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Exempt Action Final Regulation Agency Background Document

Agency name	Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16 VAC 25-40-10 et seq.
Regulation title	Standard for Boiler and Pressure Vessel Operator Certification
Action title	This action updates the reference to the enabling statute for this regulation to reflect the 1997 re-codification and renumbering of Title 15.1 as Title 15.2 dealing with Counties, Cities, and Towns
Final agency action date	August 3, 2004
Document preparation date	June 30, 2004

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency 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 (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The 1997 General Assembly of Virginia revised and re-codified laws pertaining to counties, cities and towns. Consequently, Section 15.1-11.6 became Section 15.2-910. This Code section is the mandate for 16 VAC 25-40-10 et seq. This action corrects Code of Virginia references to the enabling statute throughout the regulation.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The technical change is for correction only and the regulation has a positive impact on the institution of the family and family stability by protecting families from the operation of boiler and pressure vessels in an unsafe manner.

Periodic review

If this final regulation is not the result of a periodic review of the regulation, please delete this entire section. If this final regulation is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

No public comments were received on this regulation during the public comment period which began May 3, 2004. The agency and the Safety and Health Codes Board did not establish and informal advisory group for the purpose of assisting in the periodic review.

Section 15.1-11.6 (changed to 15.2-910) of the Code of Virginia authorizes a local government, at its option to require boiler or pressure vessel operators to obtain an initial certification from the locality before engaging in the operation and maintenance of boilers and pressure vessels in that jurisdiction. This regulation provides a uniform statewide standard to determine ability, proficiency and qualification of local certification applicants. This standard is for governing bodies of counties, cities, and towns that have adopted ordinances requiring local certification. This regulation does not provide for state certification of boiler and pressure vessel operators.

The regulation has two goals:

1. To insure statewide uniformity in the determination of the ability, proficiency and qualifications of boiler and pressure operators certified under a local government ordinance.
2. The protection of the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

The regulation achieves these goals by providing uniform statewide criteria to be used by all counties, cities or towns who choose to regulate the certification of boiler and pressure vessel operators. It protects the citizens of the Commonwealth from the dangers of boiler or pressure vessels being operated in an unsafe manner or by an unqualified operator. The regulation has a positive impact on the institution of the family and family stability by protecting families from the operation of boiler and pressure vessels in an unsafe manner. The regulation is clearly written and easily understandable.

To comply with the Code of Virginia mandate the Department of Labor and Industry and the Safety and Health Codes Board recommend retaining the regulation with the technical changes to the Code references only. This regulation provides protection of the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth. To date, no locality has adopted an ordinance which requires certification of boiler and pressure vessel operators under Section 15.2-910.