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Exempt Action: Final Regulation Agency Background Document

Agency name	Department of Mines, Minerals and Energy
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC25-40
VAC Chapter title(s)	Safety and Health Regulations for Mineral Mining
Action title	Amendments to implement Chapter 804 of the 2020 Acts of Assembly
Final agency action date	September 1, 2020
Date this document prepared	September 1, 2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), 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.

This action will conform DMME's regulations with the federal Fair Labor Standards Act, 29 U.S.C. § 212, and federal regulations adopted pursuant to that Act with respect to persons under 18 years of age working in or around any mine.

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). "Mandate" is defined as "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Chapter 804 of the 2020 Acts of Assembly mandates the Department of Mines, Minerals and Energy (DMME) to conform its regulations with the federal Fair Labor Standards Act, 29 U.S.C. § 212, and federal regulations adopted pursuant to that Act with respect to persons under 18 years of age working around any mine. This action is necessary to comply with this mandate.

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) the name of the agency taking the action; and 3) the title of the regulation.

On September 1, 2020, the Department of Mines, Minerals and Energy adopted amendments to the Safety and Health Regulations for Mineral Mining as the result of Chapter 804 of the 2020 Acts of Assembly.