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Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

Agency name	Virginia Department of Labor and Industry
Virginia Administrative Code (VAC) citation	16 VAC-15-30
Regulation title	Virginia Rules and Regulations Declaring Hazardous Occupations
Date	October 9, 2018

This information is required pursuant to Executive Order 17 (2014).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.

Section 40.1-100.1 of the *Code of Virginia* states that "No person shall employ, suffer, or permit a child to work in any gainful occupation that exposes such child to a recognized hazard capable of causing serious physical harm or death to such child. Any person violating this section shall be subject to a civil monetary penalty in accordance with § 40.1-113 of this chapter."

Section 40.1-114 of the *Code of Virginia* further states, "The Commissioner, with the assistance of state and local law-enforcement officers, shall enforce the provisions of this chapter and shall have authority to appoint such representatives as may be necessary to secure the enforcement of this chapter. He shall make all necessary rules and regulations for carrying out the purposes of this chapter, and shall prescribe such forms as may be required for carrying out the provisions of this chapter."

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

The Department of Labor and Industry did not consider any alternatives because the requirements established by this regulation are mandated by § 40.1-100.1 of the *Code of Virginia*.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

No public comments were received on this regulation during the public comment period which began on July 23, 2018, and ended on August 17, 2018. The Department of Labor and Industry did not establish an informal advisory group for the purpose of assisting in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The Virginia Rules and Regulations Declaring Hazardous Occupations regulation protects the safety, health, and welfare of the public by ensuring minors under the age of 18 are not exposed to hazards in certain occupations deemed particularly hazardous. This regulation is required by state law. There are no viable alternatives. This regulation is not overly complex and is clearly written. There is no negative impact on the regulated community and the regulation does not overlap, duplicate, or conflict with federal or state law or regulation. As a result of this periodic review, the agency determines that the regulation has no negative economic impact on small business.

Result

Please state that the reason why the agency is recommending that the regulation should stay in effect without change.

The Department of Labor and Industry recommend retaining the regulation without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

There is a continued need for this regulation as the requirements are mandated by state law. The regulation, as written, continues to protect the safety, health, and welfare of the public by restricting minors under the age of 18 from exposure to hazardous industries, with the least cost to citizens and businesses of the Commonwealth. No comments were received during this periodic review. The regulation is not overly complex and is clearly written. It does not duplicate, overlap, or conflict with state or federal laws or regulations, and there is no apparent negative impact on the regulated community. The regulation was last reviewed in 2014. There have been little or no changes in technology, economic conditions, and other factors which would affect the regulation.