



# *COMMONWEALTH of VIRGINIA*

*Office of the Attorney General*

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## *MEMORANDUM*

**To:** Debra Martin  
Program Manager  
Office of Plant Industry Services  
Virginia Department of Agriculture and Consumer Services

Sandra J. Adams  
Commissioner  
Virginia Department of Agriculture and Consumer Services

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

**Date:** August 30, 2016

**Subject:** Letter of Assurance for Periodic Review of Regulations for the Application of Fertilizer to Nonagricultural Lands, 2 VAC 5 – 405.

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Pursuant to the Code of Virginia and Executive Order 17 (2014), a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Department of Agriculture and Consumer Services's Regulations referenced above. In my view, as counsel to the Department of Agriculture and Consumer Services, these regulations may be retained without change pursuant to Title 3.2 of the Code of Virginia. 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.