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Exempt Action Final Regulation Agency Background Document

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| Agency name | Virginia Department of Labor and Industry/Safety and Health Codes Board |
| Virginia Administrative Code (VAC) citation(s) | 16VAC25-175-1926.60 |
| Regulation title(s) | Methylenedianiline, Construction Industry, §1926.60 |
| Action title | Amendment to the Methylenedianiline Standard for the Construction Industry, §1926.60 – Correction |
| Final agency action date | June 14, 2018 |
| Date this document prepared | June 19, 2018 |

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This action removed subparagraph (o)(8)(ii) of §1926.60, which specifies procedures for employee record retention in the event an employer ceases to do business and there is no successor. The purpose of this change is to discontinue the requirement to notify the Director of the National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, or their designee, at least 90 days prior to disposal of employee records, where an employer ceases to do business and there is no successor to receive and retain the employees records.

The requirement to comply with the transfer of records, in accordance with §1910.1020(h), as specified by §1926.60 (o)(8), would remain.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On June 14, 2018, the Safety and Health Codes Board adopted federal OSHA’s correcting amendment to the Methylenedianiline Standard for the Construction Industry, §1926.60, with an effective date of September 15, 2018.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent 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.

This regulatory action does not appear to have any impact on the institution of the family and family stability.

To access the Final Rule for the Clarification of Employer’s Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness, please click on the link below:

https://www.osha.gov/sites/default/files/laws-regs/federalregister/2018-04-11_0.pdf

**Amendment to the Methylenedianiline Standard
for the Construction Industry, 1926.60—Correction**

As Adopted by the

Safety and Health Codes Board

Date: June 14, 2018



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: September 15, 2018

16VAC25-175-1926.60, Methylenedianiline, §1926.60

When the regulations, as set forth in the Amendment to the Methylenedianiline Standard for the Construction Industry, 29 CFR 1926.60, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

11 April 2018

15 September 2018



DEPARTMENT OF LABOR

**Occupational Safety and Health
Administration**

29 CFR Part 1926

**Safety and Health Regulations for
Construction**

CFR Correction

- In Title 29 of the Code of Federal Regulations, Part 1926, revised as of July 1, 2017, on page 88, in § 1926.60, remove paragraph (o)(8)(ii).

[FR Doc. 2018-07530 Filed 4-10-18; 8:45 am]

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