



COMMONWEALTH of VIRGINIA

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MEMORANDUM

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

From: Joshua E. Laws
Assistant Attorney General

Date: March 21, 2019

Subject: Letter of Assurance for Amended Regulations for Electronic Submission of Employer Identification Number (EIN) and Injury and Illness Records to OSHA — found at 16 VAC25-85-1904.41

I have reviewed the Department of Labor and Industry's proposed Amended Regulations for Electronic Submission of Employer Identification Number (EIN) and Injury and Illness Records to OSHA — found at 16 VAC25-85-1904.41 that was posted on the Virginia Regulatory Town Hall on March 21, 2019. 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)(a) and 2.2-4006(A)(4)(c) as they are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved and 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.