



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Courtney M. Malveaux, Commissioner
Department of Labor and Industry

From: Joshua N. Lief
Senior Assistant Attorney General

Date: September 25, 2012

Subject: Letter of Assurance for Proposed Regulations - Hazard Communication Standard and Other Related Standards in Parts 1910 - General Industry, 1915- Shipyard Employment, and 1926 – Construction

I have reviewed the Department of Labor and Industry's proposed Regulations related to hazard communication and other related standards as referred to above, that were posted on the Virginia Regulatory Town Hall on September 24, 2012. In my view, as counsel to the Department of Labor and Industry, these regulations may be promulgated pursuant to Title 40.1 of the Code of Virginia. Moreover, this regulatory action is exempt from the Administrative Process Act pursuant to § 2.2-4006 A.4.c. because the revision is necessary to meet the requirements of federal law or regulations. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.