



***COMMONWEALTH of VIRGINIA***  
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November 12, 2003

The Honorable Robert G. Burnley, Director  
Department of Environmental Quality  
Commonwealth of Virginia  
629 East Main Street  
Richmond, Virginia 23219

Re: Proposed Amendments to Regulations Concerning Consumer Products  
(9 VAC 5 Chapter 40, Rev. G03)

Dear Mr. Burnley:

I have reviewed the above-referenced proposed amendments to regulations, as approved for public comment by the State Air Pollution Control Board on November 5, 2003.

It is my view that the Board possesses statutory authority to promulgate subject regulation amendments.

The purpose of this communication is to provide legal advice. To the extent that this communication may advise you that certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency or board and this communication should not be construed as a comment for or against the merits of such action.

Sincerely,

Carl Josephson  
Assistant Attorney General