

ORM REGULATORY MODERNIZATION HIGHLIGHTS

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Like everything in life, the need for regulation changes over time. Sometimes a regulatory problem that was historically a major issue goes away. Sometimes the underlying law changes. And sometimes putting a fresh set of eyes on the regulatory code identifies ways to word things more clearly or succinctly. This week's *Highlights* features the work of two agencies that found ways to simplify regulations that had become out-of-date.



Commission on Local Government Removes Unnecessary Procedural Burdens.

Any time an agency reviews an old regulation, the best place to start is the underlying statute. Whenever an agency imposes new requirements beyond what's required in the statute itself, it should ensure that those discretionary requirements are still necessary.

The Commission on Local Government recently reviewed a set of procedural [regulations](#) and decided that there were several filing and notification requirements that went

beyond what the statute required and were no longer needed. It also updated the regulation by making clear that electronic filing is permissible and that a paper application is not needed. These changes produced a cleaner regulation that will be easier for regulated parties to comply with.

In addition, the Commission removed several requirements that imposed an unnecessary burden on the agency itself. This action will also save agency staff the headache of unnecessary box-checking and free up time for more productive tasks.

VDACS simplifies frozen dessert regulations.

The Board of Agriculture and Consumer Services recently took a careful look at its frozen dessert [regulations](#) and decided they could be modernized in several ways. It eliminated a requirement that employees of frozen dessert manufacturers obtain a pre-employment medical examination, aligning the regulations with those of other food manufacturers, which do not have a similar requirement. It also expanded businesses' ability to submit electronic records.

And, in a change that both simplified the regulation and carried out [Executive Order 39](#)'s mandate to eliminate unnecessary permits, it removed the requirement that frozen dessert importers obtain a permit for frozen dessert manufacturers. The requirement was redundant of permitting activity occurring in the state from which the frozen dessert products were being imported and therefore imposed an unnecessary burden.



***VIRGINIA DEPARTMENT
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