



COMMONWEALTH of VIRGINIA
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MEMORANDUM

To: Board of Agriculture and Consumer Services

From: William A. Diamond
Assistant Attorney General

Date: December 12, 2003

Subject: Statement of Legal Authority to Amend Cotton Boll Weevil Quarantine Regulations; 2 VAC 5-440

I have reviewed the revised proposed amendments to the above-referenced regulations of the Board of Agriculture and Consumer Services.

Assistant Attorney General John B. Purcell, Jr., former counsel to the Board, provided a letter of assurance to the Board, with respect to the original proposed amendments, on October 1, 2001. I have relied upon the aforesaid letter of assurance and have reviewed only the changes made subsequent to its issuance.

In my view as counsel to the Board, the Board of Agriculture and Consumer Services may promulgate these regulations under the authority granted the Board under §§ 3.1-188.23 of the Code of Virginia. The proposed regulations do not conflict with state or federal law.