



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Paul Rogers
President
Board for Agriculture and Consumer Services

Matt Lohr
Commissioner
Virginia Department of Agriculture and Consumer Services

Roy Seward
Virginia Department of Agriculture and Consumer Services

From: Steven P. Jack
Assistant Attorney General

Date: August 20, 2012

Subject: Memorandum of Authority for Proposed Amendments to Public Participation Guidelines, 2 VAC 20-11 *et seq.*

I reviewed the proposed repeal of the Public Participation Guidelines, 2 VAC 20-11-10 *et seq.*, previously adopted by the Pesticide Control Board, by the Board for Agriculture and Consumer Services (hereinafter, "Board"). In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Board may promulgate the repeal of these regulations, pursuant to § 2.2-4007.02 of the *Code of*

Virginia. The proposed 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.

Repeal of the above Regulations is exempt from the provisions of the Virginia Administrative Process Act as stated in § 2.2-4006(A)(4)(a) of the Code of Virginia, pursuant to Chapters 803 and 835 of the 2012 Virginia Acts of Assembly [HB 1291/SB678].

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.