



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
804-371-8946 TDD

MEMORANDUM

To: Dennis P. Clary
Program Manager
Virginia Department of Agriculture and Consumer Services

From: Justin I. Bell
Assistant Attorney General

Date: November 15, 2021

Subject: Letter of Assurance for Periodic Review of Rules and Regulations-Official Standards for Enforcement of the Virginia Apples: Grading, Packing, and Marking Law, 2 VAC 5 – 310.

Pursuant to the Code of Virginia and Executive Order 14 (2018), a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Board of Agriculture and Consumer Services's Regulations referenced above. In my view, these regulations may be retained without change according to § 3.2-4501 of the *Code of Virginia*. The regulations 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 regulations.