



COMMONWEALTH of VIRGINIA

Office of the Attorney General

William C. Mims
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

To: Todd Haymore, Commissioner
Virginia Department of Agriculture and Consumer Services

Paul W. Rogers, Jr., President
Virginia Board for Agriculture and Consumer Services

Frank Fulgham
Virginia Department of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: September 11, 2009

Subject: Statement of Authority for Proposed Amendments to Equine Infectious Anemia Regulations

I have reviewed the Virginia Board for Agriculture and Consumer Services' ("Board") proposed amendments to the Regulations for the Enforcement of the Endangered Plant and Insect Species Act, 2 VAC 5-320-10 *et seq.* In my view, as counsel to the Department of Agriculture and Consumer Services, the Board has the authority to promulgate these regulations pursuant to § 3.2 – 1002 of the *Code of Virginia*. Further, these proposed amendments 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 amendments.