



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Charles Broaddus, DVM
Program Manager, Veterinary Services
Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: May 1, 2015

Subject: Letter of Assurance for Proposed Repeal of Regulation – Governing Pseudorabies in Virginia found at 2 VAC 5-180

I have reviewed the Department of Agriculture and Consumer Services's (the Department) proposed repeal of Regulations Governing Pseudorabies in Virginia found at 2 VAC 5-180 that was posted on the Virginia Regulatory Town Hall on April 23, 2015. In my view, as counsel to the Department of Agriculture and Consumer Services, this regulatory action may be taken pursuant to Title 3.2 of the *Code of Virginia*. Further, Section 3.2-109 of the *Code of Virginia* (Code) establishes the Board of Agriculture and Consumer Services (the Board) as a policy board with the authority to adopt regulations in accordance with the provisions of Title 3.2 of the Code. Section 3.2-6002 of the Code authorizes the Board to adopt regulations to prevent the spread of and eradicate contagious and infectious livestock and poultry diseases.

This Board has reviewed this regulation as stated in part in § 2.4-4012 and determined it should be repealed. The Board has determined that this regulation is no longer needed because pseudorabies has been eradicated in Virginia. There are no disadvantages to the public or the Commonwealth associated with repealing the regulation and the Board has received no comments on repealing this regulation.

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.