



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department Of Labor and Industry/ Safety and Health Codes Board
VAC Chapter Number:	16 VAC 25-40-10 et seq.
Regulation Title:	Standard for Boiler and Pressure Vessel Operator Certification
Action Title:	Periodic Review of Regulation Pursuant to Executive Order 25 (98)
Date:	March 6, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

Section 15.1- 11.6 of the Code of Virginia authorizes a local government, at its option, to require boiler or pressure vessel operators to obtain an initial certification from the locality before engaging in the operation and maintenance of boilers and pressure vessels in that jurisdiction. This regulation provides a uniform statewide standard to determine ability, proficiency, and qualification of local certification applicants. This standard is for governing bodies of counties, cities and towns that have adopted ordinances requiring local certification. This regulation does not provide for state certification of boiler and pressure vessel operators.

The regulation provides a description of the examination for boiler operator certification including specific competencies and experience requirements for different levels of operators. It also includes a procedure for the locality to follow in certifying boiler operators and reasons for appeals.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The 1989 General Assembly of Virginia added Section 15.1- 11.6 to the Code of Virginia. This section became section 15.2-910. (Ordinance certifying boiler and pressure vessel operators; penalty) as a result of the revision and recodification of the laws pertaining to counties, cities and towns by the 1997 General Assembly. This section permits the governing bodies of counties, cities and towns to adopt ordinances which require certification of boilers and pressure vessel operators who engage in, or offer to engage in, for the general public for compensation, the operation or maintenance of a boiler or pressure vessel in such counties, cities or towns. The section requires the Safety and Health Codes Board to establish standards to be used in determining the ability, proficiency and qualifications of an applicant for certification under a local ordinance.

The legal authority mandates this regulation. The regulation does not exceed the minimum legal requirements of the state mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received from the public during the public comment period. The agency and the Safety and Health Codes Board did not establish an informal advisory group for the purpose of assisting in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please

indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The regulation has two goals:

1. To insure statewide uniformity in the determination of the ability, proficiency and qualifications of boiler and pressure operators certified under a local government ordinance.
2. The protection of the public’s health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

The regulation is very effective in achieving these goals by providing uniform statewide criteria to be used by all counties, cities or towns who choose to regulate the certification of boiler and pressure vessel operators. It protects the citizens of the Commonwealth from the dangers of boiler or pressure vessels being operated in an unsafe manner or by an unqualified operator. The regulation has a positive impact on the institution of the family and family stability by protecting families from the operation of boiler and pressure vessels in an unsafe manner.

The regulation is clearly written and easily understandable. To date, no locality has adopted an ordinance which requires certification of boiler and pressure vessel operators under section 15.2-910 of the Code of Virginia. Should such an ordinance be adopted and this regulation implemented, the examination would be privatized to assure testing meets national standards.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

Since this regulation is mandated by the Code of Virginia (Section 15.2-910), there are no alternatives to achieve the purpose of the regulation.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The Department of Labor and Industry and the Safety and Health Codes Board recommend that the regulation be retained without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

The regulation has a positive impact on the institution of the family and family stability by protecting families from the operation of boiler and pressure vessels in an unsafe manner. This regulation will have a direct effect on all families living in a locality that certifies boiler and pressure vessel operators. The regulation could possibly increase family income by encouraging boiler operators to acquire more training and become higher qualified boiler or pressure vessel operators. Thus the family income could possibly increase. The regulation also has a positive impact by improving operator skill levels, it encourages self-sufficiency and self-pride in operators. The regulation has no impact on the authority and rights of parents in the education, nurturing and supervision of their children or on the marital commitment.