



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Department of Labor and Industry/Safety and Health Codes Board
VAC Chapter Number:	16 VAC 25-120-1917 and 16 VAC 25-130-1918
Regulation Title:	Federal Identical Marine Terminals Standard (Public Sector Only) and Federal Identical Longshoring
Action Title:	Technical Amendments to Final Rules for Marine Terminals and for Longshoring
Date:	July 28, 2000

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

These technical amendments correct typographical and other errors appearing in the final rules for 16 VAC 25-120-1917, Federal Identical Marine Terminals Standard (Public Sector Only), and 16 VAC 25-130-1918, Federal Identical Longshoring.

The types of amendments fall into nine basic categories: (1) categories of errors where text was inadvertently omitted or incorrectly spelled; (2) corrections of incorrect citations or cross-references; (3) corrections to provide parallel language between the two Parts (Part 1917 and Part 1918, Marine Terminals and Longshoring Operations, respectively) where the regulatory intent is identical; (4) corrections to eliminate a duplicative requirement; (5) corrections to revise mandatory language where the language was only intended to be illustrative; (6) clarifications of regulatory text to better reflect the regulatory intent; (7) technical drafting corrections; (8) corrections of errors made when converting from English units to metric units; and (9) editorial corrections to Safe Working Load Tables and Charts.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On July 17, 2000, the Safety and Health Codes Board adopted an identical version of federal OSHA's technical amendments to the final rules for Marine Terminals and for Longshoring, which were published in 65 FR 40936 on June 30, 2000. Adoption of these corrections amended the Federal Identical Marine Terminals Standard (Public Sector Only) and the Federal Identical Longshoring regulations. The Safety and Health Codes Board did not, however, adopt the technical amendments to Part 1919--Gear Certification because the Virginia State Plan does not give the Virginia Occupational Safety and Health Program the authority to certify vessels' cargo gear and shore-based material handling devices. The effective date for the amendments is October 1, 2000.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.

A copy of the technical amendments as published in the Federal Register is attached. The Office of the Attorney General reviewed the technical amendments and stated that the Safety and Health Codes Board has statutory authority under Virginia Code §§40.1-22(5) and 9-6.14:4.1.C.4 (c) to

adopt the federal OSHA technical amendments to the final rules for 16 VAC 25-120-1917, Federal Identical Marine Terminals (Public Sector Only), and for 16 VAC 25-130-1918, Federal Identical Longshoring. These amendments are necessary to meet the requirements of the federal OSHA regulations and the OSHA State Plan agreement.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The technical amendments to these regulations have no impact on the institution of the family or family stability.