

DRAFT
SAFETY AND HEALTH CODES BOARD
PUBLIC MEETING MINUTES
Monday, September 23, 2024

On September 23, 2024, the Safety and Health Codes Board (“Board”) held a public meeting at Libbie Mill Public Library on 2100 Lake E Street, Richmond, VA 23230.

Notice of the public meeting was provided to the public as required by VA Code §2.2-3708.2 and Executive Order 19 (2022). Notice was provided on the Virginia Regulatory Town Hall’s website here: [Virginia Regulatory Town Hall View Meeting](#)

BOARD MEMBERS PARTICIPATING:

Mr. Jay Abbott
Mr. Kevin Battle
Mr. Lee Biedrycki
Mr. Joel Canady (DEQ)
Mr. Michael Everett
Ms. Julie Henderson (VDH)
Mr. Larry James
Ms. Audrey Janosik
Mr. Robert Smith, Chair
Mr. James “Lou” Spencer

BOARD MEMBERS ABSENT:

Ms. Kelly Bundy
Mr. Jeffrey Rowe
Ms. Lutheria Smith

STAFF PRESENT:

Mr. Chuck Stiff, Deputy Commissioner
Mr. David Johnson, Deputy Commissioner
Mr. Jay Withrow, Senior Fellow
Ms. Barbara Layman, Assistant Commissioner
Ms. Princy Doss, Director of Policy & Planning
Ms. Cristin Bernhardt, Regulatory Coordinator
Ms. Zahra Qarni, Research & Analysis Manager
Ms. Brittany Rawlinson, Legislative Liaison
Mr. Ron Graham, Director of VOSH Health Compliance
Mr. Jeff Cabral, Director of VOSH Safety Compliance
Ms. Jennifer Rose, Director of VOSH Cooperative Programs
Ms. Eva Ernst, Policy Analyst

OTHERS PARTICIPATING:

Mr. Joshua Laws, Assistant Attorney General
Ms. Debroah Carter, Court Reporter

CALL TO ORDER

Chair Robert Smith called the meeting to order at 10:00 AM. Chair Smith asked the board members to introduce themselves and what area they represented as roll call of board members present at the meeting. A quorum was present.

BOARD MEMBER ROLE CALL

BOARD MEMBER	Present	Absent			
Mr. Jay Abbott	x				
Mr. Kevin Battle	x				
Mr. Lee Biedrycki	x				
Ms. Kelly Bundy		x			
Mr. Joel Canady (DEQ)	x				
Mr. Michael Everett	x				
Ms. Julie Henderson (VDH)	x				
Mr. Larry James	x				
Ms. Audrey Janosik	x				
Ms. Rena Parker	x				
Mr. Jeffrey Rowe		x			
Ms. Lutheria Smith		x			
Mr. Robert Smith	x				
Mr. James "Lou" Spencer	x				
TOTALS	11	3			

APPROVAL OF AGENDA

Chair Smith asked the Board if there was any discussion on the agenda. There was none. There was a motion to approve the agenda. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of Agenda	Yes	No	Absent	Abstain	
Mr. Jay Abbott	x				
Mr. Kevin Battle	x				
Mr. Lee Biedrycki	x				
Ms. Kelly Bundy			x		
Mr. Joel Canady (DEQ)	x				
Mr. Michael Everett	x				
Ms. Julie Henderson (VDH)	x				
Mr. Larry James	x				
Ms. Audrey Janosik	x				
Ms. Rena Parker	x				
Mr. Jeffrey Rowe			x		
Ms. Lutheria Smith			x		
Mr. Robert Smith	x				
Mr. James "Lou" Spencer	x				
TOTALS	11		3		

APPROVAL OF MEETING MINUTES

Chair Smith then called for discussion and motion for approval of the April 9, 2024 meeting minutes. He asked the Board if there was any discussion on the April 9, 2024 minutes. Chair Smith noted an editorial error in the minutes where the vote for the 4 periodic review regulations was titled “minutes”. DOLI noted the error and will edit for the final approved minutes.

There was a request for a motion to approve the minutes with the change from “minutes” to “four regulations”. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of April 9, 2024 Draft Meeting Minutes	Yes	No	Absent	Abstain	
Mr. Jay Abbott	x				
Mr. Kevin Battle	x				
Mr. Lee Biedrycki	x				
Ms. Kelly Bundy			x		
Mr. Joel Canady (DEQ)	x				
Mr. Michael Everett	x				
Ms. Julie Henderson (VDH)	x				
Mr. Larry James	x				
Ms. Audrey Janosik	x				
Ms. Rena Parker	x				
Mr. Jeffrey Rowe			x		
Ms. Luthera Smith			x		
Mr. Robert Smith	x				
Mr. James “Lou” Spencer	x				
TOTALS	11		3		

APPOINTMENT OF A BOARD SECRETARY BY THE CHAIR

Chair Smith addressed the Board with a recommendation that a Secretary be appointed as provided by the SHCB Bylaws. He explained the role of secretary as outlined in the bylaws and asked the board members if there was anyone willing to volunteer for this position for representatives of the employees. Board member Larry James volunteered to fill the secretary position. Chair Smith appointed Larry James as Secretary of the SHCB.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Chair Smith called the next item on the agenda, which was the opportunity for the public to address the Board. No members of the public requested to address the board.

Chair Smith moved to the next item on the agenda, which was Old Business. He introduced Ron Graham, Director of Health Compliance for the Department of Labor & Industry (DOLI), to address the Board.

OLD BUSINESS

16 VAC 25-35: Regulations Concerning Certified Lead Contractors Notification, Lead Project Permits and Permit Fees.¹

History: <https://townhall.virginia.gov/L/ViewChapter.cfm?chapterid=2224>

Mr. Graham presented the report on this lead contractor notification and permit fee regulation. This regulation requires written notification of any lead project shall be made to the department (DOLI) on a department form. Such notification shall be sent **by facsimile transmission, by certified mail, or hand-delivered** to the department.

Mr. Graham explained that this regulation is mandated by state law and effective in achieving the goals in that it provides a clear and easily understandable framework for written notification of lead projects by certified lead contractors in the Commonwealth. The regulation is not overly complex and does not overlap, duplicate, or conflict with federal or state law or regulation. No comments were received during the public comment period.

Board member Julie Henderson asked if DOLI was considering allowing electronic notification. Mr. Graham acknowledged that there is currently a portal being developed for electronic submission of such notifications and when that technology is available, DOLI will be coming back to the Board for approval to amend this regulation in 16VAC25-30.A to allow for electronic notifications.

Chair Smith asked how notifications are currently submitted. Mr. Graham indicated that either by certified mail or facsimile. Currently email submission is not available due to security issues.

At this time, DOLI is recommending to the SHCB that this regulation be retained as is. DOLI requests that the Board vote to retain with no changes.

Chair Smith asked the Board if there was any discussion on the recommendation presented. There was none. There was a request for a motion to approve the recommended action. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Motion to approve recommendation of DOLI to retain 16VAC25-30	Yes	No	Absent	Abstain	
Mr. Jay Abbott	x				
Mr. Kevin Battle	x				
Mr. Lee Biedrycki	x				
Ms. Kelly Bundy			x		
Mr. Joel Canady (DEQ)	x				

¹ <https://townhall.virginia.gov/L/ViewPReview.cfm?PRid=2540>

Mr. Michael Everett	x				
Ms. Julie Henderson (VDH)	x				
Mr. Larry James	x				
Ms. Audrey Janosik	x				
Ms. Rena Parker	x				
Mr. Jeffrey Rowe			x		
Ms. Lutheria Smith			x		
Mr. Robert Smith	x				
Mr. James “Lou” Spencer	x				
TOTALS	11		3		

16 VAC 25-55: Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspector.²

History: <https://townhall.virginia.gov/L/ViewChapter.cfm?chapterid=2403>

Princy Doss, Director of Policy & Planning, addressed the board first to provide an overview of the periodic review process. In accordance with the Administrative Process Act ([§ 2.2-4017](#) of the *Code of Virginia*), Governor Youngkin’s [Executive Order 19](#) (2022), “Development and Review of State Agency Regulations,” governs the periodic review of existing regulations. State agencies are required to conduct a periodic review of regulations every four years. Pursuant to [§ 2.2-4007.1 D](#) and E of the *Code of Virginia*, a periodic review of an existing regulation shall consider the continued need for the regulation; the complexity of the regulation; the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 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.

Ms. Doss then presented the report on the boiler and pressure vessel regulation relating to financial responsibility of boiler and pressure vessel contract fee inspectors. She explained that the regulation reflects the statutory language as prescribed in [§ 40.1-51.9:2](#) of the *Code of Virginia* requiring contract fee inspectors, as a condition of their doing business in the Commonwealth, to demonstrate financial responsibility sufficient to comply with the requirements of this chapter.

The regulation is not overly complex and does not overlap, duplicate, or conflict with federal or state law or regulation. DOLI does not believe there have been significant changes in the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

No comments were received during the public comment period.

² <https://townhall.virginia.gov/L/ViewPReview.cfm?PRid=2541>

At this time, DOLI is recommending to the SHCB that this regulation be retained as is. DOLI requests that the Board vote to retain with no changes.

Chair Smith asked the Board if there was any discussion on the recommendation presented. There was none. There was a request for a motion to approve the recommended action. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Motion to approve recommendation of DOLI to retain 16VAC25-55	Yes	No	Absent	Abstain	
Mr. Jay Abbott	x				
Mr. Kevin Battle	x				
Mr. Lee Biedrycki	x				
Ms. Kelly Bundy			x		
Mr. Joel Canady (DEQ)	x				
Mr. Michael Everett	x				
Ms. Julie Henderson (VDH)	x				
Mr. Larry James	x				
Ms. Audrey Janosik	x				
Ms. Rena Parker	x				
Mr. Jeffrey Rowe			x		
Ms. Lutheria Smith			x		
Mr. Robert Smith	x				
Mr. James "Lou" Spencer	x				
TOTALS	11		3		

16 VAC 25-73: Regulation Applicable to Tree Trimming.³

History: <https://townhall.virginia.gov/L/ViewChapter.cfm?chapterid=2517>

Chair Smith introduced Jeff Cabral, Director of Safety Compliance for the Department of Labor & Industry, to address the Board.

Mr. Cabral presented two regulations, one involving tree trimming and the other involving telecommunications approach distance. He presented the history of the tree trimming regulation where the Board adopted this regulation after the Tree Care Industry Association (TCIA) approached DOLI back in 2001. DOLI initiated a rulemaking in 2007 with the assistance of a regulatory work group composed of private and public sector employer and employee representatives, including the TCIA. The final standard became effective on April 27, 2011.

³ <https://townhall.virginia.gov/L/ViewPReview.cfm?PRid=2542>

The regulation is designed to eliminate or reduce injuries, illnesses and fatalities associated with tree trimming hazards. There is currently no OSHA standard for this high-hazard industry. OSHA initiated the [Rulemaking](#) process for a tree trimming standard in September 2008 and is still ongoing today.

This regulation closely tracks the industry approved ANSI Z133.1-2006, so it is not considered overly complex and does not overlap, duplicate, or conflict with federal or state law or regulation. DOLI does not believe there have been significant changes in the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

No comments were received during the public comment period.

At this time, DOLI is recommending to the SHCB that this regulation be retained as is. DOLI requests that the Board vote to retain with no changes.

Chair Smith asked the Board if there was any discussion on the recommendation presented. There was none. There was a request for a motion to approve the recommended action. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Motion to approve recommendation of DOLI to retain 16VAC25-73	Yes	No	Absent	Abstain	
Mr. Jay Abbott	x				
Mr. Kevin Battle	x				
Mr. Lee Biedrycki	x				
Ms. Kelly Bundy			x		
Mr. Joel Canady (DEQ)	x				
Mr. Michael Everett	x				
Ms. Julie Henderson (VDH)	x				
Mr. Larry James	x				
Ms. Audrey Janosik	x				
Ms. Rena Parker	x				
Mr. Jeffrey Rowe			x		
Ms. Lutheria Smith			x		
Mr. Robert Smith	x				
Mr. James "Lou" Spencer	x				
TOTALS	11		3		

16 VAC 25-75: Telecommunications, General, Approach Distance.⁴

⁴ <https://townhall.virginia.gov/L/ViewPReview.cfm?PRid=2543>

History: <https://townhall.virginia.gov/L/ViewChapter.cfm?chapterid=2421>

There was a request for a motion to approve the recommended action included in the briefing package for the Telecommunications, General, Approach Distance as well. Chair Smith polled the board members to vote on this regulation without presentation. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Motion to approve recommendation of DOLI to retain 16VAC25-75	Yes	No	Absent	Abstain	
Mr. Jay Abbott	x				
Mr. Kevin Battle	x				
Mr. Lee Biedrycki	x				
Ms. Kelly Bundy			x		
Mr. Joel Canady (DEQ)	x				
Mr. Michael Everett	x				
Ms. Julie Henderson (VDH)	x				
Mr. Larry James	x				
Ms. Audrey Janosik	x				
Ms. Rena Parker	x				
Mr. Jeffrey Rowe			x		
Ms. Lutheria Smith			x		
Mr. Robert Smith	x				
Mr. James "Lou" Spencer	x				
TOTALS	11		3		

Chair Smith moved to the next item on the agenda which was New Business. He introduced Jay Withrow, Senior Fellow for Department of Labor & Industry, to address the Board.

NEW BUSINESS

16VAC25-60-240.3: Worker Walkaround Representative Designation Process, Final Rule

Jay Withrow first presented the board with the requirements for state plans when Federal OSHA (OSHA) promulgates a new standard or more stringent amendment to an existing standard. OSHA-approved State Plans must either amend their standards to reflect the new standard or amendment or show OSHA why such action is unnecessary, *e.g.*, because an existing State standard covering this area is "at least as effective" as the new Federal standard or amendment. [29 CFR 1953.5\(a\)](#). State Plans must adopt the Federal standard or complete their own standard within six months of the promulgation date of the final Federal rule.

The adoption of such federal identical standards allows for DOLI to utilize Virginia’s exempt regulatory process to become effective 30 days after publication in the *Virginia Register*.

Therefore, revisions to [16VAC25-60-240.3](#), Walkthrough, are required to reflect federal OSHA’s final rule regarding the Worker Walkaround Representative Designation Process as published on April 4, 2024, in Volume 89 Federal Register No. 63⁵, and as authorized by §§ [40.1-22\(5\)](#) and [2.2-4006.A.4\(c\)](#) of the Code of Virginia.

Mr. Withrow explained that the OSHA final rule effective May 31, 2024, regarding the Worker Walkaround Representative Designation Process, makes several updates to the regulation:

1. The final rule removes the requirement that the representative authorized by the employees to attend an inspection must be an employee of the employer: “The representative(s) authorized by employees may be an employee of the employer or a third-party.”⁶
2. The final rule also removes the listing of industrial hygienist and safety engineer as the two examples of potential third-party accompaniments. It instead provides a description of the qualifications necessary for a CSHO to allow the third party to accompany the inspection: “(including but not limited to because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills).”

Mr. Withrow presented the board with to [§ 40.1-22\(5\)](#) of the Code of Virginia that authorizes the Safety and Health Codes Board to:

(5) ...with the advice of the Commissioner,...adopt, alter, amend, or repeal rules and regulations to further, protect and promote the safety and health of employees in places of employment over which it has jurisdiction and to effect compliance with the Federal Occupational Safety and Health Act of 1970 ([P.L. 91-596](#)), and as may be necessary to carry out its functions established under this title...”

In summary, the proposed new section in 16VAC25-60-240.3 will read as follows:

The representative(s) authorized by employees may be an employee of the employer or a third party. When the representative(s) authorized by employees is not an employee of the employer, they may accompany the commissioner during the inspection of the workplace if, in the judgement of the commissioner, good cause has been shown why accompaniment by a third party is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace (including but not limited to because

⁵ <https://www.federalregister.gov/documents/2024/04/01/2024-06572/worker-walkaround-representative-designation-process>

⁶ OSHA “Worker Walkaround Representative Designation Process” Federal Register Vol. 89, No. 63, Monday, April 1, 2024, p. 22558

of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills). Additional employer representatives and employee representatives may be permitted by the commissioner to accompany the inspection team where the commissioner determines such additional persons will aid in the inspection. A different employer representative or employee representative may accompany the commissioner during each phase of the inspection if, in the determination of the commissioner, this will aid in the conduct of the inspection. (See Appendix II).

NOTE: DOLI has consulted with the Virginia Registrar of Regulations about whether the above language changes to 16VAC25-60-240.3 fall within the exemption in the Administrative Process Act in [§ 2.2-4006.A.4\(c\)](#) of the Code of Virginia as being necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. The Registrar has confirmed that the [§ 2.2-4006.A.4\(c\)](#) exemption will apply upon adoption of the proposed regulatory language by the Board.

Board member Rena Parker asked Mr. Withrow about third party credentials and refusal to present such credentials. Mr. Withrow indicated that VOSH will update the current agency guidance to reflect the amended regulation and revise such inspection procedures and if a third party refuses a reasonable request, the agency has authority to refuse participation if they do not cooperate. § 40.1 of the Code of Virginia defines trade secrets and the VOSH Field Operations Manual (FOM) provides for how to handle such trade secret situations. Employers have a right to designate what employees will be allowed to participate in the inspection to protect trade secrets. Nothing in this new amendment will change the trade secret protocols.

Mr. Withrow explained the benefits of the final rule in that third-party representatives may have a variety of skills and experience necessary or helpful to aid in the walkaround inspection process. OSHA listed several examples in the final rule of important contributions third-party accompaniments have made and can make during a walkaround.

VOSH will develop written procedures for its staff on how to implement the revised regulation and train personnel. Federal regulations [1953.4\(b\)](#) and [1953.5\(a\)\(1\)](#) require that State Plans such as Virginia, within six months of the occurrence of a federal program change, adopt identical changes or promulgate equivalent changes which are at least as effective as the federal change. The Code of Virginia reiterates this requirement in [§40.1-22\(5\)](#). Adopting these revisions will allow Virginia to conform to the federal program change.

Board member asked about inspection time delays involved for third party representatives to be available. Mr. Withrow indicated that will be addressed in the VOSH updated guidance that will be developed to address this new amendment. The urgency of an inspection of the workplace

based on imminent danger and need to interview witnesses in a timely manner as well as other such factors will influence the decision to wait for a third party representative.

Board member asked for expected timeline for the VOSH guidance on the regulation changes to be developed. Mr. Withrow indicated it would be published by the proposed effective date of the amended regulation in mid-November.

Board member Spencer asked about misclassification of employee that is commonplace in the construction industry and how that affects the “employee” representative issue. DOLI has a practice of reviewing whether misclassification of employees exists since VOSH/OSHA does not have jurisdiction over “non-employees”, such as independent contractors. The definition of “employee” from the Virginia Code will provide that guidance. Mr. Withrow indicated that any board member that would like to be involved or provide comments/suggestions on the VOSH guidance can contact Princy Doss and her contact information is included in the briefing package.

Chair Smith asked the Board if there was any more discussion on the recommendation presented. There was none. There was a request for a motion to approve the recommended action. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Motion to approve the DOLI recommendations to adopt the proposed amendments to 16VAC25-60-240.3	Yes	No	Abstain	Absent	
Mr. Jay Abbott	x				
Mr. Kevin Battle	x				
Mr. Lee Biedrycki	x				
Mr. Robert Buchler	x				
Ms. Kelly Bundy				x	
Mr. Joel Canady (DEQ)	x				
Mr. Michael Everett	x				
Ms. Julie Henderson (VDH)	x				
Mr. Larry James	x				
Ms. Audrey Janosik	x				
Mr. Jeffrey Rowe				x	
Ms. Lutheria Smith				x	
Mr. Robert Smith	x				
Mr. James “Lou” Spencer	x				
TOTALS	11			3	

16VAC25-90: Hazard Communication Standard, §1910, Final Rule

Chair Smith moved to the next item on the agenda under new business, which was the Hazard Communication Standard (HCS) Final Rule and Ron Graham, Director of Health Compliance for the Department of Labor & Industry, addressed the Board.

Ron Graham brought before the board the federal OSHA's final rule to the Hazard Communication Standard (HCS), as published on May 20, 2024, in Volume 89 Federal Register (FR) No. 98,⁷ and as authorized by Virginia Code §§ 40.1-22(5)⁸ and 2.2-4006.A.4(c)⁹.

Mr. Graham provided an overview of the Globally Harmonized System (GHS), which is a universal and international standard developed by the United Nations to unify and standardize chemical hazard classification, labeling, and communication worldwide. OSHA is making modifications to the current HCS to enhance the effectiveness of the HCS by ensuring employees are appropriately apprised of the chemical hazards to which they may be exposed, thus reducing the incidence of chemical-related occupational illnesses and injuries.

The modifications to the standard include revised criteria for classification of certain health and physical hazards, revised provisions for updating labels, new labeling provisions for small containers, new provisions related to trade secrets, technical amendments related to the contents of safety data sheets (SDSs), and related revisions to definitions of terms used in the standard.

The key changes are outlined in the briefing package and fall into a few categories.

1. Maintaining alignment with the GHS (primarily Rev. 7) and U.S. trading partners (including Health Canada's WHMIS);
2. Addressing issues identified during implementation of the 2012 update to the HCS;
3. Improving alignment/coordination with other U.S. agencies

Mr. Graham outlined the purpose of these revisions in that employees in work environments covered by the HCS are exposed to a variety of significant hazards that can and do cause serious injury and death. The HCS serves to ensure that both employers and employees are provided needed information about chemical hazards that was not provided by markets in the absence of such a standard.

Adoption of the GHS will improve federal OSHA's current HAZCOM standard by providing consistent, standardized hazard communication to downstream users and improve worker understanding of the hazardous chemicals they encounter every day. The changes to the HAZCOM standard will create a uniformity standard for the presentation of hazard information

⁷ [Federal Register: Hazard Communication Standard](#)

⁸ § 40.1-22. Safety and Health Codes Commission continued as Safety and Health Codes Board.
<https://law.lis.virginia.gov/vacode/40.1-22/>

⁹ § 2.2-4006. Exemptions from requirements of this article. <https://law.lis.virginia.gov/vacode/2.2-4006/>

and, as such, will serve to improve the efficiency and effectiveness of the existing hazard communication system in the U.S., and to reduce unnecessary barriers to trade.

Mr. Graham outlined the impact on employers and employees. Federal OSHA believes the revisions to the HCS affect establishments in a variety of different industries in which employees are exposed to hazardous chemicals or in which hazardous chemicals are produced. Some changes specifically affect certain establishment groupings that manufacture aerosols, desensitized explosives, and flammable gases. Other changes affect certain manufacturers of hazardous chemicals that are packaged in small containers and manufacturers of chemicals that are not immediately distributed after being released for shipment.

OSHA expects that the revisions to the HCS *will* provide an increase in health and safety for affected employees and a reduction in the annual numbers of injuries, illnesses, and fatalities associated with hazardous chemical exposures in the workplace. Aligning with Rev. 7 will improve worker health and safety with an increase in effective hazard information to employers and workers. Benefits to workers and members of the public will improve safety for workers and others through consistent and simplified communications on chemical hazards and practices to follow for safe handling and use and greater awareness of hazards resulting in safer use of chemicals in the workplace and in the home.

Mr. Graham mentioned the tiered time frame for compliance with the standard and the first stage is 18 months and up to 42 months after the proposed adoption date in November. The tiered requirements are outlined in the briefing package Appendix A.

Staff of the Department of Labor and Industry recommends that the Safety and Health Codes Board adopt federal OSHA's Final Rule for the Hazard Communication Standard, as authorized by Virginia Code §§ [40.1-22\(5\)](#) and [2.2-4006.A.4\(c\)](#), with an effective date to be determined after adoption by the Board and submission to the exempt process on the Virginia Regulatory Townhall.

DOLI also recommends that the Board state in any motion it may make to amend this regulation that it will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision of this or any other regulation which has been adopted in accordance with the above-cited subsection A.4(c) of the Administrative Process Act.

Chair Smith asked the Board if there was any discussion on the recommendation presented. There was none. There was a request for a motion to approve the recommended action. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Motion to approve the DOLI recommendations to adopt the federal identical standard for the Hazard Communication Standard in 16VAC25-90.	Yes	No	Absent	Abstain	
Mr. Jay Abbott	x				
Mr. Kevin Battle	x				
Mr. Lee Biedrycki	x				
Ms. Kelly Bundy			x		
Mr. Joel Canady (DEQ)	x				
Mr. Michael Everett	x				
Ms. Julie Henderson (VDH)	x				
Mr. Larry James	x				
Ms. Audrey Janosik	x				
Ms. Rena Parker	x				
Mr. Jeffrey Rowe			x		
Ms. Lutheria Smith			x		
Mr. Robert Smith	x				
Mr. James “Lou” Spencer	x				
TOTALS	11		3		

Chair Smith moved to the next item on the agenda, which was Items of Interest from the Department of Labor and Industry.

ITEMS OF INTEREST FROM THE DEPARTMENT OF LABOR AND INDUSTRY

Chair Smith asked for items of interest from the Department.

Deputy Commissioner Charles (“Chuck”) Stiff addressed the Board to share some general updates on DOLI. He mentioned the VOSH Safety Conference in Virginia Beach on June 10-13, 2024. He reported that there were over 400 participants at the conference and the valuable opportunity for participants to stay informed on latest industry safety and health trends and regulatory updates related to workplace safety. He recommended to any board members who would like to attend the conference in the future as a great opportunity.

Mr. Stiff also updated the board regarding a child labor issue and safety concerns at a Virginia poultry processing plant in Virginia. DOLI is actively involved in investigating and addressing the issues involved in both the child labor concerns with DOLI’s labor law division as well as the safety concerns with the VOSH program. Because there is an active investigation, details of DOLI’s investigation could not be shared with the SHCB at this time. The positive result of the

investigation is that DOLI became a member of human trafficking task force that has been active and provided opportunity for DOLI to be more involved in this important program.

Deputy Stiff also discussed Commissioner Pan's focus on stronger engagement with external stakeholders and introduced David Johnson, Deputy Commissioner of External Affairs and Assistant Commissioner of Business Administration, Barbara Layman, who will be involved in those initiatives.

Deputy Stiff mentioned the implementation of electronic submission for the labor law portal (youth, payment of wage, complaints) has been successful and DOLI looks forward to implementing the second engagement initiative for a lead and asbestos notification portal when it is completed as well. The third engagement initiative is the use of an internal tracking system for the legal division to keep track of subpoenas, warrants, etc.

Board member Henderson remarked that these engagement initiatives are a great benefit and thanks DOLI for these initiatives.

ITEMS OF INTEREST FROM MEMBERS OF THE BOARD

Chair Smith addressed the board to explain that the board meeting minutes will be posted to Town Hall within 10 working days of the meeting. He also asked the board members to consider how to handle document and board communication in the future. To work more efficiently as to whether they would like to work more with electronic documents or prefer paper copies with the distribution of board information.

Chair Smith asked for other items of interest from the Members of the Board. There were no members who wished to address the board.

MEETING ADJOURNMENT

Chair Smith adjourned the meeting at 10:26 am.