



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Steven W. Sturgis
President
Board for Agriculture and Consumer Services

Sandra J. Adams
Commissioner
Virginia Department of Agriculture and Consumer Services

From: James M. Flaherty
Assistant Attorney General

Date: January 3, 2014

Subject: Letter of Assurances for Proposed Amendments to Rules and Regulations Governing Livestock Dealers and Marketing Facilities for the Purpose of Controlling and Eradicating Infectious and Contagious Diseases of Livestock, 2 VAC 5-60 et seq.

I have reviewed the Board for Agriculture and Consumer Services' (hereinafter, "Board") proposed amendments to the Rules and Regulations Governing Livestock Dealers and Marketing Facilities for the Purpose of Controlling and Eradicating Infectious and Contagious Diseases of Livestock, 2 VAC 5-60 *et seq*, that were posted on the Virginia Regulatory Town Hall on December 11, 2013. In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Board has the authority to propose such amendments pursuant to Title 3.1, Chapter 60 of the *Code of Virginia*, and the proposed amendments 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 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 amendments.