



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Department of Labor and Industry/ Safety and Health Codes Board
VAC Chapter Number:	16 VAC 25-85-1904.10
Regulation Title:	Recording and Reporting Occupational Injuries and Illnesses
Action Title:	Amendments to Recording and Reporting Occupational Injuries and Illnesses
Date:	December 19, 2002

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Federal OSHA revised the hearing loss recording provisions of the Recording and Reporting Occupational Injury and Illness Requirements rule. This final rule revised the criteria for recording hearing loss cases in several ways, including requiring the recording of Standard

Threshold Shifts (10-decibels [dB] shifts in hearing acuity) that have resulted in a total 25 dB level of hearing above audiometric zero, averaged over the frequencies at 2000, 3000, and 4,000 Hz, beginning in year 2003.

OSHA added a regulatory note to §1904.10(b)(7) explaining that it is delaying the applicability of §1904.10(b)(7) until further notice while OSHA reconsiders the hearing loss column of the OSHA 300 Log.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On December 2, 2002, the Safety and Health Codes Board adopted an identical version of federal OSHA’s revised final rule for the Recording and Reporting Occupational Injuries and Illnesses Requirements amending 16 VAC 25-85-1904.10. The effective date for this action is March 1, 2003.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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 amendments to this regulation have no impact on the institution of the family or family stability.