. A description of the ways in which the client or his authorized representative can raise concerns and ask questions about the facility action to which consent is given.

8. Where the program's action involves the disclosure of records.

- a. The name of the organization and the name and title of the person to whom disclosure is to be made.

- b. A description of the nature of the information to be disclosed, the purpose of disclosure and an indication whether the consent extends to information placed on the records after the consent was given but before it expires.

- c. A statement of when the consent will expire, specifying a date, usually within one year, event or condition upon which it will expire.

- d. An indication of the effective date of the consent.

"Intrusive aversive therapy" means any physically painful stimulus which is administered to the client for the purpose of reducing the frequency or intensity of a behavior, except that intrusive aversive therapy does not refer to verbal therapies, seclusion, physical restraints used in conformity with these regulations or psychotropic medications which shall not be used for purposes of aversive conditioning.

"Licensed organization" means a program of another organization or agency required to be licensed by the Department of Mental Health and Mental Retardation for the provision of mental health, mental retardation or substance abuse services excluding psychiatric hospitals and psychiatric units of general hospitals.

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"Minimal risk" means that the risks of harm anticipated in the proposed research, treatment or other services are not greater than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations, tests or treatment.

"Record" means any written, videotaped, audiotaped, photographic or electronic data processing reference to the treatment or other services requested by any person or rendered to a client from which the identity or any other personal information, recorded or unrecorded, of the person or client may be ascertained.

"Regional advocate" means a person or persons who perform the functions set forth in Part IV of these regulations and who are appointed by the commissioner after consultation with the state human rights director.

"Residential treatment" means inpatient treatment, treatment in a group home, night treatment in a hospital, respite care extending overnight or longer or any other modality of treatment customarily accompanied by the provision of food and shelter.

"Restraint" means the use on any client of physical force or any mechanical device that restricts the physical movements of such client for any purpose.

"Seclusion" means the placing of a client in a room with the door secured in any manner that will not permit the client to open it.

"State human rights committee" means a committee of nine members appointed by the board, pursuant to the Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health and Mental Retardation, whose responsibility it shall be to perform the functions specified in these regulations.

"State human rights director" means a person appointed by and reporting directly to the commissioner, whose responsibility it shall be to perform the functions specified in these regulations, to supervise the regional advocates and to take other necessary and appropriate actions to assist the commissioner and the state human rights committee to perform their responsibilities under these regulations and to assure the free exercise of legal and human rights by clients.

"Time out" means the practice of removing the resident from a source of positive reinforcement to an unlocked setting pursuant to an approved behavior modification plan.

"Therapeutic work" means those activities which are required as part of the treatment of the client, not activities primarily intended to produce products of direct economic value or economic benefits to the program or client.

"Treatment" means individually planned interventions,

intended to improve, maintain or minimize the loss of an individual's functioning in those areas which show impairment as the result of mental illness, mental retardation or substance abuse, whether referred to as rehabilitation, habilitation, training, education or another term.

## Article 2.

### Allowable Variances and Severability.

§ 1.2. For good cause shown and consistent with the purposes of these regulations, the state human rights committee may grant to any program a variance from these regulations.

§ 1.3. If any clause, sentence, paragraph, subdivision, section or part of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall be confined in its effect to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which the judgement shall have been rendered.

## PART II. CLIENT RIGHTS.

### Article 1. Treatment.

§ 2.1. Every community services board or licensed organization shall make reasonable accommodations to serve the handicapped. A client shall not be denied services on the basis of race, national origin, sex, age, religion or handicap.

A. A community services board or licensed organization may restrict a particular service to clients of the same sex, similar age or handicap where that restriction is reasonable related to treatment goals.

B. Fee schedules and reimbursement policies shall be set forth in writing and publicly disseminated.

1. These schedules and policies shall take into account the client's or applicant's need for services and his ability to pay.

2. The ability to pay of a minor seeking services to which his parents need not consent shall be considered independently of the parents, unless the minor authorizes the community services board or licensed organization to notify and seek reimbursement from his parents.

C. The community services board or licensed organization shall prepare with the maximum participation of the client and any authorized representative, an individualized treatment plan before or promptly after his admission to a community services board or licensed organization which is responsive to his needs and preferences.

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1. The individualized treatment plan shall be periodically reviewed and modified to be responsive to the changing needs and preferences of the client and any authorized representative.

2. The individualized treatment plan shall be integrated with all services received by the client.

D. The community services board or licensed organization shall prepare a written plan for each client for the provision of services upon discharge from the program.

§ 2.2. A community services board or licensed organization shall not deny services to a client or applicant solely because he asserts rights protected by these regulations or any other law, nor shall the provision of services be conditioned on the waiver by an applicant or client of his rights.

## Article 2. Confidentiality.

§ 2.3. A community services board or licensed organization shall maintain all records of treatment or requests for treatment with confidentiality.

A. Disclosures of records may be made only with the consent of the client or his authorized representative, except in emergencies or otherwise required by law.

B. The client or his authorized representative shall have the right to inspect and copy his own records and may make correction of records acknowledged by the program to be in error, or place in the records a statement correcting errors not so acknowledged.

The community services board or licensed organization may deny the client the opportunity to personally inspect and copy his records where the client's treating physician, after personally reviewing the records, has made as a part of such client's records, a written statement that review of the record by the client would be injurious to the client's physical or mental health or well-being.

C. The community services board or licensed organization shall comply with the provisions of the Virginia Privacy Protection Act of 1976.

§ 2.4. The community services board or licensed organization shall ensure any service providing treatment for or diagnosis of substance abuse problems, and shall comply with applicable federal regulations as well as such provisions contained in these regulations not in conflict with federal law or regulation.

## Article 3. Consent.

§ 2.5. Except in an emergency, a community services board or licensed organization shall not administer

treatment, or any other service presenting a hazardous risk, to a client without the consent of the client.

A. If the client is capable of giving consent, the consent may be given by an authorized representative.

1. The community services board or licensed organization shall encourage involvement of the client in treatment decision-making to the maximum extent permitted by his capacity and maximum development or restoration of the client's capacity to consent.

2. The community services board or licensed organization shall arrange for treatment decisions to be made by an authorized representative empowered to give, withhold or withdraw consent to treatment and keep that authorized representative informed of the results of treatment.

B. The community services board or licensed organization shall define emergency treatment for which consent is unnecessary and provide for documentation of the emergency treatment.

C. The community services board or licensed organization shall assure a fair and effective clinical review of the capacity of a client to consent when that capacity is in doubt. Wherever possible this review shall be conducted by a physician, psychologist, social worker or nurse who is not otherwise engaged in providing or offering treatment to the client.

D. In cases of clients in need of treatment or other services presenting hazardous risk who lack the capacity to consent.

## Article 4. Dignity.

§ 2.6. A client shall have the right to be treated with dignity as a human being at all times, regardless of his need for treatment or other services.

A. All employees of the community services board or licensed organization shall call the client by his preferred or legal name.

B. All employees of the community services board or licensed organization shall make all reasonable efforts to protect the client from harm, abuse and exploitation.

§ 2.7. A client shall have the right to apply for and to receive reasonable assistance in applying for and making full use of any public service or benefit to which the client may be entitled, including but not limited to educational or vocational services, housing assistance, welfare benefits, services or benefits under Titles II, XVI, XVIII, and XIX of the Social Security Act and services from a legal aid society.

§ 2.8. A client shall have the right to have a copy of rules

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of conduct applicable to services in which he is participating.

§ 2.9. A community services board or licensed organization involving residential treatment shall ensure that treatment or other services are provided in a humane and normalized setting.

A. A residential client shall have the right to a safe, sanitary and humane environment.

B. A residential client shall have the right to comfortable, clean and suitable clothing appropriate to the season and to the age, sex and size of the client, provided that the cost of such clothing and its cleaning shall be added to the cost of treatment subject to reimbursement.

C. A residential client shall have the right to communicate in confidence with any person by mail or telephone and to be assisted in exercising this right subject only to the following conditions and limitations:

1. Whenever a staff member has probable cause to believe that mail received by a residential client contains contraband or anything that would create a danger to the client or others, the mail may be opened (but not read) by the staff member in the presence of the client.

2. Upon request, an indigent residential client shall have a right to sufficient letter-writing material and postage to mail one letter per day, or the equivalent.

3. Upon request, and subject to appropriate management limitations, a residential client shall have the right to make, without charge, local telephone calls from a telephone within the program, provided such calls do not result in additional cost to the community services board or licensed organization.

4. The use of telephones, may be restricted to the extent that it is necessary to assure equal access by the clients to the telephones or to permit clients to dine or sleep without disturbance or participate in a community services board or licensed organization.

5. Nothing herein shall obligate the community services board or licensed organization to assist in the perpetration of or to refrain from reporting or otherwise intervening to prevent any criminal act.

D. A residential client may have a staff member assist in writing or reading mail.

E. A residential client shall have the right to communicate or consult in private with any lawyer, judge, legislator, regularly ordained clergyman, licensed health care practitioner, the client's authorized representative or the regional advocate.

F. A residential client shall have the right to attend or

refuse to attend any religious services held on the premises of the community services board or licensed organization and to engage in any recognized religious practice, including refusal of treatment or other services, provided that such religious services or practices neither present a danger or bodily injury to the client or others, nor interfere with another client's religious beliefs or practices.

## Article 5. Least Restrictive Alternative.

§ 2.10. When alternative kinds of treatment or treatment settings are reasonably available, the community services board or licensed organization shall offer the treatment or treatment setting which is no more restrictive of the client's physical or social liberties than is necessary to achieve a substantial therapeutic benefit or to significantly reduce a foreseeable risk of harm to the client or others. Activities and conditions which shall be protected under Article 4 as essential to the client's dignity shall not be restricted under this section for therapeutic or administrative reasons. All other activities and conditions of living, including but not limited to private visitation other than that described in § 2.9 E, use of personal funds, the use of recreational facilities, the use of personal clothing and other personal items, may be restricted, but only on the basis of a therapeutic or administrative necessity demonstrated and documented in accordance with this section.

A. A community services board or licensed organization may impose a therapeutic restriction on a client provided that:

1. The restriction does not conflict with other provisions of these regulations, the program's written policies implementing these regulations, or the client's individualized treatment plan.

2. The restriction has been determined by a staff person responsible for the treatment of the client to be necessary for that treatment, and provisions are made periodically to review the therapeutic need for the restriction.

3. The behavioral criteria for the imposition and removal of the restriction shall be communicated to the client and the use of and the reason for its use documented in the chart.

B. A community services board or licensed organization shall not use restraint or intrusive aversive therapy, except in compliance with written policies which shall assure that:

1. These procedures shall be used only when necessary and under the close supervision of adequately trained staff persons.

2. These procedures of treatment shall not be used in

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such a way as to violate other provisions of the regulations.

3. Clients subjected to these procedures, and the regional advocate shall be given an opportunity to obtain an independent clinical review of the necessity and propriety of their use.

4. The purposes of restraint or intrusive aversive therapy, and the qualifications of the persons who may order it, implement it, monitor it, and release the patient from or continue the use of restraint or intrusive aversive therapy shall be clearly defined.

## Article 6. Seclusion.

§ 2.11. A client shall not be subject to seclusion except for emergency situations in which it is evident that he might harm himself or others if he is not secluded.

A. These procedures shall be used only when necessary and under the close supervision of adequately trained staff persons.

B. These procedures of treatment shall not be used in such a way as to violate other provisions of the regulations.

C. Clients subjected to these procedures, or his authorized representative and the regional advocate shall be given an opportunity to obtain an independent clinical review of the necessity and propriety of their use.

D. The purposes of seclusion and the qualifications of the persons who may order it, implement it, monitor it and release the patient from or continue the use of seclusion shall be clearly defined.

E. The facility, part or section of the facility to be used for seclusion, shall meet the Uniform Statewide Building Code provisions for buildings designed for the detention of persons under seclusion.

F. The seclusion room shall be at least six feet wide by six feet long with a minimum ceiling height of eight feet.

G. The seclusion room shall be free of all protrusions, sharp corners, hardware, fixtures or other devices, which may cause injury to the occupant.

H. Windows in the seclusion room shall be so constructed as to minimize breakage and otherwise prevent the occupant from harming himself.

I. Light fixtures and other electrical receptacles in the seclusion room shall be recessed or so constructed so as to prevent the occupant from harming himself. Light controls shall be located outside the seclusion room.

J. Heat shall be provided to the seclusion room with automatic controls located outside of the room.

K. Doors to the seclusion room shall be at least 32 inches wide, shall open out, and shall contain observation view panels of transparent wireglass or its approved equivalent, not exceeding 120 square inches but of sufficient size for staff outside the door to see into all corners of the room.

L. Locks on the seclusion room doors shall be arranged on the outside so as to permit exit from the room by simple operation without use of a key.

M. The seclusion room shall contain only a mattress with a washable mattress covering designed to avoid damage by tearing.

N. The length of time of seclusion of a client shall be for no more than one hour and seclusion of a client shall not occur more than one time in a 24-hour period.

O. Should the client's behavior continue to be unmanageable at the end of the maximum one-hour period, the clinical director shall decide whether the continued placement in the service is appropriate. If the decision is that the continued placement is appropriate and the client's behavior is still unmanageable, either a staff member shall be placed in the locked seclusion room with the client, or the door to the room in which the client is placed shall be unlocked. The staff member shall remain in the locked seclusion room with the client until the client is removed from the seclusion room or the seclusion room door is unlocked. If the decision is made that the continued placement is inappropriate, the client shall be removed from the community services board or licensed organization and transported to a more suitable placement.

P. The physical and psychiatric condition of each client placed in seclusion shall be monitored at least every 15 minutes by an appropriately trained staff member designated by the director. The client shall have bathroom privileges according to his needs.

Q. Detailed documentation regarding every incident in which a client is placed in seclusion, including the reasons for seclusion, length of time in seclusion, observations of the client in seclusion, and the resolution of the seclusion incident, shall be documented within 24 hours of the incident. Such documentation shall become a permanent part of the client's record.

§ 2.12. A reasonable restriction may be imposed when a group of clients reside together, and when the restriction is necessary for a safe and orderly environment, provided that:

1. The restriction shall not conflict with any of the other provisions of these regulations, the program's written policies implementing these regulations or the client's individualized treatment plan.

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2. The restriction shall be communicated to the client and the use of and the reason for its use documented in the chart.

3. The restriction shall be fairly applied to other similarly situated clients in the community services board or licensed organization.

4. The restriction shall fairly allocate community services boards or licensed organizations resources among its clients.

5. The restrictions shall be defined and enforced with the maximum involvement of the clients in that community services board or licensed organization.

6. The restriction shall not involve restraint, seclusion or the use of intrusive aversive therapy.

## Article 7. Work.

§ 2.13. Each community services board or licensed organization shall ensure that no client shall be required to perform compensable work unless compensated fairly in accordance with the Fair Labor Standards Act.

A. Consideration for employment for qualified clients shall be given on an equal basis with other job applicants and employees, after making reasonable modifications in the nature of the employment for each physically or mentally handicapped applicant or employee.

B. The clients and employers shall be educated in the catchment area of the community services board or licensed organization regarding the laws and policies affecting the employment of handicapped persons.

§ 2.14. The community services board or licensed organization shall not withhold or terminate treatment because of the refusal of a client to perform therapeutic work.

Compensable work programs designed specifically to enhance or develop vocational skills shall not be subject to this provision.

§ 2.15. The community services board or licensed organization shall not require, entice, persuade or permit a client to perform labor.

A. Personal maintenance or personal housekeeping by residential clients are not subject to this provision.

B. The client shall enter into a written agreement to do so, and have the capacity to enter into such an agreement to do the proposed labor.

C. The director of the community services board or licensed organization shall determine that the proposed labor is consistent with his individual treatment plan.

§ 2.16. The community services board or licensed organization shall not pay a client less than the state minimum wage or less than is paid to any other employee in the same job classification, whichever is greater.

A. Prior approval from an independent and impartial reviewer or review committee, or approval by the United States Department of Labor may be granted as a waiver to this provision.

## Article 8. Other Legal Rights.

§ 2.17. Nothing in these regulations shall be interpreted as impairing any other legal right or remedy to which a client may be entitled under the laws of Virginia or the United States.

§ 2.18. Except as otherwise provided by state or federal law, no person shall be denied legal rights, privileges or benefits solely by virtue of being voluntarily or involuntarily admitted, certified or committed to a community services board or licensed organization. Such legal rights include but are not limited to the following:

1. The right to dispose of property.
2. The right to execute legal instruments.
3. The right to buy or sell.
4. The right to enter into contractual relationships.
5. The right to register and vote.
6. The right to marry and obtain a separation, divorce or annulment.
7. The right to hold a professional, occupations, or vehicle operator's license.
8. The right to make a will.
9. The right of access to legal counsel and to the courts.

## PART III. REMEDIES.

### Article 1. Hearing and Appeals.

§ 3.1. A client shall have, in addition to all other legal remedies available to him, a right to an impartial administrative hearing of any complaint, made by him or anyone on his behalf, that his rights under Part II of these regulations or any written policy implementing these regulations, have been abridged. The community services board or licensed organization shall prescribe procedures for requesting and conducting this hearing. The community services board or licensed organization shall assure that the hearing will fairly adjudicate the complaint and will remedy any violations of community services board or licensed organization policies adopted under these regulations.

§ 3.2. The community services board or licensed organization, alone or with other similar community services board or licensed organizations located near each

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other, shall establish a committee of no fewer than five members broadly representative of professional and consumer interest served by that community services board(s) or licensed organization(s),

A. One member of the committee may be a member of the community services board.

B. The committee shall conduct hearings pursuant to this section, resolve factual conflicts, and render recommendations based on the facts and these regulations to the community services board(s) or licensed organization(s).

C. The hearing shall be conducted pursuant to written policies of the program or programs, the by-laws of the committee, and § 9-6.14:11 of the Code of Virginia.

D. The hearings shall be closed, unless the client requests that they be open, or an open hearing is required by the Virginia Freedom of Information Act.

§ 3.3. A client shall have the right to appeal the outcome of a hearing held pursuant to § 3.1. of these regulations to the state human rights committee.

A. The decision of the state human rights committee shall be based on these regulations, any written policies of the community services board or licensed organization, and the facts adduced at the hearing held pursuant to this article.

§ 3.4. The community services board or licensed organization policies developed pursuant to these regulations shall adequately assure that its staff shall cooperate fully with the committee constituted under this article and with the regional advocate.

## PART IV. REGIONAL ADVOCATES.

### Article 1. Creation and Supervision.

§ 4.1. The commissioner shall create within the department the position or positions of regional advocate to be selected and supervised by the state human rights director who shall consult with the state human rights committee on such selections.

§ 4.2. The regional advocate shall have the following responsibilities in addition to any that the state human rights director shall assign:

1. The regional advocate shall assist the client, unless the client refuses assistance, in presenting complaints arising under these regulations in a hearing or appeal conducted under these regulations.

2. The regional advocate shall investigate, examine and monitor the compliance of the community

services board or licensed organization as set out in these regulations. He shall report periodically to the community services board or licensed organization, the state human rights director and the state human rights committee.

3. The regional advocate shall educate community services board or licensed organization staff and clients regarding these regulations and the policies developed pursuant to these regulations.

4. The regional advocate shall assist the community services board or licensed organization staff and clients in fairly and efficiently settling disputes that arise concerning the rights and remedies, as provided in these regulations.

§ 4.3. The regional advocate shall have the authority necessary to fulfill the responsibilities assigned pursuant to these regulations and shall be granted access and authority to interview any client of any community services board or licensed organization at any reasonable time and to obtain any other necessary information.

## PART V. APPROVAL AND MODIFICATION OF WRITTEN POLICIES.

### Article 1. Written Policies, Modifications and Sanctions.

§ 5.1. Within 180 days following the promulgation of these regulations, each community services board or licensed organization shall submit to the state human rights committee a written policy clearly setting forth the manner in which the community services board or licensed organization will implement these regulations.

A. A community services board may require a contractual program to submit their human rights plan to the community services board for review prior to the submission by the community services board to the state human rights committee as part of their contractual agreement.

B. The community services board shall determine whether the contractual program's human rights plan is submitted independently or as a part of the community services board plan.

§ 5.2. Within 180 days following submission of a written plan to the state human rights committee, and after notice to and an opportunity to be heard for the community services board(s) or licensed organization(s) submitting the plan, the state human rights committee shall determine whether the written plan conforms with the requirements of these regulations.

A. If the state human rights committee determines that the written plan does not conform in any respect with these regulations, the state human rights committee shall

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make recommendations for revision.

1. The community services board(s) or licensed organization(s) submitting the written plan may revise as recommended that plan for resubmission.

B. A revision of a plan, which the state human rights committee fails to rule on within 90 days of submission, shall be deemed to have been approved by the state human rights committee.

§ 5.3. The failure of a community services board or licensed organization to adopt an approved written policy or to adequately revise a written plan, which in the opinion of the state human rights committee does not conform with these regulations, shall be taken into consideration by the commissioner in any funding or licensure decision affecting that community services board or licensed organization, and may serve as the basis of withholding licensure or funding which directly or indirectly benefits the community services board or licensed program.

§ 5.4. A community services board or licensed organization may make a prospective modification of its written plan implementing these regulations.

A. If after submitting the proposed modifications to the state human rights committee, the committee does not approve the modification by majority vote, the community services board or licensed organization will receive written notice of an opportunity to be heard by the committee regarding these modifications.

B. If the community services board or licensed organization fails to appear, the committee will rule within 90 days of submission that the modifications fail to conform to these regulations.

## DEPARTMENT OF SOCIAL SERVICES

**Title of Regulations:** VR 615-01-1. Earned Income Disregards/Student Earnings in the Aid to Dependent Children (ADC) Program.

**Statutory Authority:** § 63.1-25 of the Code of Virginia.

### Summary:

The Board has approved the proposed amendment to policy in the Aid to Dependent Children (ADC) Program for a 60-day public comment period. It is the consensus of the Board that whenever possible, the incentive to gain and maintain employment should be fostered.

The financial eligibility determination process in the Aid to Dependent Children Program consists of three steps. If family income exceeds the maximum allowable at any step, eligibility does not exist.

Earnings derived by a youth through participation in the Job Training Partnership Act (JTPA), however, are disregarded in all three steps. The three steps consist of:

1. 185% Screen - total gross family income, both earned and unearned, (including the earned income of a dependent child who is a full-time student) is screened at 185% of the state's standard of need;

2. Determination of Need - earned income, minus appropriate income disregards, is combined with gross countable unearned income and screened at 90% of the Commonwealth's standard of need (student earnings are currently disregarded in the determination of need);

3. Grant Calculation - earned income, minus additional income disregards, is combined with gross countable unearned income and subtracted from 90% of the Commonwealth's standard of need to determine the amount of assistance to which a family is entitled (student earnings are currently disregarded in the grant calculation).

The proposed amendment to Aid to Dependent Children policy will revise the method by which the earned income of a dependent child is to be considered in relation to a family's eligibility for assistance. As proposed, the Board intends to disregard, for a period of six months per calendar year, the earnings of dependent children who are full-time students in the 185% screen and determination of need.

VR 615-01-1. Earned Income Disregards/Student Earnings in the Aid to Dependent Children (ADC) Program.

§ 1. As specified below, certain earned income of family members must be disregarded in determining need of the assistance unit and amount of assistance to which a family is entitled under the Aid to Dependent Children (ADC) Program. With the exception of items No. A and No. C, the items listed below are not disregarded during the 185% screening. Income disregards are to be applied to gross earned income in the following order:

A. Earned income of any eligible child who is a full-time student must be disregarded for a period of six months per calendar year. Subsequent to expiration of this six-month period, the earnings of a full-time student will be disregarded only in determining the amount of assistance to which the family is entitled.

B. Earned income of an eligible child who is a part-time student, not employed full-time, must be disregarded.

C. Earnings received by an eligible child under Title II, Part B of the Job Training Partnership Act of 1982 (JTPA).

D. A standard work deduction of the first \$75 of gross

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earned income for each employed member of the assistance unit whose income is not otherwise exempt.

E. The appropriate child care/incapacitated adult care disregard to be deducted from an applicant/recipient's earnings will be based on his employment status.

F. From the total gross earnings and/or profit from self-employment of each member of the Aid to Dependent Children assistance unit, other than those specified above, the first \$30 monthly, plus one-third of the remainder, must be disregarded for four consecutive months. At the end of the four-month period a \$30 disregard is available for eight additional months.

## DEPARTMENT OF TAXATION

**Title of Regulations:** VR 630-2-322.1. Individual Income Tax: Net Operating Losses.

**Statutory Authority:** § 58.1-203 of the Code of Virginia.

**Public Hearing Date:** August 8, 1985 - 10 a.m.  
(See Calendar of Events Section for additional information)

### Summary:

*This new regulation details the Virginia tax treatment of federal net operating losses. Since there is no express statutory authority for a separate Virginia net operating loss, the amount of federal net operating loss is the starting point in computing the amount of deduction to be allowed on a Virginia return. The amount of federal net operating loss shall be increased or decreased by an amount that equals the sum of the modifications required by the Code of Virginia in the loss year. This net amount of Virginia modification in the loss year is to be reported as a separate item and a proportionate share of its sum will follow the federal loss to the year in which the loss is utilized.*

VR 630-2-322.1. Individual Income Tax: Net Operating Losses.

### § 1. Definitions.

*The following words and terms, when used in this regulation, shall have the following meaning, unless the context clearly indicates otherwise:*

*"Carryback year" means any year preceding the loss year in which a deduction for a federal net operating loss is claimed pursuant to I.R.C. § 172(b) for federal income tax purposes.*

*"Carryforward year" means any year subsequent to the loss year in which a deduction for a federal net*

*operating loss is claimed pursuant to I.R.C. § 172(b) for federal income tax purposes.*

*"Federal net operating loss" means an amount equal to the amount defined by I.R.C. § 172(c).*

*"Loss year" means the taxable year to which the net operating loss is attributable.*

*"Net operating loss absorbed" means the amount of federal net operating loss as defined by I.R.C. § 172(c) that is either used to offset modified federal taxable income in a carryback year or included in the computation of federal adjusted gross income in a carryforward year. In a carryback year, it is the amount necessary to reduce modified federal taxable income to zero, but not below zero. (See I.R.C. § 172(b)(2))*

*"Recomputed federal adjusted gross income" means the federal adjusted gross income as last determined for the carryback year, less the amount of net operating loss absorbed as defined above.*

*"Virginia modification" means the modifications specified in §§ 58.1-322 B and 58.1-322 C of the Code of Virginia that relate to federal adjusted gross income, the modifications to federal itemized deductions specified in § 58.1-322 D 1.a, the additional deduction of \$400 specified in § 58.1-322 D 2, the beneficiary modifications specified in § 58.1-322 E, and the transitional modifications specified in § 58.1-322 F. of the Code of Virginia.*

### § 2. Generally.

*There is no express statutory authority in the Code of Virginia for a separate Virginia net operating loss. Since, under § 58.1-322 of the Code of Virginia, the starting point on a Virginia individual income tax return is federal adjusted gross income, and the federal carryback or carryforward of a federal net operating loss is reflected in federal adjusted gross income, Virginia taxable income is indirectly affected by federal net operating losses to the extent that they are reflected in federal adjusted gross income.*

### § 3. Virginia modifications in the loss year.

#### A. Generally.

*Each item that is a component of the federal net operating loss must be examined to see if a Virginia modification is required to be made to that item. To the extent that a Virginia modification is required, the net amount of such modifications shall become associated with the federal net operating loss. (See § 4 below.)*

*In addition to the modifications enumerated under § 1 "Virginia Modifications," a modification shall be made to any other item that is a component of the federal net operating loss that Virginia law treats dissimilarly.*

**B. Zero bracket amount.**

There is no provision in the Code of Virginia for the allowance of a deduction for an amount equal to the federal zero bracket amount. In cases where taxpayers for federal purposes do not itemize deductions, all or part of the federal zero bracket amount may be included in the amount of federal net operating loss. To the extent that any amount of the federal zero bracket amount is included in the federal net operating loss, a positive Virginia modification is required. (See example 4.)

**C. State tax refund.**

1. Under § 58.1-322 C 5 of the Code of Virginia, a taxpayer is allowed a subtraction from federal adjusted gross income for the amount of state tax refund included in federal adjusted gross income. (See § 3(D)(2) below)

2. In certain situations, a second off-setting Virginia modification may have to be made for the amount of state tax refund included in federal adjusted gross income. This occurs because the amount of state tax refund may increase the amount of federal net operating loss. In the computation of the federal net operating loss, the amount of loss before adjustments must be reduced by the excess of nonbusiness deductions over nonbusiness income. The greater the amount of nonbusiness income (up to the point it equals nonbusiness deductions) the less the loss will have to be reduced; therefore, the greater the amount of federal net operating loss. To the extent that the state tax refund is included in nonbusiness income and increases the amount of federal net operating loss (decreases the amount that the federal net operating loss must be reduced), a positive Virginia modification is required. (See example 2)

**D. Other modifications required.**

1. A positive modification is required for the items enumerated in § 58.1-322 B of the Code of Virginia - Additions to federal adjusted gross income. Also see Regulation No. VR 630-2-322(B).

2. A negative modification is required for the items enumerated in § 58.1-322 C of the Code of Virginia - Subtractions from federal adjusted gross income. Also see Regulation No. VR 630-2-322(C).

3. A positive modification is required for the state tax deduction specified in § 58.1-322 D 1.a of the Code of Virginia, and a negative modification is required for the additional charitable mileage deduction allowed by this same section. Also see Regulation No. VR 630-2-322(D)(2).

4. A negative modification is required for the additional deduction of \$400 specified in § 58.1-322 D 2 of the Code of Virginia. Also see Regulation No. VR

**630-2-322(D)(4).**

§ 4. Treatment of the Virginia modifications in the loss year.

**A. Modifications follow loss.**

The addition, subtraction and itemized deduction or deduction for zero bracket amount modifications shall be combined. The net result of these loss year modifications will follow the federal loss to the year in which the loss is utilized. It will be applied in the same proportion as the amount of loss that is absorbed. Thus, if the federal net operating loss is fully utilized in a carryback or carryforward year, the entire net amount of Virginia modifications will be applied to such year. If, however, the federal net operating loss is partially utilized in each of several years, the net Virginia modifications will be applied in the same ratio to the several years. For example, if 50% of a 1984 federal net operating loss is carried back to 1981, the 50% of the 1984 net Virginia modifications will also be carried back to 1981.

**B. When Virginia modifications exceed net operating loss.**

However, if in the loss year the positive Virginia modifications are greater than the federal net operating loss, Virginia negative modifications, plus the amount of Virginia personal exemptions and deductions, then Virginia taxable income for the loss year will be greater than zero. Under these circumstances, the net Virginia modification shall be limited to the amount of the federal net operating loss. For example, if the 1984 federal net operating loss is (\$9,000), Virginia additions are \$18,000, and Virginia subtractions are (\$5,000), then 1984 Virginia taxable income is \$2,100 (assuming the taxpayer is single, under age 65 and claims the Virginia standard deduction). The net modification (\$18,000 - \$5,000 = \$13,000) will be limited to the amount of federal net operating loss, i.e. \$9,000. Therefore, if \$6,000 of the federal net operating loss is carried back to 1981 then \$6,000 of the net Virginia modification will also be carried back to 1981.

**C. Worksheet and examples.**

The following worksheet or a facsimile thereof must be used and attached to the return to compute the amount of net Virginia modification in the loss year and the portion of this modification to be used in each of the carryback and/or carryforward years.

**NET OPERATING LOSS MODIFICATION  
WORKSHEET 19...**

Attach to the amended return for the carryback year and/or to the return for the carryforward year

1. Year of loss .....

2. Federal NOL for year of loss .....

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3. Amount of federal NOL absorbed in this carryback or carryforward year .....

4. Percentage of NOL absorbed in this carryback or carryforward year (Line 3 divided by Line 2) .....

5. Virginia Modifications for year of the loss

a) Total Additions (Line 6 Form 760) .....

b) Total Subtractions (Line 9 Form 760) .....

c(1)) If Itemized Deductions Claimed - State Income Tax included in NOL .....

OR

If Itemized Deductions Not Claimed - Federal ZBA included in NOL .....

c(2)) State Tax Refund included in NBI\* .....

d) Total State Tax Adjustment

e) Other

Total Net Modifications

6. Amount of Virginia Loss Year Modifications to be Applied to Carryback or Carryforward Year (Line 5 X Line 4) .....

\*Only to the extent that nonbusiness income reduces nonbusiness deductions and therefore lessens the amount that nonbusiness deductions decrease the NOL.

## Example 1.

In 1984, John and Mary Taxpayer suffered a federal net operating loss of \$26,560, which they carried back to 1981. The amount of the 1984 net operating loss absorbed in 1981 was \$9,296. They had \$520 of Virginia income tax (withholding) included in the federal net operating loss.

Their 1984 Virginia income tax return contained the following Virginia modifications:

### Additions

A.C.R.S. \$400  
Deduction for married couple when both work \$325  
Total Additions \$725

### Subtractions

State tax refund (excessive 1983 withholding) \$350  
Interest on obligations of the United States \$1,290  
A.C.R.S. \$110  
Total Subtractions \$1,750

The worksheet to compute the net Virginia modification from the loss year should be completed as follows:

## Example 1

## NET OPERATING LOSS MODIFICATION WORKSHEET 19 81

Attach to the amended return for the carryback year and/or to the return for the carryforward year

1. Year of loss 1984

2. Federal NOL for year of loss \$26,560

3. Amount of Federal NOL absorbed in this carryback or carryforward year \$9,296

4. Percentage of NOL absorbed in this carryback or carryforward year (Line 3 divided by Line 2) 35%

5. Virginia Modifications for year of the loss

a) Total Additions (Line 6 Form 760) 725  
b) Total Subtractions (Line 9 Form 760) (\$1,750)  
c(1)) If Itemized Deductions Claimed - State Income Tax included in NOL 520

OR

If Itemized Deduction Not Claimed - Federal ZBA included in NOL .....

c(2)) State Tax Refund included in NBI\* -0-

d) Total State Tax Adjustment 520

e) Other .....

Total Net Modifications (505)

6. Amount of Virginia Loss Year Modifications to be Applied to Carryback or Carryforward Year (Line 5 X Line 4) (177)

\*Only to the extent that nonbusiness income reduces nonbusiness deductions and therefore lessens the amount that nonbusiness deductions decrease the NOL.

## Example 2.

Same as Example 1, except that \$175 of the 1983 State tax refund of \$350 resulted from estimated payments made in anticipation of incurring a tax liability from investment income. Since this was a refund of state tax designated for investment purposes, it is classified as nonbusiness income. On the federal Schedule A, Form 1045, line 8(a), the nonbusiness deductions equal \$15,350 and the nonbusiness income (line 8(b)) equals \$9,850. The nonbusiness portion of the state tax refund (\$175) is included in the nonbusiness income amount. In computing the federal net operating loss, nonbusiness deductions reduce the amount of net operating loss to the extent that they exceed nonbusiness income; therefore, the inclusion of the \$175 nonbusiness state tax refund has the effect of increasing (or not decreasing) the amount of net operating loss. To the extent that the state tax nonbusiness refund lessens the amount that nonbusiness deductions decrease the net operating loss, a Virginia modification is required. The worksheet to compute the net Virginia modification from the loss year should be completed as follows:

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## Example 2

### NET OPERATING LOSS MODIFICATION WORKSHEET 19 81

Attach to the amended return for the carryback year  
and/or to the return for the carryforward year

1. Year of loss 1984
2. Federal NOL for year of loss 26,560
3. Amount of Federal NOL absorbed in this carryback  
or carryforward year 9,296
4. Percentage of NOL absorbed in this carryback or  
carryforward year (Line 3 divided by Line 2) 35%
5. Virginia Modifications for year of the loss
  - a) Total Additions (Line 6 Form 760) 725
  - b) Total Subtractions (Line 9 Form 760) (1,750)
  - c(1)) If Itemized Deductions Claimed - State Income  
Tax included in NOL 520
  - OR
  - If Itemized Deductions Not Claimed - Federal ZBA  
included in NOL .....
  - c(2)) State Tax Refund included in NBI\* 175
  - d) Total State Tax Adjustment 695
  - e) Other .....Total Net Modifications (330)
6. Amount of Virginia Loss Year Modifications to be  
Applied to Carryback or Carryforward Year (Line 5 X  
Line 4) (115.50)

\*Only to the extent that nonbusiness income reduces  
nonbusiness deductions and therefore lessens the amount  
that nonbusiness deductions decrease the NOL.

## Example 3.

Same as Example 2, except that \$390 of the 1984 (loss  
year) Virginia income tax claimed as an itemized  
deduction was from estimated income tax payments based  
on anticipated investment income. First, the amount of  
state tax included in the net operating loss must be  
computed. For federal purposes, in computing the net  
operating loss, only \$390 of the state tax deduction  
claimed on federal Form 1040, Schedule A, is included in  
the nonbusiness deductions on the federal Form 1045,  
Schedule A. Since only 64.2% (9850/15350) of the  
nonbusiness deductions are included in the net operating  
loss, only \$250 (\$390 X 64.2%) of the nonbusiness portion  
of the state tax deduction is included in the net operating  
loss. The \$130 of state tax that is a business deduction  
(from withholding on wages) is included in the net  
operating loss also. Therefore, a total of \$380 (\$250 +  
\$130) of state tax is included in the net operating loss.

## Example 3

### NET OPERATING LOSS MODIFICATION WORKSHEET 19 81

Attach to the amended return for the carryback year  
and/or to the return for the carryforward year

1. Year of loss 1984
2. Federal NOL for year of loss 26,560
3. Amount of Federal NOL absorbed in this carryback  
or carryforward year 9,296
4. Percentage of NOL absorbed in this carryback or  
carryforward year (Line 3 divided by Line 2) 35%
5. Virginia Modifications for year of the loss
  - a) Total Additions (Line 6 Form 760) 725
  - b) Total Subtractions (Line 9 Form 760) (1,750)
  - c(1)) If Itemized Deductions Claimed - State Income  
Tax included in NOL 380
  - OR
  - If Itemized Deductions Not Claimed - Federal ZBA  
included in NOL .....
  - c(2)) State Tax Refund included in NBI\* 175
  - d) Total State Tax Adjustment 555
  - e) Other .....Total Net Modifications (470)
6. Amount of Virginia Loss Year Modifications to be  
Applied to Carryback or Carryforward Year (Line 5 X  
Line 4) (164.50)

\*Only to the extent that nonbusiness income reduces  
nonbusiness deductions and therefore lessens the amount  
that nonbusiness deductions decrease the NOL.

## Example 4.

John and Mary Taxpayer suffered a federal net  
operating loss of \$26,560 in 1984, which they carried back  
to 1981. The amount of the 1984 net operating loss  
absorbed in 1981 was \$9,296. They did not itemize  
deductions in 1984. Because their nonbusiness income  
exceeded their nonbusiness deductions the entire federal  
zero bracket amount was included in the net operating  
loss.

## Example 4

### NET OPERATING LOSS MODIFICATION WORKSHEET 19 81

Attach to the amended return for the carryback year  
and/or to the return for the carryforward year

1. Year of loss 1984
2. Federal NOL for year of loss 26,560

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3. Amount of Federal NOL absorbed in this carryback or carryforward year 9,296

4. Percentage of NOL absorbed in this carryback or carryforward year (Line 3 divided by Line 2) 35%

5. Virginia Modifications for year of the loss

a) Total Additions (Line 6 Form 760) 725

b) Total Subtractions (Line 9 Form 760) (1,750)

c(1) If Itemized Deductions Claimed - State Income Tax included in NOL .....

OR

If Itemized Deductions Not Claimed - Federal ZBA included in NOL 3,400

c(2) State Tax Refund included in NBI\* .....

d) Total State Tax Adjustment 3,400

e) Other .....

Total Net Modifications 2,375

6. Amount of Virginia Loss Year Modifications to be Applied to Carryback or Carryforward Year (Line 5 X Line 4) 831

\*Only to the extent that nonbusiness income reduces nonbusiness deductions and therefore lessens the amount that nonbusiness deductions decrease the NOL.

## § 5. Net operating loss carrybacks and carryovers.

### A. Generally.

For Virginia purposes a net operating loss deduction is allowed only to the extent that it is allowed in computing federal adjusted gross income. Therefore, it must be carriedback or carried forward to the same year as for federal income tax purposes.

### B. Exception.

There shall be no carryback of any net operating loss to any taxable years beginning prior to January 1, 1972. In the case of a net operating loss for federal income tax purposes that is carried back to any taxable year prior to January 1, 1972, the amount of such loss is to be carried forward for Virginia purposes and used to offset taxable income in successive tax years subsequent to 1972 until the amount of federal loss is offset.

## § 6. Filing status.

### A. Generally.

Taxpayers shall use the same filing status for Virginia purposes as they do for federal purposes. In cases where the taxpayers use a different filing status for federal purposes in the loss year than in the carryback or carryforward year, the federal provisions of Treasury Reg. § 1.172-7 shall be applicable.

### B. When taxpayers elect a different Virginia filing

status.

Taxpayers may elect a different Virginia filing status in the loss year than they elected in the carryback or carryforward year. Section 58.1-341 of the Code of Virginia allows Virginia taxpayers who file a joint federal income tax return to file either a joint Virginia income tax return, separate Virginia income tax returns or to file either a joint Virginia income tax return, separate Virginia income tax returns or to file separately on a combined return. (See Regulation No. VR 630-2-341(C))

1. When taxpayers elect on their Virginia return to file married, filing jointly in the loss year and to file separately or to file married filing separately on a combined return in the carryback or carryforward year, the loss and all Virginia loss year modifications shall be claimed by the spouse who would have been entitled to claim the loss if separate returns or married filing separately on a combined return had been chosen in the loss year.

2. When taxpayers elect to file separate Virginia returns or elect to file separately on a combined return in the loss year and file married, filing jointly in the carryback or carryforward year, the loss and all Virginia loss year modifications attributable to both spouses for the loss year shall follow the loss to the carryback or carryforward year return.

## § 7. Preparation of the carryback year or carryforward year return.

### A. Carryback year return.

The amended Virginia return for the carryback year shall start with the recomputed federal adjusted gross income. The net modifications from the NET OPERATING LOSS MODIFICATION WORKSHEET shall be entered on the line for "other" additions to federal adjusted gross income if positive, or shall be entered on the line for "other" subtractions from federal adjusted gross income if negative. This net modification for the loss year shall be combined with the modifications as originally claimed for the carryback year, the recomputed federal adjusted gross income, personal exemption amount and deduction amount to compute Virginia taxable income in the carryback year. Since the computation of the Virginia standard deduction and the amount of Virginia credit for taxpayers age 62 and over are both based upon the amount of federal adjusted gross income, these amounts must be recomputed in the carryback year to reflect the recomputed federal adjusted gross income.

1. The following forms and their supporting schedules must be included with the amended return.

a. NET OPERATING LOSS MODIFICATION WORKSHEET or facsimile.

b. Copy of the Virginia return for the loss year.

c. Copy of the federal Form 1045 or 1040X.

B. Carryforward year return.

Since the net operating loss deduction is a component of federal adjusted gross income in the carryforward year, there is no need to recompute federal adjusted gross income for Virginia purposes. The net modification from the NET OPERATING LOSS MODIFICATION WORKSHEET shall be entered on the line for "other" additions to federal adjusted gross income if positive, or shall be entered on the line for "other" subtractions from federal adjusted gross income if negative. This net modification for the loss year shall be combined with the modifications of the carryforward year, federal adjusted gross income, personal exemption amount and deduction amount to compute Virginia taxable income in the carryforward year.

1. The following statements must be included with the carryforward year return.

a. NET OPERATING LOSS MODIFICATION WORKSHEET or facsimile.

b. Copy of the Virginia return for the loss year.

§ 8. When and where to file; interest.

A. When to file.

The provisions of § 58.1-1823 of the Code of Virginia set forth the statute of limitations for filing amended returns claiming a refund that reflect the carryback of a federal net operating loss. Generally, the amended carryback year return must be filed within the statutory period for filing the loss year return. (See Regulation No. VR 630-1-1823.)

B. Where to file.

The amended return for the carryback year is to be filed in accordance with the requirements of Regulation No. VR 630-2-343.

C. Interest.

Any overpayment of tax resulting from the carryback of a net operating loss will be deemed to have been made on the day on which the return for the loss year was filed or the due date of the loss year return (including extensions), whichever is later. (See Regulation No. VR 630-1-1833(E))

# FINAL REGULATIONS

For information concerning Final Regulations, see information page.

## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

## BOARD OF EDUCATION

**Title of Regulations:** VR 270-01-0001. Regulations Governing Adult High School Programs.

**Statutory Authority:** §§ 22.1-223 through 22.1-226 of the Code of Virginia.

**Effective Date:** July 1, 1985.

### Summary:

*This regulation sets forth appropriate standards and guidelines for adult education programs and are consistent with existing federal and state statutes, regulations, and judicial decisions. It is needed in order for the Board of Education to strengthen and clarify existing instructional requirements for adults who wish to receive a high school diploma in the Commonwealth of Virginia.*

VR 270-01-0001. Regulations Governing Adult High School Programs.

### § 1. Responsibility.

Local authorities are responsible for evaluating and awarding credit for educational achievement, other than that earned in the regular school program.

### § 2. Minimum Requirements for Secondary School Programs.

Secondary school programs for adults which are not part of the regular day school program shall meet the following minimum requirements:

A. Age - A student shall be at least ~~18~~ 18 years of age. Under circumstances which local school authorities consider justifiable, the age limit may be lowered. Only in exceptional circumstances should local authorities permit a regularly enrolled day student to earn credits toward high school graduation in adult classes. (In such cases, ~~150~~ hours of classroom instruction or an alternative method of granting credit which meets the requirement set forth under Standard C shall be required for one unit of credit. *alternative educational programs have been considered.*)

B. Credit - ~~(a)~~ 1. Satisfactory completion of 108 hours of classroom instruction in a subject shall constitute sufficient evidence for one unit of credit. Where accelerated or other innovative instructional methods are

employed, credit may be given in less time when required achievement is evident. *used, satisfactory completion of comparable competencies as the regular secondary school program as measured by objective testing in a subject shall constitute sufficient evidence for one unit of credit.*

(e) 2. ~~Sixteen~~ *Eighteen* units of high school credit are required for a diploma. These units must include ninth, tenth, eleventh, and twelfth grade English, Virginia and U. S. History, Virginia and U. S. Government, World History and/or World Geography, ninth grade Science and Mathematics, plus electives above the eighth grade, graduation as specified in the Standards for Accrediting Schools in Virginia with the exclusion of Health and Physical Education.

3. An Advanced Studies Diploma (20 credits) shall be awarded to students who complete the credits as specified in the Standards for Accrediting Schools in Virginia with the exclusion of Health and Physical Education.

4. In addition to the units of credit specified in the Standards for Accrediting Schools in Virginia, each student must demonstrate mastery of minimum competencies as prescribed by the Board of Education.

~~(b)~~ 5. When, in the judgment of the principal and/or the superintendent, an adult not regularly enrolled in the day school program is able to ~~prove~~, *demonstrate* by examination or other objective evidence, satisfactory completion of the work, he or she may receive credit ~~in less than the time usually required.~~ *When credit is to be granted for a subject in which the work is completed in less than the time usually required, it is the responsibility of the school issuing the credit to document the amount of time spent on each course, the types of examinations employed, the testing procedures, and the extent of progress in each case.*

### Credit for Educational Experiences in the Armed Forces

An individual who has earned eight units (exclusive of Health and Physical Education) in a secondary school program may be awarded secondary school credit for the satisfactory completion of acceptable courses taken from any of the following sources:

a. United States Armed Forces Institute

b. United States Armed Forces Institute (USAFI) Subject Examination

# Final Regulations

e. High school courses offered through USAFI by cooperating colleges

d. Marine Corps Institute courses

e. Coast Guard Institute courses

f. Service school training

Credit recommendation for educational experiences in the armed forces may be obtained by writing to the Commission on Accreditation of Service Experiences, American Council on Education, One Dupont Circle, Washington, D. C. 20036.

(d) 6. No student may be issued a diploma by earning credits in adult or evening classes prior to the time that he or she would have graduated from a secondary school had he or she remained in school and made normal progress.

(e) 7. Credits actually earned in adult secondary school programs approved by the Department of Education [ may shall ] be transferable as identified in the Standards for Accrediting Schools in Virginia within the sponsoring school division. Credit transferred through an accredited secondary school in the sponsoring school division and shall be transferable to public secondary schools outside of the sponsoring school division.

## § 3. Minimum Qualifications of Teachers.

The minimum qualifications of teachers [ teaching ] in the adult and evening school shall be the same in all respects as those required for the regular day school.

## § 4. Library Facilities.

The library facilities available for the regular day school shall be available for the adult evening school.

## § 5. Science Laboratory Facilities.

If science is offered, the laboratory facilities also shall be available.

## § 6. Administration and Supervision.

The adult and evening school shall be under supervision of the secondary school principal, assistant principal, or a qualified staff member approved by the division superintendent.

## § 7. Guidance Services.

The adult and evening school should have appropriate guidance services available.

## VIRGINIA MARINE RESOURCES COMMISSION

Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. The Regulations printed below are voluntarily published by the Marine Resources Commission for the public's benefit and for informational purposes only.

Title of Regulation: VR 450-01-0033. Pertaining to Crab Pots.

Statutory Authority: § 28.1-23 of the Code of Virginia.

Effective Date: May 1, 1985.

VR 450-01-0033. Pertaining to Crab Pots.

### PREAMBLE

*This regulation is designed to minimize gear conflicts existing between crab pot fishermen and crab scrape fishermen in the Chesapeake Bay near Tangier Island. This regulation prohibits the setting of crab pots in a small area north of Tangier Island.*

### § 1. Authority, Prior Regulations, Effective Date.

A. This regulation is promulgated pursuant to the authority contained in § 28.1-23 of the Code of Virginia.

B. No prior regulations pertain to crab pots.

C. The effective date of this regulation is May 1, 1985.

### § 2. Purpose.

*The purpose of this regulation is to minimize gear conflicts existing between crab pot fishermen and crab scrape fishermen in an area of Chesapeake Bay north of Tangier Island.*

### § 3. Gear Limitation, Closed Area.

A. No crab pot shall be set or fished in the designated closed area.

B. The closed area is defined as follows: Beginning at the northernmost point of Fishbone Island, 37°-53'-10" North/76°-00'-10" West; thence in a northerly direction approximately [ 4.1 miles to a point in the center of Tyler Creek Channel; East of Fishing Creek Marsh; on the Maryland-Virginia Line; marked by Red Day Marker Number 4; 37°-57'-12" North/76°-00'-47" West; thence westerly along the Maryland-Virginia Line approximately 1.06 miles to the overhead powerline; 37°-57'-12" North/76°-02'-08" West; thence southerly along the overhead powerline to the northern most point of Sedge Island; 37°-56'-34" North/76°-02'-07" West; thence in a southwesterly direction to a point, 37°-56'-13"

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North/76°-02'-21" West; thence in a southerly direction, along the overhead powerline approximately 0.95 miles to the western most point of Shanks Island, 37°-55'-20" North/76°-02'-32" West; 0.90 miles to a point on the Eastern shore of Herring Island, 37°-54'-03" North/76°-00'-29" West; thence in a northerly direction approximately 1.68 miles to a point on South Point Marsh known as Peachorchard Point, 37°-55'-41" North/76°-00'-55" West; thence following the shoreline of South Point Marsh to South Point, 37°-55'-19" North/76°-01'-32" West; thence due West approximately 0.75 miles to the overhead power cable at the westernmost point of Shanks Island, 37°-55'-20" North/76°-02'-32" West; ] thence in southeasterly direction along the overhead powerline approximately 2.85 miles to Upper Tump, 37°-52'-50" North/76°-00'-47" West; thence in a northeasterly direction approximately 0.60 miles to the northern most point of Fishbone Island, the point of beginning.

#### § 4. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class I misdemeanor.

/s/ William A. Pruitt, Commissioner  
Date: April 26, 1985

**Title of Regulations: VR 450-01-8503. Opening Season for Removal and Relay from Public Grounds, Condemned Shellfish Areas No. 7 and No. 50**

**Statutory Authority: § 28.1-179 of the Code of Virginia**

**Effective Date: April 29, 1985.**

VR 450-01-8503. Opening Season for Removal and Relay from Public Grounds, Condemned Shellfish Areas No. 7 and No. 50.

### PREAMBLE

This Order of the Marine Resources Commission opens the season for removal and relaying of shellfish from the public grounds of Condemned Shellfish Area No. 7 and Area No. 50 in the Hampton Roads and Willoughby Spit Areas, under special permits as provided in § 28.1-179 of the Code of Virginia, effective April 29, 1985.

#### § 1. Authority. Prior Regulation. Effective Date:

A. This Order is promulgated pursuant to the authority contained in § 28.1-179 (4c) of the Code of Virginia.

B. This Order repeals Marine Resources Commission Order Number 84-4, which was promulgated and made effective April 30, 1984.

C. The effective date of this order is April 29, 1985.

#### § 2. Purpose:

The purpose of this Order is to exercise the authority granted the Marine Resources Commission in § 28.1-179 (4c) of the Code of Virginia, thereby opening the season for removal of shellfish from public grounds in Condemned Areas No. 7 and No. 50 on Monday, April 29, 1985.

#### § 3. Designated Areas:

This Order applies only to those shellfish taken from public grounds in Condemned Shellfish Areas No. 7 and No. 50.

#### § 4. Expiration Date:

This order shall terminate on August 15, 1985.

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

**Title of Regulation: Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children (VR 469-02-2).**

**Agency: Department of Mental Health and Mental Retardation**

**Governor's Comment:**

I have no objections to the proposed regulations as presented.

Charles S. Robb  
Date: May 7, 1985

**Title of Regulation: Public Participation Guidelines (VR 510-01-1).**

**Agency: Virginia Board of Optometry**

**Governor's Comment:**

I have no objections to the proposed regulations as presented.

Charles S. Robb  
Date: May 1, 1985

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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b>
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† Indicates entries since last publication of the Virginia Register
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## NOTICES OF INTENDED REGULATORY ACTION

### ALCOHOLIC BEVERAGE CONTROL COMMISSION

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Commission intends to promulgate and amend regulations **Concerning the Manufacture, Sale and Advertising of Alcoholic Beverages**. The purpose of the proposed regulations is (i) to provide clarification of various issues; (ii) to establish guidelines, and (iii) to deregulate in certain areas.

#### Notice to the Public

Pursuant to its Public Participation Guidelines contained in § 70 of its Regulations, the Commission intends to consider the amendment or adoption of regulations as set forth below.

*The Commission will hold a public meeting to receive the comments or suggestions of the public on these subjects. The meeting will be in the First Floor Hearing Room at 2901 Hermitage Road, Richmond, Virginia at 10 a.m. on July 2, 1985.*

1. Adopt a new regulation concerning farm wineries. - The proposed regulation will provide clarification concerning requirements for Virginia farm winery licenses by incorporating two recent circular letters concerning (i) the amount of Virginia grapes use in production; (ii) by clarifying what "other agricultural products" are, and (iii) by allowing the additional retail outlet to be a temporary one.

2. Adoption of a new regulation concerning entertainment. - The proposed regulation will permit routine business entertainment by wholesale licensees of retail licensees and define such entertainment.

3. Adopt a new regulation concerning sales by wholesalers. - The proposed regulation will place restrictions on sales by wholesalers to consumers allegedly acting on behalf of retail licensees.

4. Amend § 12. - Wines; qualifying procedures; disqualifying factors, samples; exceptions. - The proposed amendment will eliminate the requirement that wine be analyzed by the Commission before sold in Virginia.

This amendment has been requested by the Virginia Wine Wholesalers Association.

5. Amend § 14. - Wines; purchase orders generally; wholesale wine distributors. - The proposed amendment will allow peddling of wine by Virginia farm wineries to retail wine licensees and to permit peddling of wine coolers by licensed wholesalers.

This amendment has been requested by Mr. Al Weed of La Abra Farm and Winery, Inc. and by the Virginia Beer Wholesalers Association for wine coolers only.

6. Amend § 34. - Rotation of stocks of retailers by wholesalers; permitted and prohibited acts. - The proposed amendment will allow the restocking of wine and beer by wholesalers at any time and the building of original displays of wine and beer by wholesalers.

This amendment has been requested by the Virginia Beer Wholesalers Association.

7. Amend § 35. - Replacements, refunds and adjustments; exceptions. - The proposed amendment will define defective merchandise as defective at the time of delivery and to allow the exchange of a like product by a wholesaler within 10 days of the manufacturer's expiration date.

The change regarding exchanging like product is requested by the Virginia Beer Wholesalers Association.

8. Amend § 38. - Records to be kept by licensees generally; additional requirements for certain retailers; "sale" and "sell" defined; gross receipts; reports. - The proposed amendment will clarify that licensees may commit the subject records to microfilm or other available technologies at any time.

This requested by the Virginia Beer Wholesalers Association.

9. Amend § 39. - Procedures for mixed beverage licensees generally; mixed beverage restaurant licensees; sales of spirits in closed containers; employment of minors; mixed beverages stamps. - The proposed amendment will permit hotels and motels to sell distilled spirits in miniature containers (50 ml).

10. Amend § 57. - Wholesale beer and beverage sales; discounts, price-fixing; price increases; price discrimination; retailers. - The proposed amendment clarifies that a brewery may not discriminate against a wholesaler regarding prices except where the difference in price is due to a bona fide difference in cost of sale or delivery.

This amendment has been requested by the Virginia Beer Wholesalers Association.

11. Amend § 58. - Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards. - The proposed amendment will increase the limit on bottle or can openers which can be furnished by manufacturers or wholesalers to retailers from a total cumulative yearly amount of 50¢ to \$1.00 per opener with no limit on the number of openers.

This amendment has been requested by the Virginia Beer Wholesalers Association.

12. Amend § 60. - Advertising generally; cooperative advertising; federal laws; beverages and cider. - The proposed amendment will allow prominent living people to appear in alcoholic beverage advertisements.

This amendment requested by Mr. Lynn Luck, Lynn Luck Enterprises, Inc.

13. Amend §§ 62 and 63. - Advertising of Alcoholic Beverages. - The proposed amendments to the advertising regulations will allow the terms "spirits" and "liquor" to be used by licensed retailers in various forms of advertising.

14. Amend § 65. - Advertising; novelties and specialties. - The proposed amendment will increase the \$1.00 limit on novelty and specialty items which can be given away to \$2.00.

This amendment requested by the Virginia Beer Wholesalers Association.

15. Amend § 68. - Advertising; coupons. - The proposed amendment will allow wholesalers of wine and beer to put refund coupons on the bottle at the wholesale premises.

This amendment has been requested by Broudy-Kantor Company, Inc.

16. Amend § 69. - Advertising; sponsorship of public events; restrictions and conditions. - The proposed amendment will permit advertising in licensed retail establishments concerning responsible drinking; to make it clear that manufacturers of alcoholic beverages, not wholesalers, must pay for the sponsorship of permitted events and to allow point-of-sale advertising materials paid for by a charitable organization to be provided to wholesalers of alcoholic beverages by the producer of the advertising material.

The proposal regarding charitable advertising has been requested by the Virginia Beer Wholesalers Association.

Statutory Authority: §§ 4-11, 4-69, 4-69.2, 4-98.14, and 4-103 of the Code of Virginia.

The Commission requests that all persons interested in the above described subjects please submit comments in writing by July 2, 1985, to Larry G. Gilman, P. O. Box 27491, Richmond, Virginia 23261 or attend July 2, 1985.

CONTACT: Larry E. Gilman, Secretary to the Commission, P. O. Box 27491, Richmond, Va. 23261, telephone (804) 257-0616.

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## VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider promulgating regulations entitled: **Rules and Regulations Pertaining To Food Protection In Retail Stores And Food Manufacturing Establishments**. The purpose of the proposed regulations is to formalize requirements for cooking, storage and display temperatures; for cleaning and sanitization of equipment, utensils and other food contact surfaces; for employee hygiene, for design and fabrication of equipment, utensils and food contact surfaces and for plumbing, water supply and sewage in retail food stores and food manufacturing establishments. The proposed regulation will also prohibit the manufacture or preparation of potentially hazardous food products in domestic areas of private dwellings.

Statutory Authority: § 3.1-398 of the Code of Virginia.

Written comments may be submitted until July 1, 1985 to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia 23209.

CONTACT: Don O'Connell, Chief, Bureau of Food Inspection, Virginia Department of Agriculture and Consumer Services, Bureau of Dairy and Foods, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3533.

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## DEPARTMENT OF HEALTH

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of

## General Notices/Errata

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Health intends to consider amending regulations entitled: **State Board of Health Sewage Handling and Disposal Regulations**. The proposed amendments will establish a reasonable fee to be charged each applicant who appears before the State Sewage Handling and Disposal Appeals Review Board.

Statutory Authority: § 32.1-166.10 of the Code of Virginia.

Written comments may be submitted until July 1, 1985.

CONTACT: Peter M. Brooks, Bureau of Sewage and Water, James Madison Bldg., 109 Governor St., Room 502, Richmond, Va. 23219, telephone (804) 786-1931.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **State Board of Health: Sewage Handling and Disposal Regulations**. The purpose of the proposed regulations is to promulgate rules to protect the public health which regulate how septage may be disposed by land application in certain counties.

Statutory Authority: § 32.1-164.4 of the Code of Virginia (as amended by the 1985 General Assembly.)

Written comments may be submitted until May 30, 1985.

CONTACT: Robert W. Hicks, Director, Division of Sanitarian Services, Room 522, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3559.

### Bureau of Solid Waste Management

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Health intends to consider amending regulations entitled: **Regulations of the Virginia Department of Health Governing Disposal of Solid Waste**. The purpose of the proposed regulations is to set out the responsibilities of parties engaged in any solid waste management activity; the detailed rules of design and operation of solid waste management facilities, and the procedures for obtaining a permit for those facilities. Individuals interested in volunteering for service on an advisory panel should make their interest known.

Statutory Authority: § 32.1-178 of the Code of Virginia.

Written comments may be submitted until June 1, 1985.

CONTACT: Robert Gray Wickline, Director, Bureau of Solid

Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, Va. 23219, telephone (804) 225-2667.

### Division of Solid and Hazardous Waste Management

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Health; Division of Solid and Hazardous Waste Management intends to consider promulgating regulations entitled: **Board of Health Regulations: Nuclear and Radioactive Waste Management**. The purpose of the proposed regulations is to provide for the management, handling, storage, and disposal of nuclear and radioactive waste in Virginia.

Statutory Authority: § 32.1-229 of the Code of Virginia.

Written comments may be submitted until May 31, 1985.

CONTACT: William F. Gilley, Director, Division of Solid and Hazardous Waste Management, Virginia Department of Health, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, Va. 23219, telephone (804) 225-2667.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Health; Division of Solid and Hazardous Waste Management intends to consider amending regulations entitled: **Regulations Governing the Transportation of Hazardous materials**. The purpose of the proposed amendments is to incorporate appropriate federal regulations regarding transportation of radioactive materials and nuclear waste, and to make minor editorial changes.

Statutory Authority: § 32.1-229 and § 18.2-278.1 of the Code of Virginia.

Written comments may be submitted until May 31, 1985.

CONTACT: William F. Gilley, Director, Division of Solid and Hazardous Waste Management, Virginia Department of Health, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, Va. 23219, telephone (804) 225-2667

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Health; Division of Solid and Hazardous Waste Management intends to repeal regulations entitled: **Regulations for Transportation of Hazardous Radioactive Materials**. The existing regulations are inconsistent with

appropriate federal regulations. New regulations which will bring Virginia into compliance with federal standards are being drafted to be part of Virginia Regulations Governing the Transportation of Hazardous Materials.

Statutory Authority: § 18.2-278.2 of the Code of Virginia.

Written comments may be submitted until May 31, 1985.

CONTACT: William F. Gilley, Director, Division of Solid and Hazardous Waste Management, Virginia Department of Health, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, Va. 23219, telephone (804) 225-2667.

**Division of Water Programs, Bureau of Shellfish Sanitation**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health, Division of Water Programs, Bureau of Shellfish Sanitation, intends to consider promulgating regulations entitled: **Shellfish and Crustacea Sanitation Regulations**. The purpose of the proposed regulations is to define and clarify the responsibilities of the Virginia Department of Health, and the shellfish and crustacea industries, for the sanitary control of the harvesting, storing, processing and marketing of shellfish and crustacea.

The proposed regulations will replace current regulations governing the sanitary control of shellfish and crabmeat adopted in 1964 and 1969, respectfully.

Statutory Authority: § 28.1-180 of the Code of Virginia.

Written comments may be submitted until June 13, 1985.

CONTACT: Cloyde W. Wiley, Jr., Director, Bureau of Shellfish Sanitation, James Madison Bldg., 109 Governor St., Room 904, Richmond, Va. 23219, telephone (804) 786-7937.

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**DEPARTMENT OF REHABILITATIVE SERVICES**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Rehabilitative Services intends to consider promulgating regulations entitled: **Provision of Vocational Rehabilitation Services**. The purpose of the proposed regulations is to establish policies, procedures and requirements governing the provision of services to disabled persons.

Statutory Authority: § 2.1-580 of the Code of Virginia.

Written comments may be submitted until May 31, 1985 to Charles H. Merritt, Assistant Commissioner, Department of Rehabilitative Services, P. O. Box 11045, Richmond, Virginia 23230.

CONTACT: George Meeks, Director, Legislative and Consumer Affairs, Department of Rehabilitative Services, P. O. Box 11045, Richmond, Va. 23230, telephone (804) 257-0276.

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**STATE WATER CONTROL BOARD**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Water Control Board intends to consider promulgating regulations entitled: **General NPDES Permits**. The purpose of the proposed regulations is to allow the Board to issue general NPDES permits to a category of point sources that involve similar types of operations, discharge the same wastes, and require the same effluent limitations or operating conditions. This regulation will cover storm water, heat pumps, and individual dwellings.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until May 31, 1985.

CONTACT: Ted Elkin, Engineer, Virginia State Water Control Board, 2111 Hamilton St., Richmond, Va. 23230, telephone (804) 257-6304.

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Water Control Board intends to consider promulgating regulations entitled: **Water Treatment Plant Point Source Category Effluent Guidelines**. The purpose of the proposed regulations is to require a minimum level of treatment for all water treatment plant dischargers but to provide the option for dischargers to demonstrate on a case by case basis the ability to maintain water quality standards without a required minimum level of treatment.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until May 31, 1985.

CONTACT: Ted Elkin, Engineer, Virginia State Water Control Board, 2111 Hamilton St., Richmond, Va. 23230, telephone (804) 257-6304.

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# General Notices/Errata

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## GENERAL NOTICES

### DEPARTMENT OF HEALTH

#### Special Supplemental Food Program for Women, Infants and Children (WIC)

The Department of Health announces a period of public comment on the Special Supplemental Food Program for Women, Infants and Children for Fiscal Year 1986.

Written comments on the proposed plan will be accepted in the Office of the Director, WIC Program, State Department of Health, 109 Governor Street, 6th Floor, Richmond, Virginia 23219, until 5 p.m. on June 14, 1985.

In addition to written comments, the public may participate in a public hearing to be held as follows:

Location: James Madison Building  
Main Floor Auditorium  
109 Governor Street  
Richmond, Virginia

Date: May 24, 1985

Time: 1:30 p.m.

The proposed State Plan for WIC Program Operations and Administration may be reviewed at your local health department at least one week prior to the hearing.

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## NOTICE TO STATE AGENCIES

Re: Forms for filing material on dates for publication in The Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

### FORMS:

Proposed (Transmittal Sheet) RR01  
Final (Transmittal Sheet) RR02  
Notice of Meeting RR03  
Notice of Intended Regulatory Action RR04  
Notice of Comment Period RR05  
Agency Response to Legislative  
or Gubernatorial Objections RR06

## NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.

# CALENDAR OF EVENTS

## Symbol Key †

† Indicates entries since last publication of the Virginia Register

**NOTICE:** Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

## THE VIRGINIA CODE COMMISSION

### EXECUTIVE

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† **August 6, 1985 - 2 p.m.** – Public Hearing  
Board of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Board Room, Second Floor, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend the following regulations:

1. **Reporting Requirements for Contagious and Infectious Diseases of Livestock in Virginia.** (VR 115-02-01) This regulation requires practicing veterinarians in Virginia to report the existence of certain livestock diseases to the State Veterinarian.

#### STATEMENT

**Subject and Substance:** The proposed regulation replaces AHD 1 (Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia). No change is made in policy.

**Basis:** Communicable diseases of animals are a direct economic menace to the producer. Some of these diseases constitute a direct threat to human health. The prompt notification of the disease, species and numbers involved and location(s) affected are necessary for the prevention and control of disease.

**Purpose:** To require veterinarians practicing in Virginia to report to the State Veterinarian the existence of certain contagious or infectious diseases among livestock.

**Impact:** 1,722 practicing veterinarians are affected by this regulation.

Statutory Authority: § 3.1-726 of the Code of Virginia.

2. **Rules and Regulations Governing the Prevention, Control and Eradication of Bovine Tuberculosis in Virginia.** (VR 115-02-02) This regulation prescribes requirements and methods for the prevention, control and eradication of bovine tuberculosis in Virginia.

#### STATEMENT

**Subject and Substance:** The proposed regulation replaces AHD 2 (Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia - Regulation 2). No change is made in policy.

**Basis:** Bovine tuberculosis is a highly infectious and debilitating disease and it is transmissible from infected animals to man; therefore, its prevention, control and eradication is of paramount interest to the cattle producer and to the general public. Virginia has maintained a bovine tuberculosis free status for more than 10 years, thereby permitting interstate and international trade of its cattle without restrictions due to this disease. This regulation is essential in continuing a bovine tuberculosis free status in Virginia.

**Purpose:** To prescribe the method of reporting and testing bovine tuberculosis, the means of identifying animals passing and reacting to the test, the handling and disposition of reactor animals and the disposition of tuberculosis infected herds.

**Impact:** 1,722 practicing veterinarians and 39,000 cattle owners are affected by this regulation.

Statutory Authority: §§ 3.1-724, 3.1-730 and 3.1-749 of the Code of Virginia.

3. **Rules and Regulations Governing the Control and Eradication of Brucellosis of Cattle in Virginia.** (VR 115-02-03) This regulation prescribes requirements and methods for preventing, controlling and eradicating bovine brucellosis in Virginia.

#### STATEMENT

**Subject and Substance:** This regulation replaces regulation

# Calendar of Events

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**AHD 3 (Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia - Regulation 3 (Brucellosis of Cattle)) and incorporates Limited General Quarantine Order No. 1981-1. No change is made in policy.**

**Basis:** Brucellosis in cattle is a highly infectious disease and causes substantial economic losses for producers whose herds are affected. It is transmissible to man in whom its effects can be devastating. Accordingly, its prevention, control and eradication is of major interest to cattle breeders/producers and to the general public. Interstate and international trade in cattle from Virginia could be severely impacted if this disease were permitted to progress unchecked in the Commonwealth. The regulatory authority and actions expressed in this regulation are necessary if the cattle industry of Virginia is to continue to experience success with its animals in the market place.

**Purpose:** To prescribe the method of testing of bovine brucellosis, the means of indentifying animals passing and reacting to the test, the handling and movement of tested cattle within the Commonwealth, the procedures for the vaccination of calves and adult cattle and the identification of same, the definition of brucellosis-free certified herds and the classification status of brucellosis in Virginia, and the method for depopulating brucellosis infected herds in the Commonwealth.

**Impact:** 1,722 practicing veterinarians and 39,000 cattle owners are affected by this regulation.

Statutory Authority: §§ 3.1-724, 3.1-725 and 3.1-749 of the Code of Virginia.

**4. Rules and Regulations Governing the Operation of Livestock Markets. (VR 115-02-04)** This regulation prescribes requirements for handling animals at livestock markets, acceptable standards of livestock markets, and procedures employed when inspecting markets to determine compliance.

## STATEMENT

**Subject and Substance:** This regulation replaces regulation AHD 4 (Operation of Livestock Markets) and incorporates Livestock Market Brucellosis Testing Order No. 1981-2. No change is made in policy.

**Basis:** When animals are subjected to common collection points, such as livestock markets, the risk of pooling and interchanging infectious agents is enhanced considerably if these facilities are not maintained in acceptably clean and sanitary conditions. The requirements of this regulation must be enforced to minimize and control the spread of animal diseases among animals passing through the 38 livestock markets located in Virginia.

**Purpose:** To prescribe the regulatory procedures for

handling animals passing through Virginia livestock markets and to establish sanitary standards for these facilities and methods for their enforcement.

**Impact:** Thirty-eight operators of livestock markets in Virginia are affected on a direct basis. Also affected are the numerous buyers and sellers who utilize these markets as places to exchange ownership of animals.

Statutory Authority: §§ 3.1-724, 3.1-730 and 3.1-757 of the Code of Virginia.

**5. Health Requirements Governing the Control or Equine Infectious Anemia in Virginia. (VR 115-02-05)** This regulation prescribes testing for intrastate and interstate shipment of horses and prescribes disposition of test reactors.

## STATEMENT

**Subject and Substance:** This regulation replaces regulations AHD 10 of the same title. No changes are made in policy.

**Basis:** Equine infectious anemia is a debilitating viral disease which can terminate in the death of the infected animal. Its ready transmission by biting insects or other blood-letting procedures permits its easy spread from infected to noninfected individuals. Regulatory control of horses in intrastate, interstate and international shipments and the identification and control of horses infected with this disease is highly desirable in preventing and controlling this disease in the equine population of Virginia.

**Purpose:** To specify Virginia's testing requirements for equine infectious anemia (EIA) for intrastate and interstate shipments of horses, and to define those regulatory actions to be taken for those animals which react positively to the official EIA test.

**Impact:** The provisions of this regulation directly affect 36,469 Virginia breeders and owners of horses.

Statutory Authority: §§ 3.1-724 through 3.1-730 of the Code of Virginia.

**6. Requirements Governing the Branding of Cattle in Virginia. (VR 115-02-06)** This regulation prescribes a program for branding of cattle by owners who voluntarily subscribe and register as participants under the program.

## STATEMENT

**Subject and Substance:** This regulation replaces AHD 11 of the same title. No change is made in policy.

**Basis:** Positive life-time identification for legal ownership is highly desirable when property is easily lost, strayed or stolen as exemplified by farm or range cattle. Establishment of a workable and creditable identification system for this purpose on a statewide basis is possible

only if permitted under the auspices of the government of the Commonwealth.

Purpose: To establish within state government a voluntary cattle branding system which provides for the design, registration, application and administration of unique identifying brands to Virginia cattle owners who desire to be participants in this statewide identification system.

Impact: 39,000 cattle owners are eligible to participate in this branding system. Thirty-eight operators of livestock markets in Virginia are required to maintain a copy of the register of brands in their places of business.

Statutory Authority: § 3.1-796.36 of the Code of Virginia.

**7. Control and Eradication of Pullorum Disease and Fowl Typhoid Flocks and Hatcheries and Products in Virginia. (VR 115-02-07)** This regulation prescribes requirements for control and eradication of pullorum disease and fowl typhoid in poultry flocks and hatcheries in Virginia.

## STATEMENT

Subject and Substance: This regulation replaces an unnumbered AHD regulation of the same title. No change is made in policy.

Basis: Pullorum disease and fowl typhoid have the proven capabilities to devastate any poultry industry. An in-place program to guard against and to take immediate steps to eradicate these diseases, when and if they appear in Virginia, is required to protect the interests of producers and consumers of poultry products in the Commonwealth.

Purpose: To require flocks of poultry in Virginia to be maintained in a U. S. Pullorum-Typhoid Clean status at all times thus qualifying products of these flocks for movement within and without the Commonwealth in conformance with established national and international standards.

Impact: This regulation affects 6,948 breeders and owners of poultry in Virginia.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

**8. Rules and Regulations Governing the Qualifications for Humane Investigators. (VR 115-02-08)** This regulation prescribes eligibility, training, examination and appointment for becoming a certified humane investigator in Virginia.

## STATEMENT

Subject and Substance: This regulation replaces regulation AHD 13 (Qualifications for Humane Investigators). No change is made in policy.

Basis: Animals in Virginia recurrently are subjected to treatment or conditions that are, or are interpreted to be, inhumane. When investigations of inhumane treatment or conditions are made, they should be performed in an objective, efficient, effective and uniform manner. The features of a desirable investigation can be obtained only through training of investigators using uniform methods and guidelines to qualify them to perform this work.

Purpose: To prescribe the eligibility, training, examination and appointment requirements for individuals who desire to be certified as humane investigators in Virginia.

Impact: This regulation affects approximately 50 persons annually who desire to become humane investigators.

Statutory Authority: § 29-213.75 of the Code of Virginia.

**9. Guidelines Pertaining to A Pound or Enclosure To Be Maintained By Each County or City. (VR 115-02-09)** This regulation prescribes a uniform set of standards to follow for the construction and operation of pounds and enclosures in Virginia.

## STATEMENT

Subject and Substance: This regulation replaces regulation ADH 15 of the same title. No change is made in policy.

Basis: Guidelines for the construction and operation of humanely suitable pounds and enclosures to confine stray animals are required to ensure the uniform humane treatment of these animals in Virginia.

Purpose: In addition to providing a uniform set of standards to follow, the regulation also outlines acceptable sanitary practices at these facilities, the euthanasia methods to be used and the proper disposal of dead animals from these establishments.

Impact: 135 counties and municipal governments in the Commonwealth are affected by this regulation.

Statutory Authority: § 29-213.66 of the Code of Virginia.

**10. Rules and Regulations Governing the Recordkeeping By Virginia Cattle Dealers For the Control or Eradication of Brucellosis of Cattle. (VR 115-02-10)** This regulation prescribes records to be kept by registered cattle dealers in Virginia which will assist in tracing diseased animals to their points of origin.

## STATEMENT

Subject and Substance: This regulation replaces regulation AHD 16 (Recordkeeping by Virginia Cattle Dealers for the Control or Eradication of Brucellosis of Cattle). No change is made in policy.

Basis: Brucellosis in cattle is a highly infectious disease which causes substantial economic losses for producers

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whose herds are affected. It is transmissible to man in whom its effects can be devastating. Because livestock dealers operate on an intrastate and interstate basis, and because state and interstate highways readily facilitate the movement of cattle by these dealers, it is imperative that controls of dealer actions through the requirement of mandatory records of purchases, sales and movement of cattle be established by state regulations. These records can provide vital information in the tracing of a diseased animal through dealers and markets to its point of origin. Once the latter is known, proper prevention, control and eradication actions for the disease can be initiated with greater possibility of success.

Purpose: To prescribe the records that are to be maintained by cattle dealers in Virginia when cattle are bought, sold or moved by them for breeding or replacement purposes.

Impact: 354 cattle dealers in Virginia are affected by this regulation.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

11. **Rules and Regulations Governing Laboratory Fees For Services Rendered or Performed.** (VR 115-02-11) This regulation provides certain laboratory diagnostic services to practicing veterinarians on a fee-for-services basis.

### STATEMENT

Subject and Substance: This regulation replaces ADH 14 (Rules and Regulations Pertaining to Laboratory Fees for Services Rendered or Performed). No change is made in policy.

Basis: Current state statute provides diagnostic laboratory service for livestock and poultry only. Diagnostic laboratory services provided in state operative laboratories for companion animals, exotic birds, or animals other than livestock or poultry, are furnished as prescribed by the Board of Agriculture and Consumer Services.

Purpose: To make laboratory diagnostic disciplines for companion animals and birds and exotic animals and birds available to practicing veterinarians in Virginia on a fee-for-service basis.

Impact: 1,722 practicing veterinarians licensed by the Virginia Board of Veterinary Medicine are affected by this regulation.

Statutory Authority: § 3-1-725 of the Code of Virginia.

12. **Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds Into Virginia.** (VR 115-02-12) This regulation prescribes qualifications and requirements that animals must meet upon admission into Virginia.

### STATEMENT

Subject and Substance: This regulation replaces AHD 5 (Health Requirements Governing the Admission of Livestock Into Virginia) and incorporates the requirements for specified testing of stallions and mares being imported into the Commonwealth from countries where contagious equine metritis has occurred (Limited General Orders No. 1980-1 and 1981-3). This regulation also incorporates the requirements which prohibit the importation of hatching eggs and poultry into Virginia unless they originate from flocks that are designated as being free of *Mycoplasma Gallisepticum* (Limited Quarantine Order No. 1983-1).

Basis: Preventing and controlling communicable diseases within an animal population among other considerations is dependent upon the status of health of any new individual(s) introduced into that population. For this reason, it is necessary to establish and maintain a monitoring system that will provide a continual flow of information to regulatory authorities about the health status and origin of any animal(s) being brought into the Commonwealth.

Purpose: To prescribe the qualifications and requirements that animal(s) must meet upon admission to Virginia, and to prescribe a monitoring system of official certificates issued by other states or by foreign countries of origin which provide a description of the health status and the place of origin of any animal(s) brought into the Commonwealth.

Impact: This regulation affects all persons in Virginia who, for reasons other than that of slaughter, transport an animal(s) into the Commonwealth.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

Written comments on any of the above listed regulations may be submitted until July 5, 1985, to Raymond D. Vaughan, P. O. Box 1163, Richmond, Virginia 23219.

Contact: Dr. A. J. Roth, Veterinary Program Coordinator, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

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Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to repeal the following regulations:

1. **LIMITED GENERAL QUARANTINE ORDER NO. 1981-3.** This quarantine prescribes specified testing to qualify stallions and mares for quarantine release when originating from countries where contagious equine metritis has occurred.

# Calendar of Events

Statutory Authority: § 3.1-734 of the Code of Virginia.

**2. LIMITED GENERAL QUARANTINE ORDER NO. 1980-1.** This quarantine prescribes specified testing to qualify stallions for quarantine release when originating from countries where contagious equine metritis has occurred.

Statutory Authority: §§ 3.1-726 and 3.1-734 of the Code of Virginia.

**3. LIMITED QUARANTINE ORDER NO. 1983-1.** This quarantine prohibits the importation into Virginia of hatching eggs and poultry from other than designated disease-free areas.

Statutory Authority: §§ 3.1-723 through 3.1-741 of the Code of Virginia.

(The provisions of the above three quarantines have been incorporated into proposed VR 115-02-12, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals and Birds in Virginia, which is anticipated to become effective October 15, 1985.)

**4. LIMITED GENERAL QUARANTINE ORDER NO. 1981-1.** This quarantine prescribes specified testing of adult breeding cattle for brucellosis upon change of ownership in Virginia. The provisions of this quarantine have been incorporated into proposed VR 115-02-03, Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia, which is anticipated to become effective on October 15, 1985.

Statutory Authority: §§ 3.1-726 and 3.1-727 of the Code of Virginia.

**5. LIVESTOCK MARKET BRUCELLOSIS TESTING ORDER NO. 1981-2.** This Order prescribes specified testing at livestock markets for brucellosis when breeding and replacement cattle are returned to the farm. The provisions of the Order have been incorporated into proposed VR 115-02-04, Rules and Regulations Governing the Operations of Livestock Markets, which is anticipated to become effective on October 15, 1985.

Statutory Authority: § 3.1-737 of the Code of Virginia.

**6. AHD 7, ARTIFICIAL INSEMINATION.** This regulation prescribes controls on health status of bull studs used for artificial insemination; also specifies qualifications of individuals certified as inseminators. This regulation is being repealed because the livestock industry has developed satisfactory standards that are in use and replace those contained in this regulation.

Statutory Authority: §§ 3.1-723 through 3.1-741.1 of the Code of Virginia.

Written comments on the repeal of the above listed

regulations may be submitted until August 6, 1985, to Raymond D. Vaughan, P. O. Box 1163, Richmond, Virginia 23219.

Contact: Dr. A. J. Roth, Veterinary Program Coordinator, Washington Bldg., 1100 Bank St., Suite 600, Richmond, Va. 23219, telephone (804) 786-2483

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† August 7, 1985 - 10 a.m. - Public Hearing  
Department of Agriculture and Consumer Services,  
Washington Building, 1100 Bank Street, Board Room 204,  
Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **Regulation III of the Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products. (VR 115-05-03)** This regulation governs the production, processing, labeling and distribution of ice cream and similar products within the Commonwealth.

## STATEMENT

Basis: The Board of Agriculture and Consumer Services promulgates rules to govern the production, processing, labeling and distribution of ice cream and similar products within the Commonwealth.

The Board has been petitioned by two firms to amend Regulation III which would allow the sale of their products in the Commonwealth.

Purpose: There are two proposed amendments to the regulation. One will allow the use of dry whey, reduced minerals whey, whey protein concentrate and reduced lactose whey as ingredients in the formulation of powder or dry imitation frozen dessert mixes and require that these wheys used in the formation of these mixes shall have been pasteurized or subjected to any other method of process demonstrated to be equally efficient.

The second proposed amendment pertains to a standard of identity for lowfat parevine. The proposed standard is the same as the existing standard for parevine except that the fat content shall not be more than 6.0%.

Impact: The amendments will require no additional expenditure of funds for the Department. One amendment will allow powdered or dry imitation frozen dessert mixes containing whey ingredients either to be used by or compete with other products in the market place. The parevine amendment would enable the manufacture and sale of this product in Virginia.

Statutory Authority: § 3.1-562.1 of the Code of Virginia.

Written comments may be submitted until August 26, 1985.  
Contact: William R. Crump, Jr., Chief, Bureau of Dairy

# Calendar of Events

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Services, Department of Agriculture and Consumer Services, Division of Dairy and Foods, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

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*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock. (VR 115-04-17) This regulation would establish a procedure to allow for virus testing and subsequent certification of grape nursery stock found free from virus on a voluntary basis.*

## STATEMENT

**Purpose:** *The proposed rules and regulations would permit the Department of Agriculture and Consumer Services to plan, develop and implement a program to certify grape nursery stock, including vines, rooted cuttings, cuttings, grafts, or buds, as apparently virus free, and would provide for voluntary participation by applications.*

**Basis:** *The Virginia wine industry is expanding and, consistent with this expansion is the demand for quality grape nursery stock to establish vineyards. Viral diseases have been shown to be one of the most destructive pests or grapes, and once infected, there are no curative pesticides presently available. Costs to establish a vineyard are high and additional costs for replacement of virus-infected vines would economically retard the growth of the wine industry. The supply of certified virus-free grape plants is limited. In the eastern United States, only the state of New York has a certification program for grape nursery stock and they are unable to meet the demand for certified virus-free grape nursery stock in the East. It is essential to Virginia's growing industry to make quality virus-free vines available for vineyard establishment.*

Statutory Authority: § 3.1-188.35 of the Code of Virginia.

Written comments may be submitted until August 5, 1985.  
**Contact:** Raymond D. Vaughan, Secretary, State Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3501

## STATE AIR POLLUTION CONTROL BOARD

† **May 28, 1985 - 7 p.m.** — Public Hearing  
Montgomery County Courthouse, Christiansburg, Virginia

The Board will conduct a public hearing in accordance with § 120-09-01 of its regulations to consider Radford Army Ammunition Plant to construct a TNT redwater incinerator.

**Contact:** Don Shepherd, Regional Director, Valley of

Virginia Regional Office, 5338 Peters Creek Rd., Roanoke, Va., telephone (703) 982-7328

† **May 30, 1985 - 7:30 p.m.** — Open Meeting  
Saltville Council Chambers Town Hall, Saltville, Virginia.  
(Location accessible to handicapped.)

In accordance with § 120-08-01 of SAPCB Regulations, the Board will consider an application from Texasgulf Chemicals Company to install equipment to produce a defluorinated mineral feed supplement for animals at the west end of Government Road in Saltville, Virginia.

**Contact:** Director of Region I, Southwest Virginia Region, 121 Russell Rd., Abingdon, Va. 24210, telephone (703) 628-7841

† **June 3, 1985 - 9 a.m.** — Open Meeting  
Martha Washington Inn, Ballroom, Abingdon, Virginia

The Board will act on a U. S. Gypsum Company consent agreement and an alternative compliance schedule for VI-TEX, a rotogravure packaging company in Suffolk. The Board will also consider a request by Gloucester County to use an air curtain destructor at their landfill and a request for a public hearing about the state implementation plan. The Board will receive a status report about the designation of Richmond as a nonattainment area.

**Contact:** Dick Stone, State Air Pollution Control Board, Ninth Street Office Bldg., Room 801, Richmond, Va. 23219, telephone (804) 786-5478

## VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION

**June 3, 1985 - 9 a.m.** — Open Meeting  
**June 10, 1985 - 9:30 a.m.** — Open Meeting  
**June 17, 1985 - 9 a.m.** — Open Meeting  
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

Meetings to receive and discuss reports on activities from staff members. Other matters not yet determined.

**Contact:** Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0616

## STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

**July 10, 1985 - 9 a.m.** — Public Hearing  
Department of Commerce, Travelers Building, 3600 West Broad Street, Room 395, 3rd Floor, Richmond, Virginia.  
(Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects intends to adopt regulations entitled: **Rules and Regulations of the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.** These regulations govern the practice of architecture, engineering, land surveying, and landscape architecture. It includes entry requirements, standards of practice and provisions for revocation and reinstatement of licenses. Current regulations will be repealed.

## STATEMENT

**Basis, Purpose, Impact and Summary:** Pursuant to Chapter 1.1 and 3 of Title 54; and Chapter 7 of Title 13.1, of the Code of Virginia, and in accordance with §§ 9-6.14:1 - 9-6.14:25 of the Code of Virginia, the State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects proposes to amend, add to, delete, and reorganize existing regulations governing the practices of architecture, professional engineering, land surveying, and landscape architecture.

Regulations governing the practice of these professions apply to approximately 16,190 licensees, 340 professional corporations, and 2,681 business entities offering architecture, engineering, land surveying, and landscape architecture services. Also affected will be approximately 2,900 persons applying for licensure in these professions per year and approximately 2,300 persons annually scheduled for the examinations for architects, engineers, land surveyors, and landscape architects.

The cost of administration of the proposed regulations is estimated at \$260,400.00 for the 1984-1986 biennium. Funds for implementation will come from part of the special dedicated revenue appropriated to the Department of Commerce. Fees from applicant and licensees make up this revenue. No changes in the current fees are considered necessary to generate sufficient funds for administering the proposed regulations.

The Board proposes to repeal current regulations, and adopt new regulations consistent with the Governor's Regulatory Review Program to ensure that they represent the least burdensome alternative to meet clearly established and justified regulatory needs.

For the purpose of clarity, these proposed regulations were grouped into six major parts or categories: General, Qualifications for Licensing of Architects, Qualifications for Licensing as a Professional Engineer, Qualifications for Licensing as a Land Surveyor, Qualifications for Certification of Landscape Architects, and Professional Corporations and Business Entities.

Part I, General, specifies who must obtain a license/certificate; expiration, renewal and fees;

reinstatement; grounds for suspension, denial of renewal or revocation of a license/certificate; conflicts of interest; solicitation of work and improper conduct; and use of the license/certificate holder's seal.

Part II, Qualifications for Licensing of Architects establishes fees, education and experience requirements to become eligible for the Architect Registration Examination (ARE) and licensing and reciprocity requirements.

Part III, Qualifications for Licensing as a Professional Engineer sets the fee structure and sets education and experience requirements for licensing and eligibility for examinations.

Part IV, Qualifications for Licensing as a Land Surveyor, sets the fees, and establishes experience requirements or the combination of education and experience necessary for licensing and examination. Also, minimum standards and procedures for land boundary surveying practice are established.

Part V, Qualifications for Certification of Landscape Architects, sets fees and establishes experience requirements or the combination of education and experience necessary to become eligible for the written examination and licensing.

Part VI, Professional Corporations and Business Entities, set the information and documents necessary to acquire a certificate of authority as a professional corporation, provides definitions and lists fees, and sets the information required to become registered as a business entity.

A summary of the major changes and their estimated impact is as follows:

1. Part II of the proposed regulations include incorporation of regulation § 2.5 J which formalizes the existing practice of holding a review session between board members and candidates failing Division B and C of the Architect Registration Examination. The table of equivalents regarding education and experience was modified. Proposed regulation § 2.6 would allow the Board to accept a currently valid license in good standing from the applicant's current base state if he transferred his licensure from the jurisdiction of original licensure.

2. Part III of the proposed regulations includes regulation § 3.9 which broadened the type of experience the Board would accept, thus enabling more persons to qualify faster for the examination.

Regulation § 3.6 differs from the old 5.9 regulation as no certificates will be issued and no experience is required after passing the Fundamentals of Engineering Exam. Upon passing the exam, the Engineering Intern Status will be achieved.

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3. Part IV of the proposed regulations, through regulations § 4.4, allows full credit to be given to an applicant who has passed the NCEE examination in another jurisdiction. Such an applicant should find it easier to become licensed in Virginia.

Regulation § 4.10 clarifies the method for grading. It indicates the grade required for the Part II 3(a) NCEE portion of the exams. This exam is currently used by the Board in lieu of the exam which was previously written by Board members.

Regulation § 4.14 B. addresses the problem of subdivision surveys lacking corner monuments. The Board has received several inquiries and complaints regarding this issue. The proposed regulation would require corner monuments identified by witness stakes to be set on such subdivision lots or parcels.

4. Part V of the proposed regulations was revised and unnecessary regulations deleted.

Statutory Authority: Chapters 1.1 and 3 of Title 54 and Chapter 7 of Title 13.1 of the Code of Virginia.

Written comments may be submitted until July 10, 1985.

Contact: Johnnie Williams, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8555 (toll-free number 1-800-552-3016)

## VIRGINIA ATHLETIC COMMISSION

† June 26, 1985 - 9 a.m. - Open Meeting  
Department of Commerce, Travelers Building, 3600 West Broad Street, Board Room 2, Richmond, Virginia. (Location accessible to handicapped.)

A Virginia Athletic Commission meeting.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Room 514, Richmond, Va. 23230, telephone (804) 257-8507

## BREAKS INTERSTATE PARK COMMISSION

† June 8, 1985 - 9 a.m. - Open Meeting  
Breaks Interstate Park, Breaks, Virginia

A quarterly general business meeting for the election of Commission officers, and to discuss the operation and development of Breaks Interstate Park.

Contact: James L. Childress, Superintendent, Breaks Interstate Park, Breaks, Va. 24607, telephone (703) 865-4413

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Virginia Historic Landmarks Commission

† June 18, 1985 - 2 p.m. - Open Meeting  
221 Governor Street, Richmond, Virginia

A general business meeting of the Commission.

Contact: Margaret T. Peters, Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

### Division of Historic Landmarks' State Review Board

† June 18, 1985 - 10 a.m. - Open Meeting  
221 Governor Street, Richmond, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places; (i) Elmwood, Culpeper County, (ii) Fort Boykin Archaeological Site, Isle of Wight County, (iii) Piney Grove, Charles City County, and (iv) Seaboard Coastline Building, Portsmouth.

Contact: Margaret T. Peters, Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

## STATE BOARD FOR CONTRACTORS

† May 30, 1985 - 10 a.m. - Open Meeting  
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

To conduct a formal fact-finding hearing regarding the State Board for Contractors v. Robert L. West, T/A Robert K. West Builder & Contractor, Chesterfield, Virginia.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

July 17, 1985 - 10 a.m. - Public Hearing  
Department of Commerce, Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board for Contractors intends to amend regulations entitled: Rules and Regulations adopted April 11, 1984. (§ 1.4 Class A fee and § 1.5 Class B fee) The proposed amendments will set the amount of fee for an initial Class A Contractor license and for an initial Class B Contractor license and recodify regulations to conform

to new form and style procedures for regulations. The proposed amendments will raise initial license fees to cover a projected revenue shortfall in the 1984-1986 biennium.

## STATEMENT

Preliminary Statement of Basis, Purpose, Impact and Summary: Pursuant to §§ 54-1.28 and 54-119 of the Code of Virginia, and in accordance with §§ 9-6.14:1 et seq. and 54-1.17, the State Board for Contractors proposes to amend its existing regulations.

Regulations of the State Board for Contractors apply directly to approximately 30,000 actively licensed contractors. There are approximately 6,450 new applicants for licensure per year, of which approximately 1,450 are applicants for a Class A license and approximately 5,000 are applicants for a Class B license.

The proposed amendments will raise the initial license fee for Class A Contractors from \$60 to \$100 and raise the initial Class B license fee from \$20 to \$100 for the purpose of increasing revenue to cover the costs of the Department of Commerce in administering the regulation of contractors in Virginia. Amendments will also recodify existing regulations to conform to new form and style requirements for regulations.

### Estimated impact:

A. Regulation § 1.4 sets forth the initial license fee for Class A Contractors. The amendment provides a \$40 increase in the initial license fee and will impact upon approximately 1,450 applicants for this type of license per year;

B. Regulation § 1.5 sets forth the initial license fee for Class B Contractors. The amendment provides a \$80 increase in the initial license fee and will impact upon approximately 5,000 applicants for this type of license per year; and

C. All other amendments are only a recodification of existing regulations to conform to new form and style requirements for regulations. There appears to be no discernable impact involved in this recodification.

Statutory Authority: §§ 54-128 and 54-119 of the Code of Virginia.

Written comments may be submitted until July 17, 1985.

Contact: E. G. Andres, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8511 (toll-free 1-800-552-3016)

**DEVELOPMENTAL DISABILITIES PLANNING COUNCIL  
AND Overall Advisory Council on the Needs of  
Handicapped Persons**

† June 4, 1985 - 9:30 a.m. - Open Meeting  
Holiday Inn - I-64 West, 6531 West Broad Street,  
Richmond, Virginia. (Location accessible to handicapped;  
interpreter for deaf provided if requested.)

This joint meeting will constitute final business meetings for the Developmental Disabilities Planning Council and Overall Advisory Council On the Need of Handicapped Persons. When the "Virginians With Disabilities Act" becomes effective July 1, 1985, both of these groups will be abolished and a new Board for Rights of the Disabled will be appointed.

† June 12, 1985 - 10 a.m. - Open Meeting  
Holiday Inn - I-64 West, 6531 West Broad Street,  
Richmond, Virginia. (Location accessible to handicapped;  
interpreter for deaf provided if requested.)

A joint business meeting with the Overall Advisory Council on the needs of Handicapped Persons.

Contact: Linda C. Veldheer, Director of Developmental Disabilities, 109 Governor St., P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-5313

## BOARD OF EDUCATION

June 6, 1985 - 10 a.m. - Public Hearing  
James Monroe Building, 101 North 14th Street, Conference Room E, 1st Floor, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Education intends to adopt regulations entitled:  
**Regulations Governing the Approval of Correspondence Courses for Home Instruction.** The proposed regulations outline the criteria, definition and procedures for approval of certain correspondence courses.

## STATEMENT

Subject, Substance, Issues, Basis and Purpose: In accordance with § 22.1-16 of the Code of Virginia, the Board of Education intends to promulgate regulations for the approval of correspondence courses for use by parents who elect to teach their children at home as an alternative to compulsory attendance at a regular public or private school. Courses currently in use are approved in accordance with emergency regulations expiring June 30, 1985.

The proposed regulations are necessary for the Board of Education to comply with the requirements of Option (iii) of § 22.1-254.1 of the Code of Virginia relating to home instruction.

Statutory Authority: § 22.1-16 of the Code of Virginia.

# Calendar of Events

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Written comments may be submitted until May 29, 1985.  
**Contact:** Charles W. Finley, Associate Director, Proprietary Schools, Virginia Department of Education, P. O. Box 6-Q, Richmond, Va. 23216, telephone (804) 225-2081

## VIRGINIA WHOLESALE FARMERS' MARKET FEASIBILITY STUDY STEERING COMMITTEE

**June 3, 1985 - 7:30 p.m. – Open Meeting**  
Virginia Wesleyan College Auditorium, Norfolk, Virginia. (Location accessible to handicapped.)  
**June 4, 1985 - 8 p.m. – Open Meeting**  
Eastern Shore of Virginia Community College, Lecture Hall, Eastern Shore of Virginia. (Location accessible to handicapped.)  
**June 5, 1985 - 7:30 p.m. – Open Meeting**  
Second National Bank, Culpeper, Virginia. (Location accessible to handicapped.)  
**June 6, 1985 - 7:30 p.m. – Open Meeting**  
Virginia Western Community College, Auditorium, Roanoke, Virginia. (Location accessible to handicapped.)  
**June 10, 1985 - 7:30 p.m. – Open Meeting**  
John Tyler Community College, Bird Hall, C-19, Richmond, Virginia. (Location accessible to handicapped.)  
**June 11, 1985 - 7:30 p.m. – Open Meeting**  
Wytheville Community College, Bland Hall, Room 104, Wytheville, Virginia. (Location accessible to handicapped.)

The Steering Committee will meet to update and educate the public on the Wholesale Farmers' Market Facility Feasibility Study, which has been mandated by House Joint Resolution No. 337 of the 1985 Session of the General Assembly, and to receive public input of regional interest.

**Contact:** T. Robins Buck, Chief, Bureau of Market and Economic Development, Room 801, Washington Bldg., 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-8737

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Council

† **June 7, 1985 - 10 a.m. – Open Meeting**  
† **July 12, 1985 - 10 a.m. – Open Meeting**  
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Council will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

**Contact:** Dorothy E. Ivankoe, Department of General Services, 209 Ninth Street Office Bldg., Richmond, Va.

23219, telephone (804) 786-3311

## Division of Consolidated Laboratory Services Advisory Board

† **June 7, 1985 - 9:30 a.m. – Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. (Location accessible to handicapped.)

The Advisory Board is comprised of representatives from state agencies served by the Laboratory, as well as individuals in private practice. This Board lends guidance and support to programs and issues confronting the Division of Consolidated Laboratory Services.

**Contact:** Dr. A. W. Tiedemann, Jr., Director, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

## GOVERNOR'S EMPLOYMENT AND TRAINING DIVISION

† **July 29, 1985 - 10 a.m. – Public Hearing**  
Governor's Employment and Training Division, 417 East Grace Street, 3rd Floor Conference Room, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Governor's Employment and Training Division intends to amend regulations entitled: Management Requirements for Job Training Partnership Act Programs and Activities. These regulations will be used by local Service Delivery Areas to plan, administer and operate job training programs.*

## STATEMENT

**Basis:** *This regulation is issued under the authority of § 2.1-708 (3) of the Code of Virginia*

**Subject:** *This regulation sets forth standards for administering and operating Job Training Partnership Act activities.*

**Substance:** *This revision restructures the regulations and clarifies the language of certain sections. Areas covered by the regulations include responsibilities for: Equal Employment Opportunity/Affirmative Action; grievance; fraud and abuse; participant eligibility and contract management.*

**Issues:** *The intent of this revision has been to (i) restructure the regulations pursuant to the changes in the Administrative Process Act, (ii) clarify sections which on-going evaluation has revealed to be confusing or insufficient and (iii) simplify language throughout.*

**Purpose:** The purpose of this regulation is to (i) provide direction as required of the state in the Job Training Partnership Act and (ii) establish uniform criteria for administering and operating programs.

Statutory Authority: § 2.1-708 (3) of the Code of Virginia.

Written comments may be submitted until July 27, 1985.

**Contact:** Patricia Walsh, Technical Assistance Unit Director, Governor's Employment and Training Division, P. O. Box 12083, Richmond, Va. 23241, telephone (804) 786-2254

## GOVERNOR'S REGULATORY REFORM ADVISORY BOARD

**June 19, 1985 - 10 a.m.** - Public Hearing

† **June 19, 1985 - 11:30 a.m.** - Open Meeting  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

NOTICE: THIS IS A CORRECTED ENTRY

10:00 - 11:30 - PUBLIC HEARING on administrative law judges, exemptions to APA and differences between agencies' legislation and APA.

11:30 to 12:00 - Decision on three issues above; deciding how to proceed

12:00 - 1:00 - Final staff report examining and making recommendations in light of May public hearing on Health Regulatory Boards' regulations; final action and recommendation.

**July 25, 1985 - 10 a.m.** - Public Hearing  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A review and modification of "staff" draft of legislation incorporating decisions made on the three issues being examined with respect to the Administrative Process Act, and adoption of draft for public hearing.

**September 10, 1985 - 10 a.m.** - Public Hearing  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A public hearing on the draft legislation proposed at the July 25th meeting; and adoption for introduction at 1986 session.

**Contact:** Philip F. Abraham, State Capitol, Governor's Office, Richmond, Va. 23219, telephone (804) 786-2211

## HAZARDOUS WASTE FACILITY SITING BOARD

**June 12, 1985 - 10 a.m.** - Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. (Location accessible to handicapped.)

The Board will conduct its regular business meeting.

**Contact:** Harry E. Gregori, Jr., Executive Director, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-3235

## STATEWIDE HEALTH COORDINATING COUNCIL

† **June 18, 1985 - 10 a.m.** - Open Meeting  
Sheraton-Fredericksburg Resort and Conference Center, I-95 & Virginia Route 3, Fredericksburg, Virginia. (Location accessible to handicapped.)

The Statewide Health Coordinating Council will hold its regular business meeting.

† **June 19, 1985 - 9 a.m.** - Open Meeting  
Sheraton-Fredericksburg Resort and Conference Center, I-95 & Virginia Route 3, Fredericksburg, Virginia. (Location accessible to handicapped.)

The Executive Committee, Analysis and Plans Development Committee and Progress and Evaluation Committee will meet to conduct regular business and other subcommittee work.

**Contact:** Raymond O. Perry, 109 Governor St., Room 1010, Richmond, Va., telephone (804) 786-6970

## VIRGINIA HEALTH SERVICES COST REVIEW COMMISSION

**June 26, 1985 - 9:30 a.m.** - Open Meeting  
Blue Cross and Blue Shield of Virginia, 2015 Staples Mill Road, Virginia Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly business meeting of the Commission for the purpose of addressing financial, policy or technical matters which may have arisen since last meeting.

**Contact:** Ann Y. McGee, Director, 805 E. Broad St., 7th Floor, Richmond, Va. 23219, telephone (804) 786-6371

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**June 5, 1985 - 9 a.m.** - Open Meeting  
Virginia Polytechnic Institute and State University, Blacksburg, Virginia

The Council will hold its monthly meeting.

# Calendar of Events

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**Contact:** State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2137

## HIGHWAY AND TRANSPORTATION COMMISSION

† **June 20, 1985 - 10 a.m.** – Open Meeting  
Nottoway County Courthouse, Nottoway, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A monthly meeting of the Highway and Transportation Commission to vote on proposals presented regarding bids, permits, additions and deletions to highway system, and any other matters requiring Commission approval.

**Contact:** J. T. Warren, Director of Operations, Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2711

## DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

† **June 13, 1985 - 9 a.m.** – Public Hearing  
Salem District Highway Office Building, Salem, Virginia. (Location accessible to handicapped; interpreter for deaf provide if requested.)

A public hearing to receive comments from the 4 western highway districts on highway allocations for the coming year, and on updating the 6 year improvement program for the interstate, primary and urban systems.

**Contact:** J. T. Warren, Director of Operations, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2711

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **June 17, 1985 - Immediately following the public hearing which commences at 10 a.m.** – Open Meeting  
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The Board's regular formal business meeting to (i) review and approve the minutes from the prior meeting; (ii) provide an opportunity for public comments; (iii) review the report of the Director on the operation of the Department of Housing and Community Development since the last Board meeting; (iv) hear reports of the committees of the Board; and (v) consider other matters as they may deem necessary. The planned agenda of the meeting will be available at the following address one week prior to

the date of the meeting.

**Contact:** Neal J. Barber, 205 N. 4th St., 7th Floor, Richmond, Va. 23219, telephone (804) 786-1575

**June 17, 1985 - 10 a.m.** – Public Hearing  
State Capitol, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: Virginia Industrialized Building and Mobile Home Safety Regulations/1981. The proposed amendments provide for safety to life and property from fire in manufactured buildings as defined in Chapter 4, (§ 36-70 et seq.) of the Code of Virginia.*

## STATEMENT

**Subject and Substance:** Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Industrialized Building and Mobile Home Safety Regulations which will amend and supersede the 1981 edition.

**Issues:** 1. Estimated impact with respect to number of persons affected: Producers of factory built industrialized buildings and mobile homes, approved independent inspection agencies, building officials in local jurisdictions, and all owners and users of industrialized buildings and mobile homes will be affected.

2. Projected costs for implementation and compliance: No increase in cost to the Department is anticipated because the 1984 edition is merely an updating of the currently effective 1981 edition of the Virginia Industrialized Building and Mobile Home Safety Regulations. Similarly, no increase in cost to those affected is anticipated.

**Basis:** § 36-70 et seq. of the Code of Virginia.

**Purpose:** To update the regulations providing for the administration and enforcement of minimum, uniform, statewide health and safety standards for factory built industrialized buildings and mobile homes, wherever produced, in order to make good quality housing more affordable for the citizens of Virginia.

Statutory Authority: § 36-70 et seq. of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

**Contact:** C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

**June 17, 1985 - 10 a.m.** – Public Hearing  
State Capitol, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and*

Community Development intends to amend regulations entitled: **Virginia Liquefied Petroleum Gas Regulations**. The proposed amendments establish minimum general standards covering design, installation and operation of LP gas equipment and the odorization thereof for the protection of health, welfare and safety of the people.

## STATEMENT

**Subject and Substance:** Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Liquefied Petroleum Gas Regulations which will amend and supersede the 1981 edition.

**Issues:** 1. The regulation potentially protects all citizens of Virginia from the hazards of liquefied petroleum gas use by third parties.

2. Projected Costs for Implementation and Compliance: No material increase in cost to the agency is anticipated because the 1984 edition is merely an updating of the currently effective 1981 edition of the Virginia Liquefied Petroleum Gas Regulations. Similarly, no increase in cost to those affected is anticipated.

**Basis:** Liquefied Petroleum Gases Law, Chapter 7, Title 27, of the Code of Virginia.

**Purpose:** To amend the minimum, statewide standards covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases, and the installation of appliances and piping for use with liquefied petroleum gases, and requiring the odorization of said gases and the degree thereof, as reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials.

Statutory Authority: Chapter 7, Title 27, of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

**Contact:** C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

**June 17, 1985 - 10 a.m. - Public Hearing**  
State Capitol Building, House Room 4, Richmond, Virginia.  
(Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **Virginia Public Building Safety Regulations/1981**. The proposed amendments provide for safety to life and property from fire in public buildings as defined in § 27-72 of the Code of Virginia.

## STATEMENT

**Subject and Substance:** Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Public Building Safety Regulations which will amend and supersede the 1981 edition.

**Issues:** 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who enter or use public buildings will be affected.

2. Projected costs for implementation and compliance: No material increase in cost to the agency is anticipated because the 1984 edition is merely an updating of the currently effective 1981 edition of the Virginia Public Building Safety Regulations. Similarly, no increase in cost to those affected is anticipated.

**Basis:** § 27-72 of the Code of Virginia.

**Purpose:** To update minimum, statewide fire safety standards for the protection of life and property in public buildings. Public building generally means any building used by 10 or more persons, and also includes homes for adults when subject to licensure under Ch. 9 (§ 63-1.172 et seq.) of Title 63.1 of the Code of Virginia.

Statutory Authority: Article 2, Chapter 6, Title 27, of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

**Contact:** C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

**June 17, 1985 - 10 a.m. - Public Hearing**  
State Capitol, House Room 4, Richmond, Virginia.  
(Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1984**.

## STATEMENT

**Subject and Substance:** Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Uniform Statewide Building Construction Code/Volume I.

**Issues:** 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who own buildings will be affected.

2. Projected cost for implementation and compliance: No material increase in cost to the agency is anticipated because the 1984 edition is merely an updating of the currently effective 1981 edition of the Virginia Uniform Statewide Building Code. Similarly, no increase in cost to those affected is anticipated.

# Calendar of Events

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Basis: Ch. 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia.

Purpose: To update minimum statewide standards for the protection of life and property in the design, construction, use, repair and demolition of buildings, structures and equipment.

Statutory Authority: Ch. 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

**June 17, 1985 - 10 a.m. – Public Hearing**  
State Capitol, House Room 4, Richmond, Virginia.  
(Location accessible to handicapped.)

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends adopt regulations entitled: Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1984.*

## STATEMENT

Subject and Substance: Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Uniform Statewide Building Maintenance Code/Volume II.

Issues: 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who own buildings will be affected.

2. Projected costs for implementation and compliance: No material increase in cost to the building owner is anticipated because the regulation only requires that buildings be maintained in accordance with the building code in effect at the time of construction.

Basis: Ch. 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia.

Purpose: To provide one uniform building maintenance standard for the protection of life and property in the use and maintenance of buildings. Enforcement is optional by local government.

Statutory Authority: Ch. 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

**June 17, 1985 - 10 a.m. – Public Hearing**  
State Capitol, House Room 4, Richmond, Virginia.

(Location accessible to handicapped.)

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to adopt regulations entitled: Virginia Uniform Statewide Building Code, Volume III - Fire Prevention Code/1984.*

## STATEMENT

Subject and Substance: Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Uniform Statewide Fire Prevention Code/Volume III.

Issues: 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who own buildings will be affected.

2. Projected costs for implementation and compliance: No material increase in cost to the agency is anticipated because the regulation only requires that fire safety standards be maintained in accordance with the fire safety requirements when the building was constructed.

Basis: Ch. 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia.

Purpose: To provide one uniform Fire Prevention Safety Standard for the protection of life and property in the use and maintenance of buildings. Enforcement is optional by local government.

Statutory Authority: Ch. 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**June 17, 1985 - 10 a.m. – Public Hearing**  
State Capitol, House Room 4, Richmond, Virginia.  
(Location accessible to handicapped.)

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Director, Department of Housing and Community Development intends to amend regulations entitled: Certification of Tradesmen Standards.*

## STATEMENTS

Subject and Substance: Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Certification of Tradesmen Standards.

**Issues:** 1. Estimated impact with respect to number of persons affected: All electrical, plumbing and mechanical workers who reside in counties, cities and towns that require tradesmen be certified to work at their trade within their boundaries.

2. Projected costs for implementation and compliance: No material increase in cost to the agency is anticipated because the 1984 edition is merely an updating of the currently effective 1981 edition of the Certification of Tradesmen Standards. Similarly, no increase in cost to those affected is anticipated.

**Basis:** § 15.1-11:4 of the Code of Virginia.

**Purpose:** To update minimum, statewide standards for the Certification of Tradesmen to be used by local governments that choose to require tradesmen who work within their boundaries to be certified.

Statutory Authority: § 15.1-11:4 of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

**Contact:** C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

## DEPARTMENT OF LABOR AND INDUSTRY

† August 2, 1985 - 10 a.m. - Public Hearing  
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to amend regulations entitled: **Virginia Occupational Safety and Health Standards for General Industry, Hazard Communication Standard.** (VR 425-02-1) The Hazard Communication Standard's purpose is to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers and employees throughout the private sector.

### STATEMENT

**Subject, Substance, Issues, Basis and Purpose:** The present Virginia Hazard Communication Standard applies to Standard Industrial Classification (SIC) Codes 20-39 and state and local government employers.

The Virginia Occupational Safety and Health (VOSH) Program proposed to amend the scope of the Hazard Communication Standard to include all employers except those in the Agricultural and Construction (SIC) Codes (i.e., thus the scope of the amended Hazard Communication Standard will apply to SIC Codes 20-90 and

state and local government employers).

Also by the present regulatory action the Virginia Occupational Safety and Health (VOSH) Program proposes to amend § 1910.1200 (i) (3) to include nurses within the definition of "Health Professionals" who may request access to trade secret information in nonemergency situations.

Statutory Authority: § 40.1-22 (5) of the Code of Virginia.

Written comments may be submitted until July 15, 1985, to Department of Labor and Industry, P. O. Box 12064, Richmond, Virginia 23241.

**Contact:** Dr. Clarence H. Wheeling, Enforcement Director, Bureau of Occupational Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6285

## VIRGINIA STATE LIBRARY BOARD

June 3, 1985 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Committee Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library Board intends to adopt regulations entitled: **Standards for Plats.** The proposed regulations will provide minimum standards for size and quality of recording medium, size and quality of inscriptions, format and recordation inscriptions.

### STATEMENT

**Subject and Substance:** Standards for Plats proposed for adoption by the Virginia State Library Board provides minimum standards for plats submitted for recordation to the circuit court clerks. The standards shall apply to all plats and maps submitted for recordation in the clerk's office of the circuit courts of the Commonwealth.

**Issues:** 1. Quality of Plats - The regulation will provide minimum standards for the size and quality of the recording medium, size and quality of inscriptions, format and recordation inscriptions.

2. Exclusion - The standards do not apply to any plat drawings executed prior to the adoption of the standards.

**Basis:** §§ 17-68 and 42.1-82 of the Code of Virginia.

**Purpose:** To ensure that the plats when submitted for recordation are legible and recordable and when recorded on microfilm or otherwise they can be read and will produce legible copies.

Standards to become effective January 1, 1986.

# Calendar of Events

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Statutory Authority: §§ 17-68 and 42.1-82 of the Code of Virginia.

Written comments may be submitted until June 3, 1985.

Contact: Louis H. Manarin, State Archivist, Capitol Square, 11th St., Richmond, Va. 23219-3491, telephone (804) 786-5579

June 3, 1985 - 10 a.m. — Public Hearing  
General Assembly Building, Capitol Square, House Committee Room C, Richmond, Virginia. (Location accessible to handicapped.)

*Notice is hereby in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library Board intends to adopt regulations entitled: Standards for Recorded Instruments. The proposed regulations will provide minimum standards for size and quality of recording medium, size and quality of inscriptions, format and recordation inscriptions.*

## STATEMENT

Subject and Substance: *Standards for Recorded Instruments proposed for adoption by the Virginia State Library Board provides minimum standards for instruments submitted for recordation to the circuit court clerk. The standards shall apply to all writings required by law to be recorded and retained permanently in the clerk's office of the circuit courts of the Commonwealth.*

Issues: 1. *Quality of Instruments - The regulation will provide minimum standards for the size and quality of the recording medium, size and quality of inscriptions, format and recordation inscriptions.*

2. *Exclusions - The standards do not apply to wills, nonpermanent disposable forms, such as Uniform Commercial Code forms, and Juvenile and Domestic Relations District Court and General District Court judgments and warrants or any original instruments executed prior to the adoption of the standards.*

Basis: §§ 17-60, 42.1-82 and 55-108 of the Code of Virginia.

Purpose: *To ensure that the instruments when submitted for recordation are legible and recordable and when recorded on microfilm or otherwise they can be read and will produce legible copies.*

*Standards to become effective January 1, 1986.*

Statutory Authority: §§ 17-60, 42.1-82, and 55-108 of the Code of Virginia.

Written comments may be submitted until June 3, 1985.

Contact: Louis H. Manarin, State Archivist, Capitol Square, 11th St., Richmond, Va. 23219-3491, telephone (804) 786-5579

† June 24, 1985 - 11 a.m. — Open Meeting

Virginia State Library, 11th Street at Capitol Square, State Librarian's Office, Richmond, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting to discuss administrative matters.

Contact: Jean Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

## MARINE RESOURCES COMMISSION

June 25, 1985 - 9:30 a.m. — Open Meeting  
2401 West Avenue, Newport News, Virginia

The Marine Resources Commission normally meets on the fourth Tuesday each month, at 9:30 a.m., at the agency office, 24th Street and West Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing; oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery Management and Conservation measures are discussed by the Commission. The Commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within 5 days.

Contact: Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P. O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

June 14, 1985 - 9 a.m. — Public Hearing  
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: Appeals Process for Hospital Providers. This regulation provides an appropriate and meaningful appeals process to be utilized by hospital providers of Medicaid services.*

## STATEMENT

Basis: *The regulations governing hospital reimbursement is based upon federal statutes and regulations which require the Medicaid Agency to provide hospitals which choose to challenge a rate determination an opportunity to submit additional evidence and request prompt administrative review of payment rates under § 32.1-325(A) of the Code*

# Calendar of Events

of Virginia. The State Plan for the Department of Medical Assistance Services shall be consistent with Title XIX of the United States Social Security Act under the same section. The State Board of Medical Assistance Services has the authority to amend the State Plan for Medical Assistance Services.

Authority: § 32.1-325A of the Code of Virginia.

Neither the statute nor the proposed regulations conflict with state or federal laws. The Office of the Attorney General has reviewed these regulations and has made no adverse comment.

Purpose: The purpose of the proposed regulation is to establish an appropriate and meaningful appeal process to be utilized by hospital provider of Medicaid services in accordance with The Final Judgement Order, Civil Action No. 83-0551-R entered on January 4, 1985, by Judge Robert Merhige, United States District Court for the Eastern District of Virginia.

Impact: No cost to the providers outside appropriate attorney fees should they decide counsel is needed if they appeal is anticipated. The cost to the Department of Medical Assistance services is approximately \$150,000 which includes the addition of new staff and increased related administrative functions. In addition, the appeals rules will result in making additional payments to those hospitals which successfully appeal their rate determination. The amount of this additional financial cost to the Department is unknown.

Evaluation: Ongoing informal assessments of the effectiveness of the appeals process will be conducted. At the end of the first year, a formal evaluation using data acquired over the first year period will be completed.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until June 14.

**Contact:** Dr. Elizabeth Lloyd, Legislative Analyst, Department of Medical Assistance Services, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

**June 28, 1985 - 9 a.m. - Public Hearing**  
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **Guidelines for Public Participation in the Formation and Development of Regulations.** This regulation provides guidelines for obtaining input from the public prior to and during the rule making process.

## STATEMENT

Impact: Every person identified by these guidelines or who identifies himself as an interested party will be offered an opportunity to comment. Cost to the public should be minimal since comments may be offered in writing for only the cost of paper, an envelope, and postage. There should be no additional cost to local governments since their input can be provided in the same way.

The Department is currently compiling mailing lists of interested persons who have generated substantial comment in the past. The major expense associated with these guidelines will be the biennial advertisement in several newspapers across the State for persons interested in participating. Based on current data for this advertising, the cost should run no more than \$2,000. There will also be some increase in staff time for this activity, but this is expected to be minimal, on the order of ten hours per month.

Evaluation: The Department will evaluate increased input from the public in the regulatory process by comparing members and content of comments received under these guidelines with those received prior to the implementation of guidelines. This evaluation will be performed at least annually for those regulations modified during the year.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until June 28, 1985.

**Contact:** Dr. Elizabeth Lloyd, Legislative Analyst, Department of Medical Assistance Services, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

## VIRGINIA STATE BOARD OF MEDICINE

† **June 14, 1985 - 10 a.m. - Open Meeting**  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. (Location accessible to handicapped.)

The Executive Committee will meet to review case decisions of the Board.

**Contact:** Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

## STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

† **June 26, 1985 - 10 a.m. - Open Meeting**  
Southside Community Services Board, South Boston, Virginia. (Location accessible to handicapped.)

A regular monthly meeting. The agenda will be published June 19, and may be obtained by calling Jane Helfrich.

# Calendar of Events

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**Contact:** Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

## DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

**June 25, 1985 - 10:30 a.m.** -- Public Hearing  
James Madison Building, 109 Governor Street, Mezzanine Level (1st Floor) Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Mental Health and Mental Retardation intends to adopt regulations entitled: Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs. These standards are intended to establish the criteria for the establishment and operation of programs designed specifically to provide a substance education alternative for court clients. These Standards set minimum criteria for the establishment and operation of the above mentioned programs.*

### STATEMENT

Subject, Substance Issues, Basis and Purpose: The Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs are designed to establish minimum criteria for substance abuse diversion and education programs operated in the Commonwealth of Virginia. These programs offer an alternative disposition to courts for first offenders convicted on drug violations.

The standards delineate criteria for the application for certification, program, design, curriculum design, referral agreement, drug toxicology screening, fee structure, staffing and reporting requirements.

The mandatory standards affect substance abuse diversion and education programs currently operating and any proposed program.

Statutory Authority: § 18.2-251 of the Code of Virginia.

Written comments may be submitted until June 25, 1985.

**Contact:** Frank Patterson, Assistant Director for Justice System Services, Virginia Department of Mental Health and Mental Retardation, Box 1797, Richmond, Va. 23214, telephone (804) 786-3908

† **June 27, 1985 - 10 a.m.** -- Open Meeting  
Department of Personnel and Training, James Monroe Building, 101 North 14th Street, Mezzanine Level, Training Room 2, Richmond, Virginia. (Location accessible to handicapped.)

The Interagency Committee will be developing the strategies necessary to implement the recommendations of The Task Force on the Mentally Ill in Virginia's Jails.

**Contact:** Frank S. Patterson, Office of Forensic Services, Virginia Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3908

† **September 10, 1985 - 7 p.m.** -- Public Hearing  
Mary Washington College, Fredericksburg, Virginia. (Location accessible to handicapped.)

† **September 11, 1985 - 11 a.m.** -- Public Hearing  
Western State Hospital, Staff Development Building, Rooms 86 and 87, Staunton, Virginia. (Location accessible to handicapped.)

† **September 12, 1985 - 1 p.m.** -- Public Hearing  
Senior Citizen's Center, 307 Park Street, Marion, Virginia. (Location accessible to handicapped.)

A public hearing on proposed Community Rules and Regulations to invite comment from those interested persons who will be affected by these regulations.

**Contact:** Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

† **September 13, 1985 - 11 a.m.** -- Public Hearing  
Southeastern Virginia Training Center, Building 3, Inservice Training Room, Chesapeake, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to adopt regulations entitled: Rules and Regulations to Assure the Rights of Clients in Community Programs. (VR 470-03-03) The purpose of the regulations is to delineate the rights of clients of community programs licensed or funded by the Department of Mental Health and Mental Retardation.*

### STATEMENT

Subject, Basis and Purpose: The Rules and Regulations to Assure the Rights of Clients in Community Programs Licensed or Funded by the Department of Mental Health and Mental Retardation are to delineate the rights of clients of community programs licensed or funded by the Department of Mental Health and Mental Retardation. The Community Rules and Regulations identify those fundamental rights which may not be restricted by a community program. The regulations define those client rights which may be restricted for therapeutic reasons, aid in the assurance of client participation in treatment for therapeutic reasons, aid in the assurance of client participation in treatment decision making, and define client participation in work activities. An administrative review process for review of alleged violations of rights is established. That mechanism delineated the roles and responsibilities of the persons involved. These regulations will be more appropriate to meet the requirements and scope of community programs.

# Calendar of Events

The Community Rules and Regulations are needed in order to comply with § 37.1-84.1, of the Code of Virginia. Since protection of individual rights in funded or licensed programs by the Department of Mental Health and Mental Retardation is a mandate, not providing regulations for clients in community programs was considered an acceptable alternative. Without the Community Rules and Regulations, the Department of Mental Health and Mental Retardation could not offer consistent rights protection of those clients. Rights violations might go undetected or be inadequately handled by the community program staff. Rights violations that could be quickly and fairly handled by means set forth in these rules and regulations might be handled by complicated, costly and time consuming court procedures instead if the rules and regulations are not established.

Substance and Issues: A 16 member task force, established by the Department of Mental Health and Mental Retardation has been working on the Community Rules and Regulations for the past three years. The membership represented a wide variety of public and private professional and consumer interests in all three disability areas. The task force focused its efforts on developing rules and regulations that would present the least burden on regulated programs while still ensuring the protection of client rights.

In May, 1983, October, 1984, and December, 1984, the Department of Mental Health and Mental Retardation mailed out copies of the Community Rules and Regulations to agencies and interested individuals for comments and the rules and regulations were rewritten in response to comments received.

In considering alternative approaches to meet the need, the proposed regulations address a number of options. One alternative approach to these regulations which was considered was to write separate rules and regulations for each of the disability areas (mental illness, mental retardation, and substance abuse) was considered. This idea was rejected because many programs provided services in two or all three of these areas and would, therefore, have to be familiar with two or three sets of rules and regulations. Writing separate rules and regulations for residential and nonresidential programs was yet another alternative considered. This idea was rejected because many community services boards and agencies have both residential and nonresidential programs and would, therefore, have to operate with two sets of rules and regulations.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

Written comments may be submitted until September 15, 1985.

Contact: Elsie D. Little, A.C.S.W., State Human Rights Director, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

## State Human Rights Committee

† June 7, 1985 - 10 a.m. - Open Meeting  
Virginia Treatment Center, 515 North 10th Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Committee to discuss business relating to human rights issues. The agenda will be available prior to the meeting.  
Contact: Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

## Integrated Quality Assurance System

† June 7, 1985 - 10 a.m. - Open Meeting  
Zincke Building, 203 Governor Street, Room 224, Richmond, Virginia. (Location accessible to handicapped.)

A continuation of discussions on the proposed revisions to the licensure and certification processes. Public comments are being received as part of the development of revised regulations.  
Contact: Mary Dunn Conover, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Virginia 23214, telephone (804) 786-0070

## Interagency Committee

May 30, 1985 - 10 a.m. - Open Meeting  
James Monroe Building, Virginia Department of Personnel and Training, 101 North 14th Street, Mezzanine Level, Room 2, Richmond, Virginia. (Location accessible to handicapped.)

The Interagency Committee will hold a monthly meeting on the implementation of the recommendations of The Task Force on the Mentally Ill in Virginia Jails.  
Contact: Frank S. Patterson, Assistant Director, Justice System Services, Virginia Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3908

## Mental Retardation Advisory Council

† June 21, 1985 - 10 a.m. - Open Meeting  
James Madison Building, 109 Governor Street, Board Room, 13th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting to advise the State Board of Mental Health and Mental Retardation on matters pertaining to mental retardation services across the state.  
Contact: Carol Singer-Metz, Director, Mental Retardation Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746

# Calendar of Events

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## Public Guardianship Task Force

† June 7, 1985 - 10:30 a.m. — Open Meeting

James Madison Building, 109 Governor Street, Board Room, 13th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to explore alternatives to current guardianship legislation.

**Contact:** Carol Singer-Metz, Director, Mental Retardation Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746

## DEPARTMENT OF MINES, MINERALS AND ENERGY

July 15, 1985 - 10 a.m. — Public Hearing

Division of Mined Land Reclamation, 622 Powell Avenue, Conference Room, Big Stone Gap, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: Chapter 19, Coal Surface Mining Reclamation Regulations. These regulations establish the procedures and requirements through which the Virginia Coal Surface Mining Control and Reclamation Act of 1979 and the Federal Surface Mining Control and Reclamation Act of 1977 are implemented pursuant to the Virginia Permanent Regulatory Program, as approved by the United States Secretary of the Interior.*

### STATEMENT

**Basis:** These regulations are issued under the authority granted by § 45.1-230 of the Code of Virginia.

**Purpose:** These regulations set forth the coal mining and reclamation operations subject to the Act; procedures for mining on federal lands in Virginia under a state - federal cooperative agreement; procedures to designate certain areas as unsuitable for mining; applications for and decisions on permits; performance bond and public liability insurance; environmental and other performance standards which apply to mining operations; inspection, enforcement, and civil penalty provisions; and the procedures applicable to the operation of the program to reclaim abandoned coal mine lands.

**Issues:** The Department is proposing major revisions to the current regulations resulting from its regulatory review program. A reorganization and consolidation of most rules plus elimination of a companion Technical Handbook is being considered. Also, many design standards would be replaced by general performance criteria.

The United State Secretary of the Interior notified Virginia that several provisions of the current regulations are not

as effective as certain revised federal rules. The proposed revisions will correct those deficiencies as well.

**Substance:** The federal system of numbering has been followed where possible to ensure Virginia's program is as effective as the federal rules and to help identify future revisions to the federal standards which may affect the state's program. Provisions which differ from the federal rules and account for Virginia's climate, terrain, and state and local government processes are proposed where necessary.

Statutory Authority: § 45.1-230 of the Code of Virginia.

Written comments may be submitted until July 15, 1985.

**Contact:** Conrad T. Spangler, Chief Engineer, Drawer U, Big Stone Gap, Va. 24219, telephone (804) 523-2925

## VIRGINIA MUSEUM OF FINE ARTS

### Finance Committee

June 20, 1985 - 10:30 a.m. — Open Meeting

Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Virginia Museum Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly review of financial statements and consideration of the 1985-86 Museum budget for presentation to the Executive Committees.

**Contact:** Emily C. Robertson, Secretary, Virginia Museum of Fine Arts, Boulevard and Grove Ave., Richmond, Va. 23221, telephone (804) 257-0553, SCATS 327-0553

## STATE BOARD OF OPTOMETRY

† June 5, 1985 - 9 a.m. — Open Meeting

University of Virginia, McCloud Hall, Room 5044, 5th Floor, Charlottesville, Virginia

The Board will hold a general business meeting.

July 31, 1985 - 9 a.m. — Open Meeting

Holiday Inn (Downtown), 301 West Franklin Street, Board Room, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting and a review of the State Board Examination.

**Contact:** Lawrence H. Redford, Executive Director, Virginia Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

## State Board Examination and Diagnostic Pharmaceutical Agent Examination

**August 1, 1985 - 8 a.m. - Open Meeting**  
Medical College of Virginia, 1101 East Marshall Street, Sanger Hall, Rooms 1-044, 1-067, 1-069, and B1-064, Richmond, Virginia

Optometry State Board Examination & Diagnostic Pharmaceutical Agents Examination.

**Contact:** Lawrence H. Redford, Executive Director, Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

## OVERALL ADVISORY COUNCIL ON THE NEEDS OF HANDICAPPED PERSONS AND Developmental Disabilities Planning Council

**† June 4, 1985 - 9:30 a.m. - Open Meeting**  
Holiday Inn - I-64 West, 6531 West Broad Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

This joint meeting will constitute final business meetings for the Developmental Disabilities Planning Council and Overall Advisory Council On the Needs of Handicapped Persons. When the "Virginia With Disabilities Act" becomes effective July 1, 1985, both of these groups will be abolished and a new Board for Rights of the Disabled will be appointed.

**† June 12, 1985 - 10 a.m. - Open Meeting**  
Holiday Inn - I-64 West, 6531 West Broad Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A joint business meeting with the Developmental Disabilities Planning Council.

**Contact:** Linda C. Veldheer, Director of Developmental Disabilities, 109 Governor St., P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-5313

## PERINATAL SERVICES ADVISORY COUNCIL

**† June 20, 1985 - 12:30 p.m. - Open Meeting**  
James Madison Building, 109 Governor Street, Room 1000, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Virginia Perinatal Services Advisory Council. An agenda will be provided upon request two weeks prior to the meeting.

**Contact:** Roxanne Kolesar, James Madison Bldg., 109 Governor St., Room 1000, Richmond, Va. 23219, telephone (804) 786-4891

## PRIVATE SECURITY SERVICES ADVISORY COMMITTEE

**† June 11, 1985 - 10 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The Committee will meet for the purpose of reviewing the proposed regulations governing training requirements administered by the Department of Criminal Justice Services and to consider revisions to the Department of Commerce's regulations necessary to implement changes in the training regulations. The Director wishes to receive the Committee's comments and suggestions regarding the proposed training requirements that will directly affect the private security industry.

**Contact:** Iva B. Frizzell, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/8563

## VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

**† May 28, 1985 - 10 a.m. - Open Meeting**  
WCVE-TV, 23 Sesame Street, Richmond, Virginia

**† May 29, 1985 - 9:30 a.m. - Open Meeting**  
Department of Information Technology, 110 South 7th Street, 4th Floor, Richmond, Virginia

A quarterly meeting for 1986-88 budget planning.

**Contact:** Suzanne Piland, Department of Information Technology, Ninth Street Office Bldg., Suite 1100, Richmond, Va. 23219, telephone (804) 786-4164

## VIRGINIA REAL ESTATE COMMISSION

**May 30, 1985 - 10 a.m. - Open Meeting**  
Mecklenburg County Circuit Court Courthouse, Washington Street, Conference Room, Boydton, Virginia

To conduct a formal fact-finding hearing regarding the Virginia Real Estate Commission v. Clayton C. Callahan, Clarksville, Virginia.

**May 30, 1985 - 2 p.m. - Open Meeting**  
Mecklenburg County Circuit Court Courthouse, Washington Street, Conference Room, Boydton, Virginia

To conduct a formal fact-finding hearing regarding the Virginia Real Estate Commission v. A. Ray West, Clarksville, Virginia.

**† June 6, 1985 - 10 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

To conduct a formal fact-finding hearing regarding the Virginia Real Estate Commission v. David L. Gibson, Jr., Salesman, Richmond, Virginia.

# Calendar of Events

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† June 11, 1985 - 10 a.m. - Open Meeting  
Courthouse, 1400 North Courthouse Road, County Board  
Room, Room 202, Arlington, Virginia

To conduct a formal fact-finding hearing regarding the  
Virginia Real Estate Commission v. Karl O. Grutter,  
Arlington, Virginia.

Contact: Sylvia W. Bryant, Hearings Coordinator,  
Department of Commerce, 3600 W. Broad St.,  
Richmond, Va. 23230, telephone (804) 257-8524

## VIRGINIA RESOURCES AUTHORITY

### Board of Directors

June 4, 1985 - 10 a.m. - Open Meeting  
July 2, 1985 - 10 a.m. - Open Meeting  
State Water Control Board Room, 2111 North Hamilton  
Street, Richmond, Virginia

A meeting to approve minutes of the prior monthly  
Board meeting; to review the Authority's operations  
for the prior month; and to consider other matters  
and take other actions as they may deem appropriate.  
The planned agenda of the meeting will be available  
at the offices of the Authority one week prior to the  
date of the meeting.

Contact: Shockley D. Gardner, Jr., Executive Director, P.  
O. Box 1300, Richmond, Va. 23210, telephone (804)  
788-8174

## STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

June 19, 1985 - 10 a.m. - Open Meeting  
General Assembly Building, Capitol Square, Senate Room  
A, Richmond, Virginia. (Location accessible to  
handicapped.)

The Board will meet to hear and render a decision on  
all appeals of denials of On-Site Sewage Disposal  
System Permits.

Contact: P. M. Brooks, 502 Madison Bldg., Richmond, Va.  
23219, telephone (804) 786-1931

## DEPARTMENT OF SOCIAL SERVICES

### † Division of Benefit Programs

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Department of Social  
Services, Division of Benefit Programs intends to  
amend regulations entitled: **Earned Income Disregards**

in the Aid to Dependent Children (ADC)  
Program/Student Earnings. (VR 615-01-1) The  
proposed regulation is intended to disregard the  
earned income of a full-time student for a period of  
six months in the first two steps of the eligibility  
determination process for assistance in the Aid to  
Dependent Children (ADC) Program.

### STATEMENT

Subject: Proposed amendment to the following regulation:

*Earned Income Disregards/Student Income in the Aid  
to Dependent Children (ADC) Program.*

*This amendment is being proposed for a 60-day comment  
period.*

Substance: The proposed regulation as set forth will  
require the earned income of a dependent child who is a  
full-time student to be disregarded for a period of six  
months per calendar year in the first two steps of the  
eligibility determination process for assistance in the Aid  
to Dependent Children Program. The first step of  
eligibility determination process consists of screening total  
gross family income against 185% of the state's standard  
of need. In the second step, gross income of the family  
unit, minus the appropriate income disregards, is screened  
against 90% of the state's standard of need.

Issues: 1. Duration of Disregard -

*Federal regulations specify that the earned income of  
a dependent child who is a full-time student may be  
disregarded for a period not to exceed six months per  
calendar year. The proposed regulation disregards  
such student income for the entire six-month period.*

2. Amount to be Disregarded -

*Federal regulations specify that all or part of such  
student income may be disregarded in the first two  
steps of the eligibility determination process. The  
proposed regulation disregards all earnings of a  
full-time student.*

Basis: The proposed regulation has been developed  
pursuant to the provisions of § 63.1-25 of the Code of  
Virginia and § 2642 of the Federal Deficit Reduction Act  
of 1984 (P.L. 98-369).

Purpose: The purpose of the proposed regulation is to  
ensure equity and consistency with regard to application of  
student income in the determination of a family's  
eligibility for assistance in the Aid to Dependent Children  
Program. Currently, earnings derived by a youth through  
participation in the Job Training Partnership Act of 1982  
(P.L. 97-377) are disregarded for a period of six months  
per calendar year in the determination of eligibility for  
assistance in the Aid to Dependent Children Program. The  
proposed regulation will extend the same disregard to

*non-Job Training Partnership Act related employment.*

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until July 26, 1985 to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services.

**Contact:** Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

*statewide, (ii) basing benefits on fuel types more realistically ensures that the program's goal of assisting households with the least income and highest energy costs is achieved, (iii) replacing HER/R with ECAP will provide assistance to households who have energy emergencies that cannot be taken care of by other resources, and (iv) the addition of a ceiling in administrative cost reimbursement will ensure that the Department contains administrative expenses to the maximum federal reimbursable amount at the same time freeing up more funds for direct benefits to clients.*

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until June 29, 1985 to Guy Lusk, Director, Division of Benefit Programs/Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

**Contact:** Charlene H. Chapman, Supervisor, Energy and Emergency Assistance, Division of Benefit Programs/Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046 (toll-free number 1-800-552-7091)

## 1986 Low-Income Home Energy Assistance Block Grant

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: Virginia Fuel Assistance Program. The proposed amendments will delete the voluntary quit provision; vary benefits by fuel type; replace the Heating Equipment Repairs/Replacement component with an Energy Crisis Assistance Program; and add a ceiling to the administrative costs reimbursement.*

### STATEMENT

**Subject:** Proposed Amendments to the Virginia Fuel Assistance Program. These amendments are being proposed for a 60-day public comment period.

**Substance:** The amendments to the Program are as follows; (i) delete the voluntary quit provision as an eligibility criteria, (ii) vary benefits by fuel type, (iii) replace the Heating Equipment Repairs/Replacements (HER/R) component with an Energy Crisis Assistance Program (ECAP), and (iv) add a ceiling to the administrative costs reimbursement to local departments of social service.

**Issues:** The issues that relate to each amendment are as follows; (i) deleting the voluntary quit provision would mean that quitting a job will have no effect on an applicant's eligibility for fuel assistance or ECAP, (ii) varying benefits by fuel type will lower benefits for lower priced fuels and increase benefits for higher priced fuels, (iii) in administering ECAP, local departments of social services will have the flexibility of choosing which forms of assistance will best meet the needs of the clientele in their locality, and (iv) placing a ceiling on administrative costs reimbursement will mean that some local departments of social services will not be reimbursed for all their expenditures.

**Basis:** Virginia Code, § 63.1-25 provides the statutory basis for the promulgation of regulations relative to the Fuel Assistance Program.

**Purpose:** The purpose of each amendment is as follows; (i) the voluntary quit provision is being deleted because it is not cost effective and is not administered equitably

### DEPARTMENT OF TAXATION

† August 8, 1985 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. (Location accessible to handicapped.)

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: Individual Income Tax: Net Operating Losses. (VR 630-2-322.1) This regulation sets forth and explains the procedures relating to the Virginia tax treatment of federal net operating losses.*

### STATEMENT

**Basis:** This regulation is issued under authority granted by § 58.1-203 of the Code of Virginia.

**Purpose:** This regulation sets forth and explains the procedures relating to the Virginia tax treatment of federal net operating losses.

**Issues:** This is a previously unregulated area and the Virginia Code is silent on this subject. Federal law allows a deduction for net operating losses in the computation of federal adjusted gross income. Since the starting point on a Virginia individual income tax return is federal adjusted gross income, which would reflect any federal net operating loss, Virginia taxable income is indirectly affected.

**Substance:** This regulation specifies which Virginia modifications, and in what manner these modifications are to be considered in the recomputation of Virginia taxable

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income in years in which a federal net operating loss is utilized. To avoid ambiguity, the terms used in this regulation are defined and examples illustrating the computation of the Virginia modification in the loss year are provided. Furthermore, this regulation specifies the procedures for filing a Virginia refund claim in the event of a federal net operating loss. It also addresses such topics as when a claim must be filed, what supporting documents must accompany the claim, where the return must be filed, and how interest is to be computed on the overpayment resulting from the refund claim.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until August 8, 1985.  
**Contact:** Danny M. Payne, Director, Tax Policy Division,  
P. O. Box 6-L, Richmond, Va. 23282, telephone (804)  
257-8010

## VIRGINIA BOARD OF VETERINARY MEDICINE

† June 19, 1985 - 9 a.m. — Open Meeting  
† June 20, 1985 - 9 a.m. — Open Meeting  
† June 21, 1985 - 9 a.m. — Open Meeting  
Holiday Inn (Downtown), 301 West Franklin Street, Board Room, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A general business, and informal conferences.

† June 20, 1985 - 8 a.m. — Open Meeting  
Medical College of Virginia, Sanger Hall, Rooms 1-044 and 2-020, Richmond, Virginia

Veterinarian examinations (Room 2-020), Animal Technician examinations (Room 1-044).  
**Contact:** Lawrence H. Redford, Virginia Board of Veterinary Medicine, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

## VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Advisory Committee on Services

June 1, 1985 - 10:30 a.m. — Open Meeting  
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly meeting of the Committee to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.  
**Contact:** George A. Koger, Executive Assistant, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3148

## STATE WATER CONTROL BOARD

June 24, 1985 - 9 a.m. — Open Meeting  
June 25, 1985 - 9 a.m. — Open Meeting  
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly board meeting.  
**Contact:** Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

## LEGISLATIVE

### COAL AND ENERGY COMMISSION

#### Energy Preparedness Subcommittee

† June 13, 1985 - 10 a.m. — Open Meeting  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

The meeting will include a presentation by Virginia Power on their long-term electrical growth and a briefing by the Department of Housing and Community Development on the new American Society of Heating, Refrigeration Air Conditioning Engineers (ASHRAE) Standards.

**Contact:** Michael D. Ward, Staff Attorney, or Martin G. Farber, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

### FEDERAL BLOCK GRANTS JOINT SUBCOMMITTEE

† July 15, 1985 - 10 a.m. — Public Hearing  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

A public hearing on Federal Block Grants in the areas of (i) Preventive Health and Health Services; (ii) Drug Abuse and Mental Health; and (iii) Community Services.

**Contact:** Norma E. Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Jayne Thomas, Grant Director, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9217

## VIRGINIA'S MEDICAL MALPRACTICE LAWS JOINT SUBCOMMITTEE

**May 29, 1985 - 10 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss standard of care and the qualification of expert witnesses. (HJR 209)

**Contact:** Mary Devine, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Richmond, Va., telephone (804) 786-3591

## COSTS TO LOCALITIES FOR PUBLIC ASSISTANCE JOINT SUBCOMMITTEE

**May 30, 1985 - 10 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss with state and local officials identified issues which affect costs of administration and public assistance programs. (HJR 255)

**Contact:** Susan Ward, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Richmond, Va., telephone (804) 786-3591

## REVISION OF THE SAVINGS AND LOAN ACT JOINT SUBCOMMITTEE

**June 17, 1985 - 2 p.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room C,  
Richmond, Virginia. (Location accessible to handicapped.)

An update on reaction to the interstate banking and savings and loan bills from the 1985 Session - the issue of private insurance of accounts and interest rates in Virginia. (HJR 217)

**Contact:** C. William Cramme, III, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Richmond, Va., telephone (804) 786-3591

## EFFECTS OF CHANGES IN THE TELECOMMUNICATIONS JOINT SUBCOMMITTEE

† **June 7, 1985 - 10 a.m. - Open Meeting**  
State Capitol, Capitol Square, House Room 4, Richmond,  
Virginia. (Location accessible to handicapped.)

The first meeting of the 1985 interim to plan agenda for this continued study. (HJR 240)

**Contact:** Terry Mapp Barrett, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## STATE WATER COMMISSION

† **June 18, 1985 - 2 p.m. - Open Meeting**  
State Capitol, Capitol Square, House Room 4, Richmond,  
Virginia. (Location accessible to handicapped.)

The agenda will include an update by the State Water Control Board on activities of the SWPAC subcommittees, as well as, further discussion regarding the public hearings on the new water policy legislation to be scheduled for later this summer.

**Contact:** Michael D. Ward, Staff Attorney, or Martin G. Farber, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## CHRONOLOGICAL LIST OPEN MEETINGS

### May 28, 1985

Public Telecommunications Board, Virginia

### May 29

Medical Malpractice Laws, Virginia's  
Joint Subcommittee

Public Telecommunications Board, Virginia

### May 30

Air Pollution Control Board, State  
Contractors, State Board for  
Mental Health and Mental Retardation, Department of  
Public Assistance, Costs to Localities for  
Joint Subcommittee

Real Estate Commission, Virginia

### June 1

Visually Handicapped, Virginia Department for  
Advisory Committee on Services

### June 3

Air Pollution Control Board, State  
Alcoholic Beverage Control Commission, Virginia  
Farmers' Market Feasibility Study Steering Committee  
Virginia Wholesale

### June 4

Developmental Disabilities Planning Council  
Farmers' Market Feasibility Study Steering Committee  
Virginia Wholesale

Overall Advisory Council on the Needs  
of Handicapped Persons

Resources Authority, Virginia  
Board of Directors

### June 5

Farmers' Market Feasibility Study Steering Committee  
Virginia Wholesale

Higher Education, Council of  
Optometry, Virginia Board of

# Calendar of Events

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## June 6

Farmers' Market Feasibility Study Steering Committee  
Virginia Wholesale  
Real Estate Commission, Virginia

## June 7

General Services, Department of  
Art and Architectural Review Council  
General Services, Department of  
Division of Consolidated Laboratory Services  
Advisory Board  
Mental Health and Mental Retardation, Department of  
State Human Rights Committee  
Mental Health and Mental Retardation, Department of  
Integrated Quality Assurance System  
Mental Health and Mental Retardation, Department of  
Public Guardianship Task Force  
Telecommunications, Effects in Changes in the  
Joint Subcommittee

## June 8

Breaks Interstate Park Commission

## June 10

Alcoholic Beverage Control Commission, Virginia  
Farmers' Market Feasibility Study Steering Committee  
Virginia Wholesale

## June 11

Farmers' Market Feasibility Study Steering Committee  
Virginia Wholesale  
Private Security Services Advisory Council  
Real Estate Commission, Virginia

## June 12

Developmental Disabilities Planning Council  
General Services, Department of  
Art and Architectural Review Council  
Hazardous Waste Facility Siting Board  
Overall Advisory Council on the Needs  
of Handicapped Persons

## June 13

Coal and Energy Commission  
Energy Preparedness Subcommittee

## June 14

Medicine, Virginia State Board of

## June 17

Alcoholic Beverage Control Commission, Virginia  
Health Coordinating Council, Statewide  
Housing and Community Development, Board of  
Savings and Loan Act, Revisions of the  
Joint Subcommittee

## June 18

Conservation and Historic Resources, Department of  
Division of Historic Landmarks' State Review  
Board  
Health Coordinating Council, Statewide

Historic Landmarks Commission, Virginia  
State Water Commission

## June 19

Governor's Regulatory Reform Advisory Board  
Health Coordinating Council, Statewide  
State Sewage Handling and Disposal Appeals  
Review Board  
Veterinary Medicine, Virginia Board of

## June 20

Highway and Transportation Commission  
Museum of Fine Arts, Virginia  
Finance Committee  
Perinatal Services Advisory Council  
Veterinary Medicine, Virginia Board of

## June 21

Mental Health and Mental Retardation, Department of  
Mental Retardation Advisory Council  
Veterinary Medicine, Virginia Board of

## June 24

Library Board, Virginia State  
Water Control Board, State

## June 25

Marine Resources Commission  
Water Control Board, State

## June 26

Athletic Commission, Virginia  
Health Services Cost Review Commission, Virginia  
Mental Health and Mental Retardation Board, State

## June 27

Mental Health and Mental Retardation, Virginia  
Department of

## July 2

Resources Authority, Virginia  
Board of Directors

## July 31

Optometry, Virginia Board of

## August 1

Optometry, Virginia Board of  
State Board Examination & Diagnostic  
Pharmaceutical Agent Examination

## PUBLIC HEARINGS

## May 28, 1985

Air Pollution Control Board, State

# Calendar of Events

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**June 3**  
Housing and Community Development, Department of  
Library Board, Virginia State

**June 6**  
Education, Board of

**June 13**  
Highways and Transportation, Department of

**June 14**  
Medical Assistance Services, Department of

**June 15**  
Federal Block Grants  
Joint Subcommittee

**June 17**  
Housing and Community Development, Board of  
Housing and Community Development, Department of

**June 19**  
Governor's Regulatory Reform Advisory Board

**June 25**  
Mental Health and Mental Retardation, Department of

**June 28**  
Medical Assistance Services, Department of

**July 10**  
Architects, Professional Engineers, Land Surveyors and  
Certified Landscape Architects, State Board of

**July 15**  
Mines, Minerals and Energy, Department of

**July 17**  
Contractors, State Board for

**July 25**  
Governor's Regulatory Reform Advisory Board

**July 29**  
Governor's Employment and Training Division

**August 2**  
Labor and Industry, Department of

**August 6**  
Agriculture and Consumer Services, Department

**August 7**  
Agriculture and Consumer Services, Department

**August 8**  
Taxation, Department of

**September 10**  
Governor's Regulatory Reform Advisory Board  
Mental Health and Mental Retardation, Department of

**September 11**  
Mental Health and Mental Retardation, Department of

**September 12**  
Mental Health and Mental Retardation, Department of

**September 13**  
Mental Health and Mental Retardation, Department of

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