



# COMMONWEALTH of VIRGINIA

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## MEMORANDUM

**To:** Todd P. Haymore  
Commissioner  
Department of Agriculture and Consumer Services

**Through:** Roy Seward  
Director - Office of Policy, Planning & Research  
Department of Agriculture and Consumer Services

Liza J. Fleeson  
Program Manager – Office of Pesticide Services  
Department of Agriculture and Consumer Services

**From:** Eric A. Gregory  
Assistant Attorney General

**Date:** June 12, 2008

**Subject:** Statement of Legal Authority for proposed amendments to the Regulations Governing Pesticide Applicator Certification under authority of Virginia Pesticide Control Act (2 VAC 20-51)

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I have reviewed the Virginia Pesticide Control Board's proposed amendments to the Regulations Governing Pesticide Applicator Certification under authority of the Virginia Pesticide Control Act (2 VAC 20-51), to add new requirements for pesticide application and registered technicians. In my view, as counsel to the Virginia Pesticide Control Board, the Department and the Commissioner of Agriculture and Consumer Services, the Board has the authority to promulgate the regulations, and amendments thereto, pursuant to §§ 3.1-249.30, 3.1-249.51, 3.1-249.52, 3.1-249.53, 3.1-249.54, 3.1-249.55, and 3.1-249.56 of the *Code of Virginia*.

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, or public policy implications, of the proposed regulations.

