



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: C. Ray Davenport
Commissioner
Virginia Department of Labor and Industry

From: Joshua E. Laws
Assistant Attorney General

Date: July 8, 2014

Subject: Letter of Assurance for Proposed Regulations – Final Rule for Terminals Handling Intermodal Containers or Roll-on, Roll-off Operations; Vertical Tandem Lifts, Public Sector Only

I have reviewed the Department of Labor and Industry's and Safety and Health Codes Board's proposed Final Rule for Terminals Handling Intermodal Containers or Roll-on, Roll-off Operations; Vertical Tandem Lifts, Public Sector Only found in 16VAC25-120-1917.71 that were posted on the Virginia Regulatory Town Hall on July 1, 2014. In my view, as counsel to the Department of Labor and Industry and the Safety and Health Codes Board, these regulations may be promulgated pursuant to Title 40.1 of the Code of Virginia. Further, I certify that the proposed changes are exempt from the Administrative Process Act under Code of Virginia § 2.2-4006(A)(4)(c) as the changes are necessary to meet the requirements of federal law or regulations and they do not materially differ from those required by federal law or regulation.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.