



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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January 17, 2007

Roger L. Burkhardt, Chair  
Safety and Health Codes Board  
c/o C. Ray Davenport, Commissioner  
Virginia Department of Labor & Industry  
13 South Thirteenth Street  
Richmond, Virginia 23219

Re: Authority to Amend Roll-over Protective Structure Requirements, Final Rule  
Part § 1910.134(d)(3)(i)(A); Corrections

Dear Mr. Burkhardt:

I have reviewed the above-referenced regulatory amendment making technical corrections and providing consistency among the figures attached to the standard for roll-over protective structures. It is my opinion that the Safety and Health Codes Board has authority to promulgate such amendments under applicable law, including Chapter 3 of Title 40.1 of the *Code of Virginia*. Based upon your agency's representations, it is my opinion that under *Va. Code* § 2.2-4006.A.4(c), the regulations are excluded from Article 2 of the *Virginia Administrative Process Act* because they are necessary to meet the requirements of federal law or regulations.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alfred B. Albiston".

Alfred B. Albiston  
Assistant Attorney General

c: Reba O'Connor