



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

To: Courtney M. Malveaux, Commissioner
Department of Labor and Industry

From: Joshua N. Lief
Senior Assistant Attorney General

Date: September 28, 2012

Subject: Letter of Assurance for Proposed Regulations - Corrections and Technical Amendments to Multiple Standards: 16VAC25-90-1910.134, Respiratory Protection, 1910.134; 16VAC25-1910.217, Mechanical Power Presses, 1910.217; and 16VAC25-175-1926 (Non-Mandatory) Appendix A to Subpart L of Part 1926 – Scaffold Specifications

I have reviewed the Department of Labor and Industry's proposed Regulations referred to above that are Corrections and Technical Amendments to Multiple Standards that were posted on the Virginia Regulatory Town Hall on September 24, 2012. In my view, as counsel to the Department of Labor and Industry, these regulations may be promulgated pursuant to Title 40.1 of the Code of Virginia. Moreover, this regulatory action is exempt from the Administrative Process Act pursuant to § 2.2-4006 A.3. because it includes changes in style or form or corrections of technical errors, and pursuant to § 2.2-4006 A.4.c. because the revision is necessary to meet the requirements of federal law or regulations. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.