



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

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

Dr. Jewel H. Bronaugh
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: September 18, 2020

Subject: Letter of Assurance for Regulations for the Application of Fertilizer to Nonagricultural Lands, 2 VAC 5 – 405.

I have reviewed the proposed amendments from the Board of Agriculture and Consumer Services (the Board) to the Regulations for the Application of Fertilizer to Nonagricultural Lands, 2 VAC 5 – 405. In my view, as counsel to the Board, the Board may amend these regulations pursuant to § 3.2-3601 of the *Code of Virginia*. Amending these regulations does not appear, on its face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does the amendment appear to conflict with federal or state law currently in effect. This action also appears to be exempt from the APA pursuant to § 2.2-4006(A)(4)(a).

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.