



COMMONWEALTH of VIRGINIA

*Office of the Attorney General
Richmond 23219*

Jason S. Miyares
Attorney General

202 N. Ninth Street
Richmond, Virginia 23219
804 - 786 - 2071
804 - 225 - 4541 TDD

MEMORANDUM

To: Trisha Henshaw
Executive Director
Virginia Department of Professional and Occupational Regulation – Board for Asbestos, Lead, and Home Inspectors

From: Joshua E. Laws
Assistant Attorney General

Date: December 28, 2022

Subject: Letter of Assurance for Proposed Regulations – Amendments to Regulations - 2022 Asbestos and Lead Temporary Fee Reduction found at 18VAC15-20 and 18VAC15-30.

I have reviewed the Department of Professional and Occupational Regulation’s (“the Department”) proposed Amendments to the Board for Asbestos, Lead, and Home Inspectors Regulations - 2022 Asbestos and Lead Temporary Fee Reduction found at 18VAC15-20 and 18VAC15-30 that was posted on the Virginia Regulatory Town Hall on December 27, 2022. In my view, as counsel to the Department of Professional and Occupational Regulation and the Board for Asbestos, Lead, and Home Inspectors, these regulations may be promulgated pursuant to Title 54.1 of the *Code of Virginia*. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect. Further, I certify that the proposed changes are exempt

from the Administrative Process Act under Code of Virginia § 2.2-4006(A)(6) because these are regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 and are limited to reducing fees charged to regulants and applicants.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.