



COMMONWEALTH of VIRGINIA
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MEMORANDUM

FROM: Darrell W. Kuntz, III
Assistant Attorney General

TO: Danielle Schools, Division Director
Division of Shellfish Safety and Waterborne Hazards

And,

Julie Henderson, Director, Office of Environmental Health Services

DATE: 06/18/2024

RE: Periodic Review of Chapter — 12 VAC 5 – 160 *et seq.*

Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Virginia State Board of Health and the Virginia Department of Health are in the process of conducting their periodic review of 12 Va. Admin. Code § 5 - 160 *et seq.* and is proposing to repeal these regulations. The rationale for the proposal to repeal these regulations is that they overlap and duplicate the intent of regulations set forth at 12 Va. Admin. Code § 5 – 150 *et seq.*

Having reviewed both sets of regulations, it appears that the regulatory sections are duplicative and have significant overlap.

The Board has the authority to adopt and repeal these regulations as set forth at Va. Code § 28.2-801.