



VOSH PROGRAM DIRECTIVE: 13-057A

ISSUED: May 13, 1986
RENUMBERED: April 1, 2003

SUBJECT: Memorandum of Understanding Between Department of Health and Department of Labor and Industry (4/26/86)

A. Purpose.

This revised directive updates old references and renumbers this Memorandum of Understanding (MOU) between the Department of Health (DOH) and the Department of Labor and Industry (DOLI) to conform to the program directives' new classification and numbering system (see VOSH Directive 01-001A).

This directive also continues the MOU which establishes policies and procedures to ensure cooperation, coordination of activities and dissemination of information between DOH and DOLI in matters relating to the safety and health of employees in Virginia.

This program directive is an internal guideline not a statutory or regulatory rule and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This Program Directive applies VOSH-wide.

C. Reference.

Not applicable.

D. Cancellation.

Not Applicable.

E. Action

The Directors and Managers shall ensure that the policies and procedures established in this MOU are adhered to in handling issues covered under the agreement.

F. Effective Date

April 1, 2003

G. Expiration Date

Not applicable.

H. Background

The MOU was signed by the Commissioner of Health and the Commissioner of Labor and Industry effective April 28, 1986. The MOU was adopted by the VOSH program and transmitted to VOSH personnel by this directive.

I. Summary

An MOU exists between the Department of Health and the Department of Labor and Industry in order to facilitate communications between the two departments.

Attachment: Memorandum of Understanding Between the Department of Health and the Department of Labor and Industry (4/28/86)

Distribution: Commissioner of Labor and Industry
Directors and Managers
VOSH Compliance Staff
Cooperative Programs Staff
Legal Support Staff
OSHA Regional Administrator, Region III
OSHA Area Office, Norfolk

COMMONWEALTH OF VIRGINIA

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MEMORANDUM OF UNDERSTANDING

BETWEEN

DEPARTMENT OF HEALTH AND DEPARTMENT OF LABOR AND INDUSTRY

I. INTRODUCTION

The Department of Labor and Industry and the Department of Health share a common interest in providing for the safety and health of workers in Virginia. Title 40.1-1 of the Virginia Code designates the Department of Labor and Industry as the state agency responsible for all aspects of the Virginia Occupational Safety and Health (VOSH) Program. Section 40.1-51 of the Virginia Code provides that the State Health Commissioner be responsible for advising and providing technical aid to the Commissioner of Labor and Industry on matters pertaining to occupational health.

II. PURPOSE

The purpose of this agreement is to establish policies and procedures to ensure cooperation, coordination of activities and dissemination of information between the two agencies in matters relating to the safety and health of employees in Virginia.

III. POLICY

The Department of Health and the Department of Labor and Industry will coordinate efforts regarding occupational safety and health, consistent with the provisions of applicable statutes, and the availability of resources, in a manner to assure that services and activities are provided in the most effective, efficient and economical manner.

IV. BASIC PRINCIPLES

A. DEPARTMENT OF HEALTH

The Department of Health will provide assistance, resources and information as available to the Department of Labor and Industry on a continuing basis to support VOSH program activities. Such assistance shall include but is not limited to the following:

1. Provide medical and public health consultation to aid in the investigation of VOSH cases. This may include a review of employee medical records at the worksite, medical consultation or interpretation of laboratory results.
2. Provide medical, technical and scientific information regarding the effects of exposure to toxic substances. This may include special reports prepared by the staff of the Bureau of Toxic Substances Information.
3. The staff of the Department of Labor and Industry will have full access to the inventory collected and administered by the Bureau of Toxic Substances Information according to its rules and regulations. Both agencies will comply with confidentiality laws of sections 32.1-244 and 32.1-244.1 [repealed in 1992] of the Virginia Code.
4. The Department of Health will collect and maintain reports from physicians on occupational diseases and illnesses related to toxic substance exposure and will maintain a surveillance system for these diseases and illnesses. Pertinent information concerning reported occupationally related diseases and illnesses will be referred to the Department of Labor and Industry for investigation.
5. Provide general epidemiological guidance and assistance as needed in industrial hygiene investigations.
6. Provide guidance and assistance regarding potential radiological hazards. Health Radiation Specialists from the Bureau of Radiological Health will provide appropriate guidance and assistance on a case by case basis.
7. Maintain medical records of Department of Labor and Industry employees at the request of the Commissioner of Labor and Industry. This will be the responsibility of the Assistant Commissioner for the Office of Health Protection and Environmental Management or another qualified physician.
8. Review and comment on the appropriateness of existing or proposed VOSH Standards. Recommend new or revised standards where occupationally related disease or illness patterns indicate a need. This review should attempt to focus primarily on preserving the health of the worker and not on the technical or economic feasibility of the requirements of the standard.
9. Provide physicians, toxicologists and other professionals to be speakers in VOSH

education and training programs for employers and employees.

10. Conduct special research projects regarding occupationally related diseases and illnesses and report the findings to the Department of Labor and Industry and the Safety and Health Codes Board.
11. The Commissioner of Health or his designee shall serve as ex-officio member of the Safety and Health Codes Board pursuant to section 40.1-22 of the Virginia Code.
12. Develop an automated system for gathering and analyzing data pertaining to occupational diseases and illness (i.e., workman's compensation data, reports of illnesses). Information derived from this system will be shared with the Department of Labor and Industry.
13. Participate in special task forces, studies, etc., which are conducted by the Department of Labor and Industry to address policies, issues, and problems related to safety and health hazards and occupational diseases and illnesses.
14. Provide guidance and assistance to the Department of Labor and Industry regarding general and non-VOSH health and environmental concerns which can result in the promotion of health and health education for labor, industry and the general public.

B. DEPARTMENT OF LABOR AND INDUSTRY

The Department of Labor and Industry will provide assistance and information regarding VOSH activities to the Department of Health. Such assistance shall include but is not limited to the following:

1. Respond to requests for staff assistance on matters relating to occupational safety and health.
2. Provide, in emergency situations and on as needed basis, information to the Department of Health resulting from inspections which relate to the hazardous wastes and materials program.
3. Provide guidance and assistance concerning occupational safety and health matters to local and regional Department of Health offices.
4. Assist local health departments in the development and implementation of occupational health service programs for business and industry.
5. The Commissioner of Labor and Industry shall serve as an ex-officio member of the Toxic Substances Advisory Board pursuant to section 32.1-242 of the Virginia Code [repealed in 1995].
6. Investigate referrals from the Department of Health regarding occupational illnesses,

diseases and hazards on a priority basis. A summary report of investigation results will be provided to the source.

7. Inform Department of Health Regional Medical Directors of investigation activities involving potential health hazards in local government agencies. A summary report of the investigation will be made available to the Department of Health Regional and Local Medical Directors upon request.
8. Notify the Department of Health's Assistant Commissioner for the Office of Health Protection and Environmental Management of information indicative that occupational illnesses have occurred, or are likely to have occurred, at a specific work site.
9. Assist the Department of Health in conducting occupational epidemiological research, studies and investigations.
10. Participate with the Department of Health in addressing non-OSHA problems such as pesticide exposure, indoor air pollution, etc.
11. Provide technical assistance and training to the Department of General Services and the Department of Education in asbestos control programs with the Department of Health providing medical and toxicological assistance.

V. POLICY FORMULATION AND PROBLEM RESOLUTION

The Commissioner of Health, Commissioner of Labor and Industry, the Assistant Commissioner for the Office of Health Protections and Environmental Management, and the Assistant Commissioner of VOSH will meet on an as needed basis to discuss occupational safety and health issues. Other parties may be invited to attend at the discretion of either Commissioner.

This Memorandum of Understanding will be revised as needed by the Commissioners of the two agencies. These parties commit themselves to a frequent review of these policies and principles in order to ensure so far as possible safe and healthful working conditions for working men and women in Virginia.

VI. AGREEMENT

This Memorandum is for the purpose of facilitating cooperation between two agencies of the Commonwealth of Virginia. It does not intend to create, nor does it create, any rights in any third party.

Date: 4/21/86

Date: 4/28/86

Carol Amato

CAROL AMATO
Commissioner
Virginia Department of Labor and Industry

J.B. Kendey

DR. J. B. KENDEY
Commissioner
Virginia Department of Health