Unified Regulatory Plan of the Department of Agriculture and Consumer Services for State Fiscal Year 2026

Prepared on June 30, 2025

Agency Summary

The Department of Agriculture and Consumer Services operates under the supervision of the Secretary of Agriculture and Forestry and promotes the economic growth and development of Virginia agriculture, provides consumer protection, and encourages environmental stewardship. Authority to make regulations administered by the agency lies with the Board of Agriculture and Consumer Services, the Potato Board, the Commissioner of Agriculture and Consumer Services, the State Veterinarian, and the State Milk Commission. Rulemaking powers are established throughout the Code of Virginia (Code), including throughout Title 3.2 of the Code; Title 58.1, Chapter 32, Article 4 of the Code; certain chapters of Title 59.1 of the Code; Title 61.1, Chapter 7 of the Code; Title 62.1, Chapter 19.1 of the Code; and Title 18.2, Chapter 8, Article 1.1:1 of the Code.

Action/Stage or Guidance Document Forum ID (if available)

Action 6411 / Stage	10567 (Proposed)	
Title of Proposed R	egulatory Action or Guidance Document	
Conformance with I	EPA pesticide applicator standards	
Brief Overview		
The Board of Agricu	Ilture and Consumer Services has propose	ed amendments to Regulations Governing
. .		of the Virginia Pesticide Control Act (2 VAC
, ,	ions Governing Pesticide Applicator Certif	, , ,
	·	rs with the U.S. Environmental Protection
	7 Certification of Pesticide Applicators Ru	le.
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	□ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	☑ Discretionary action
	☐ Action required by state statute	
Deregulatory		
Component		
Expected Date	Proposed stage submitted to OAG on 13	1/1/2024.
Action/Stage or Gu	idance Document Forum ID (if available)	
Action 6685/Stage 3	-	
	egulatory Action or Guidance Document	
Repeal of 2 VAC 5-5		
Brief Overview		
The Board of Agricu	Ilture and Consumer Services has adopted	d the repeal of Rules and Regulations
Pertaining to Tolera	ances and Prohibitions Applicable to Sausc	age (2 VAC 5-550).
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	
Additional	☐ Expedited Review Requested	☐ Guidance Document

Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	☑ Discretionary action
	☐ Action required by state statute	
Deregulatory	This regulatory action will eliminate six	discretionary regulant requirements.
Component		
Expected Date	Fast-track action submitted to OAG on 1	1/31/2025.
Action/Stage or Gu	idance Document Forum ID (if available)	
Action 6686/Stage 2	10659 (Fast-track)	
Title of Proposed R	egulatory Action or Guidance Document	
Repeal of 2 VAC 5-5	90	
Brief Overview		
1	Iture and Consumer Services has adopted	· · · · · · · · · · · · · · · · · · ·
Pertaining to Tolera	nces and Prohibitions Applicable to Grour	nd Beef (2 VAC 5-590).
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	□ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	oxtimes Discretionary action
	☐ Action required by state statute	
Deregulatory	This regulatory action will eliminate sev	en discretionary regulant requirements.
Component		
Expected Date	Fast-track action submitted to OAG on 1	1/31/2025.
Action/Stage or Gu	idance Document Forum ID (if available)	
Action 6693/Stage 2		
Title of Proposed R	egulatory Action or Guidance Document	
Regulatory action to	o update references to ASTM publications	;
Brief Overview		
	Iture and Consumer Services has propose	·
	asoline Ethanol Blends (2 VAC 5-425) to u crent versions of ASTM 4806 and ASTM 48	•
documents through		s14 and all references to those
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	☐ Revised Proposed ☐ Fast-Track Rule
Additional		
Description	☐ Expedited Review Requested	☐ Guidance Document
Legal Authority	☐ Exempt Action	☑ Discretionary action
Legal Authority	☐ Action required by federal statute	☑ Discretionary action
Dorogulatory	☐ Action required by state statute	
Deregulatory Component		
Component		

Expected Date	Fast-track action submitted to OAG on 2	2/19/2025.
	idance Document Forum ID (if available)	
Not available		
•	egulatory Action or Guidance Document	
	o expand the imported fire ant quaranting	9
Brief Overview		and the telline and the control of
	of Agriculture and Consumer Services is e	
to add localities to t	orted Fire Ant Quarantine for Enforcemen	it of the virginia Pest Law (2 VAC 5-315)
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
		☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description		
Legal Authority	☐ Action required by federal statute	□ Discretionary action
	☐ Action required by state statute	
Deregulatory		
Component		
Expected Date	July 2025	
Action/Stage or Gu	idance Document Forum ID (if available)	
Not available		
Title of Proposed R	egulatory Action or Guidance Document	
	o amend the plant and insect species decl	ared as endangered or threatened.
Brief Overview		
		nd insect species declared as endangered
	gulations for the Enforcement of the Endo	angered Plant and Insect Species Act (2
VAC 5-320).		
Regulatory Stage	⊠ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	☑ Discretionary action
	☐ Action required by state statute	
Deregulatory		
Component		
Expected Date	July 2025	

Action/Stage or Gui	idance Document Forum ID (if available)	
Not available		
· ·	egulatory Action or Guidance Document	
Repeal of 2 VAC 5-3	80	
Brief Overview		
· •	the repeal of Rules and Regulations for th	, ,
	ts Law (2 VAC 5-380) in response to the re	•
Produce Law (Article	e 3 of Chapter 47 of Title 3.2 of the Code	of Virginia).
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	⊠ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description		
Legal Authority	☐ Action required by federal statute	☐ Discretionary action
		,
Deregulatory	This regulatory action will eliminate 14	discretionary regulant requirements.
Component	,	
Expected Date	July 2025	
Action/Stage or Gui	idance Document Forum ID (if available)	
Action/Stage of Gu		
	egulatory Action or Guidance Document	
•	establish a minimum germination rate for	
Brief Overview	5	
Rules and Regulatio	ns for the Enforcement of the Virginia See	ed Law (2 VAC 5-390) provides specific
requirements for se	eds sold in Virginia, including minimum g	ermination rates for vegetable, flower,
and peanut seeds. C	Currently, cotton seed sold in Virginia has	no minimum standard for germination
rate. The proposed	action by the Board of Agriculture and Co	nsumer Services seeks to determine an
	ım germination rate for cotton seed sold	
	Rules and Regulations for the Enforceme	nt of the Virginia Seed Law.
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	⊠ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	☑ Discretionary action
	☐ Action required by state statute	
Deregulatory		
Component		
Expected Date	July 2025	

_	idance Document Forum ID (if available)	
Not available	andatam Astian an Cuidanas Danmant	
· ·	egulatory Action or Guidance Document	: 744 and 794 of the 2023 Acts of Assembly
Brief Overview	Treffect relevant provisions in enapters 7	THE GIRLS OF ASSEMBLY
	94 of the 2023 Acts of Assembly amende	d, in part, provisions of the Virginia Food
	rding industrial hemp extracts intended f	
_	isumer Services adopted amendments to	·
_	Sale of Products that Contain Industrial F	
Consumption (2 VAC	C 5-595) to reflect relevant provisions in (Chapters 744 and 794 of the 2023 Acts of
Assembly.		
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☑ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	⋈ Exempt Action	
Legal Authority	☐ Action required by federal statute	□ Discretionary action
	□ Action required by state statute	
Deregulatory		
Component		
Expected Date	July 2025	
Action/Stage or Gu	idance Document Forum ID (if available)	
Not available		•
Title of Proposed Ro	egulatory Action or Guidance Document	:
2025 Virginia Coope	erative Spongy Moth Suppression Program	m (Guidance Document)
Brief Overview		
The proposed chang	ges will update the guidelines to reflect t	he dates relevant to the Virginia
Cooperative Spongy	Moth Suppression Program.	
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☑ Guidance Document
Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	☐ Discretionary action
	☐ Action required by state statute	,
Deregulatory		
Component		
Expected Date	August 2025	

Action/Stage or Gui	idance Document Forum ID (if available)	
	egulatory Action or Guidance Document	
	o repeal the Public Participation Guideline	s promulgated by the Charitable Gaming
Board	repear the rubble rail delpation datachine.	3 promalgated by the charitable daming
Brief Overview		
	09 of the 2022 Acts of Assembly, in part, (i) authorize the Commissioner of the
•	culture and Consumer Services to prescrib	
	ming shall be conducted in the Commonw	<u> </u>
	a policy board to an advisory board. Prev	
regulations regardin	ng the conduct of charitable gaming rested	d with the Charitable Gaming Board. In
response to this 202	22 legislation, the Department of Agricultu	are and Consumer Services will repeal
Public Participation	Guidelines (11 VAC 15-13), which was pro	mulgated by the Charitable Gaming
Board.		
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	☑ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	☐ Discretionary action
	☐ Action required by state statute	,
Deregulatory	. ,	
Component		
Expected Date	September 2025	
Action/Stage or Gui	idance Document Forum ID (if available)	
Not available	idance Document Fordin ID (ii available)	
	egulatory Action or Guidance Document	
	promulgate Public Participation Guidelin	es for charitable gaming
Brief Overview	promaigate rabile rarticipation datacim	es for charitable gailing
	09 of the 2022 Acts of Assembly, in part, (i) authorize the Commissioner of the
•	culture and Consumer Services to prescrib	
	ming shall be conducted in the Commonw	_
•	a policy board to an advisory board. Prev	• •
regulations regardin	ng the conduct of charitable gaming rested	d with the Charitable Gaming Board. In
response to this 202	22 legislation, the Department of Agricultu	are and Consumer Services will
promulgate Public P	Participation Guidelines (11 VAC 20-10).	
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	⊠ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	☐ Discretionary action
-	□ Action required by state statute	

Deregulatory		
Component		
Expected Date	September 2025	
Action/Stage or Gu	idance Document Forum ID (if available	
Not available	<u> </u>	
-	egulatory Action or Guidance Documen	
,	·	certain data used in the determination of
class prices for prod	lucer milk	
Brief Overview		
	mission is expected to amend Regulation	•
_	stry (2 VAC 15-20) to update the regulati	·
average weekly eari	nings of workers in Virginia manufacturir	ng industries.
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	☑ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	□ Discretionary action □ Discretion
	☐ Action required by state statute	,
Deregulatory		
Component		
Expected Date	September 2025	
Action/Stage or Gu	idance Document Forum ID (if available	.)
Action 6661/Stage 1	-	•
Title of Proposed Ro	egulatory Action or Guidance Documen	t
Regulatory action to	amend Regulations for the Enforcemer	nt of the Virginia Commercial Feed Act to
add "dietary fiber" t	to pet food label requirements.	
Brief Overview		
Regulations for the	Enforcement of the Virginia Commercial	Feed Act (2 VAC 5-360) provides that a
		an accurate statement of the maximum
'		d Control Officials have developed the Pet
	ization project intended to provide infor	
		d Label Modernization includes the listing
·	•	ent that a label includes "crude fiber." It is
	er states will follow this change, and the	_
•	· ·	ation to allow "dietary fiber" to be listed
	o prohibit the listing of "crude fiber" to	
,	· · · · · · · · · · · · · · · · · · ·	ndment will provide a transition period to
allow manufacturer	s to meet this new requirement.	

☐ Emergency Rule

 \square Revised Proposed

Regulatory Stage

(check one box)

 \square NOIRA

□ Proposed Rule

	☐ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	□ Discretionary action
	☐ Action required by state statute	,
Deregulatory		
Component		
Expected Date	October 2025	
A - + : / C+ C	: dan a a Dan a a a familia (
Not available	idance Document Forum ID (if available)	
	egulatory Action or Guidance Document	
=	Civil Penalty Matrix (Guidance document)	
Brief Overview	civil i charty waters (darathee document)	
	of Agriculture and Consumer Services is ex	spected to adopt a Charitable Gaming
	atrix to guide the administration of the Co	
-	spend, or revoke a permit pursuant to the	•
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
(eneck one box)	☐ Final Rule	•
A daliti a mal		☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	⊠ Guidance Document
Description	☐ Exempt Action	_
Legal Authority	☐ Action required by federal statute	□ Discretionary action
	☐ Action required by state statute	
Deregulatory		
Component		
Expected Date	October 2025	
Action/Stage or Gu	idance Document Forum ID (if available)	
Action 6312 / Stage		
	egulatory Action or Guidance Document	
-	ions governing the installation of invasive	plant species by tradespersons in
Virginia		
Brief Overview		
Chapter 153 of the	2023 Acts of Assembly directs the Board o	of Agriculture and Consumer Services to
promulgate a regula	ation requiring tradespersons to provide v	vritten notification to property owners
	sed for installation that are included on th	•
	a Invasive Plant Species list. The Board ha	as proposed text for <i>Regulations for</i>
·	ling Invasive Plant Species (2 VAC 5-455).	
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	⊠ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	

Legal Authority	☐ Action required by federal statute	☑ Discretionary action
	☑ Action required by state statute	
Deregulatory		
Component		
Expected Date	October 2025	
Action/Stage or Gu	idance Document Forum ID (if available)	
Action 6691/Stage 1	-	
Title of Proposed R	egulatory Action or Guidance Document	
Regulatory action to	o amend 11 VAC 20-20 to reflect changes	made to the Charitable Gaming Law in
2021, 2022, 2023, a	nd 2024	_
Brief Overview		
This regulatory action	on will amend the <i>Charitable Gaming Reg</i>	ulations (11 VAC 20-20) to (i) conform
the regulations with	n amendments made to the Charitable Ga	ming Law by the 2023 and 2024 Sessions
of the General Asse	mbly, (ii) establish registration requireme	ents for landlords, and (iii) establish
requirements by wh	nich organizations that generate or anticip	pate generating \$40,000 or less in
charitable gaming g	ross receipts may obtain a permit and sel	l instant bingo, pull tabs, or seal cards
exclusively to their	members and guests.	
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)		☐ Revised Proposed
	☐ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	_
Legal Authority	☐ Action required by federal statute	□ Discretionary action □ Discretion
Legaritationty	✓ Action required by reactal statute	□ Discretionary action
Deregulatory	Action required by state statute	
Component		
Expected Date	November 2025	
zapetica zate	Trovelline: 2023	
Action/Stage or Gu	idance Document Forum ID (if available)	
Not available		
•	egulatory Action or Guidance Document	
	o amend Regulations for the Enforcement	of the Noxious Weeds Law to reflect
	2023 Acts of Assembly	
Brief Overview		
	2023 Acts of Assembly authorizes the Boa	_
, -	s governing the conditions under which a	· · · · · · · · · · · · · · · · · · ·
	or shipment, sell, or offer for sale into the	
	is expected to initiate a regulatory action	
	Noxious Weeds Law (2 VAC 5-317) to esta	
Regulatory Stage	⊠ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description		

	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	□ Discretionary action
	☐ Action required by state statute	
Deregulatory		
Component		
Expected Date	December 2025	
Action/Stage or Gu	idance Document Forum ID (if available)	
Not available	,	
Title of Proposed R	egulatory Action or Guidance Document	
Regulatory action to	o amend the Rules and Regulations for En	forcement of the Virginia Pest Law -
Virginia Gypsy Moth	n Quarantine to reflect the change in the s	species' common name from Gypsy Moth
to Spongy Moth		
Brief Overview		
	on will amend Rules and Regulations for E	· ·
	h Quarantine (2 VAC 5-330) to replace the	<i>5.1. 1</i>
	Entomological Society of America and th	
	for Lymantria dispar from "gypsy moth" t	
	nitiated a federal regulatory change to upo	
Regulatory Stage (check one box)	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
A 1 1999	☐ Final Rule	⊠ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	_
Legal Authority	☐ Action required by federal statute	□ Discretionary action
	☐ Action required by state statute	
Deregulatory		
Component		
Expected Date	December 2025	
Action/Stage or Gu	idance Document Forum ID (if available)	
Not available		
Title of Proposed R	egulatory Action or Guidance Document	
	o update Regulations Pertaining to Food fo	or Human Consumption
Brief Overview		
	of Agriculture and Consumer Services is ex	· · · · · · · · · · · · · · · · · · ·
•	ces to the Code of Federal Regulations inc	_
	ption (2 VAC 5-600) to the current version	•
	p-to-date and aligned with federal regulat	
Regulatory Stage (check one box)	□ NOIRA	☐ Emergency Rule
(clieck offe box)	☐ Proposed Rule	☐ Revised Proposed
A 1 1111	☐ Final Rule	⊠ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	

Legal Authority	□ Action required by federal statute	\square Discretionary action
	☐ Action required by state statute	
Deregulatory		
Component		
Expected Date	December 2025	
Action/Stage or Gu	idance Document Forum ID (if available)	
Not available		
	egulatory Action or Guidance Document	
	o update Regulations Governing Grade "A	N" Milk
Brief Overview		
_	Ilture and Consumer Services is expected	<u> </u>
_	· ·	rporate the 2023 edition of the Grade "A"
Pasteurized Milk Or	dinance adopted by the U.S. Food and Dr	rug Administration.
Regulatory Stage	☐ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority		□ Discretionary action □ Discretion
	☐ Action required by state statute	·
Deregulatory	, ,	
Component		
Expected Date	June 2026	
Action/Stage or Gu	idanca Dasumant Farum ID /if available)	
Not available	idance Document Forum ID (if available)	
	egulatory Action or Guidance Document	
	-	ing, Storing, Sampling and Transporting of
Milk	9	6, 6, 1, 0
Brief Overview		
The Board of Agricu	Ilture and Consumer Services is expected	to initiate a regulatory action to update
Regulations Govern	ing the Cooling, Storing, Sampling and Tro	ansporting of Milk (2 VAC 5-501) to
incorporate the 202	23 edition of the Grade "A" Pasteurized N	lilk Ordinance adopted by the U.S. Food
and Drug Administr	ation.	
Regulatory Stage	□ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority	□ Action required by federal statute	□ Discretionary action
	☐ Action required by state statute	•
Deregulatory	. ,	
Component		

Expected Date June 2026

Action/Stage or Guidance Document Forum ID (if available)		
Not available		
Title of Proposed Regulatory Action or Guidance Document		
Regulatory action to update Regulations Pertaining to Pet Shops Selling Dogs and Cats		
Brief Overview		
The Board of Agriculture and Consumer Services is expected to initiate a regulatory action to amend		
Regulations Pertaining to Pet Shops Selling Dogs or Cats (2 VAC 5-105) as required by Chapter 610 of		
the 2025 Acts of Assembly, which directs the Board to include in the regulation the remedy of a civil		
penalty not exceeding \$1,000 for each finding of a violation during an inspection, provided that the		
cumulative civil penalty does not exceed \$5,000.		
Regulatory Stage	⊠ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Revised Proposed
	☐ Final Rule	☐ Fast-Track Rule
Additional	☐ Expedited Review Requested	☐ Guidance Document
Description	☐ Exempt Action	
Legal Authority	☐ Action required by federal statute	□ Discretionary action
	□ Action required by state statute	
Deregulatory		
Component		
Expected Date	June 2026	