

FINAL
SAFETY AND HEALTH CODES BOARD
PUBLIC MEETING MINUTES
Wednesday, September 17, 2025

On Wednesday, September 17, 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: [SHCB Meeting September 17, 2025](#)

BOARD MEMBERS PARTICIPATING:

Mr. Jay Abbott
Mr. Kevin Battle
Mr. Joel Canady (DEQ)
Mr. Michael Everett
Ms. Julie Henderson (VDH)
Mr. Larry James
Ms. Rena Parker
Mr. Allan Rees
Mr. Jeffrey Rowe
Mr. James “Lou” Spencer

BOARD MEMBERS ABSENT:

Mr. Lee Biedrycki
Ms. Kelly Bundy, Co-Chair
Ms. Audrey Janosik
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
Ms. Zahra Qarni, Research & Analysis Manager
Ms. Jennifer Rose, Director of VOSH Cooperative Programs

OTHERS PARTICIPATING:

Mr. Joshua Laws, Assistant Attorney General

CALL TO ORDER

Secretary Larry James called the meeting to order at 10:30 AM. He 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	10	4		

APPROVAL OF AGENDA

Secretary Larry James 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	10			4

APPROVAL OF MEETING MINUTES

Secretary Larry James then called for discussion and motion for approval of the March 19, 2025 meeting minutes. He asked the Board if there was any discussion on the March 19, 2025 minutes.

There was a request for a motion to approve the minutes. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval of Meeting Minutes March 19, 2025	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	10			4

ELECTION OF OFFICERS

Secretary James introduced Chuck Stiff, Deputy Commissioner of Regulatory Affairs, to address the board for election of officers. Mr. Stiff shared context of the Chair and Vice Chair roles and responsibilities and the process for the election of officers. The positions of Chair and Vice Chair will be before the board at this meeting and the Secretary will be appointed by the Chair in accordance with the bylaws at the next SHCB meeting.

Next, Secretary James called for nominations for the Chair position. Board member Allan Rees nominated Vice Chair Kelly Bundy (Construction Industry Representative). Secretary James called for any other Chair nominations. None were made. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Election of Chair – Kelly Bundy	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	10			4

Next, Secretary James called for nominations for the Vice Chair position. Board member Allan Rees nominated Secretary Larry James (Agriculture Employee Representative). Secretary James called for any other Vice Chair nominations. None were made. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Election of Vice Chair – Larry James	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	10			4

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Secretary Larry James 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.

Secretary Larry James moved to the next item on the agenda, which was Old Business.

OLD BUSINESS

He recognized Princy Doss, Director of Policy and Planning for the Department of Labor & Industry (DOLI), to address the Board.

Ms. Doss addressed the Board to provide a report to the Board on the periodic reviews that were approved by the Board at the March 19, 2025 meeting to proceed with the periodic review process of the Board's regulations listed below pursuant to the Administrative Process Act ([Va. Code § 2.2-4017](#)), [Executive Order 19 \(2022\)](#), "Development and Review of State Agency Regulations," and the Office of Regulatory Management (ORM) [Procedures for the Review of State Agency Regulations](#).

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.

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.

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.

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 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](#).

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.

Approval of Recommendation to retain 16VAC25-11.	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	10			4

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.

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.

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

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.

Secretary James asked if there was any discussion on the report for these regulations presented to the Board.

Board member Julie Henderson (VDH) asked how DOLI tracks the four major categories of occupational disease. Ms. Doss explained that DOLI tracks complaints of violations of standards and then identifies hazards during the inspections. The agency can pull that information based on identifiers. Julie Henderson mentioned that VDH does track the data on reports of heat related illnesses, communicable diseases, pesticide diseases (toxicology program) and other health related issues that are reported in the workplace such as agriculture and work with Department of Agriculture to follow up on those issues. Julie offered that VDH can provide that information to DOLI as useful information. Ms. Doss indicated that during their investigations, DOLI determines whether the employers are meeting those standards and will follow up with Julie and VDH to discuss sharing of information.

Approval of Recommendation to retain 16VAC25-180	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	10			4

Secretary Larry James moved to the next item of Old Business. He 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 then presented DOLI's recommendation that the Safety and Health Codes Board adopt the policy on meetings held through electronic communications as presented to the board in the briefing package. The policy is identical to the one presented to the board at the March 19, 2025 meeting with one additional element. DOLI recommended adding language to the board policy in the event a closed meeting pursuant to [Va. Code § 2.2-3712](#) needs to be held during a virtual public meeting.

The revised draft policy outlined in the Va. Code § 2.2-3708.3.D was presented to the board for adoption in the briefing package.

The Department of Labor and Industry recommended 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](#).

Secretary Larry James asked the Board if there was any additional discussion on the policy recommendation presented.

There were no 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 to adopt the policy presented to the board on meetings held through electronic communications as outlined in the Va. Code § 2.2-3708.3.D.	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	10			4

NEW BUSINESS

Secretary Larry James moved to the next item on the agenda. He recognized Zahra Qarni, Director of the Boiler and Pressure Vessel Program for the Department of Labor & Industry (DOLI), to address the Board.

Ms. Qarni presented to the board for review and approval on Smurfit WestRock's request for a variation to their inspection requirements for four boilers pursuant to [Code of Virginia § 40.1-51.10\(E\)](#).

Smurfit WestRock (Smurfit), 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). Ms. Qarni provided background to explain the request by Smurfit and that 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).

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.

The purpose of the variation request by Smurfit is to align inspection frequency with demonstrated operating practices and maintenance reliability, while maintaining a high standard of public and workplace safety. Below is the information Ms. Qarni presented that has been done by DOLI to ensure this variation request is appropriate.

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.

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.

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

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.

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 02/28/2026
VA059652	08/29/2025	02/29/2026 02/28/2026
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.

Secretary Larry James asked the Board if there was any discussion on the variation request recommendation presented.

Board member Julie Henderson (VDH) asked about the required boiler inspection schedule frequency and any history of this compliance issues of this facility in the past. Ms. Qarni indicated that the frequency of boiler inspections is annually and that this facility does not have any compliance or violations. Ms. Henderson also asked if this variation inspection request is common and Deputy Commissioner Stiff responded that this is not common request and pointed out to the board the presentation slide discussing the investigator inspection of the facility to evaluate the variation request and determined it qualified for the 18 month schedule for this one inspection schedule time period.

Board member Kevin Battle (Boiler Employee Representative) has experience with this site and they take boiler safety very seriously and in their best interest to be compliant. He feels confident that the employees at this site would report any concerns of safety and he feels comfortable with this one time inspection variation request.

Board member Rena Parker (Chemical/Toxic Substance Industry Representative) asked why this extension is needed. Deputy Commissioner Stiff explained that the request is for financial and timing issue for sequencing the inspection of these 4 boilers requires production to shut down for a period of time resulting in interrupted work days. The company is seeking this one time extended inspection schedule to more align with an appropriate production schedule shut down time. Board member Battle explained that these types of facilities have seasonal times when the boiler inspection would not cause as much of a disruption in productivity and agreed that Smurfit is likely attempting to align their inspection with that time of year to cause the least interruption.

Board member Lou Spencer (Construction Industry Employee Representative) asked whether this facility had any issues or emissions concerns with Department of Environmental Quality (DEQ) or bad publicity at this facility. Board member Joel Canady (DEQ) does not know of any issues from DEQ.

Board member Michael Everett expressed concerns about repeated requests for an extension for inspections. Deputy Commissioner Stiff indicated that this is a one-time variation request and if Smurfit does ask for another variation at a later date, it would come before the SHCB to approve or not approve that request.

Board member Parker noted the expiration date of 2/29/2026 needs to be changed to 2/28/2026 as 2026 is not a leap year. DOLI recognized this error and will make the change.

There were no further discussion and a request for a motion to approve the recommended action with the noted expiration date changes was made. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

Approval to adopt the policy presented to the board on meetings held through electronic communications as outlined in the Va. Code § 2.2-3708.3.D.	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	10			4

Secretary Larry James moved to the next item on the agenda, which was Items of Interest from the Department of Labor and Industry.

+++++ 42:00

ITEMS OF INTEREST FROM THE DEPARTMENT OF LABOR AND INDUSTRY

Deputy Commissioner Stiff addressed the board with some updates on DOLI activities and programs.

ITEMS OF INTEREST FROM MEMBERS OF THE BOARD

Secretary Larry James asked for items of interest from the Members of the Board. There were no members who wished to address the board.

Michel Everett did a presentation on safety and health and it was well received. They liked the

Secretary Larry James asked for other items of interest from the Members of the Board. There were none so he called for adjournment of the meeting. The motion was made, properly seconded and the roll call vote was conducted. The motion carried.

MEETING ADJOURNMENT

Secretary Larry James adjourned the meeting at 11:25 am.