



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**To:** C. Ray Davenport  
Commissioner  
Virginia Department of Labor and Industry

**From:** Joshua E. Laws  
Assistant Attorney General

**Date:** April 4, 2019

**Subject:** Letter of Assurance for Periodic Review of Regulations – Regulations Applicable to Tree Trimming Operations, found at 16 VAC 25 – 73.

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Pursuant to the Code of Virginia and Executive Order 14 (2018), 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 Safety and Health Codes Board's Regulations referenced above. In my view, as counsel to the Department of Labor and Industry and the Safety and Health Codes Board, these regulations may be promulgated pursuant to Title 40.1 *et seq.* 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.