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Exempt Action: Final Regulation Agency Background Document

Agency name	Department of Labor and Industry
Virginia Administrative Code (VAC) Chapter citation(s)	16VAC25-90
VAC Chapter title(s)	Federal Identical Regulations General Industry
Action title	Exempt Filing
Final agency action date	May 14, 2026
Date this document prepared	June 16, 2026; updated June 29, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. 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 and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

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.

This action is necessary to meet the requirements of federal law and is therefore exempt from the requirements of the Administrative Process Act (APA) under §2.2-4006.A.4(c).

On May 20, 2024, a final rule was issued by OSHA amending the Hazard Communication Standard (HCS) that became effective July 19, 2024.¹ The Safety and Health Codes Board adopted these federal amendments to the Hazard Communication Standard during the last board meeting held on September 23, 2024, and it became effective in Virginia on November 20, 2024.

¹ [Hazard Communication Standard; Final Rule | Occupational Safety and Health Administration](#)

On October 9, 2024, OSHA issued a second corrections notice and technical amendment to correct errors in that final rule.² OSHA made corrections to the regulatory text and appendices to the HCS that mainly include classification of hazardous chemicals and information presented on labels and Safety Data Sheets (SDSs). The Safety and Health Codes Board adopted these federal amendment corrections to the Hazard Communication Standard during the last board meeting held on March 19, 2025 and it became effective in Virginia on July 30, 2025.

Following publication of the October 9, 2024 corrections and technical amendments, OSHA continued review and identified additional minor and typographical errors in the regulatory text and appendices. On January 8, 2026 and February 13, 2026, OSHA issued a second corrections notice and technical amendment to correct errors in that final rule.³ OSHA made corrections to the regulatory text and appendices to the HCS that mainly include classification of hazardous chemicals and information presented on labels and Safety Data Sheets (SDSs).

This final rule is published to correct certain errors in the original publication and subsequent first correction and below is a summary of those corrections.

Four of the corrections are to paragraph (c) of the regulatory text and one of the corrections is to paragraph (d) of the regulatory text. These corrections add the heading “Definitions” to the beginning of paragraph (c), add “chemicals under pressure” to the definition of “Physical hazard,” correct the formatting of the text of “area” in the definition of “Work area” to match the formatting for other terms, and correct the definition for “Liquid”, which inadvertently did not include the conversion of 14.69 PSI for all references to vapor pressure. OSHA is also adding the heading “Hazard Classification” to paragraph (d), which was inadvertently omitted from the 2024 final rule.

The remainder of the errors corrected in this document are in the Appendices.

In Appendix A, OSHA is correcting the reference within Figure A.1.1 which currently reads “apply formula in A.1.3.6.3” to “apply formula in A.1.3.6.4” to cross reference the correct paragraph. OSHA is also deleting elements that are in the GHS which were inadvertently included in the final rule but are not appropriate for OSHA’s standard. These include statements such as “which can be used by those authorities requiring more than one designation for corrosivity” and “where sub-categorization is not required by a competent authority or” in paragraph A.2.2(a) and references to tables that do not appear in the HCS. OSHA is correcting figures A.6.1, A.7.1(a), A.7.1(b) and A.8.1, which were inadvertently altered in the final rule, and is replacing these figures with the versions of the figures included in the February 16, 2021 notice of proposed rulemaking (86 FR 9576). The agency received no comments on the proposed changes for Figure A.7.1(b) and intended to adopt them in the final rule. OSHA did not propose changes for the other figures.

In Appendix B, OSHA is correcting several errors in spelling and numbering in tables and text, as well as errors in the designations of several footnotes in Appendix B. In

² [Federal Register: Hazard Communication Standard: First Correction](#)

³ [Federal Register: Hazard Communication Standard: Second Correction](#)

addition, OSHA is updating Note 2 for both Table B.3.1 and B.3.2 to follow the same format, to add “including their labeling elements” to be consistent with the GHS, and to correct cross references to other portions of Appendix B which were inadvertently omitted or numbered incorrectly. OSHA is also updating a footnote in each of Tables B.2.1, B.5.1, B.6.1 and B.7.1 by adding “chemicals under pressure.” This will align these footnotes with the text in Note 2 of Table B.3.2 regarding how chemicals under pressure should be classified.

In Appendix C, OSHA is correcting minor formatting errors in several places, such as italicizing, bolding, or un-bolding font and removing slashes that were inadvertently included. Additionally, OSHA is adding “Chemicals Under Pressure” to Figure C.1. This was inadvertently omitted from the list of hazard classes associated with the Gas Cylinder hazard symbol. OSHA is also updating the text of C.2.4.6 to use the updated version of the example precautionary statement. OSHA is also making a number of corrections related to Table C.4.16, including adding the precautionary statement “In case of fire: Use . . . to extinguish” and its associated explanatory note to the “Response” column of Chemical Under Pressure (Hazard Category 1 and 2). The latter change will accomplish OSHA’s stated intention to align with the GHS Rev. 8 (89 FR 44324). In Table C.4.19, OSHA is removing the phrase “Chemical manufacturer, importer, or distributor to specify applicable ignition source(s),” which it inadvertently failed to delete in this table after updating the precautionary statement to include all ignition sources (see 89 FR 44336). The agency is also adding the words “and large quantities” in C.4.30, which were inadvertently omitted from the Hazard Category 4 Response precautionary statement. In Appendix

In Appendix D, OSHA is correcting typographical errors in Section 2 and Section 7. Also in Appendix D, OSHA is correcting the Section 2(a) cross- reference from (d)(1)(i) to (d)(1). This correction ensures that Appendix D clearly conveys the requirements for providing the hazard classification of a chemical in Section 2. As OSHA noted in the preamble to the 2024 final rule, the agency intended to require hazards associated with chemicals as shipped and hazards associated with a change in the chemical’s physical form to be presented in Section 2(a), and hazards created by a chemical reaction to be presented in Section 2(c) (89 FR 44344). Finally, OSHA is removing the phrases “methods specified under” and “and then listed on the SDS” from the note to Table D.1 to align that language with the footnote in Appendix B as OSHA stated it would in the HCS 2024 final rule (89 FR 44350).

Published February 13, 2026, there was a minor amendment appearing on pages 562 through 598 in the issue of Thursday, January 8, 2026, make the following correction on page 572, below Table B.5.1, “* * * *” should read:

(1) The critical temperature is the temperature above which a pure gas cannot be liquefied, regardless of the degree of compression.

Note: Aerosols and chemicals under pressure should not be classified as gases under pressure. See Appendix B.3 of this section.

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, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "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."

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.

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) the name of the agency taking the action; and 3) the title of the regulation.

On May 14, 2026, the Safety and Health Codes Board adopted the final rule for Hazard Communication Standard, Second Correction as authorized by Virginia Code §§ 40.1-22(5) and 2.2-4006.A.4(c), with an anticipated effective date of August 28, 2026 to be determined upon completion of the exempt regulatory process on Virginia Regulatory Townhall. The Agency will update the effective date listed in the table if needed.

To access the Hazard Communication Standard General Industry Final Rule publications, please click on the links below:

[OSHA's Final Rule to the Hazard Communication Standard \(HCS\) Second Correction, as Published on January 8, 2026, in Volume 91 Federal Register \(FR\) No. 5](#)

[OSHA's Final Rule to the Hazard Communication Standard \(HCS\) Second Correction update, as Published on February 13, 2026, in Volume 91 Federal Register \(FR\) No. 562](#)

Hazard Communication Standard: Second Correction; Final Rule

As Adopted by the
Safety and Health Codes Board
Date: May 14, 2026



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: August 28, 2026

When the regulations, as set forth in the Final Rule for the Hazard Communication Standard, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department or DOLI
01/08/2026	08/28/2026

[OSHA's Final Rule to the Hazard Communication Standard \(HCS\) Second Correction, as Published on January 8, 2026, in Volume 91 Federal Register \(FR\) No. 5](#)

[OSHA's Final Rule to the Hazard Communication Standard \(HCS\) Second Correction update, as Published on February 13, 2026, in Volume 91 Federal Register \(FR\) No. 562](#)