

July 5, 2007

BY HAND

Roger L. Burkhart, 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: Revised Final Rule (Federal OSHA)
Electrical Standard, Subpart S of Part 1910, §§ 1910.302-1910.308, 16 VAC 25-90-1910.6, 16 VAC 25-90-1910.66, and 16 VAC 25-90-1910.399

Dear Mr. Burkhart:

I have reviewed the above-referenced regulations. 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, based upon your agency's representations, it is my opinion that under Virginia Code § 2.2-4006.A.4(c) the regulations are excluded from Article 2 of the Virginia Administrative Process Act because they are necessary to meet the requirements of federal law or regulations.

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.

Sincerely,

Crystal Y. Twitty
Assistant Attorney General

cc: C. Ray Davenport, Commissioner