



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Matt Lohr
Commissioner
Virginia Department of Agriculture and Consumer Services

Roy Seward
Virginia Department of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: November 14, 2012

Subject: Memorandum of Authority for Proposed Amendments to Regulations Governing Gypsy Moth Quarantine, 2 VAC 5-330

I reviewed the proposed amendments to Regulations Governing Gypsy Moth Quarantine, particularly 2 VAC 5-330-30, by the Commissioner of Agriculture and Consumer Services (hereinafter "Commissioner"). In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Commissioner may promulgate these regulations, pursuant to § 3.2 - 703 of the *Code of Virginia*. The proposed 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.

Adoption of the above Regulations is exempt from the provisions of the Virginia Administrative Process Act, §§ 2.2-4000, *et seq.* of the Code of Virginia, pursuant to § 3.2 - 703 and § 3.2 - 704 of the Code of Virginia.

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.