



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16 VAC 25-20
Regulation title	Regulation Concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits, and Permit Fees
Action title	Correcting Amendment to Regulation Concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits, and Permit Fees
Final agency action date	November 20, 2008
Document preparation date	November 20, 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Virginia Occupational Safety and Health (VOSH) Program is amending the final regulation concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits, and Permit Fees to correct longstanding regulatory oversight errors as well as to eliminate confusion on the part of asbestos contractors who must be licensed by the Department of Professional and Occupational Regulation (DPOR) but must file asbestos project permits with the Department of Labor and Industry. VOSH is deleting the single word, “material”, in the definition of “Asbestos project” and related subject-verb agreement which is included in the Definitions subsection, 16 VAC 25-20-10.

The current DPOR Asbestos Licensing Regulations only exempt “nonfriable roofing, flooring and siding materials which, when installed encapsulated or removed do not become friable.” Deletion of the extraneous word “material” in the definition of “asbestos project” prior to the

term “roofing, and correction of the related verb plurality would correct the error and iterate that roofing, flooring and siding are the only non-friable materials which do not become friable when installed, removed, etc., that are not regulated by DOLI’s Notification regulations.

The basis for this action is two-fold:

1. In accordance with §40.1-22(5), “The Board, with the advice of the Commissioner, is hereby authorized to adopt, alter, amend, or repeal rules and regulations to further, protect and promote the safety and health of employees in places of employment over which it has jurisdiction... All such rules and regulations shall be designed to protect and promote the safety and health of such employees. This correction supports that statutory mandate.
2. In accordance with §2.2-4006.A.3. agency actions subject to the Administrative Process Act (APA) are exempted from the Article 2 promulgation requirements of the APA if the action consists only of changes in style or form or corrections of technical errors.

Statement of final agency action

Please 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 November 20, 2008, the Safety and Health Codes Board adopted the correcting amendment to the final rule for 16 VAC 25-20, Regulation Concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits, and Permit Fees, with an effective date of February 1, 2009.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

These revisions will have no impact on the institution of the family and family stability.