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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Department of Labor and Industry
Virginia Administrative Code (VAC) Chapter citation(s)	16VAC25-75
VAC Chapter title(s)	Telecommunications, General, Approach Distance.¹
Date this document prepared	June 6, 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.

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.

¹ <https://townhall.virginia.gov/L/ViewPReview.cfm?PRid=2543>

There is a continued need for this regulation because it ensures uniformity of the regulation for General Industry, construction, and Telecommunications workers who perform the same type of electrical transmission work. The regulation makes telecommunications requirements identical to 16VAC25-90-1910.269(1)(3), Federal Identical General Industry Standards, and provides safety protections for telecommunications workers equal to those afforded general industry electrical transmission and distribution workers.

In the past, the establishment of less stringent compliance requirements directly resulted in fatal electrocution hazards for employees.

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.

The Department of Labor and Industry did not consider an alternative because this regulation is the least burdensome alternative available for achieving the purpose of the regulation. It is not overly complex, has no negative impact on the regulated community, and does not overlap, duplicate, or conflict with federal or state law or 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 August 26, 2024, and ended on September 16, 2024. The agency and the Safety and Health Codes board 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 not overly complex. It has no negative impact on the regulated community and does not overlap, duplicate, or conflict with federal or state law or regulation. No alternatives were considered for this regulation because, in the past, the establishment of less stringent compliance requirements directly resulted in fatal electrocution hazards for employees. For the reasons noted above, this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

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 March 19, 2025, 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.
