



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Paul Rogers
President
Board for Agriculture and Consumer Services

Matt Lohr
Commissioner
Virginia Department of Agriculture and Consumer Services

Roy Seward
Virginia Department of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: August 20, 2012

Subject: Statement of Authority for Proposed Adoption of Pesticide Containers and Containment Regulations, 2 VAC 5-690 et seq.

I have reviewed the Board for Agriculture and Consumer Services' (hereinafter, "Board") proposed adoption of the Regulations Governing Pesticide Containers and Containment, 2 VAC 5-690-10 *et seq.*, which govern the standards for pesticide containers, repackaging pesticides, and pesticide containment structures. In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Board has the authority to propose such amendments pursuant to §§ 3.2 – 3906 of the *Code of Virginia*, and the 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.

Further, the proposed regulations may be adopted pursuant to the fast-track adoption authority provided in § 2.2-4012.1.

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.