



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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January 17, 2007

Roger L. Burkhart, Chair
Safety and Health Codes Board
c/o C. Ray Davenport, Commissioner
Virginia Department of Labor & Industry
13 South Thirteenth Street
Richmond, Virginia 23219

Re: Authority to Amend Occupational Exposure to Hexavalent Chromium, Final Rule
Parts 1910.1000, 1915.1000 and 1926.55; Corrections

Dear Mr. Burkhart:

I have reviewed the above-referenced regulation. It is my opinion that the Safety and Health Codes Board has authority to promulgate such amendments under applicable law, including Chapter 3 of Title 40.1 of the Code of Virginia. Based upon your agency's representations, it is my opinion that under *Va. Code* § 2.2-4006.A.4(c), the regulations are excluded from *Article 2* of the *Virginia Administrative Process Act* because they are necessary to meet the requirements of federal law or regulations.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alfred B. Albiston'.

Alfred B. Albiston
Assistant Attorney General

c: Reba O'Connor