

October 20, 2008

Jane D. Chaffin, Registrar of Regulations
Division of Legislative Services
910 Capitol St., 2nd Floor
Richmond, Virginia 23219

**Proposed Regulations for the Removal of Provisions for the Sanitary Control of the Picking,
Packing and Marketing of Crab Meat**

Dear Ms. Chaffin:

After reviewing the Department of Health's proposed repeal of regulations 12 VAC 5-160-60 through 12 VAC 5-160-1080, I find, based on materials and documents provided to me by the Department of Health, that the regulations were never properly promulgated and were in fact erroneously certified to the Registrar of Regulations as being so. It appears that this erroneous certification was a technical error, pursuant to Virginia Code § 2.2-4006 (A)(3), and may be qualified for exemption from the Administrative Process Act.

Sincerely,

Karri B. Atwood
Assistant Attorney General

cc: Robert W. Hicks, Director, Office of Environmental Health Services
Dr. Robert Croonenberghs, Director, Division of Shellfish Sanitation