



# COMMONWEALTH of VIRGINIA

Office of the Attorney General  
Richmond 23219

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April 16, 2009

Mr. Charles L. Stiff, Chair  
Safety and Health Codes Board  
c/o C. Ray Davenport, Commissioner  
Virginia Department of Labor & Industry  
13 South Thirteenth Street  
Richmond, Virginia 23219

Re: Authority to Adopt the Final Rule for Longshoring and Marine Terminals;  
Vertical Tandem Lifts, §1917.71 and 1918.85, Public Sector Only

Dear Mr. Stiff:

I have reviewed the above-referenced regulations. It is my opinion that the Safety and Health Codes Board has authority to promulgate such amendments under applicable law, including Chapter 3 of Title 40.1 of the Code of Virginia. Based upon your agency's representations, it is my opinion that under Va. Code §2.2-4006.A.4(c) the regulations are excluded from Article 2 of the Virginia Administrative Process Act because they are necessary to meet the requirements of federal law or regulations.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me at (804) 786-9583.

Very truly yours,

A handwritten signature in black ink, appearing to read "Crystal Y. Twitty", written over a horizontal line.

Crystal Y. Twitty  
Assistant Attorney General

cc: C. Ray Davenport, Commissioner  
Regina P. Cobb, Agency Management Analyst, Sr.