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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC20-110
VAC Chapter title(s)	Regulations Governing the Transportation of Hazardous Materials
Action title	Annual Update 2025
Final agency action date	December 9, 2025
Date this document prepared	November 24, 2025

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Virginia's Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, incorporate by reference certain federal regulations from Title 49 of the Code of Federal Regulations (CFR). This amendment will bring these regulations up to date with the latest update to Title 49 of the CFR as published on October 1, 2025. Section 2.2-4006.A.4 (c) of the Administrative Process Act allows the Board to adopt this regulatory amendment as a final exempt action as the changes are necessary to conform to changes in federal regulations.

Each year the U.S. Department of Transportation (U.S. DOT) makes several changes to the federal rules (see Attachments 1 and 2) regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia's regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9VAC20-110-110, which specifies the date of the federal regulations that are incorporated into Virginia's regulations. For the ease of use by the regulated community, this date is always October 1; however, the text is amended to change the year, thus

incorporating the federal changes from October 1 of the previous year through September 30 of the new year (in this case, from October 1, 2024 through September 30, 2025).

A listing of specific changes is provided in the Attachments to this Town Hall document.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Each year, the U.S. DOT makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia’s regulations for transportation of hazardous materials (9VAC20-110) incorporate certain parts of the federal regulations, it is necessary to update 9VAC20-110-110 in order to incorporate U.S. DOT’s most recent rulemakings since the last update.

Conforming state regulations to those of the U.S. DOT is necessary to maintain federally granted authority to implement the national program. The Virginia State Police maintain authority for compliance and enforcement of these regulations and this regulatory amendment.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

The Virginia Waste Management Board adopted this regulatory amendment to 9VAC20-110 on December 9, 2025, as a final regulation and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

Attachment 1

Changes to Title 49 of the CFR – October 1, 2024 – September 30, 2025
2025 US DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA)

Item	Effective Date	Affected 9VAC20-110 49 CFR Part	Federal Register (Publication Date)	Summary	Title
1	June 23, 2025 Docket No. PHMSA-2018-0025 (HM-264)	49 CFR 172 49 CFR 173 49 CFR 174 49 CFR 179 49 CFR 180	90 FR 26455 (06/23/2025)	PHMSA, in coordination with the Federal Railroad Administration, is amending the Hazardous Materials Regulations in response to the recent decision of the United States Court of Appeals for the District of Columbia Circuit in <i>Sierra Club, et al. v. DOT</i> , et al., No. 20-1317 (Jan. 17, 2025).	Hazardous Materials: Liquefied Natural Gas by Rail
2	December 30, 2024 Docket No. 2024-30608	49 CFR 107 49 CFR 171 49 CFR 190 49 CFR 209 49 CFR 213 49 CFR 214 49 CFR 215 49 CFR 216 49 CFR 217 49 CFR 218 49 CFR 219 49 CFR 220 49 CFR 221 49 CFR 222 49 CFR 223 49 CFR 224 49 CFR 225 49 CFR 227 49 CFR 228 49 CFR 229 49 CFR 230 49 CFR 231 49 CFR 233 49 CFR 234 49 CFR 235 49 CFR 236 49 CFR 237 49 CFR 238 49 CFR 239 49 CFR 240	89 FR 106282 (December 30, 2024)	This rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law 101-410, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114-74, 129 Stat. 599, codified at 28 U.S.C. 2461 note. The FCPIAA and the 2015 Act require Federal agencies to adjust minimum and maximum civil penalty amounts to preserve their deterrent impact. The 2015 Act amended the formula and frequency of the adjustments. It required an initial catch-up adjustment in the form of an interim final rule, followed by annual adjustments of civil penalty amounts using a statutorily mandated formula. Section 4(b)(2) of the 2015 Act specifically directs that the annual adjustment be accomplished through final rule without notice and comment. This rule is effective immediately.	Revisions to Civil Penalty Amounts, 2025

		49 CFR 241 49 CFR 242 49 CFR 243 49 CFR 244 49 CFR 272 49 CFR 386 49 CFR 578			
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Attachment 2

Changes to Title 49 of the CFR – October 1, 2024 – September 30, 2025
 2025 US DOT’s Federal Motor Carrier Safety Administration (FMCSA)

Item	Effective Date	Affected 9VAC20-110 49 CFR Part	Federal Register (Publication Date)	Summary	Rule Title
1	January 10, 2025 Docket No. FMCSA-2024-0201	49 CFR Parts 387 and 397	90 FR 1908 (November 10, 2024)	In a final rule published in the Federal Register on November 18, 2024, FMCSA amended its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). The final rule included an amendatory instruction to revise a stayed section without first lifting the stay. The final rule also included an amendatory instruction which referenced an incorrect paragraph letter. The Agency corrects these errors.	Federal Motor Carrier Safety Regulations; Correction
2	December 30, 2024 Docket No. 2024-30608	49 CFR 107 49 CFR 171 49 CFR 190 49 CFR 209 49 CFR 213 49 CFR 214 49 CFR 215 49 CFR 216 49 CFR 217 49 CFR 218 49 CFR 219 49 CFR 220 49 CFR 221 49 CFR 222 49 CFR 223 49 CFR 224 49 CFR 225 49 CFR 227 49 CFR 228 49 CFR 229 49 CFR 230 49 CFR 231 49 CFR 233 49 CFR 234 49 CFR 235 49 CFR 236 49 CFR 237 49 CFR 238	89 FR 106282 (December 30, 2024)	This rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law 101-410, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114-74, 129 Stat. 599, codified at 28 U.S.C. 2461 note. The FCPIAA and the 2015 Act require Federal agencies to adjust minimum and maximum civil penalty amounts to preserve their deterrent impact. The 2015 Act amended the formula and frequency of the adjustments. It required an initial catch-up adjustment in the form of an interim final rule, followed by annual adjustments of civil penalty amounts using a statutorily mandated formula. Section 4(b)(2) of the 2015 Act specifically directs that the annual adjustment be accomplished through final rule without notice and comment. This rule is effective immediately.	Revisions to Civil Penalty Amounts, 2025

		49 CFR 239 49 CFR 240 49 CFR 241 49 CFR 242 49 CFR 243 49 CFR 244 49 CFR 272 49 CFR 386 49 CFR 578			
3	November 18, 2025	49 CFR 385 and 397	89 FR 90608 (November 18, 2024)	FMCSA amends its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). The Agency makes minor changes to correct inadvertent errors and omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The Agency also makes a change to its rules of organization, procedures, and practice. Because the rule does not impose any new material requirements or increase compliance obligations, it is issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA).	Federal Motor Carrier Safety Regulations