



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: April 16, 2024

Subject: Expand Imported Fire Ant Quarantine to Include Certain Counties in Southeastern Virginia

I have reviewed the Commissioner of Agriculture and Consumer Services's proposed expansion of the Virginia Imported Fire Ant Quarantine. In my view, as counsel to the Commissioner, this quarantine may be expanded pursuant to § 3.2-703 of the Code of Virginia. Additionally, § 3.2-703 also permits the Commissioner to expand and reduce quarantines outside of the Administrative Process Act.

The regulations 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.