

VETERINARY MEDICINE BOARD[811]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 811—Chapter 2
“Petitions for Rulemaking”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 169.5
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 169

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 13, 2023
10 a.m.

Second Floor Conference Room
Wallace State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Board of Veterinary Medicine no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

Proposed Chapter 2 provides the public with information about how to petition the Board for rulemaking.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

Only citizens or groups that seek to prepare and file a petition for rulemaking would bear any costs under this rulemaking, and those costs would be limited to the time/resources necessary to draft a petition for rulemaking.

- Classes of persons that will benefit from the proposed rulemaking:

The public and regulated community will benefit from the proposed rulemaking because it provides a specific process by which they can seek rulemaking from the Board.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

There is little, if any, quantitative impact from the proposed rulemaking because only citizens or groups that seek to prepare and file a petition for rulemaking would bear any costs, and those costs would be limited to the time/resources necessary to draft a petition for rulemaking.

- Qualitative description of impact:

There is little, if any, qualitative impact from the proposed rulemaking because only citizens or groups that seek to prepare and file a petition for rulemaking would bear any costs, and those costs would be limited to the time/resources necessary to draft a petition for rulemaking.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The costs would be limited to time spent by the Board and staff reviewing petition(s) for rulemaking.

- Anticipated effect on state revenues:

The costs would be limited to time spent by the Board and staff reviewing petition(s) for rulemaking.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Failure to have a specific process for petitioning for rulemaking could lead to increased costs or burdens to the Board and State as more staff time will be required to answer questions from the public and regulated community about how to petition the Board for rulemaking, which may also increase the costs or time required by the public or licensees to properly prepare a petition for rulemaking.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There does not appear to be any less costly method because the process for petitioning the Board for rulemaking needs to be included in Chapter 2 to properly inform the public and regulated community about the process. In order to promote efficiency and reduce costs, the Board adopted by reference the Uniform Rules on Agency Procedure related to petition for rulemaking.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

No alternative methods were considered.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

No alternative methods were considered.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Only citizens or groups that seek to prepare and file a petition for rulemaking would bear any costs under this rulemaking, and there does not appear to be any additional impact on small business to prepare a petition for rulemaking.

Text of Proposed Rulemaking

ITEM 1. Rescind 811—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2 PETITIONS FOR RULEMAKING

The board of veterinary medicine hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website, with the addition of new rule 811—2.5(17A).

811—2.1(17A) Petition for rulemaking. In lieu of “(designate office)”, insert “Board of Veterinary Medicine at the Iowa Department of Agriculture and Land Stewardship, State Veterinarian, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”. In lieu of “(AGENCY NAME)”, insert “BOARD OF VETERINARY MEDICINE”.

811—2.3(17A) Inquiries. In lieu of “(designate official by full title and address)”, insert “the State Veterinarian, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”.

811—2.5(17A) Petitions received by department. If, pursuant to rule 21—3.5(17A), the secretary of agriculture receives and forwards a petition for rulemaking that is not within the rulemaking power of the secretary but that is within the rulemaking power of the board, the petition will be accepted for action by the board.

These rules are intended to implement Iowa Code chapter 17A.