

Office of Regulatory Management
Economic Review Form

Agency name	Department of Labor and Industry
Virginia Administrative Code (VAC) Chapter citation(s)	16 VAC 25-160
VAC Chapter title(s)	Chapter 160. Construction Industry Standard for Sanitation
Action title	Periodic Review of Regulations
Date this document prepared	June 7, 2023
Regulatory Stage (including Issuance of Guidance Documents)	Periodic Review of Regulations

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: Describe the direct costs of this proposed change here. Indirect Costs: Describe the indirect costs of the proposed change. Direct Benefits: Describe the direct benefits of this proposed change here. Indirect Benefits: Describe the indirect benefits of the proposed change.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources	Not applicable.	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: Describe the direct costs of this proposed change here. Indirect Costs: Describe the indirect costs of the proposed change. Direct Benefits: Describe the direct benefits of this proposed change here. Indirect Benefits: Describe the indirect benefits of the proposed change.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	

(4) Other Costs & Benefits (Non-Monetized)	Not applicable.
(5) Information Sources	Not applicable.

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources	Not applicable.	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>The Virginia standard neither disproportionately affects particular localities, nor affects costs for local governments, unless and to the extent that a local government has employees that engage in work covered by VOSH/OSHA Construction Industry Standards. In such cases, local governments would have to assure compliance with the standard, including toilet facility ratios.</p> <p>NOTE: The Virginia standard was originally based on the federal OSHA's Field Sanitation Standard, 1928.110, which provided more stringent safety and health protections for agricultural field workers than was provided for construction workers, and in some areas still does (e.g., 16 VAC 25-160 requires one toilet facility for every 20 employees regardless of the number of employees. 1926.51 requires one toilet facility for the first 20 employees; one toilet and one urinal per 40 employees for sites with 21-200 employees; and one toilet and one urinal per 50 employees for sites of more than 200 employees).</p> <p>Covered local government operations could also be subject to inspection by the Virginia Occupational Safety and Health (VOSH) program, which could result in the issuance of violations and associated penalties.</p> <p>Local governments and small businesses also have the opportunity to take advantage of the Virginia Occupational Safety and Health (VOSH) program's free, confidential Consultation and Training resources.</p> <p>The Virginia standard provides a comprehensive safety, health and welfare approach to construction sanitation for employees. Provision of sanitary facilities and potable drinking water serve to reduce or eliminate the following major categories of occupational diseases: heat-related illnesses, communicable diseases, and urinary tract infections. This regulation is designed to address health hazards associated with poor sanitation conditions at construction sites, such as, insufficient potable water, insufficient hand washing facilities, inadequate toilet facilities, and the physical harm which may occur due to retention of urine and feces over long periods of time.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See (1) above.	(b) See (1) above.
(3) Other Costs & Benefits (Non-Monetized)	None identified.	
(4) Assistance	Not applicable.	
(5) Information Sources	Not applicable.	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>No cost impacts are anticipated for families.</p> <p>See benefits listed in Table 2 above.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See (1) above.	(b) See (1) above.
(3) Other Costs & Benefits (Non-Monetized)	None identified.	

(4) Information Sources	None identified.
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Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>See Table 2 above for costs and benefits. Small businesses would be impacted in the same manner as local governments.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See (1) above.	(b) See (1) above.
(3) Other Costs & Benefits (Non-Monetized)	To the extent that a DOLI inspection delays completion of work in an area where an employee is engaged in construction work, the small business could experience a delay in use of the specific area until the onsite inspection is complete.	
(4) Alternatives	<p>The Department believes that economic conditions, or other factors may have significantly changed in the area affected by the standard. Since the original adoption the Virginia standard, federal OSHA has revised its standard which now contains some provisions that are not in 16 VAC 25-160:</p> <ul style="list-style-type: none"> • Employee showers when required elsewhere in the construction standards • Food handling • Temporary sleeping quarters (when provided) • Showers (when required by another Construction Industry standard) • Change rooms (when required by another Construction Industry standard) <p>The Department believes there is a continued need for certain parts of the standard, but also believes there is an opportunity to streamline its requirements, and consider adoption of federal identical provisions</p>	

	<p>which are currently not addressed by the Virginia standard, while also maintaining certain safety and health requirements that would assure that construction workers are protected at the same level as other Virginia workers (e.g., agricultural field workers).</p> <p>The Department is requesting the Safety and Health Codes Board (Board) to authorize the Department to prepare a Notice of Intended Regulatory Action to consider revision up to and including repeal of portions or the entire standard in light of changed conditions and OSHA interpretations.</p> <p>The Department is also requesting the Board authorize the Department to appoint a Regulatory Advisory Panel (RAP) pursuant to 16VAC25-11-160 to assist the Department in its review of the standard.</p>
(5) Information Sources	None identified.

Changes to Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed. In the last row, indicate the total number for each column.

Table 5: Total Number of Requirements

Chapter number	Number of Requirements			
	Initial Count	Additions	Subtractions	Net Change
16VAC25-160-10	16	0	0	0
16VAC25-160-20	2	0	0	0
16VAC25-160-30	1	0	0	0
TOTAL	19	0	0	0