



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: April 5, 2013

Subject: Letter of Assurance for Proposed Regulations - Corrections and Technical Amendment to Hazard Communication Standard

I have reviewed the Department of Labor and Industry's Safety and Health Code Boards proposed Regulations referred to above that are Corrections and Technical Amendments to Hazard Communication Standard in multiple subsections of 16 VAC 25-90 and 25-175 that were posted on the Virginia Regulatory Town Hall on April 1, 2013 and amended on April 5, 2013. 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.3. because it includes changes in style or form or corrections of technical errors, and 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.