

1975 WL 29402 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 21, 1975

*1 The Honorable Arthur K. Bolton
Attorney General
State of Georgia
132 State Judicial Building
Atlanta, Georgia 30334

Dear Arthur:

I am enclosing copies of letters which have been forwarded to dairies located in South Carolina and doing business in Georgia by the Georgia Department of Agriculture. You will note that the Georgia Department has indicated its intent to refuse to issue licenses to do business in Georgia until such time as the Georgia Department has a reciprocal agreement with the South Carolina Dairy Commission.

It is my understanding that South Carolina imposes stricter standards than prevail in some other states, among which is the State of Georgia; for instance, in the frequency of the administration of tuberculin tests of dairy herds. Additionally, the South Carolina Dairy Commission does not have authority to enter into reciprocal agreements of the type sought be Georgia and, assuming that they did have such authority, they have declined to enter into such agreements because of the absence of comparable standards in some of the surrounding states.

I do not think that Georgia authority can validly force reciprocity upon a state by a threat to withhold its authority to do business in that state and I should like to request your earnest consideration of this matter. If you think it desirable, I will be pleased to meet with you and any of the Georgia authorities at your convenience to explore this problem. The circumstances appear to clearly present a case of commerce clause violation.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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