

December 11, 2008

Mr. Charles L. Stiff, Chair
Safety and Health Codes Board
c/o C. Ray Davenport, Commissioner
Virginia Department of Labor & Industry
13 South Thirteenth Street
Richmond, Virginia 23219

Re: Final Regulation: 16 VAC 25-20, Regulation Concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits and Permit Fees

Dear Mr. Stiff:

I have reviewed the above-referenced regulation. It is my opinion that the Safety and Health Codes Board has authority to promulgate such amendments under applicable law, including Chapter 3 of Title 40.1 of the Code of Virginia.

Further, in accordance with §2.2-4006.A.3. agency actions subject to the Administrative Process Act (APA) are exempted from the Article 2 promulgation requirements of the APA if the action consists only of changes in style or form or corrections of technical errors.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me at (804) 786-9583.

Very truly yours,

Crystal Y. Twitty
Assistant Attorney General

cc: C. Ray Davenport, Commissioner
Regina P. Cobb, Agency Management Analyst, Sr.

