



# *COMMONWEALTH of VIRGINIA*

*Office of the Attorney General*

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## *MEMORANDUM*

**To:** David Gianino  
Program Manager  
Office of Plant Industry Services  
Virginia Department of Agriculture and Consumer Services

**From:** Justin I. Bell  
Assistant Attorney General

**Date:** August 29, 2024

**Subject:** Amendments to Establish a Minimum Germination Rate for Cotton Seed, 2 VAC 5-390

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I have reviewed the Board of Agriculture and Consumer Services's proposed amendments of the Rules and Regulations for the Enforcement of the Virginia Seed Law at 2 VAC 5-390. In my view, as counsel to the Board, the Board may amend this regulation pursuant to § 3.2-4001 of the *Code of Virginia*. The 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 regulations.