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Exempt Action: Final Regulation
Agency Background Document

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC20-110
VAC Chapter title(s)	Regulations Governing the Transportation of Hazardous Materials
Action title	Annual Update 2026
Final agency action date	November 19, 2026
Date this document prepared	November 9, 2026

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Virginia Regulatory Town Hall using this form. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the *Regulations for Filing and Publishing Agency Regulations* (1 VAC 7-10), and the *Form, Style, and Procedure Manual for Publication of Virginia Regulations.*

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Virginia's Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, incorporate by reference certain federal regulations from Title 49 of the Code of Federal Regulations (CFR). This amendment will bring these regulations up to date with the latest update to Title 49 of the CFR as published on October 1, 2026. Section 2.2-4006.A.4 (c) of the Administrative Process Act allows the Virginia Waste Management Board (Board) to adopt this regulatory amendment as a final exempt action as the changes are necessary to conform to changes in federal regulations.

Each year the U.S. Department of Transportation (U.S. DOT) makes several changes to the federal rules (see Attachments 1 and 2) regarding the transportation of hazardous materials in Title 49 of theCFR. Since Virginia's regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9VAC20-110-110, which specifies the date of the federal regulations that

are incorporated into Virginia's regulations. For the ease of use by the regulated community, this date is always October 1; however, the text is amended to change the year, thus incorporating the federal changes from October 1 of the previous year through September 30 of the new year (in this case, from October 1, 2025 through September 30, 2026).

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 17 (2026), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part." For changes in response to federal mandates, indicate the extent of discretion related to the proposed regulatory changes, the rationale for the changes, and briefly indicate how the federal mandate aligns with the best interest of public welfare.

Each year, the U.S. DOT makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia's regulations for transportation of hazardous materials (9VAC20-110) incorporate certain parts of the federal regulations, it is necessary to update 9VAC20-110-110 in order to incorporate U.S. DOT's most recent rulemakings since the last update.

No discretion was used in this proposed regulatory change. Conforming state regulations to those of the U.S. DOT is necessary to maintain federally granted authority to implement the national program. The Virginia State Police maintain authority for compliance and enforcement of these regulations and this regulatory amendment. This proposed regulatory change is in the best interest of the public because without it the Virigina State Police could not implement or enforce the requirements governing the transportation of hazardous materials.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

The Board adopted this regulatory amendment to the Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, on November 19, 2026, as a final regulation and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

Attachment 1

Changes to Title 49 of the CFR – October 1, 2025 – September 30, 2026
US DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA)

Item	Effective Date	Affected 9VAC20-110 49 CFR Part	Federal Register (Publication Date)	Summary	Title
1	July 2, 2026 Docket No. PHMSA-2020-0103 (HM-257A)	49 CFR Parts 107, 171, and 173	91 FR 32902 (July 2, 2026) 91 FR 32903 (July 2, 2026)	PHMSA is amending the Hazardous Materials Regulations (HMR) by streamlining the classification and approval process for transporting certain low-hazard fireworks, revising the criteria for small arms cartridges to include tracer ammunition as eligible for self-classification, designating the PHMSA portal as the sole method to submit applications for all explosives approvals, and authorizing voluntary termination of an explosive approval by the approval holder.	Hazardous Materials: Streamlining Requirements for the Approval of Certain Energetic Materials
2	February 13, 2026 Docket No. PHMSA-2018-0080 (HM-265)	49 CFR Parts 107, 171, 172, 173, 178, and 180	91 FR 1433 (January 14, 2026)	PHMSA is adopting several amendments to the Hazardous Materials Regulations to reduce unnecessary regulatory burdens associated with the safe transportation of hazardous materials, including energy products. These amendments will reduce costs for hazardous materials transporters and eliminate unnecessary regulatory burdens on fuel transportation while maintaining or increasing the level of safety provided in the Hazardous Materials Regulations.	Hazardous Materials: Eliminating Unnecessary Regulatory Burdens on Fuel Transportation
3	February 13, 2026 Docket No. PHMSA-2018-0080 (HM-265)	49 CFR Parts 107, 171, 172, 173, 178, and 180	91 FR 1433 91 FR 1446 91 FR 1447 (January 14, 2026)	PHMSA is adopting several amendments to the Hazardous Materials Regulations to reduce unnecessary regulatory burdens associated with the safe transportation of hazardous materials, including energy products. These amendments will reduce costs for hazardous materials transporters and eliminate unnecessary regulatory burdens on fuel transportation while maintaining or increasing the level of safety provided in the Hazardous Materials Regulations.	Hazardous Materials: Eliminating Unnecessary Regulatory Burdens on Fuel Transportation
4	September 8, 2026	49 CFR Parts 107,	91 FR 51098 91 FR 51102	This final rule expands the authority of a Fireworks Certification Agency (FCA) to obtain the ability to approve fireworks	Hazardous Materials: Allowing Fireworks Certification

	[Docket No. PHMSA-2025-0105 (HM-268Q)	171, 172, and 173	91 FR 51103 August 7, 2026	constructed to certain requirements. These amendments will streamline PHMSA's fireworks approval process and provide the industry with improved regulatory flexibility.	Agencies (FCAs) To Approve Professional Fireworks
5	September 3, 2026 Docket No. PHMSA-2025-0096 (HM-268H)	49 CFR 107	91 FR 49295 8/4/26	This final rule modernizes the payment system for hazardous materials transportation registration fees by eliminating the option to pay by paper check and requiring electronic payment through the U.S. Department of Transportation (Department or DOT) e-Commerce internet site. This action improves processing efficiency, reduces administrative burden, and aligns payment procedures with current Government-wide electronic commerce practices.	Hazardous Materials: Modernizing Payments To and From America's Bank Account
6	September 3, 2026 Docket No. PHMSA-2025-0095 (HM-268G)	49 CFR Part 107	91 FR 49291 91 FR 49295 8/4/26	This final rule amends the Hazardous Materials Program Procedures to allow an application to renew a special permit or approval to be filed any time on or before its expiration date rather than requiring the renewal application to be filed 60 days in advance as under the current regulations.	Hazardous Materials: Improving Efficiencies for Special Permits and Approvals Renewals
7	September 3, 2026 Docket No. PHMSA-2025-0097 (HM-268I)	49 CFR 107	91 FR 49298 91 FR 49301 8/4/2026	This final rule amends the hazardous materials program procedures to allow motor and vessel carriers to carry PHMSA registration documents in electronic form.	Hazardous Materials: Reducing Recordkeeping Requirements for Domestic Carriers
8	September 3, 2026 Docket No. PHMSA-2025-0089 (HM-268A	49 CFR Part 171	91 FR 49301 91 FR 49305 8/4/26	PHMSA is amending the Hazardous Materials Regulations by updating the definition of an aerosol to eliminate unnecessary regulatory burdens and maintain consistency with current international transportation standards.	Hazardous Materials: Reducing Burdens on Domestic Aerosol Shippers
9	August 19, 2026 Docket	49 CFR Parts	91 FR 49310 8/4/26	This final rule removes undue regulatory burdens by adopting the provisions of U.S Department of Transportation (DOT) special permit (SP) 21287 to streamline the	Hazardous Materials: Adoption of Department of

	No. PHMSA-2025-0101 (HM-268M	171 and 173		transportation of refrigerating machines—including common household appliances like refrigerators, window-mounted air-conditioning units, and dehumidifiers—that contain small quantities of certain low flammability refrigerant gases.	Transportation Special Permit 21287
10	September 3, 2026 Docket No. PHMSA-2025-0104 (HM-268P	49 CFR 172 49 CFR 173	91 FR 49335 91 FR 49339 8/4/26	This final rule removes undue regulatory burdens by adopting the provisions of U.S. Department of Transportation (DOT) special permit (SP) 21478 to allow empty intermediate bulk containers (IBCs) that only contain the residue of a hazardous material to be transported without shipping papers, placards, and United Nations (UN) identification (ID) numbers.	Hazardous Materials: Adoption of Department of Transportation Special Permit 21478
11	September 3, 2026 Docket No. PHMSA-2025-0090 (HM-268B)	49 CFR 172 49 CFR 173	91 FR 49332 8/4/26	This final rule removes undue regulatory burdens by allowing regulated entities to use a reduced sized marking for limited quantity shipments of hazardous materials by highway, rail, or vessel.	Hazardous Materials: Reducing Costs to Domestic Shippers and Carriers of Limited Quantities
12	September 3, 2026 Docket No. PHMSA-2025-0098 (HM-268J	49 CFR 172	91 FR 49329 91 FR 49332 8/4/26	This final rule makes an inflationary adjustment to the monetary threshold for farmers to be eligible for an exception from security plan and in-depth security training requirements.	Hazardous Materials: Reduce Training Burdens for America's Farmers
13	September 3, 2026 Docket No. PHMSA-2025-0092 (HM-268D	49 CFR Part 172	91 FR 49325 8/4/26	This final rule removes undue regulatory burdens by providing domestic carriers and facility operators the option to maintain electronic copies of emergency response information rather than requiring a hard copy printed on paper.	Hazardous Materials: Reducing Undue Paperwork Burdens to Domestic Carriers
14	September 3, 2026 Docket No. PHMSA-2025-0091 (HM-268C)	49 CFR 173	91 FR 49345 8/4/26	This final rule modernizes the Materials of Trade (MOT) exception in the Hazardous Materials Regulations (HMR) by increasing the maximum allowable quantities of lithium batteries that can be transported as MOTs. This increase removes an undue regulatory burden which constrains the ability of construction, landscaping, mowing, tree	Hazardous Materials: Reducing Burdens on Domestic Companies Using Battery-Powered Equipment in Trades

				service, food service, and entertainment companies to perform their trade.	
15	September 3, 2026 Docket No. PHMSA-2025-0094 (HM-268F)	49 CFR 173	91 FR 49340 8/4/26	This final rule removes undue regulatory burdens by allowing for the continued use of packagings authorized under a manufacturing special permit for the useful life of the package. Manufacturing special permits typically authorize the manufacture, mark, sale, and use of the packaging authorized by the special permit.	Hazardous Materials: Reducing Burdens by Allowing Continued Use of Department of Transportation Special Permit Packagings
16	September 3, 2026 Docket No. PHMSA-2025-0102 (HM-268N)	49 CFR 171 49 CFR 173	91 FR 49315 8/4/26	This final rule removes undue regulatory burdens by adopting the provisions of U.S. Department of Transportation (DOT) special permit (SP) 21379 to streamline the transportation of refrigerating machines and components containing certain low flammability refrigerant gases.	Hazardous Materials: Adoption of Department of Transportation Special Permit 21379
17	September 3, 2026 [Docket No. PHMSA-2025-0099 (HM-268K)]	49 CFR 171 49 CFR 174	91 FR 49320 8/4/26	This final rule reduces undue regulatory burdens by eliminating or replacing various rail transportation requirements that are either obsolete, overly burdensome, or conflict with other requirements in the Hazardous Materials Regulations.	Hazardous Materials: Removing Burdensome Rail Reporting Requirements
18	September 3, 2026 Docket No. PHMSA-2025-0100 (HM-268L)	49 CFR 177	91 FR 49349 8/4/26	PHMSA is amending the Hazardous Materials Regulations to adopt the provisions of U.S. Department of Transportation (DOT) special permit (SP) 12412 and DOT SP 11646. These amendments will provide greater regulatory flexibility and eliminate the need for special permit renewal requests, reducing paperwork burdens and facilitating commerce while maintaining an equivalent level of safety.	Hazardous Materials: Adoption of Department of Transportation Special Permits 12412 and 11646 Into the Hazardous Materials Regulations
19	September 3, 2026 Docket No. PHMSA-2025-0103 (HM-268O)	49 CFR 180	91 FR 49354 8/4/26	This final rule removes undue regulatory burdens by adopting the provisions of U.S. Department of Transportation (DOT) special permit (SP) 14175 to authorize a 10-year requalification period and the ultrasonic examination (UE) testing method for DOT specification 3A and 3AA cylinders in flammable and non-flammable, nonpoisonous gas service. This adoption reflects advances in testing technology and	Hazardous Materials: Adoption of Department of Transportation Special Permit 14175

				will relieve stakeholders of the burden of performing more frequent cylinder requalification.	

Attachment 2

Changes to Title 49 of the CFR – October 1, 2025 – September 30, 2026
US DOT's Federal Motor Carrier Safety Administration (FMCSA)

Item	Effective Date	Affected 9VAC20-110 49 CFR Part	Federal Register (Publication Date)	Summary	Rule Title
1	June 22, 2026 Docket No. FMCSA-2025-0116	49 CFR Part 396	91 FR 37053 91 FR 37056 (June 22, 2026)	FMCSA amends the regulations to revise the requirement that motor carriers and intermodal equipment providers sign and return a completed roadside inspection form to the issuing State agency. FMCSA is aware that not all issuing State agencies require the return of these reports, and that requiring motor carriers and intermodal equipment providers to submit these reports to a State that does not require, or even request, the return of the form creates an unnecessary burden. Through this change, completed forms will only be returned to those States that request them. This action is in response to a petition for rulemaking from the Commercial Vehicle Safety Alliance (CVSA).	Completed Inspection Report Disposition
2	July 22, 2026 Docket No. FMCSA-2025-0114	49 CFR Part 395	91 FR 37050 91 FR 37053 (June 22, 2026)	FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSR) to rescind the requirement for a copy of the electronic logging device (ELD) operator's manual to be kept in a commercial motor vehicle (CMV). Drivers are required to understand the operation of the ELD on the vehicle to ensure the accuracy of their electronic records of duty status and to present this information during inspections by enforcement officials. There is no readily apparent benefit to continuing to require that the user's manual be in the CMV given the use of ELDs since December 2019. This final rule eliminates a regulatory burden on motor carriers without compromising safety.	Rescinding the Requirement for Electronic Logging Device Operator's Manual Located in Commercial Motor Vehicles
3	July 21, 2026 Docket No. FMCSA-	49 CFR Chapter III	91 FR 45653 91 FR 45660 91 FR 45661 91 FR 45662	FMCSA amends its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSR). The Agency makes minor changes to correct inadvertent errors and omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. FMCSA also makes a change to	General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations

	2025-0754		(July 21, 2026)	its rules of organization, procedures, and practice. Because the rule does not impose any new material requirements or increase compliance obligations, it is issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA).	
4	March 23, 2026 Docket No. FMCSA-2025-0117	49 CFR 393	91 FR 7880 (2/19/26)	FMCSA removes the requirement in the Federal Motor Carrier Safety Regulations (FMCSR) that a liquid fuel tank manufactured on or after January 1, 1973, be designed and constructed so that it cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95 percent of the tank's liquid capacity. This final rule responds to a petition for rulemaking from the Commercial Vehicle Safety Alliance (CVSA). The revision removes an unnecessary and outdated requirement from the FMCSRs.	Parts and Accessories Necessary for Safe Operation; Fuel Tank Overfill Restriction
5	April 20, 2026 [Docket No. FMCSA-2025-0109]	49 CFR 393	91 FR 7877 91 FR 7880 (2/29/36)	FMCSA amends the emergency equipment rules to remove the requirement for commercial motor vehicles (CMVs) to be equipped with at least one spare fuse for each type and size of fuse needed for the operation of the CMV. This change will remove an unnecessary requirement from the Federal Motor Carrier Safety Regulations (FMCSR).	Parts and Accessories Necessary for Safe Operation; Spare Fuses
6	March 23, 2026 [Docket No. FMCSA-2025-0112]	49 CFR 365 49 CFR 370 49 CFR 379 49 CFR 386 49 CFR 390	91 FR 7856 91 FR 7859 (2/19/26)	FMCSA amends its regulations to remove obsolete references to “water carriers” in the FMCSA regulations (FMCSR). FMCSA does not specifically regulate water carriers except to the extent that such carriers also engage in motor carrier operations. In such cases, the existing FMCSR provide appropriate coverage of the carrier's motor carrier operations.	Removal of Obsolete References to “Water Carriers”
7	March 23, 2026 Docket No. FMCSA-	49 CFR 392 49 CFR 393	91 FR 7867 91 FR 7870 (2/19/26)	FMCSA amends the rules for emergency equipment on commercial motor vehicles (CMVs) to remove the references to liquid-burning flares from the warning device requirements in the Federal Motor Carrier Safety Regulations (FMCSR). This action eliminates outdated language referring to	Parts and Accessories Necessary for Safe Operation; Liquid-Burning Flares

	2025-0110			warning devices that FMCSA believes are no longer used.	
8	March 23, 2026 [Docket No. FMCSA-2025-0122]	49 CFR 393	91 FR 7871 (2/19/26)	FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to add an exception from the lamp and reflective device requirements for license plate lamps on the rear of truck tractors while towing a trailer. This amendment removes an unnecessary regulatory requirement without impacting safety.	Parts and Accessories Necessary for Safe Operation; License Plate Lamps
9	March 23, 2026 [Docket No. FMCSA-2025-0120]	49 CFR 393	91 FR 7890 91 FR 7893 (2/19/26)	FMCSA amends its fuel tank requirements to add an exception to the prohibition on gravity and syphon feeds for auxiliary pumps with a nominal fuel tank capacity of not more than five gallons mounted on the trailer chassis frame or trailer bed, for purposes other than operation of the motor vehicle, that are operated only when the motor vehicle is not in motion. This revision responds to a petition for rulemaking from the Truck Trailer Manufacturers Association (TTMA). The revision provides relief from a regulatory requirement without impacting safety.	Parts and Accessories Necessary for Safe Operation; Auxiliary Fuel Tanks
10	March 23, 2026 Docket No. FMCSA-2025-0119	49 CFR 393	91 FR 7887 (2/19/26)	FMCSA adds an exception for portable conveyors used in aggregate industry operations, and manufactured before 2010, from the requirement that each commercial motor vehicle (CMV) be equipped with brakes acting on all wheels, provided certain conditions are satisfied. This final rule responds to a petition for rulemaking from the Michigan Aggregates Association. The exception will provide relief from a regulatory requirement for certain portable conveyors without impacting safety.	Parts and Accessories Necessary for Safe Operation; Brakes on Portable Conveyors
11	March 23, 2026 Docket No. FMCSA-2025-0123	49 CFR 393	91 FR 7884 91 FR 7887 (2/19/26)	FMCSA amends the requirements for commercial motor vehicle (CMV) tires to clarify that the Federal Motor Carrier Safety Regulations (FMCSR) do not require tire load restriction markings on the sidewalls of the tires. This change eliminates confusion and clarifies the scope of FMCSA's authority regarding requirements for CMV tires.	Parts and Accessories Necessary for Safe Operation; Tire Load Markings
12	March 23, 2026 Docket	49 CFR 393	91 FR 7874 (2/19/26)	FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSR) to rescind the requirement that the rear impact guard be permanently marked or labeled with a	Parts and Accessories Necessary for Safe Operation;

	No. FMCSA-2025-0107			certification from the impact guard manufacturer as required by the applicable Federal Motor Vehicle Safety Standard (FMVSS) promulgated by the National Highway Traffic Safety Administration (NHTSA). The certification label or marking provides motor carriers purchasing new trailers or new impact guards to replace damaged devices with a means to determine whether the equipment is certified as meeting the FMVSS. However, the labeling or marking requirement has proven problematic for motor carriers when the label or marking becomes illegible or wears off during the service life of the trailer or guard. This final rule eliminates an unintended regulatory burden on motor carriers without compromising safety, as it does not affect the applicable FMVSS. The final rule also rescinds a guidance document pertaining to illegible, incomplete, or missing rear impact guard certification labels.	Certification and Labeling Requirements for Rear Impact Protection Guards
13	March 23, 2026 Docket No. FMCSA-2025-0115	49 CFR 396	91 FR 7893 91 FR 7896 (2/19/26)	FMCSA clarifies the requirement to complete a Driver Vehicle Inspection Report (DVIR) based upon a public comment filed by the National Tank Truck Carriers (NTTC). The DVIR may already be completed electronically, however the explicit language in this rule will make this clear. This will encourage motor carriers and drivers to utilize electronic, cost-saving methods when completing DVIRs.	Electronic Driver Vehicle Inspection Reports
14	March 23, 2026 Docket No. FMCSA-2025-0113	49 CFR Part 391	(2/19/26	FMCSA amends the Federal Motor Carrier Safety Regulations to remove the grandfathering provision under the physical qualifications standards for interstate drivers operating under the vision waiver study program administered from 1992 through 1994, and the vision exemption program operated from 1998 through 2022, as the grandfathering provision is now obsolete. FMCSA's current rules permit individuals who do not satisfy, with the worse eye, either the existing distant visual acuity standard with corrective lenses or the field of vision standard, or both, to be physically qualified to operate a commercial motor vehicle (CMV) in interstate commerce under specified conditions.	Qualifications of Drivers; Vision Standards Grandfathering Provision