



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 23, 2015

Subject: Letter of Assurance for Proposed Regulations – Amendments to Regulations Concerning Partial Exemption for Establishments in Certain Industries found at 16 VAC 25-85-1904.2 and Reporting Fatalities, Hospitalizations, Amputations, and Losses of an Eye as a Result of Work-related Incidents to OSHA found at 16 VAC 25-85-1904.39

I have reviewed the Department of Labor and Industry's proposed Amendments to Regulations Concerning Partial Exemption for Establishments in Certain Industries found at 16 VAC 25-85-1904.2 and Reporting Fatalities, Hospitalizations, Amputations, and Losses of an Eye as a Result of Work-related Incidents to OSHA found at 16 VAC 25-85-1904.39 that was posted on the Virginia Regulatory Town Hall on July 17, 2015. In my view, as counsel to the Department of Labor and Industry, 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.