



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Jason S. Miyares
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
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: April 4, 2024

Subject: Letter of Assurance for Fast-Track Rulemaking – Thousand Cankers Disease Quarantine, Repeal of 2 VAC 5-318

I have reviewed the Board of Agriculture and Consumer Services's (the Board) proposed regulatory action, Repeal of 2 VAC 5-318 that was posted on the Virginia Regulatory Town Hall on May 17, 2023. In my view, as counsel to the Board, this quarantine may be repealed pursuant to § 3.2-703 of the *Code of Virginia*. This action does 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 regulations also appear to qualify for the fast-track rulemaking process under § 2.2-4012.1 of the *Code of Virginia* because they are expected to be noncontroversial.

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.