

## MEMORANDUM

**FROM:** Gray O'Dwyer  
Assistant Attorney General

**DATE:** June 9, 2020

**RE:** Amendments to Laboratory Regulations - 1 Va. Admin. Code §§ 30-45 *et seq.*  
and 1 Va. Admin. Code §§ 30-46 *et seq.*

---

*Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this email contains the legal analysis of the individual staff member providing it.*

The Department of General Services, Division of Consolidated Lab Services ("Division") is proposing changes to 1 Va. Admin. Code §§ 30-45 *et seq* and 1 Va. Admin. Code §§ 30-46 *et seq.* The Division is authorized by § 2.2-1105 of the Code of Virginia to "establish a program for the certification of laboratories" that perform tests, analyses, measurements or monitoring required by the Commonwealth's air, waste and water laws and regulations, pursuant to the Administrative Process Act. In light of the foregoing, it is my view that the Division has the authority to amend its regulations.

It is also my view that these proposed revisions are not exempt from the regulatory adoption process provided in the Virginia Administrative Process Act, §§ 2.2-4000 *et seq.* ("VAPA").

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General.