



townhall.virginia.gov

Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation(s)	16 VAC25-90-1910.67, Vehicle-Mounted Elevating and Rotating Work Platforms, §1910.67, and Logging Operations, §1910.266
Regulation title(s)	Vehicle-Mounted Elevating and Rotating Work Platforms, §1910.67, and Logging Operations, §1910.266
Action title	Corrections to Vehicle-Mounted Elevating and Rotating Work Platforms, §1910.67, and Logging Operations, §1910.266
Final agency action date	December 11, 2014
Date this document prepared	December 11, 2014

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Federal OSHA has corrected non-substantive typographical errors in its standards for Vehicle-Mounted Elevating and Rotating Work Platforms, §1910.67, and Logging Operations, §1910.266. The first typographical error corrected was in the title of a national consensus standards organization referenced in §1910.67(c)(5), which states that all welding done on vehicle-mounted elevating and rotating work platforms must conform to Automotive Welding Society Standards incorporated by reference in §1910.6. However, as §1910.6(i) specifies, the correct title of the organization is the American Welding Society Standards. In §1910.67(c)(5), federal OSHA replaced "Automotive" with "American".

The second typographical error was in a reference in the Logging Operations Standard to another federal OSHA standard. Specifically, §1910.266(d)(1)(iv), which was adopted by the Safety and Health Codes Board on December 19, 1994. This subparagraph, which establishes personal-protective-equipment requirements when logging employees operate chain saws, states that the requirement does not apply to employees who operate chain saws from a vehicle-mounted elevating and rotating work platform that meets the requirements of §1910.68. However, §1910.67, not §1910.68 (Manlifts), addresses vehicle-mounted elevating and rotating work platforms. Therefore, in §1910.266(d)(1)(iv), federal OSHA inserted “§1910.67” and removed “§1910.68”.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On December 11, 2014, the Safety and Health Codes Board adopted federal OSHA’s Corrections to the Standards for Vehicle-Mounted Elevating and Rotating Work Platforms, §1910.67, and Logging Operations, §1910.266, as published in 79 FR 37189 on July 1, 2014, with an effective date of March 15, 2015.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The corrections to these two standards will have no impact on the institution of the family and family stability.

**Vehicle-Mounted Elevating and Rotating Work Platforms, §1910.67, and
Logging Operations; §1910.266; Corrections**

As Adopted by the
Safety and Health Codes Board

Date: December 11, 2014



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: February 15, 2015

16VAC25-90-1910.67, Vehicle-Mounted Elevating and Rotating Work Platforms, §1910.67; and
16VAC25-90-1910.266, Logging Operations, §1910.266

When the regulations, as set forth in the Correcting Amendments to standards for Vehicle-Mounted Elevating and Rotating Work Platforms, §1910.67, and Logging Operations, §1910.266, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

July 1, 2014

February 15, 2015

- 2. In § 1910.67, revise paragraph (c)(5) to read as follows:

§ 1910.67 Vehicle-mounted elevating and rotating work platforms.

* * * * *

(c) * * *

(5) “*Welding standards.*” All welding shall conform to the following American Welding Society (AWS) Standards which are incorporated by reference as specified in § 1910.6, as applicable:

* * * * *

Subpart R—[Amended]

- 3. Revise the authority citation for subpart R to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order Nos. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

- 4. In § 1910.266, revise paragraph (d)(1)(iv) to read as follows:

§ 1910.266 Logging Operations.

* * * * *

(d) * * *

(1) * * *

(iv) The employer shall provide, at no cost to the employee, and assure that each employee who operates a chain saw wears leg protection constructed with cut-resistant material, such as ballistic nylon. The leg protection shall cover the full length of the thigh to the top of the boot on each leg to protect against contact with a moving chain saw. *Exception:* This requirement does not apply when an employee is working as a climber if the employer demonstrates that a greater hazard is posed by wearing leg protection in the particular situation, or when an employee is working from a vehicular mounted elevating and rotating work platform meeting the requirements of 29 CFR 1910.67.

* * * * *