



# **COMMONWEALTH of VIRGINIA**

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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:** January 10, 2023

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

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I have reviewed the Virginia Board of Agriculture and Consumer Services's (the Board) proposed regulatory action, Expand quarantine to include certain counties and cities in the northern and western regions of Virginia at 2 VAC 5-336. The Board has the legal authority to expand the Spotted Lanternfly Quarantine in § 3.2-703 of the *Code of Virginia*. The maintenance and expansion of the Spotted Lanternfly Quarantine is part of its statutory duty as laid out in § 3.2-703 of the *Code of Virginia*. In my view, as counsel to the Department, the quarantine may be expanded pursuant to § 3.2-703 of the *Code of Virginia*.

Further, the expansion of the quarantine is exempt from the requirements of Article 2 of Chapter 40 of Title 2.2 of the *Code of Virginia* pursuant to § 3.2-703 of the *Code of Virginia*. The regulatory action does not

appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it 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 this regulatory action.