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Periodic Review and Small Business Impact Review Report of Findings

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| Agency name | Department of Labor and Industry |
| Virginia Administrative Code (VAC) Chapter citation(s) | 16VAC25-50 |
| VAC Chapter title(s) | Boiler and Pressure Vessel Regulation. |
| Date this document prepared | March 14, 2025 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

DOLI – Department of Labor and Industry
SHCB – Safety and Health Code Board

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 40.1-51.6.A. of the Code of Virginia authorizes the Safety and Health Codes Board "...to formulate definitions, rules, regulations and standards which shall be designed for the protection of human life and property from the unsafe or dangerous construction, installation, inspection, operation, maintenance and repair of boilers and pressure vessels in this Commonwealth." In promulgating such rules, the Board shall consider "Standards, formulae and practices generally accepted by recognized engineering and safety authorities and bodies...."

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

Since this regulation is mandated by state and federal law, there are no alternatives for achieving the purpose of the regulation.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments were received on this regulation during the public comment period which began on March 11, 2024 and ended on April 1, 2024. DOLI did not establish an informal advisory group for the purpose of assisting in the periodic review.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is effective in achieving the goals in that it provides a clearly written and easily understandable framework for the operation of the Virginia Occupational Safety and Health Program. It includes the Federal OSHA operational requirements for a State Plan state. The regulation provides employers with processes for responding to citations and penalties; requesting variances; and, abating hazardous conditions. It provides employees with processes to provide information on their rights and to file complaints about hazardous work conditions. The regulation has no impact on the institution of the family and family stability.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

At the Safety and Health Codes Board meeting held on September 23, 2024, the SHCB approved DOLI's recommendation to retain the regulation without change.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This regulation has no real impact on small businesses and does not overlap, duplicate or conflict with federal or state law or regulation. The regulation is not overly complex and is clearly written with no apparent negative impact on the regulated community. There have been little or no change in technology, economic conditions, and other factors which would affect this regulation.
