



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
804-371-8946 TDD

MEMORANDUM

To: David Gianino
Program Manager
Office of Plant Industry Services

Dr. Jewel Bronaugh
Commissioner
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: April 1, 2019

Subject: Letter of Assurance for Regulations for the Enforcement of the Endangered Plant and Insect Species Act, 2 VAC 5-320.

I have reviewed the Board of Agriculture and Consumer Services proposed amendments to the Regulations for the Enforcement of the Endangered Plant and Insect Species Act, 2 VAC 5-320. In my view the Board of Agriculture and Consumer Services has the authority to promulgate these regulations pursuant to §§ 3.2-1002(A) and 3.2-1002(B) 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.