



# **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General*

Mark R. Herring  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
804-371-8946 TDD

## **MEMORANDUM**

**To:** Steven W. Sturgis  
President  
Board of Agriculture and Consumer Services  
  
Sandra J. Adams  
Commissioner  
Virginia Department of Agriculture and Consumer Services

**From:** James M. Flaherty  
Assistant Attorney General

**Date:** October 3, 2014

**Subject:** Letter of Assurance - Periodic Review of 2VAC5-90

---

Pursuant to Executive Order No. 17 (2014), I have conducted a periodic review of the Board of Agriculture and Consumer Services' regulations, in particular Chapter 90, 2VAC5-90-10 through 2VAC5-90-30: Rules and Regulations Governing the Control and Eradication of Pullorum Disease and Fowl Typhoid in Poultry Flocks and Hatcheries and Products Thereof in Virginia. In my view, as counsel to the Department of Agriculture and Consumer Services, the Board may promulgate these regulations pursuant to §§ 3.2-6001, 3.2-6002, and 3.2-6004 of the *Code of Virginia*. The regulations do not appear, on their face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with 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.