



**Periodic Review / Retain Regulation
Agency Background Document**

Agency name	Virginia Department of Labor and Industry/ Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16 VAC 25-11
Regulation title	Public Participation Guidelines
Document preparation date	September 13, 2012

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

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 2.2-4007.02 of the Code of Virginia mandates that each agency must develop, adopt and use Public Participation Guidelines for soliciting the input of interested parties in the formation and development of its regulations. The guidelines shall set out any methods for identification and notification of interested parties and any specific means of seeking input from interested persons or groups that the agency intends to use in addition to the Notice of Intended Regulatory Action. This regulation establishes a general policy for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency, and provides that interested persons shall be afforded an opportunity to submit data, views, and arguments as part of the regulatory process. This regulation does not exceed the mandate required by Section 2.2-4007.02.

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.

There are no alternatives to this regulation because it is mandated by state law.

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.

No comments were received about this regulation during the public comment period which began August 13, 2012 and ended September 3, 2012. The Department and the Safety and Health Codes Board 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 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation meets the criteria set out in Executive Order 14 (2010) because it is necessary to protect public health, safety, and welfare, and it is clearly written and easily understandable.

This regulation sets out procedures to be followed by the Board and the Department to ensure that the public and all parties interested in regulations adopted by the Board have a full and fair opportunity to participate in the regulatory process. The required procedures are designed to involve the public in the formation of regulations and solicit public comments and suggestions.

This regulation is not overly complex. It has no negative impact on the regulated community and does not overlap, duplicate, or conflict with federal or state law or regulation.

Result

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

The Department of Labor and Industry and the Safety and Health Codes Board recommend that this regulation remain in effect with no 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 agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

This Periodic Review is the first evaluation of this regulation since it was promulgated in December of 2008. The purpose of this regulation is to establish a means by which interested persons shall be afforded an opportunity to submit data, views, and arguments as part of the regulatory process. There is a continuing need for this regulation because:

- It provides procedures that are designed to involve the public in the formation of regulations and to solicit public comments and suggestions; and
- It is mandated by the Administrative Process Act, Code of Virginia, §2.2-4007.02, which states that the Board will have Public Participation Guidelines and defines the policies that are to be included.

No comments were received on this regulation during the public comment period, which began August 13, 2012 and concluded September 3, 2012.

This regulation is not overly complex. It has no negative impact on the regulated community and does not overlap, duplicate, or conflict with federal or state law or regulation. Since the date when this regulation became effective, technology, economic conditions, and other factors have not changed in the area affected by the regulation.

As a result of this Periodic Review, the agency has determined that this regulation has no negative economic impact on small businesses. Consistent with the stated objectives of applicable law, the Department of Labor and Industry and the Safety and Health Codes Board have concluded that this regulation should be retained with no changes.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation has no impact on the institution of the family or family stability.