



COMMONWEALTH of VIRGINIA

*Office of the Attorney General
Richmond 23219*

Mark R. Herring
Attorney General

202 N. 9th Street
Richmond, Virginia 23219
804 - 786 - 2071
804 - 225 - 4541 TDD

MEMORANDUM

To: C. Ray Davenport
Commissioner
Virginia Department of Labor and Industry

From: Joshua E. Laws
Assistant Attorney General

Date: June 26, 2018

Subject: Letter of Assurance for Final Rule on the Clarification of Employers' Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness found at — 16VAC25-85-1904.0, 16VAC25-85-1904.4, 16VAC25-85-1904.29, 16VAC25-85-1904.32, 16VAC25-85-1904.33, 16VAC25-85-1904.34, 16VAC25-85-1904.35, and 16VAC25-85-1904.40

I have reviewed the Department of Labor and Industry's proposed Amended Regulations for Final Rule on the Clarification of Employers' Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness found at — 16VAC25-85-1904.0, 16VAC25-85-1904.4, 16VAC25-85-1904.29, 16VAC25-85-1904.32, 16VAC25-85-1904.33, 16VAC25-85-1904.34, 16VAC25-85-1904.35, and 16VAC25-85-1904.40 that was posted on the Virginia Regulatory Town Hall on June 26, 2018. 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. Further, I certify that the proposed changes are exempt from the Administrative Process Act under

Code of Virginia §§ 2.2-4006(A)(4)(c) as they are necessary to meet the requirements of federal law or regulations and they do not materially differ from those required by federal law or regulation.

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.