



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**To:** Cristin Bernhardt, Regulatory Coordinator  
Virginia Department of Labor and Industry

**From:** Joshua E. Laws  
Senior Assistant Attorney General

**Date:** September 26, 2024

**Subject:** Letter of Assurance for Federal Identical Regulations General Industry Regulations found at 18 VAC 25 - 90

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I have reviewed the Department of Labor and Industry's Proposed Amendments to Federal Identical Regulations General Industry Regulations found at 18 VAC 25 - 90 that were posted on the Virginia Regulatory Town Hall on September 25, 2024. In my view, as counsel to the Department of Labor and Industry, these regulations may be promulgated pursuant to Title 40.1 of the Code of Virginia. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect. Further, I certify that the proposed changes are exempt from the Administrative Process Act under Code of Virginia § 2.2-4006(A)(4)(c) as they are necessary to meet the requirements of federal law or regulations and they do not materially differ from those required by federal law or regulation.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.