



COMMONWEALTH of VIRGINIA

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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: October 25, 2024

Subject: Regulations for Enforcement of the Virginia Tree and Crop Pests Law - Spotted Lanternfly Quarantine, 2 VAC 5-336

I have reviewed the Board of Agriculture and Consumer Services's proposed repeal of the of the Regulations for Enforcement of the Virginia Tree and Crop Pests Law - Spotted Lanternfly Quarantine at 2 VAC 5-336. In my view, as counsel to the Board, the Board take this regulatory action pursuant to § 3.2-703(C) of the *Code of Virginia*. This action does 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. Further, the regulations also appear to qualify for the fast-track rulemaking process under § 2.2-4012.1 of the *Code of Virginia* because they are expected to be noncontroversial.

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.