



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: C. Ray Davenport
Commissioner
Virginia Department of Labor and Industry

From: Joshua E. Laws
Assistant Attorney General

Date: March 3, 2017

Subject: Letter of Assurance for Final Rule on Clarification of Employers' Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness— 16VAC25-85-1904 et seq.

I have reviewed the Department of Labor and Industry's proposed Final Rule on Clarification of Employers' Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness found at 16VAC25-85-1904 et seq. that was posted on the Virginia Regulatory Town Hall on February 22, 2017. 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. 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.