COMMONWEALTH of VIRGINIA

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M E M O R A N D U M

To: Courtney M. Malveaux, Commissioner
Department of Labor and Industry

From: Joshua N. Lief
Senior Assistant Attorney General

Date: May 30, 2013

Subject: Letter of Assurance for Period Review of Regulations - Virginia Confined Space Standard for the Construction Industry [16 VAC 25 - 140]

Pursuant to the Code of Virginia and Executive Order 14 (2010), a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Department of Labor and Industry's Regulations referenced above. 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. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

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.