



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 25-30-10 et seq.
Regulation Title:	Regulation for Asbestos Emission Standards for Demolition and Renovation Construction Activities and the Disposal of Asbestos-Containing Wastes - Incorporation by Reference, 40 CFR 61.140 through 61.156
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.

16 VAC 25-30-10 et seq. incorporates by reference the federal Environmental Protection Agency's (EPA) National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations which regulate human exposure to asbestos as a result of air emissions from demolition and renovation, and disposal of asbestos containing waste.

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.

Chapter 541 of the 1992 Acts of Assembly transferred regulatory authority and enforcement responsibility for demolition and removal of asbestos facilities to the Department of Labor and Industry. Section 40.1-51.23 through 40.1-51.39 of the Code of Virginia mandates that the Department of Labor and Industry enforce EPA's NESHAP regulations, 40 CFR 61.140 through 61.156. The agency was also mandated to adopt regulations that were at least as stringent as the asbestos regulations passed pursuant to Section 112 of the Clean Air Act. Since these federal regulations (40 CFR 61-140 through 61.156) were incorporated by reference, the regulation does not exceed 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 public comments were received on this regulation 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. Reduce the incidence of material impairment of the health of Virginians due to exposure to asbestos in the workplace or as an environmental pollutant.

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.

Goals are established in conjunction with the Virginia Department of Environmental Quality and the United States Environmental Protection Agency to ensure that asbestos abatement and demolition are conducted in a manner that protects the environment from asbestos pollution. Activities to achieve these goals include the collection and sharing of asbestos project and demolition data to be used for inspection targeting, to ensure compliance with NESHAP regulations. Inspections conducted for compliance with NESHAP regulations as a result of the notification process consistently resulted in fewer violations of this regulation. This increased compliance results in less material impairment of both employee and public health by assurance that adequate safety measures are taken. There is no impact on the institution of the family and family stability.

This regulation is clearly written and understandable by regulated individuals.

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.

The Department of Labor and Industry did not consider any alternatives to this regulation because it is mandated by state law.

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 retaining the regulation 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.

This regulation has no impact on the institution of the family or family stability.