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MEMORANDUM

FROM: Jackson Brown
Assistant Attorney General

TO: Michael Bisogno, Director
Department of General Services

DATE: June 11, 2024

RE: Review of Final Regulation — 1 VAC 30-41

Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.

In response to a request from the Department of General Services, I reviewed the above-referenced regulations of the Division of Consolidated Laboratory Services.

The Department has the authority to amend and reissue 1 VAC 30-41 (“Regulation for the Certification of Laboratories Analyzing Drinking Water”) pursuant to § 2.2-1102 and § 2.2-1105 of the Code of Virginia. After reviewing the final regulation, it is my opinion that the Department of General Services has the authority to so amend and reissue 1 VAC 30-41. It is also my opinion that the final regulation is exempt from Article 2 of the Administrative Process Act pursuant to Va. Code § 2.2-4006(A)(4)(c).