



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: Steven W. Sturgis
President
Board for Agriculture and Consumer Services

Sandra J. Adams
Commissioner
Virginia Department of Agriculture and Consumer Services

From: James M. Flaherty
Assistant Attorney General

Date: May 15, 2014

Subject: Letter of Assurance for Proposal to establish regulations to eradicate, suppress, and prevent the dissemination of noxious weeds in the Commonwealth, 2 VAC 5-317 *et seq.*

I have reviewed the Board for Agriculture and Consumer Services' Proposal to establish regulations to eradicate, suppress, and prevent the dissemination of noxious weeds in the Commonwealth, 2 VAC 5-317 *et seq.* that were posted to the Virginia Regulatory Town Hall on May 15, 2014. In my view, as counsel to the Department of Agriculture and Consumer Services, the Board may promulgate these regulations pursuant to Title 3.2, Chapter 8 of the *Code of Virginia*. The regulations do not appear, on their face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with 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.