



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: David Gianino
Program Manager
Office of Plant Industry Services
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: August 12, 2022

Subject: Letter of Assurance for Amendment of Regulations for Enforcement of the Noxious Weeds Law – Amend Noxious Weed List, 2 VAC 5 – 317

I have reviewed the Board of Agriculture and Consumer Services's (the Board) proposed amendment of regulations – Regulations for Enforcement of the Noxious Weeds Law at 2 VAC 5 – 317 that was posted on the Virginia Regulatory Town Hall on February 22, 2022. In my view, as counsel to the Board, these regulations may be amended pursuant to § 3.2-802 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.