



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	Department of Labor and Industry/ Safety and Health Codes Board
<b>VAC Chapter Number:</b>	16 VAC 25-100-1915.501 -1915.509; and 16 VAC 25-100-1915.5
<b>Regulation Title:</b>	Fire Protection in Shipyard Employment
<b>Action Title:</b>	Fire Protection in Shipyard Employment
<b>Date:</b>	December 14, 2004

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

**Note agency actions exempt pursuant to § 9-6.14:4.1(B)** do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

Federal OSHA has promulgated a unified fire protection standard for shipyard employment. The standard provides increased protection for shipyard employment workers from the hazards of fire on vessels and vessel sections and at land-side facilities.

The new standard requires a written fire watch policy while prohibiting workers who perform hot work such as welding, cutting, or grinding to act as their own fire watch. The new rule also allows employers to rely on a combination of internal or external fire response organizations instead of requiring internal fire brigades.

Other topics covered by the rule include training, multi-employer work sites, hot work precautions, fixed extinguishing system hazards, land-side fire protection systems, and evacuation procedures. The rule also includes a model fire safety plan that employers can use to develop their site-specific plans

The new standard reflects the latest technologies as well as 19 consensus standards from the National Fire Protection Association (NFPA) and includes relevant information from other sources, including OSHA’s general industry standard on fire protection, as well as procedures from the U. S. Navy and U. S. Coast Guard.

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

On December 14, 2004, the Safety and Health Codes Board adopted a federal-identical version of 16 VAC 25-100-1915.501 through 16 VAC 25-100-1915.509, Fire Protection in Shipyard Employment, §§ 1915.501 through 1915.509; Final Rule, and 16 VAC 25-100-1915.5, Incorporation by Reference of National Fire Protection Association (NFPA) Concensus Standards; and Appendix A to Subpart P of Part 15.

The effective date for this regulation is March 15, 2005.

---

**Family Impact Statement**

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

---

The new regulation has no impact on the institution of the family or family stability.