



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: Debra Martin
Program Manager
Office of Plant Industry Services
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: October 26, 2017

Subject: Letter of Assurance for Periodic Review of Rules and Regulations for the Enforcement of the Endangered Plant and Insect Species Act, 2 VAC 5 – 320.

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.