



# **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General*

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## **MEMORANDUM**

**To:** David Gianino  
Program Manager  
Office of Plant Industry Services  
Virginia Department of Agriculture and Consumer Services

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

**Date:** April 1, 2021

**Subject:** Letter of Assurance for Repeal of Regulations Governing Pine Shoot Beetle, 2 VAC 5-325.

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I have reviewed the Repeal of Regulations Governing Pine Shoot Beetle, 2 VAC 5-325, as proposed by the Board of Agriculture and Consumer Services. In my view the Board of Agriculture and Consumer Services has the authority to repeal these regulations pursuant to § 3.2-703 of the *Code of Virginia*.

Additionally, this action does not appear to be controversial thus is eligible for the Fast-track rulemaking process of the Administrative Process Act pursuant to § 2.2-4012.1 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.