



Virginia  
Regulatory  
Town Hall  
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## Periodic Review Including Small Business Impact Findings Agency Background Document

<b>Agency name</b>	Department of Labor and Industry
<b>Virginia Administrative Code (VAC) citation</b>	16 VAC 15-30
<b>Regulation title</b>	Virginia Rules and Regulations Declaring Hazardous Occupations
<b>Document preparation date</b>	May 13, 2014

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

This regulation is mandated by the Code of Virginia, §40.1-100(A)(9), which requires the Commissioner of Labor and Industry to set forth by regulation those occupations which are declared hazardous by the Code of Virginia or by the Commissioner of Labor and Industry and, therefore, are prohibited occupations for minors under the age of 18.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

This regulation governing hazardous and, therefore, prohibited occupations for minors less than 18 years of age is mandated by the Code of Virginia, at §40.1-100(A)(9). Consequently, the

Commissioner has no discretion in the promulgation of this regulation and there are no alternatives to achieve the purpose of this regulation.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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No public comments were received on this regulation during the public comment period. The Agency did not establish an informal advisory group for the purpose of assisting in the periodic review.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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This regulation meets the criteria set out in Executive Order 14 (2010). This regulation is necessary to protect the health, safety, and welfare of minors in Virginia by setting forth hazardous and, therefore, prohibited occupations for minors less than the age of 18. This regulation protects the health, safety, and welfare of minors by prohibiting inappropriate child labor conditions. This regulation assures the minor’s work is not hazardous.

The regulation is clearly written and easily understandable.

**Result**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The Department of Labor and Industry is recommending that this regulation remain in effect with no change.

**Small business impact**

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency’s determination whether the*

*regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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There is a continuing need for this regulation because it is required by state law. No public comments were received on this regulation during the public comment period. This regulation is not overly complex. This regulation does not overlap, duplicate, or conflict with any federal or state law or regulations. There have not been any significant changes in technology, economic conditions, or other factors in the area affected by this regulation since it was amended in 2010. The Department determined, consistent with the stated objectives of applicable law, this regulation does not have an adverse economic impact on small businesses, and that this regulation should be retained with no changes.

### Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

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This regulation should have a positive impact on the family and on family stability. The provisions of this regulation will help parents by protecting the health, safety, and welfare of working minors in Virginia.