



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: C. Ray Davenport
Commissioner
Virginia Department of Labor and Industry

From: Joshua E. Laws
Assistant Attorney General

Date: December 17, 2018

Subject: Letter of Assurance for Revising the Beryllium Standard for General Industry; Direct Final Rule (DFR); and Confirmation of Effective Date — 16 VAC25-90-1910.106

I have reviewed the Department of Labor and Industry's proposed Revising the Beryllium Standard for General Industry; Direct Final Rule (DFR); and Confirmation of Effective Date found at 16 VAC25-90-1910.106 that was posted on the Virginia Regulatory Town Hall on December 11, 2018. 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. Further, I certify that the proposed changes are exempt from the Administrative Process Act under Code of Virginia § 2.2-4006(A)(4)(c) as they are necessary to meet the requirements of federal law or regulations and they do not materially differ from those required by federal law or regulation.

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.