



COMMONWEALTH of VIRGINIA

DEPARTMENT OF LABOR AND INDUSTRY

Gary G. Pan
COMMISSIONER

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DRAFT AGENDA

SAFETY AND HEALTH CODES BOARD MEETING

**Libbie Mill Public Library
2100 Libbie Lake E Street; Richmond, Virginia 23230**

**September 17, 2025
10:30 AM**

1. Call to Order and Introductions.
2. Approval of Agenda.
3. Approval of Minutes of the Board Meeting held on March 19, 2025.
4. Election of Officers.
 - a) Charles L. Stiff, Deputy Commissioner, to address the Board.
 - b) Board will conduct nominations and vote on Chair and Vice-Chair positions for the upcoming year.
5. Opportunity for the Public to Address the Board on issues pending before the Board today, as well as any other topics that may be of concern to the Board and within its scope of authority.

This will be the only opportunity for public comment at this meeting. Please limit remarks to 5 minutes in consideration of others wishing to address the Board.

6. Old Business.

a) Report on Periodic Reviews of Certain Regulations

[16VAC25-11: Public Participation Guidelines](#)

[16VAC25-180: Virginia Field Sanitation Standards, Agriculture](#)

Princy Doss, Policy & Planning Director

b) Board Policy on Meetings held through Electronic Communications

Pursuant to 2024 amendments to [§ 2.2-3708.3.D](#), before a public body can hold an all-virtual public meeting or allow members to use remote participation, the public body shall at least once annually adopt a policy, by recorded vote at a public meeting. Vote on a board policy.

Cristin Bernhardt, Regulatory Coordinator

7. New Business.

- a) Board Review and Decision - Smurfit WestRock Paper Mill Request for variation(s) in their inspection requirements Board review and vote on Smurfit WestRock's request for a variation to their inspection requirements, pursuant to Code of Virginia [§ 40.1-51.10](#). In making this decision, the Board must evaluate the request against the "actual service conditions" outlined in [§ 40.1-51.10.D](#), which includes consideration of five statutory factors. A formal vote by the Board will determine whether the requested variation is granted.

Zahra Qarni, Boiler and Pressure Vessel Safety Director

8. Items of Interest from the Department of Labor and Industry.

a) Update on the Boiler and Pressure Vessel Safety Division

Progress update on the Boiler and Pressure Vessel Safety Division. This presentation will build upon information shared in previous meetings, highlighting key developments, operational improvements, and upcoming initiatives.

Zahra Qarni, Boiler and Pressure Vessel Safety Director

9. Items of Interest from Members of the Board.

10. Meeting Adjournment

DRAFT
SAFETY AND HEALTH CODES BOARD
PUBLIC MEETING MINUTES
Wednesday, March 19, 2025

On Wednesday, March 19, 2025, the Safety and Health Codes Board ("Board") held a public meeting at Libbie Mill Public Library on 2100 Lake E Street, Richmond, VA 23230.

Notice of the public meeting was provided to the public as required by VA Code §2.2-3708.2 and Executive Order 19 (2022). Notice was provided on the Virginia Regulatory Town Hall's website here: [Virginia Regulatory Town Hall View Meeting](#)

BOARD MEMBERS PARTICIPATING:

Mr. Jay Abbott
Mr. Kevin Battle
Mr. Lee Biedrycki
Ms. Kelly Bundy, Co-Chair
Mr. Joel Canady (DEQ)
Mr. Michael Everett
Ms. Julie Henderson (VDH)
Mr. Larry James
Ms. Audrey Janosik
Ms. Rena Parker
Mr. Allan Rees
Mr. James "Lou" Spencer

BOARD MEMBERS ABSENT:

Mr. Jeffrey Rowe
Mr. Robert Smith, Chair

STAFF PRESENT:

Mr. Chuck Stiff, Deputy Commissioner
Mr. David Johnson, Deputy Commissioner
Ms. Princy Doss, Director of Policy & Planning
Ms. Cristin Bernhardt, Regulatory Coordinator
Mr. Ron Graham, Director of VOSH Health Compliance
Mr. Jeff Cabral, Director of VOSH Safety Compliance
Mr. Robert Armstrong, Labor Law Compliance Manager
Ms. Zahra Qarni, Research & Analysis Manager
Mr. Larry Capati, Safety Regional Director
Ms. Jennifer Rose, Director of VOSH Cooperative Programs
Ms. Eva Ernst, Policy Analyst

OTHERS PARTICIPATING:

Mr. Joshua Laws, Assistant Attorney General
Ms. Debroah Carter, Court Reporter

CALL TO ORDER

Co-Chair Kelly Bundy called the meeting to order at 10:30 AM. Co-Chair Bundy asked the board members to introduce themselves and what area they represented. She then took roll of board members present at the meeting. A quorum was present.

BOARD MEMBER ROLE CALL

	Present	Absent		
Mr. Jay Abbott	x			
Mr. Kevin Battle	x			
Mr. Lee Biedrycki	x			
Ms. Kelly Bundy	x			
Mr. Joel Canady - DEQ	x			
Mr. Michael Everett	x			
Ms. Julie Henderson - VDH	x			
Mr. Larry James	x			
Ms. Audrey Janosik	x			
Ms. Rena Parker	x			
W. Allan Rees	x			
Mr. Jeffrey Rowe		x		
Mr. Robert Smith		x		
Mr. James Spencer	x			
TOTAL	12	2		

APPROVAL OF AGENDA

Co-Chair Bundy asked the Board if there was any discussion on the agenda. There was none. There was a motion to approve the agenda. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of Agenda	Yes	No	Abstain	Absent
Mr. Jay Abbott	x			
Mr. Kevin Battle	x			
Mr. Lee Biedrycki	x			
Ms. Kelly Bundy	x			
Mr. Joel Canady - DEQ	x			
Mr. Michael Everett	x			
Ms. Julie Henderson - VDH	x			
Mr. Larry James	x			
Ms. Audrey Janosik	x			
Ms. Rena Parker	x			
W. Allan Rees	x			
Mr. Jeffrey Rowe				x
Mr. Robert Smith				x
Mr. James Spencer	x			
TOTAL				

APPROVAL OF MEETING MINUTES

Co-Chair Bundy then called for discussion and motion for approval of the September 23, 2024 meeting minutes. He asked the Board if there was any discussion on the September 23, 2024 minutes. Board member Rena Parker noted that she contacted DOLI earlier pointing out an error in the minutes where she was omitted from being present as well as for one vote count. Ms. Bernhardt of DOLI has noted the error and will edit for the final approved minutes. There was a request for a motion to approve the minutes with the changes presented to the board. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of Meeting Minutes September 23, 2024 with noted edits.	Yes	No	Abstain	Absent
Mr. Jay Abbott	x			
Mr. Kevin Battle	x			
Mr. Lee Biedrycki	x			
Ms. Kelly Bundy	x			
Mr. Joel Canady - DEQ	x			
Mr. Michael Everett	x			
Ms. Julie Henderson - VDH	x			
Mr. Larry James	x			
Ms. Audrey Janosik	x			
Ms. Rena Parker	x			
W. Allan Rees	x			
Mr. Jeffrey Rowe				x
Mr. Robert Smith				x
Mr. James Spencer	x			
TOTAL				

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Co-Chair Bundy called the next item on the agenda, which was the opportunity for the public to address the Board. No members of the public requested to address the board.

OLD BUSINESS

None.

NEW BUSINESS

Co-Chair Bundy moved to the next item on the agenda. She recognized Jeffrey Cabral, Director of Safety Compliance for the Department of Labor & Industry (DOLI), to address the Board.

16VAC25-175: Federal Identical Construction Industry Standards

Mr. Cabral presented the updates to OSHA's Personal Protective Equipment Standard (PPE) for Construction (29 CFR 1926.95(c)), to explicitly require that PPE fit properly. Mr. Cabral explained that these revisions will align the construction standard with the language in the PPE with the corresponding language in OSHA's PPE standards for general industry and shipyards and affirms OSHA's interpretation of its PPE standard for construction as requiring properly fitting PPE. He explained why properly fitting PPE is so important to provide the safety that it is designed to provide for employees.

Mr. Cabral discussed OSHA's determination that this clarification resulted in limited cost to employers who are already providing properly fitted PPE. This final rule will provide employers clarity so that properly fitting PPE will be provided to protect employees from known hazards for those employers who were not in compliance.

In those instances where employees have been provided PPE that did not properly fit, employers will have to replace the PPE. OSHA has estimated the average costs for the portion of employers who may have not been following the already-existing requirement to provide properly fitting PPE at \$51.24 per employee for non-standard sizes. Employees who previously were not provided with properly fitting PPE will be provided to them and reduce exposures to workplace hazards (e.g., such as chemical, radiological, physical, electrical, mechanical, etc.). Employees should feel safer and healthier in the workplace with properly fitting PPE, while productivity should increase, and employees should experience better emotional and mental well-being when working with PPE that will properly protect them from hazards.

Mr. Cabral presented the recommendation from DOLI that the Safety and Health Codes Board adopt federal OSHA's Final Rule on Personal Protective Equipment in Construction, as authorized by Va. Code §§ 40.1-22(5) and 2.2-4006.A.4(c), with an effective date to be determined after adoption by the Board and submission to the exempt regulatory process on the Virginia Regulatory Townhall.

The Department also recommends that the Board state in any motion it may make to amend this regulation that it will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision of this or any other regulation which has been adopted in accordance with the above-cited subsection A.4(c) of the Administrative Process Act.

Co-Chair Bundy asked the Board if there was any more discussion on the recommendation presented. There was none. There was a request for a motion to approve the recommended action. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of recommendation to adopt OSHA Final Rule on Personal Protective Equipment Standard (PPE) for Construction.	Yes	No	Abstain	Absent
Mr. Jay Abbott	x			
Mr. Kevin Battle	x			
Mr. Lee Biedrycki	x			
Ms. Kelly Bundy	x			
Mr. Joel Canady - DEQ	x			
Mr. Michael Everett	x			
Ms. Julie Henderson - VDH	x			
Mr. Larry James	x			
Ms. Audrey Janosik	x			
Ms. Rena Parker	x			
W. Allan Rees	x			
Mr. Jeffrey Rowe				x
Mr. Robert Smith				x
Mr. James Spencer	x			
TOTAL	12			2

Co-Chair Bundy moved to the next item on the agenda. She recognized Ron Graham, Director of Health Compliance for the Department of Labor & Industry (DOLI), to address the Board.

OSHA Final Rule on Hazard Communication Standard: First Correction

Mr. Graham presented the technical amendments made by federal OSHA to their revised Hazard Communication Standard (May 2024) adopted by the SHCB at the September 23, 2024 board meeting with a November 20, 2024 effective date. Mr. Graham explained the technical changes to be made from technical errors in the previous OSHA HCS final rule adopted by the SHCB on September 23, 2024. He indicated that the technical error corrections will not affect any obligations under the current HCS previously adopted by the SHCB.

Mr. Graham summarized the two corrections to the regulatory text which include (1) OSHA inadvertently mis-numbered portions of paragraph (d) in the final rule, resulting in erroneous cross-references in other areas of the standard (e.g., paragraph (f)(1) and appendix D, table D.-1); and (2) A phrase regarding transmission of labels by electronic or other technological means was inadvertently included in paragraph (f)(11).

He then explained that the remaining errors corrected in this document are in the appendices. (1) In appendix B, the contents of table B.13.1 were inadvertently placed as table B.12.1. OSHA only intended to change table B.12.1 as described in the preamble to the final rule ([89 FR 44236](#)); and (2) In appendix C, OSHA inadvertently inserted hazard statements for aerosols instead of hazard statements for chemical under pressure in table C.4.16.

There are no associated costs to the regulated community and will be economic and technologically feasible since this rule only addresses minor technical errors.

Mr. Graham asked if any questions from the board. Board member Parker asked was there any particular reason for the phrase regarding the cancellation of label by electronic means to be taken out. Mr. Graham indicated that this would be provided in the preamble to the final rule which he does not have with him today but would be happy to provide information to any board members upon request.

Mr. Graham then presented DOLI's recommendation that the Safety and Health Codes Board adopt federal OSHA's Final Rule for the Hazard Communication Standard: First Correction, as authorized by Virginia Code §§ [40.1-22\(5\)](#) and [2.2-4006.A.4\(c\)](#), with an effective date to be determined after adoption by the Board and submission to the exempt regulatory process on the Virginia Regulatory Townhall.

The Department also recommends that the Board state in any motion it may make to amend this regulation that it will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision of this or any other regulation which has been adopted in accordance with the above-cited subsection A.4(c) of the Administrative Process Act.

Co-Chair Bundy asked the Board if there was any additional discussion on the recommendation presented.

There were no more requests for discussion and a request for a motion to approve the recommended action was made. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of recommendation to adopt OSHA Final Rule on Hazard Communication Standard: First Correction	Yes	No	Abstain	Absent
Mr. Jay Abbott	x			
Mr. Kevin Battle	x			
Mr. Lee Biedrycki	x			
Ms. Kelly Bundy	x			
Mr. Joel Canady - DEQ	x			
Mr. Michael Everett	x			
Ms. Julie Henderson - VDH	x			
Mr. Larry James	x			
Ms. Audrey Janosik	x			
Ms. Rena Parker	x			
W. Allan Rees	x			
Mr. Jeffrey Rowe				x
Mr. Robert Smith				x
Mr. James Spencer	x			
TOTAL	1			2

Co-Chair Bundy moved to the next item on the agenda. She recognized Princy Doss, Director of Policy & Planning for the Department of Labor & Industry (DOLI), to address the Board.

Notice of Periodic Reviews of Certain Regulations

16VAC25-11: Public Participation Guidelines.

16VAC25-180: Virginia Field Sanitation Standard, Agriculture

Ms. Doss discussed the Administrative Process Act (§2.2-4017 of the Code of Virginia) and Executive Order 19 (2022), “Development and Review of State Agency Regulations,” which governs the periodic review of existing regulations. This Executive Order requires that state agencies conduct a periodic review of regulations every four years. The two Safety and Health Codes Board regulations that have been identified for review in 2025 are (1) **16VAC25-11: Public Participation Guideline**, [Virginia Regulatory Town Hall 16VAC25-11](#) and (2) **16VAC25-180: Virginia Field Sanitation Standard, Agriculture**, : [Virginia Regulatory Town Hall 16VAC25-180](#)

Ms. Doss outlined the process for periodic reviews, which requires approval to proceed granted by the Board. Then DOLI will publish a Notice of Periodic Review to the *Virginia Register*, which opens a comment period of at least 21 days but not longer than 90 days. Subsequently, DOLI will review the regulations and related public comments, then prepare a brief with recommendations to be presented for the Board’s consideration at the next meeting. Based on the decision of the Board, DOLI will post a report on the Virginia Regulatory Town Hall website indicating whether the Board will retain the regulations with no changes or will begin a regulatory action to amend or repeal one or more regulations.

Ms. Doss then presented DOLI’s recommendation that the Safety and Health Codes Board approve the publication of a Notice of Periodic Review in the *Virginia Register* for 16 VAC 25-11, Public Participation Guidelines and 16VAC25-180, Virginia Field Sanitation Standard, Agriculture.

DOLI also recommends that the Board state in any motion it may make regarding the periodic review of these regulation that it will receive, consider and respond to petitions by any interested person at any time with respect to the periodic review which will be conducted in accordance with the above-cited § 2.2-4017 of the Administrative Process Act and Executive Order 19 (2022) “Development and Review of State Agency Regulations”.

Co-Chair Bundy asked the Board if there was any additional discussion on the recommendation presented.

There were no more requests for discussion and a request for a motion to approve the recommended action was made. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approve the recommendation to proceed with the Periodic Review of the Regulations presented.	Yes	No	Abstain	Absent
Mr. Jay Abbott	x			
Mr. Kevin Battle	x			
Mr. Lee Biedrycki	x			
Ms. Kelly Bundy	x			
Mr. Joel Canady - DEQ	x			
Mr. Michael Everett	x			
Ms. Julie Henderson - VDH	x			
Mr. Larry James	x			
Ms. Audrey Janosik	x			
Ms. Rena Parker	x			
W. Allan Rees	x			
Mr. Jeffrey Rowe				x
Mr. Robert Smith				x
Mr. James Spencer	x			
TOTAL	12			2

Co-Chair Bundy moved to the next item on the agenda. She recognized Cristin Bernhardt, Regulatory Coordinator for the Department of Labor & Industry (DOLI), to address the Board.

Ms. Bernhardt presented to the board the 2024 amendments to § 2.2-3708.3.D, which now requires that before a public body can hold an all-virtual public meetings or allows members to use remote participation, the public body shall at least once annually adopt a policy, by recorded vote at a public meeting.

The policy shall describe the circumstances under which an all-virtual public meeting and

remote participation will be allowed and the process the board will use for making requests to use remote participation. In addition, the policy will fix the number of times remote participation for personal matters or all-virtual public meeting not to exceed 2 meetings per year or 25% of the meetings held per calendar year. Ms. Bernhardt explained that the SHCB generally meets twice a year so that would mean that only one meeting per year can be an all-virtual meeting.

Ms. Bernhardt then presented DOLI's recommendation that the Safety and Health Codes Board authorize DOLI to develop a policy on meetings held through electronic communications as outlined in the Va. Code § 2.2-3708.3.D to present to the board for adoption at the next board public meeting.

Co-Chair Bundy asked the Board if there was any additional discussion on the recommendation presented.

There were no more requests for discussion and a request for a motion to approve the recommended action was made. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approve the recommendation for DOLI to proceed with the drafting of a Board Policy for Meetings Held through Electronic Communications.	Yes	No	Abstain	Absent
Mr. Jay Abbott	x			
Mr. Kevin Battle	x			
Mr. Lee Biedrycki	x			
Ms. Kelly Bundy	x			
Mr. Joel Canady - DEQ	x			
Mr. Michael Everett	x			
Ms. Julie Henderson - VDH	x			
Mr. Larry James	x			
Ms. Audrey Janosik	x			
Ms. Rena Parker	x			
W. Allan Rees	x			

Mr. Jeffrey Rowe				x
Mr. Robert Smith				x
Mr. James Spencer	x			
TOTAL	12			2

Co-Chair Bundy moved to the next item on the agenda, which was Items of Interest from the Department of Labor and Industry.

ITEMS OF INTEREST FROM THE DEPARTMENT OF LABOR AND INDUSTRY

Deputy Commissioner Charles (“Chuck”) Stiff addressed the Board to share some general updates on DOLI initiatives. Mr. Stiff thanked the board members and their importance in making Virginia better and safe place to live and work. Mr. Stiff highlighted the Volunteer Protection Programs (VPP) and their initiatives for creating important alliances, their “What IF” (Injury Free) program to change mindsets to focus on what companies can do to strive for an “injury free” work environment. This is a vision to create safety and health programs to be integrated into company management systems, etc. Challenge coins were distributed, which is a token developed to recognize strong management systems/ behavior.

Another DOLI initiative is the Fatality Prevention Campaign to emphasis to employers the top drivers of workplace hazards and injuries and work with leaders to focus on these hazards that result in the majority of injuries involved in the workplace.

Mr. Stiff then introduced Bob Armstrong, Labor Law Compliance Manager, to update the board on the Fayette Janitorial Service, LLC child labor investigation. Fayette contracted to perform sanitation services for Perdue Farms. This investigation was initiated when a 14-year-old minor failed to follow LOTO procedures and sustained serious injury while sanitizing machinery. DOLI child labor staff cited 11 violations of minors involved in the workplace. Fayette received several monetary penalties for these violations. In addition, Fayette initiated several compliance programs including enhanced audits, age recognition software and greater corporate oversight.

This investigation also resulted in DOLI becoming an active member of the Hampton Roads Human Trafficking Task Force and the Virginia Statewide Task Force and provided opportunity for DOLI to be more involved in this important program.

Board member Henderson (VDH) remarked that these engagement initiatives are a great benefit and VDH is practicing “food safety culture” and working the change the culture of the food industry. Ms. Henderson inquired whether public employers are also involved in these programs. Mr. Stiff indicated not at this time but offered to connect her with Jennifer Rose, DOLI’s Cooperative Programs Director, to discuss the expansion of these programs. The Department of Health would be interested in teaming up with DOLI for some of those initiatives.

ITEMS OF INTEREST FROM MEMBERS OF THE BOARD

Co-Chair Bundy asked for items of interest from the Members of the Board. There were no members who wished to address the board.

Board member Lou Spencer asked for clarification regarding independent contractor’s protections and anything in the regulations regarding who has site control over the workplace and that someone is responsible for S&H to cover independent contractors, who are excluded from definition of employee. Mr. Stiff explained that VOSH does not look into whether employer, employee, independent contractor initially when called to a workplace, but role clarity is determined in the investigation. VOSH has a manual to handle all types of situations and circumstances as to employees, subcontractors, independent contractors, etc.

Josh Laws with the Office of Attorney General addressed the legal issue of misclassification and DOLI is guided by statute and compliance regarding the contract relationships defined in those statutes. There are also OSHA requirements for the site itself, but those requirements do not extent DOLI’s jurisdiction to the independent contractor relationships.

Co-Chair Bundy asked for other items of interest from the Members of the Board. There were none so she called for adjournment of the meeting. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

MEETING ADJOURNMENT

Co-Chair Bundy adjourned the meeting at 11:25 am.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF LABOR AND INDUSTRY

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SAFETY AND HEALTH CODES BOARD

BRIEFING PACKAGE

For September 17, 2025

Report of Periodic Review of Certain Existing Regulations Departmental Review and Findings

I. Background and Basis

In accordance with the Administrative Process Act ([§ 2.2-4017](#) of the *Code of Virginia*), Governor Youngkin's [Executive Order 19](#) (2022), "Development and Review of State Agency Regulations," governs the periodic review of existing regulations. State agencies are required to conduct a periodic review of regulations every four years. Two (2) regulations of the Safety and Health Codes Board were identified for review.

1. [16VAC25-11](#): Public Participation Guidelines.
2. [16VAC25-180](#): Virginia Field Sanitation Standard, Agriculture.

II. Periodic Review Process

The Safety and Health Codes Board of the Department of Labor and Industry ("SHCB") authorized the Department of Labor and Industry ("Department") to begin reviewing the above-noted regulations on March 19, 2025. In accordance with [§§ 2.2-4006](#) through [2.2-4017](#) of the *Code of Virginia*, the Department filed a Notice of Periodic Review in the *Virginia Register* on June 30, 2025.

The Office of the Attorney General (“OAG”) certified the statutory authority for the two regulations on July 8, 2025. A public comment period of 21 days began on July 28, 2025 and closed on August 18, 2025. The Department received no comments on any of the regulations. Following the comment period, the Department staff reviewed the regulations and prepared recommendations for the SHCB’s consideration.

Based on the decision of the SHCB, the Department will post a report on the Town Hall website indicating for each regulation either that (1) the Safety and Health Codes Board will retain the regulation as is, or (2) the Safety and Health Codes Board will begin a regulatory action to amend or revoke the regulation.

Pursuant to [§ 2.2-4007.1 D and E of the Code of Virginia](#), a periodic review of an existing regulation shall consider the following factors:

- the continued need for the regulation;
- the complexity of the regulation;
- the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and
- 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.

III. Review and Analysis

1. [16VAC25-11](#): Public Participation Guidelines.

This regulation is mandated by the Administrative Process Act, [Code of Virginia § 2.2-4007.02](#), which requires that the Department will have Public Participation Guidelines and defines the policies that are to be included. The regulation does not exceed the minimum requirements of the state mandate.

[Section 2.2-4007.02 of the Code of Virginia](#) states public participation guidelines (PPGs) “for soliciting the input of interested parties in the formation and development of its regulations shall be developed, adopted, and used by each agency pursuant to the provisions of this chapter.”

An agency’s PPGs “...shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency, to include an online public comment forum on the Virginia Regulatory Town Hall, or other specially designated subordinate and (ii) be accompanied by and represented by counsel or other representative.”

This regulation is mandated by state law and effective in achieving the goals in that it provides clear and easily understandable guidelines for interested persons to participate in the development and adoption of the agency's regulatory process.

A. Public Comment

No public comments were received on this regulation during the public comment period which began on July 28, 2025, and ended on August 18, 2025. The Department did not establish an informal advisory group for the purpose of assisting in the periodic review.

B. Effectiveness

The goals of the regulation are to:

- Provide maximum opportunity for the public to participate in the regulatory process;
- Ensure that the public is informed of new regulations;
- Ensure that the public has the opportunity to provide comments on regulatory changes;
- Protect the public health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

The regulation has been effective in meeting these and is clearly written and easy to understand.

C. Small Business Impact

This regulation does not overlap, duplicate or conflict with federal or state law or regulation. There have not been significant changes in technology, economic conditions, or other factors in the area affected by the regulation since it became effective.

The Department has determined that retaining the regulation without amendment is consistent with the stated objectives of applicable law, does not have an adverse economic impact on small businesses and is the most effective way to minimize the economic impact of regulations on the regulated community.

The regulation previous Periodic Review occurred in [2020](#).

Recommended Action:

At this time, the Department of Labor and Industry recommends to the Safety and Health Codes Board that this regulation be retained as is. The Department requests that the Safety and Health Codes Board retain with no changes.

- 2. [16VAC25-180](#): Virginia Field Sanitation Standard, Agriculture.**

Section 40.1-22(5) of the Code of Virginia states that “...the Board shall adopt the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity. However, such standards shall be at least as stringent as the standards promulgated by the Federal Occupational Safety and Health Act of 1970 (P.L. 01-596).”

The regulation requires agricultural employers to provide potable drinking water, regardless of the number of employees, hand washing and toilet facilities to field workers performing hand agricultural labor. It is identical to the current federal OSHA standard, except for the requirement that employers provide potable drinking water regardless of the number of employees.

A. Public Comment

No public comments were received on this regulation during the public comment period which began on July 28, 2025, and ended on August 18, 2025. The Department did not establish an informal advisory group for the purpose of assisting in the periodic review.

B. Effectiveness

The Field Sanitation regulation has three goals:

- (1) reduce the incidence of material impairment of the health of Virginia workers due to workplace exposure to known hazards,
- (2) require sanitary facilities for agricultural workers equal to those required for construction workers, and
- (3) protect the public’s health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

Provision of sanitary facilities and potable drinking water serve to reduce or eliminate the following four major categories of occupational diseases: heat-related illnesses, communicable diseases, urinary tract infections, and pesticide-related illnesses.

The regulation has been effective in meeting these and is clearly written and easy to understand.

The Field Sanitation regulation is essential to reduce or eliminate the health problems faced by agricultural laborers in the field by providing them with potable drinking water and sanitary facilities.

C. Small Business Impact

This regulation does not overlap, duplicate or conflict with federal or state law or regulation. There have not been significant changes in technology, economic conditions, or other factors in the area affected by the regulation since it became effective.

The Department has determined that retaining the regulation without amendment is consistent with the stated objectives of applicable law, does not have an adverse economic impact on small businesses and is the most effective way to minimize the economic impact of regulations on the regulated community.

The regulation previous Periodic Review occurred in [2020](#).

Recommended Action:

At this time, the Department of Labor and Industry recommends to the Safety and Health Codes Board that this regulation be retained as is. The Department requests that the Safety and Health Codes Board retain with no changes.

Contact Person for Periodic Reviews

Ms. Cristin Bernhardt
Regulatory Coordinator & Hearing Legal Specialist II
Virginia Department of Labor and Industry
804.786.2392
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VIRGINIA SAFETY AND HEALTH CODES BOARD

BRIEFING PACKAGE

For September 17, 2025

Safety and Health Codes Board Policy on Meetings held through Electronic Communications

I. Action Requested

The Department of Labor and Industry (DOLI) requests the Safety and Health Codes Board (Board) to finalize and adopt a Board policy on "Meetings held through Electronic Communication" pursuant to the [Va. Code § 2.2-3708.3.D](#), which requires that before a public body can hold an all-virtual public meeting or allow members to use remote participation, the public body shall at least once annually adopt a policy, by recorded vote at a public meeting.

II. Background and Basis

[Va. Code § 2.2-3708.3](#), Meetings held through electronic communication means, situations other than declared states of emergency, was amended during the 2024 session of the Virginia General Assembly.

[Va. Code § 2.2-3708.3.D](#) now requires that public bodies adopt a participation policy *at least once annually* before using the provisions for remote participation or all-virtual public meetings. The public body must adopt the policy by recorded vote at a public meeting and the policy must include the following:

1. Describe the circumstances under which an all-virtual public meeting and

remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

The referenced subdivisions B.4 and C.9 of [Va. Code § 2.2-3708.3](#) set out a limitation on the number of remote participation due to personal matters and all-virtual public meetings, respectively, both of which are limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Additionally, an all-virtual public meeting may not be held consecutively with another all-virtual public meeting.

Contact Person:

Cristin Bernhardt
Regulatory Coordinator and Legal Hearing Specialist
Virginia Department of Labor and Industry
cristin.bernhardt@doli.virginia.gov

OR

Princy Doss
Director of Policy and Planning
Virginia Department of Labor and Industry
princy.doss@doli.virginia.gov

RECOMMENDED ACTION

The Department of Labor and Industry recommends that the Safety and Health Codes Board adopt the policy presented to the board on meetings held through electronic communications as outlined in the [Va. Code § 2.2-3708.3.D](#).

(Draft policy below)

DRAFT

Virginia Department of Labor and Industry
Safety and Health Codes Board
Electronic Meetings Policy

It is the policy of the Safety and Health Codes Board that individual Safety and Health Codes Board members may participate in meetings of the Safety and Health Codes Board by electronic communication as permitted by [§ 2.2-3708.3 of the Code of Virginia](#).

This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Safety and Health Codes Board to be physically assembled at the primary or central meeting location.

When such individual participation is due to a personal matter, such participation is limited by law to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Further, it is the policy of the Safety and Health Codes Board that the Safety and Health Codes Board may hold all virtual public meetings pursuant to subsection C of § 2.2-3708.3. Such all-virtual public meetings are also limited by law to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Additionally, an all-virtual public meeting may not be held consecutively with another all-virtual public meeting.

In the event a closed meeting pursuant to [Va. Code § 2.2-3712](#) needs to be held during an all virtual public meeting being held pursuant to [Va. Code § 2.2-3708.3.C.8](#), *Meetings held through electronic communication means, situations other than declared states of emergency*, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of [Va. Code § 2.2-3712](#).



COMMONWEALTH of VIRGINIA

DEPARTMENT OF LABOR AND INDUSTRY

Gary G. Pan
COMMISSIONER

Brookfield Place
6606 West Broad Street, Suite 500
Richmond, Virginia 23230
PHONE (804) 371-2327
FAX (804) 371-6524

VIRGINIA SAFETY AND HEALTH CODES BOARD

BRIEFING PACKAGE

For September 17, 2025

Request for Variation to Inspection Requirements For Smurfit WestRock

I. Action Requested

The Department of Labor and Industry requests the Safety and Health Codes Board consider for review and vote on Smurfit WestRock's request for a variation to their inspection requirements for four boilers, pursuant to [Code of Virginia § 40.1-51.10\(E\)](#).

II. Summary of the Variation Request

Smurfit WestRock, located in West Point, Virginia, has requested an eighteen-month inspection period in lieu of the standard 12-month inspection period for the operating certificates of its power boilers (see Attachment A). The request is supported by maintenance and inspection records demonstrating consistent compliance with safety standards, as well as documentation submitted to the Department of Labor and Industry (DOLI).

III. Basis, Purpose and Impact of Variation

A. Basis and History

If a business requests a change to the regular inspection schedule (every 12 months for a power boiler) the inspection requirements under [Virginia Code § 40.1-51.10\(D\)](#) and [§ 40.1-51.10\(E\)](#) may be varied by the Board if actual service conditions support the request.

Under [Virginia Code § 40.1-51.10](#), recertification for a boiler or pressure vessel shall be required as follows:

C. Recertification shall be required as follows:

1. Power boilers and high pressure, high temperature water boilers shall receive a certificate inspection annually and shall also be externally inspected annually while under pressure if possible;

....

D. Inspection requirements for operating equipment shall be in accordance with generally accepted practice and compatible with the actual service conditions and shall include but not be limited to the following criteria:

1. Previous experience, based on records of inspection, performance and maintenance;
2. Location, with respect to personnel hazard;
3. Qualifications and competency of inspection and operating personnel;
4. Provision for related safe operation controls; and
5. Interrelation with other operations outside of the scope of this chapter.

E. Based upon documentation of such actual service conditions by the owner or user of the operating equipment, the Board may, in its discretion, permit variations in the inspection requirements as provided in this section.

In making a determination, the Board will have to consider the variation request under the “actual service conditions” listed in [Va. Code §40.1-51.D](#).

B. Purpose

The purpose of the variation is to align inspection frequency with demonstrated operating practices and maintenance reliability, while maintaining a high standard of public and workplace safety.

C. DOLI’s Review of the Objects

Site Visit Report

Date of Visit: August 28, 2025

Time: 0930 hours

Location: Smurfit WestRock, West Point, VA

Visited By: John Gilb, DOLI Boiler Inspector

Purpose of Visit: To evaluate whether the facility qualifies for an eighteen-month inspection variation in lieu of the standard 12-month inspection for the operating certificates of the boilers, in accordance with applicable Virginia Boiler and Pressure Vessel Safety Code and Regulations.

Individuals Present:

Bruce Albert, Plant Superintendent

Observations:

The four boiler units under consideration appeared to be in good operating condition. Maintenance records were up to date and demonstrated a consistent inspection and

servicing schedule. Operational procedures were reviewed and found to be in compliance with applicable safety standards. No visible deficiencies or safety concerns were noted during the walkthrough.

Actions Taken:

- Conducted a visual inspection of the boiler systems
- Reviewed maintenance logs and inspection history
- Verified operational procedures and safety protocols
- Interviewed Plant Superintendent Bruce Albert on the operations and maintenance of the boilers
- Evaluated documentation submitted in support of the variation request

Preliminary Assessment:

Questions raised during the visit were addressed satisfactorily. The requested documentation necessary for consideration of the eighteen-month inspection variation was provided.

Analysis of Actual Service Conditions:

Criteria under Virginia Code § 40.1-51.10(D)	Status
1. Previous experience, based on records of inspection, performance and maintenance	Reviewed by DOLI – in compliance
2. Location, with respect to personnel hazard	Reviewed by DOLI – in compliance
3. Qualifications and competency of inspection and operating personnel	Reviewed by DOLI – in compliance
4. Provision for related safe operation controls	Reviewed by DOLI – in compliance
5. Interrelation with other operations outside of the scope of this chapter	Reviewed by DOLI – in compliance

D. Impact on the Department of Labor and Industry

DOLI anticipates minimal impact on the Agency and the oversight responsibilities remain unchanged.

E. Benefits

By aligning the inspection schedule with the facility's demonstrated history of reliable performance and maintenance practices, the variation assures safety without compromise while allowing Smurfit WestRock operational flexibility. Concurrently, the Department oversight and regulatory objectives remain intact, supporting both workplace safety and effective regulatory administration.

F. Cost Estimates

The Agency assessed Smurfit WestRock a fee of \$500, representing 20 hours for a review inspection of the four boilers under the Virginia Administrative Code 16VAC25-50- (see Attachment B).

G. Economic Feasibility

The variation is economically feasible and imposes no financial burden on the Department or the facility.

H. Technological Feasibility

The variation is technologically feasible, as current safety controls and operating procedures remain fully effective.

Contact Person

Ms. Zahra Qarni
Boiler and Pressure Vessel Safety Director
Virginia Department of Labor and Industry
Zahra.Qarni@doli.virginia.gov

RECOMMENDED ACTION

Staff of the Department of Labor and Industry recommends that the Safety and Health Codes Board approve the inspection variation request submitted by Smurfit WestRock, effective the expiration of the certificate, contingent upon continued adherence to maintenance schedules and safety protocols as demonstrated during the evaluation. The proposed expiration dates for the four boilers will be as follows:

VA Number	Original Expiration Date	Revised Expiration Date
VA048780	08/27/2025	02/27/2026
VA008434	08/29/2025	02/29/2026
VA059652	08/29/2025	02/29/2026
VA070660	08/26/2025	02/26/2026

This approval applies only to the present request. It is not a permanent variation; Smurfit WestRock must submit a new variation request for Board review and approval each time a frequency of inspection variation is sought beyond the 12-month inspection period.

The Department also recommends that the Board state in any motion it may make to amend this regulation that it will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision of this or any other regulation which has been adopted in accordance with the Administrative Process Act.

ATTACHMENT A: Request for Inspection Variation from Smurfit WestRock

OBJECT ONE: BOILER VA048780

8/1/2025

Kimberly Adkins

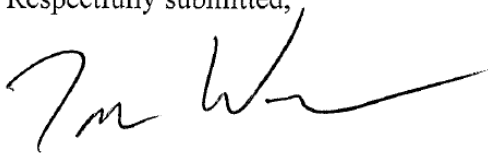
Commonwealth of Virginia
Director and Chief Inspector
Department of Labor and Industry
Boiler Safety
6606 West Broad St., STE 500
Richmond, VA 23230
Phone :804-338-7342
kimberly.adkins@doli.virginia.gov

Ms. Adkins:

To assist with meeting Smurfit Westrock Corporate overall financials, the West Point Mill has moved to an 18-month schedule between mill outages. Smurfit Westrock would like to apply for a certificate extension of 4 months, beyond the 2-month grace period, for boiler VA048780. The current certificate expiration date is 08/27/25. We understand there is a \$20.00/month fee for the extension. A \$80.00 payment has been made to the website to cover the 4-month extension, beyond the 2-month grace period.

Attached is a copy of a successful external inspection certificate, performed by Boiler Inspector Andrew D'Orazio, which is a necessary part of this application [16 VAC 25-50-150 B.]. Please notify Bruce Albert, by e-mail (bruce.albert@smurfitwestrock.com), of your determination on the extension, so that we may prepare for our newly scheduled outage in a timely manner. We appreciate your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Wadsworth', with a long horizontal flourish extending to the right.

Tom Wadsworth
General Manager

BOILER - FIRED PRESSURE VESSEL - REPORT OF INSPECTION

33

OBJECT TWO: BOILER VA008434

8/1/2025

Kimberly Adkins

Commonwealth of Virginia
Director and Chief Inspector
Department of Labor and Industry
Boiler Safety
6606 West Broad St., STE 500
Richmond, VA 23230
Phone :804-338-7342
kimberly.adkins@doli.virginia.gov

Ms. Adkins:

To assist with meeting Smurfit Westrock Corporate overall financials, the West Point Mill has moved to an 18-month schedule between mill outages. Smurfit Westrock would like to apply for a certificate extension of 4 months, beyond the 2-month grace period, for boiler VA008434. The current certificate expiration date is 08/29/25. We understand there is a \$20.00/month fee for the extension. A \$80.00 payment has been made to the website to cover the 4-month extension, beyond the 2-month grace period.

Attached is a copy of a successful external inspection certificate, performed by Boiler Inspector Andrew D'Orazio, which is a necessary part of this application [16 VAC 25-50-150 B.]. Please notify Bruce Albert, by e-mail (bruce.albert@smurfitwestrock.com), of your determination on the extension, so that we may prepare for our newly scheduled outage in a timely manner. We appreciate your consideration.

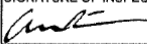
Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Tom Wadsworth', with a long horizontal flourish extending to the right.

Tom Wadsworth
General Manager

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
BOILER AND PRESSURE VESSEL SAFETY DIVISION

BOILER - FIRED PRESSURE VESSEL - REPORT OF INSPECTION

DATE INSPECTED * MO. DAY YEAR 8 6 2025		CERT. EXP. DATE * 08/29/2025		CERTIFICATE POSTED N/A ☒ YES ☐ NO		OWNER NO. 8 PB		STATE NUMBER* VA008434		NAT'L BD NO. ☒ 14691 OTHER NO. ☐	
OWNER Smurfit WestRock West Point Mill - 4510						NATURE OF BUSINESS Manufacturing		KIND OF INSPECTION ☐ INT. ☒ EXT.		CERTIFICATE INSPECTION ☐ YES ☒ NO	
OWNER STREET ADDRESS * 1901 Main St						OWNERS CITY * West Point		STATE * VA		ZIP 23181	
USERS NAME - OBJECT LOCATION * Smurfit WestRock West Point Mill - 4510						SPECIFIC LOCATION IN PLANT * 153018000100/8 PB		OBJECT LOCATION - COUNTY King William			
USERS STREET ADDRESS * 1901 Main St.						USERS CITY* West Point		STATE * VA		ZIP * 23181	
TYPE * Water Tube Boiler				YEAR BUILT* 1963		MANUFACTURER * Combustion Engineering		ASME CODE STAMP * S			
USE * Power						FUEL * Coal		METHOD OF FIRING Auto		PRESSURE GAGE TESTED ☐ YES ☒ NO	
MAWP * THIS INSPECTION _____ PREV. INSPECTION _____				SAFETY-RELIEF VALVES * SET AT 1280		EXPLAIN IF PRESSURE CHANGED					
IS CONDITION OF OBJECT SUCH THAT A CERTIFICATE MAY BE ISSUED? ☒ YES ☐ NO (IF NO EXPLAIN FULLY UNDER CONDITIONS)						HTG SURFACE SQ. FT. * 0		HYDRO TEST ☐ YES _____ PSI. DATE _____ ☒ NO			
SV CAP REQUIRED * 420000				SV CAPACITY TYPE * LBS/HR		TOTAL CAPACITY OF SAFETY/RELIEF VALVE * 490812 LBS/HR					
CONDITIONS: WITH RESPECT TO THE INTERNAL SURFACE, DESCRIBE AND STATE LOCATION OF ANY SCALE, OIL OR OTHER DEPOSITS. STATE LOCATION AND EXTENT OF ANY CORROSION AND STATE WHETHER ACTIVE OR INACTIVE. STATE LOCATION AND EXTENT OF ANY EROSION, GROOVING, BULGING, WARPING, CRACKING, OR SIMILAR CONDITION. REPORT ON ANY DEFECTIVE RIVETS, BOWED, LOOSE OR BROKEN STAYS. STATE CONDITION OF ALL TUBES, TUBE ENDS, COILS, NIPPLES, ETC. DESCRIBE ANY ADVERSE CONDITIONS WITH RESPECT TO PRESSURE GAGE, WATER COLUMN, GAGE GLASS, GAGE COCKS, SAFETY VALVES, ETC. REPORT CONDITION OF SETTING, LININGS, BAFFLES, SUPPORTS, ETC. DESCRIBE ANY MAJOR CHANGES OR REPAIRS MADE SINCE LAST INSPECTION. Operational walkdown conducted on all levels of the boiler. No upset operating conditions were noted. Boiler has been operating withing PH and phosphate control area with no excursions.											
REQUIREMENTS: (LIST CODE VIOLATIONS)											
NAME AND TITLE OF PERSON TO WHOM REQUIREMENTS WERE EXPLAINED:											
I HEREBY CERTIFY THIS IS A TRUE REPORT OF MY INSPECTION											
Andrew D'Orazio											
SIGNATURE OF INSPECTOR 				IDENT. NO. VA1286 NB-17522		EMPLOYED BY FM				IDENT. NO.	

OBJECT THREE: BOILER VA059652

8/1/2025

Kimberly Adkins

Commonwealth of Virginia
Director and Chief Inspector
Department of Labor and Industry
Boiler Safety
6606 West Broad St., STE 500
Richmond, VA 23230
Phone :804-338-7342
kimberly.adkins@doli.virginia.gov

Ms. Adkins:

To assist with meeting Smurfit Westrock Corporate overall financials, the West Point Mill has moved to an 18-month schedule between mill outages. Smurfit Westrock would like to apply for a certificate extension of 4 months, beyond the 2-month grace period, for boiler VA059652. The current certificate expiration date is 08/29/25. We understand there is a \$20.00/month fee for the extension. A \$80.00 payment has been made to the website to cover the 4-month extension, beyond the 2-month grace period.

Attached is a copy of a successful external inspection certificate, performed by Boiler Inspector Andrew D'Orazio, which is a necessary part of this application [16 VAC 25-50-150 B.]. Please notify Bruce Albert, by e-mail (bruce.albert@smurfitwestrock.com), of your determination on the extension, so that we may prepare for our newly scheduled outage in a timely manner. We appreciate your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Wadsworth', with a long horizontal flourish extending to the right.

Tom Wadsworth
General Manager

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
BOILER AND PRESSURE VESSEL SAFETY DIVISION

BOILER - FIRED PRESSURE VESSEL - REPORT OF INSPECTION

DATE INSPECTED *			CERT. EXP. DATE *		CERTIFICATE POSTED N/A		OWNER NO.		STATE NUMBER*		NAT'L BD NO. ☒		OTHER NO. ☐		
MO.	DAY	YEAR	08/29/2025		☒ YES ☐ NO		4 RB		VA059652		22194		21975		
OWNER									NATURE OF BUSINESS			KIND OF INSPECTION			
Smurfit WestRock West Point Mill - 4510									Manufacturing			☐ INT. ☒ EXT. ☐ YES ☒ NO			
OWNER STREET ADDRESS *									OWNERS CITY *			STATE *		ZIP	
1901 Main St									West Point			VA		23181	
USERS NAME - OBJECT LOCATION *									SPECIFIC LOCATION IN PLANT *			OBJECT LOCATION - COUNTY			
Smurfit WestRock West Point Mill - 4510									118041000100/4 RB			King William			
USERS STREET ADDRESS*									USERS CITY*			STATE *		ZIP *	
1901 Main St.									West Point			VA		23181	
TYPE *							YEAR BUILT *		MANUFACTURER *			ASME CODE STAMP *			
Chemical Recovery Boiler							1976		Combustion Engineering			S			
USE *							FUEL *		METHOD OF FIRING		PRESSURE GAGE TESTED				
Process							Black Liquor		Auto		☒ YES ☐ NO				
MAWP *							SAFETY-RELIEF VALVES *		EXPLAIN IF PRESSURE CHANGED						
THIS INSPECTION 1360							PREV. INSPECTION		SET AT 1360						
IS CONDITION OF OBJECT SUCH THAT A CERTIFICATE MAY BE ISSUED? *									HTG SURFACE SQ. FT. *		HYDRO TEST				
☒ YES ☐ NO (IF NO EXPLAIN FULLY UNDER CONDITIONS)									0		☐ YES ☒ NO PSI. DATE				
SV CAP REQUIRED *							SV CAPACITY TYPE *			TOTAL CAPACITY OF SAFETY/RELIEF VALVE *					
427500							LBS/HR			672118 LBS/HR					
CONDITIONS: WITH RESPECT TO THE INTERNAL SURFACE, DESCRIBE AND STATE LOCATION OF ANY SCALE, OIL OR OTHER DEPOSITS. STATE LOCATION AND EXTENT OF ANY CORROSION AND STATE WHETHER ACTIVE OR INACTIVE. STATE LOCATION AND EXTENT OF ANY EROSION, GROOVING, BULGING, WARPING, CRACKING, OR SIMILAR CONDITION. REPORT ON ANY DEFECTIVE RIVETS, BOWED, LOOSE OR BROKEN STAYS. STATE CONDITION OF ALL TUBES, TUBE ENDS, COILS, NIPPLES, ETC. DESCRIBE ANY ADVERSE CONDITIONS WITH RESPECT TO PRESSURE GAGE, WATER COLUMN, GAGE GLASS, GAGE COCKS, SAFETY VALVES, ETC. REPORT CONDITION OF SETTING, LININGS, BAFFLES, SUPPORTS, ETC. DESCRIBE ANY MAJOR CHANGES OR REPAIRS MADE SINCE LAST INSPECTION.															
Operational inspection and walkdown was conducted. No deficiencies were found.															
REQUIREMENTS: (LIST CODE VIOLATIONS)															
NAME AND TITLE OF PERSON TO WHOM REQUIREMENTS WERE EXPLAINED:															
Bruce Albert															
I HEREBY CERTIFY THIS IS A TRUE REPORT OF MY INSPECTION															
Andrew D'Orazio															
SIGNATURE OF INSPECTOR							IDENT. NO.		EMPLOYED BY			IDENT. NO.			
							VA1286 NB-17522		FM						

OBJECT FOUR: BOILER VA070660

8/1/2025

Kimberly Adkins

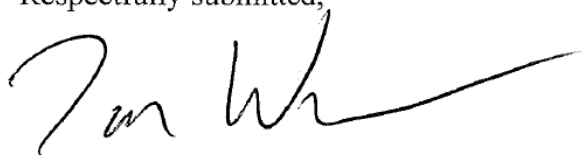
Commonwealth of Virginia
Director and Chief Inspector
Department of Labor and Industry
Boiler Safety
6606 West Broad St., STE 500
Richmond, VA 23230
Phone :804-338-7342
kimberly.adkins@doli.virginia.gov

Ms. Adkins:

To assist with meeting Smurfit Westrock Corporate overall financials, the West Point Mill has moved to an 18-month schedule between mill outages. Smurfit Westrock would like to apply for a certificate extension of 4 months, beyond the 2-month grace period, for boiler VA070660. The current certificate expiration date is 08/26/25. We understand there is a \$20.00/month fee for the extension. A \$80.00 payment has been made to the website to cover the 4-month extension, beyond the 2-month grace period.

Attached is a copy of a successful external inspection certificate, performed by Boiler Inspector Andrew D'Orazio, which is a necessary part of this application [16 VAC 25-50-150 B.]. Please notify Bruce Albert, by e-mail (bruce.albert@smurfitwestrock.com), of your determination on the extension, so that we may prepare for our newly scheduled outage in a timely manner. We appreciate your consideration.

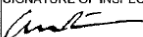
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Wadsworth', with a long horizontal flourish extending to the right.

Tom Wadsworth
General Manager

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
BOILER AND PRESSURE VESSEL SAFETY DIVISION

BOILER - FIRED PRESSURE VESSEL - REPORT OF INSPECTION

DATE INSPECTED * MO. DAY YEAR 2 19 2025		CERT. EXP. DATE * 08/26/2025		CERTIFICATE POSTED N/A ☒ YES ☐ NO		OWNER NO. 10 PB		STATE NUMBER* VA070660		NAT'L BD NO. ☒ 232 OTHER NO. ☐ S/N 5992	
OWNER Smurfit WestRock West Point Mill - 4510						NATURE OF BUSINESS Manufacturing		KIND OF INSPECTION ☐ INT. ☒ EXT.		CERTIFICATE INSPECTION ☐ YES ☒ NO	
OWNER STREET ADDRESS * 1901 Main St						OWNERS CITY * West Point		STATE * VA		ZIP 23181	
USERS NAME - OBJECT LOCATION * Smurfit WestRock West Point Mill - 4510						SPECIFIC LOCATION IN PLANT * 153020000000/10 PB		OBJECT LOCATION - COUNTY King William			
USERS STREET ADDRESS* 1901 Main St.						USERS CITY* West Point		STATE * VA		ZIP * 23181	
TYPE* Water Tube Boiler				YEAR BUILT* 1981		MANUFACTURER * Foster-Wheeler		ASME CODE STAMP * S			
USE * Power				FUEL * Wood Chips		METHOD OF FIRING Auto		PRESSURE GAGE TESTED ☒ YES ☐ NO			
MAWP * THIS INSPECTION 1470 PREV. INSPECTION SET AT 1420				SAFETY-RELIEF VALVES * 1420		EXPLAIN IF PRESSURE CHANGED					
IS CONDITION OF OBJECT SUCH THAT A CERTIFICATE MAY BE ISSUED? ☒ YES ☐ NO (IF NO EXPLAIN FULLY UNDER CONDITIONS)						HTG SURFACE SQ. FT. * 31758		HYDRO TEST ☐ YES ☒ NO PSI. DATE			
SV CAP REQUIRED * 393780				SV CAPACITY TYPE * LBS/HR		TOTAL CAPACITY OF SAFETY/RELIEF VALVE * 466437 LBS/HR					
CONDITIONS: WITH RESPECT TO THE INTERNAL SURFACE, DESCRIBE AND STATE LOCATION OF ANY SCALE, OIL OR OTHER DEPOSITS. STATE LOCATION AND EXTENT OF ANY CORROSION AND STATE WHETHER ACTIVE OR INACTIVE. STATE LOCATION AND EXTENT OF ANY EROSION, GROOVING, BULGING, WARPING, CRACKING, OR SIMILAR CONDITION, REPORT ON ANY DEFECTIVE RIVETS, BOWED, LOOSE OR BROKEN STAYS. STATE CONDITION OF ALL TUBES, TUBE ENDS, COILS, NIPPLES, ETC. DESCRIBE ANY ADVERSE CONDITIONS WITH RESPECT TO PRESSURE GAGE, WATER COLUMN, GAGE GLASS, GAGE COCKS, SAFETY VALVES, ETC. REPORT CONDITION OF SETTING, LININGS, BAFFLES, SUPPORTS, ETC. DESCRIBE ANY MAJOR CHANGES OR REPAIRS MADE SINCE LAST INSPECTION. External non-cert walkdown conducted with no deficiencies noted.											
REQUIREMENTS: (LIST CODE VIOLATIONS)											
NAME AND TITLE OF PERSON TO WHOM REQUIREMENTS WERE EXPLAINED: Derek McIntosh											
I HEREBY CERTIFY THIS IS A TRUE REPORT OF MY INSPECTION Andrew D'Orazio											
SIGNATURE OF INSPECTOR 				IDENT. NO. VA1286 NB-17522		EMPLOYED BY FM				IDENT. NO.	

ATTACHMENT B: Fee Assessment Explanation

In accordance with [16VAC25-50-270](#), Smurfit WestRock is assessed a review inspection fee for the evaluation of four boilers associated with the variation request.

The review inspection required a total of 20 hours, as detailed below:

DATE	Time Logged (hrs)	Cost
8-22-25	2	\$50
8-25-25	2	\$50
8-27-25	2	\$50
8-28-25	8	\$200
8-29-25	2	\$50
9-1-25	2	\$50
9-4-25	2	\$50
TOTAL	20	\$500

Using the cost structure established under [16VAC25-50-270](#), the rate for inspector review work is \$25 per hour (equivalent to \$100 per half day or \$200 per full day). Therefore, for 20 hours of staff time, the total cost assessed is **\$500.**

16VAC25-50-270. Review fees.

Reviews and emergency inspections other than certificate inspections conducted by the chief inspector or commonwealth inspectors, including but not limited to consultations, data reviews, engineering evaluations, or quality control reviews, shall be billed at the following rates:

- | | |
|------------------------------------|---|
| 1. For one-half day of four hours | \$100 plus expenses, including travel and lodging |
| 2. For one full day of eight hours | \$200 plus expenses, including travel and lodging |