

Office of Regulatory Management
Economic Review Form

Agency name	Department of Labor and Industry
Virginia Administrative Code (VAC) Chapter citation(s)	16 VAC 25-60
VAC Chapter title(s)	Administrative Regulation for the Virginia Occupational Safety and Health Program
Action title	Periodic Review
Date this document prepared	February 16, 2024
Regulatory Stage (including Issuance of Guidance Documents)	Periodic Review

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

NOTE: The Virginia Occupational Safety and Health (VOSH) Administrative Regulations in 16VAC25-60 contain requirements that are designed to be "at least as effective as" those of federal OSHA (see "at least as effective as" requirements for VOSH standards and regulations in [29 USC 667\(b\)\(2\)](#) and [29 CFR 1902.3\(c\)\(1\)](#)) in the areas of jurisdiction, standards and regulations, general duty clause, notification and posting requirements, complaints, whistleblower protections, variances, inspections, advance notice of inspection, trade secrets, citations, penalties, abatement, settlement processes, contested cases and litigation. State unique requirements are included to assure Department compliance with the Virginia Freedom of Information Act (FOIA) and the Commissioner authority to "take and preserve testimony, examine witnesses and administer oaths" contained in [Va. Code §40.1-6\(4\)](#)

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources	Not applicable.	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	

(4) Other Costs & Benefits (Non-Monetized)	Not applicable.
(5) Information Sources	Not applicable.

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources	Not applicable.	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>The regulation neither disproportionately affects particular localities, nor affects costs for local government other than the applicable sections of this regulation “public employers” as defined in the regulation¹. Local governments would be required to follow the framework of this regulation for the operations of the Virginia Occupational Safety and Health Programs.</p> <p>The benefit of the regulation is to ensure safety and health standards for Virginia workplaces and to provide a clearly written and easily understandable framework for the operation of the Virginia Occupational Safety and Health Program. It includes the Federal OSHA operational requirements for a State Plan state. The regulation provides employers with processes for responding to citations and penalties, requesting variances, and abating hazardous conditions. It provides employees with processes to provide information on their rights and to file complaints about hazardous work conditions.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct & Indirect Costs</p>	<p>Direct & Indirect Benefits</p>
	<p>(a) See (1) above</p>	<p>(b) See (1) above</p>
<p>(3) Other Costs & Benefits (Non-Monetized)</p>	<p>As referenced above, local government workplaces are subject to the “public employer” applicable health and safety provisions included in this regulation. If a DOLI inspection uncovers safety and health hazards and violations, the local government would be required to take the steps and improvements necessary to correct the hazards.</p> <p>Compliance with the minimum requirements of VOSH safety and health standards and regulations helps employers and employees to reduce injuries, illnesses and fatal accidents; while decreasing Workers’</p>	

¹ [Virginia Administrative Code - Title 16. Labor And Employment - Agency 25. Safety And Health Codes Board - Chapter 60. Administrative Regulation for the Virginia Occupational Safety and Health Program](#)

	<p>Compensation costs, lost productivity due to workplace disruptions, damage to infrastructure and absenteeism.</p> <p>Benefits: See (1) Above</p>
(4) Assistance	
(5) Information Sources	<p>Virginia Administrative Code - Title 16. Labor And Employment - Agency 25. Safety And Health Codes Board - Chapter 60. Administrative Regulation for the Virginia Occupational Safety and Health Program</p>

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>The regulation does not apply to private residences and should not result in any costs to families. If the family contracts with a company that VOSH inspects (e.g., a tree trimming company removing trees on a residential property), the company will have to comply with requirements of the regulation, some of which could avoid the occurrence of an accident at a homeowner’s residence (e.g., abate hazards cited).</p> <p>The regulation has a positive influence on family stability and autonomy by protecting the public safety and health of Virginia citizens in the workplace.</p> <p>See (1) above.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See (1) above.	(b) See (1) above.
(3) Other Costs & Benefits (Non-Monetized)	See (1) above.	

(4) Information Sources	Virginia Administrative Code - Title 16. Labor And Employment - Agency 25. Safety And Health Codes Board - Chapter 60. Administrative Regulation for the Virginia Occupational Safety and Health Program
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Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>This regulation provides an operational framework of rules and procedures for the administration of the VOSH program such as program jurisdiction, notification and posting requirements, required reporting by employers, access to information, and complaint and discrimination procedures. Also covered are occupational safety and health standards, variances to the standards, inspections, citations and penalties, abatement procedures, and inspection case review and settlement.</p> <p>Costs: Small businesses will incur the costs associated with following the safety and health standard procedures required in this regulation.</p> <p>Benefits: This regulation is effective in achieving the goals in that it provides a clearly written and easily understandable framework for the operation of the Virginia Occupational Safety and Health Program.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See (1) above.	(b) See (1) above.
(3) Other Costs & Benefits (Non-Monetized)	Compliance with the minimum requirements of VOSH safety and health standards and regulations helps employers and employees to reduce injuries, illnesses and fatal accidents; while decreasing insurance costs, Workers' Compensation costs, lost productivity due to workplace disruptions, damage to infrastructure and absenteeism.	
(4) Alternatives	This regulation is mandated by state and federal law. The Code of Virginia, section 40.1-22.5, authorizes the Board to adopt, amend, or repeal rules or regulations to further, protect and promote the safety and health of employees in places of employment over which it has	

	jurisdiction and to effect compliance with the Federal Occupational Safety and Health Act of 1970.
(5) Information Sources	Virginia Administrative Code - Title 16. Labor And Employment - Agency 25. Safety And Health Codes Board - Chapter 60. Administrative Regulation for the Virginia Occupational Safety and Health Program

Changes to Number of Regulatory Requirements

DOLI does not know which sections will be modified, since the periodic review will be producing information as to what changes, if any, are warranted. DOLI will update Table 5 with precise numbers if and when it proceeds with a change to the Chapter at issue.

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
	(M/A):				
	(D/A):				
	(M/R):				
	(D/R):				
				Grand Total of Changes in Requirements:	(M/A):
					(D/A):
					(M/R):
					(D/R):

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count

*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).

Changes to Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed. In the last row, indicate the total number for each column.

Table 5: Total Number of Requirements

Chapter number	Number of Requirements			
	Initial Count	Additions	Subtractions	Net Change
16VAC25-60-10	0			
16VAC25-60-20	0			
16VAC25-60-30	0			
16VAC25-60-40	8			
16VAC25-60-80	14			
16VAC25-60-90	8			
16VAC25-60-100	12			

16VAC25-60-110	3			
16VAC25-60-120	2			
16VAC25-60-130	4			
16VAC25-60-140	2			
16VAC25-60-150	1			
16VAC25-60-160	0			
16VAC25-60-170	1			
16VAC25-60-180	1			
16VAC25-60-190	16			
16VAC25-60-200	2			
16VAC25-60-210	3			
16VAC25-60-220	3			
16VAC25-60-230	2			
16VAC25-60-240	12			
16VAC25-60-245	6			
16VAC25-60-250	6			

16VAC25-60-260	11			
16VAC25-60-270	5			
16VAC25-60-280	5			
16VAC25-60-290	4			
16VAC25-60-300	4			
16VAC25-60-307	19			
016VAC25-60-3110	1			
161VAC25-60-32016	10			
16VAC25-60-330	6			
16VAC25-60-340	6			
TOTAL	177			