



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Department of Labor and Industry/ Safety and Health Codes Board
VAC Chapter Number:	16 VAC 25-90-1910.33 through 16 VAC 25-90-1910.39; 16 VAC 25-90-1910.119; 16 VAC 25-90-1910.120; 16 VAC 25-90-1910.157; 16 VAC 25-90-1910.268; 16 VAC 25-90-1910.272; 16 VAC 25-90-1910.1047; 16 VAC 25-90-1910.1050; 16 VAC 25-90-1910.1051
Regulation Title:	Exit Routes, Emergency Action Plans, and Fire Prevention Plans; Subpart E (1910.33 through 1910.39); 16 VAC 25-90-1910.119 Process Safety Management of Highly Hazardous Chemicals. 16 VAC 25-90-1910.120 Hazardous Waste Operations and Emergency Response 16 VAC 25-90-1910.157 Portable Fire Extinguishers 16 VAC 25-90-1910.268 Telecommunications 16 VAC 25-90-1910.272 Grain Handling Facilities 16 VAC 25-90-1910.1047 Occupational Exposure to Ethylene Oxide 16 VAC 25-90-1910.1050 Occupational Exposure to Methylenedianiline 16 VAC 25-90-1910.1051 Occupational Exposure to 1,3-Butadiene
Action Title:	Amendments to Exit Routes, Emergency Action Plans, and Fire Prevention Plans; Subpart E and related general industry regulations
Date:	December 19, 2002

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Occupational Safety and Health Administration (OSHA) revised its standard for means of egress. The revised final rules are performance-oriented to the extent possible, and more concise than the original, with fewer subparagraphs, and fewer cross-references to other OSHA standards. A table of contents has also been added to make the standards easier to use. In addition, compliance by an employer with National Fire Protection Association, NFPA 101-2000, the Life Safety Code, will be deemed to be in compliance with the corresponding requirements of the revised standard. The name of Subpart E has also been changed from "Means of Egress" to "Exit Routes, Emergency Action Plans and Fire Prevention Plans" to more accurately reflect the full content of the Subpart. Other related general industry regulations were also amended to conform with revisions to §1910.38 (a) regarding emergency action plans and/or §1910.39(a) regarding a fire prevention plan.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On December 2, 2002, the Safety and Health Codes Board adopted an identical version of federal OSHA's revised final rule for Exit Routes, Emergency Action Plans, and Fire Prevention Plans; Subpart E, amending 16 VAC 25-90-1910.33 through 1910.39 and amendments to the following related general industry regulations. The effective date for this action is March 1, 2003.

16 VAC 25-90-1910.119 Process Safety Management of Highly Hazardous Chemicals

16 VAC 25-90-1910.120 Hazardous Waste Operations and Emergency Response

16 VAC 25-90-1910.157 Portable Fire Extinguishers

16 VAC 25-90-1910.268 Telecommunications

16 VAC 25-90-1910.272 Grain Handling Facilities

16 VAC 25-90-1910.1047 Occupational Exposure to Ethylene Oxide

16 VAC 25-90-1910.1050 Occupational Exposure to Methylenedianiline

16 VAC 25-90-1910.1051 Occupational Exposure to 1,3-Butadiene

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The amendments to these regulations have no impact on the institution of the family or family stability.