



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
804-371-8946 TDD

MEMORANDUM

To: Liza Fleeson Trossbach
Program Manager
Office of Pesticide Services
Virginia Department of Agriculture and Consumer Services

Dr. Jewel H. Bronaugh
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: November 8, 2018

Subject: Letter of Assurance for Periodic Review of Regulations for Pesticide Containers and Containment Under Authority of the Virginia Pesticide Control Act, 2 VAC 5-690.

Pursuant to the Code of Virginia and Executive Order 17 (2014), a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Department of Agriculture and Consumer Services's Regulations referenced above. In my view, as counsel to the Department of Agriculture and Consumer Services, these regulations may be retained without change pursuant to Title 3.2 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.

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.