



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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## MEMORANDUM

**To:** David Gianino  
Program Manager  
Office of Plant Industry Services

Dr. Jewel Bronaugh  
Commissioner  
Virginia Department of Agriculture and Consumer Services

**From:** Justin I. Bell  
Assistant Attorney General

**Date:** March 25, 2021

**Subject:** Letter of Assurance for Expansion of Spotted Lanternfly Quarantine, 2 VAC 5-336.

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I have reviewed the Expansion of the Spotted Lanternfly Quarantine, 2 VAC 5-336, as proposed by the Commissioner of Agriculture and Consumer Services. In my view the Commissioner of Agriculture and Consumer Services has the authority to expand the quarantine to pursuant to § 3.2-703 of the *Code of Virginia*. Additionally, this action is exempt from the regular process of the Administrative Process Act pursuant to § 3.2-703 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.