

**DRAFT**  
**SAFETY AND HEALTH CODES BOARD**  
**PUBLIC MEETING MINUTES**  
**Thursday, May 14, 2026**

On Thursday, May 14, 2026, the Safety and Health Codes Board (“Board”) held a public meeting at Varina Public Library at 1875 New Market Road Henrico VA 23231.

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 May 14, 2026](#)

**BOARD MEMBERS PARTICIPATING:**

Jay Abbott  
Kevin Battle  
Lee Biedrycki  
Kelly Bundy, Chair  
Joel Canady (DEQ)  
Lance Gregory (VDH)  
Larry James, Vice Chair  
Rena Parker  
Jeffrey Rowe  
Robert Smith  
James “Lou” Spencer

**BOARD MEMBERS ABSENT:**

Audrey Janosik  
W Allan Rees  
Michael Everett

**STAFF PRESENT:**

James S. Frederick, Commissioner  
Charles L Stiff, CSP, Deputy Commissioner  
Zahra Qarni, Director of Policy & Planning, Research and Analysis, and  
Boiler and Pressure Vessel Safety  
Ron Graham, Director of Health Compliance  
Cristin Bernhardt, Regulatory Coordinator

**OTHERS PARTICIPATING:**

Joshua E. Laws, Senior Assistant Attorney General

**CALL TO ORDER**

Chair Kelly Bundy called the meeting to order at 10:29 AM. She took roll of board members present at the meeting. A quorum was present.

## BOARD MEMBER ROLE CALL

	<b>Present</b>	<b>Absent</b>
Jay Abbott	x	
Kevin Battle	x	
Lee Biedrycki	x	
Kelly Bundy	x	
Joel Canady - DEQ	x	
Michael Everett		x
Lance Gregory - VDH	x	
Larry James	x	
Audrey Janosik		x
Rena Parker	x	
W. Allan Rees		x
Jeffrey Rowe	x	
Robert Smith	x	
James Spencer	x	
<b>TOTAL</b>	<b>11</b>	<b>3</b>

## INTRODUCTIONS

Deputy Commissioner Stiff introduced DOLI's new Commissioner, James S. Frederick and invited the board members to introduce themselves. The board members each shared their names and the industries in which they have experience and is shared with the board.

Commissioner Frederick then introduced himself and provided an overview of his background in occupational safety and health. He highlighted his recent work as a safety consultant over the past year, following four years of service as the Deputy Assistant Secretary at federal OSHA under President Biden. He also noted his 24 years of experience in workplace health and safety with several labor unions prior to his federal service.

## APPROVAL OF AGENDA

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.

<b>Approval of Agenda</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Jay Abbott	x			
Kevin Battle	x			
Lee Biedrycki	x			
Kelly Bundy	x			
Joel Canady - DEQ	x			
Michael Everett				x
Lance Gregory - VDH	x			
Larry James	x			
Audrey Janosik				x
Rena Parker	x			
W. Allan Rees				x
Jeffrey Rowe	x			
Robert Smith	x			
James Spencer	x			
<b>TOTAL</b>	<b>11</b>			<b>3</b>

**APPROVAL OF MEETING MINUTES**

Chair Bundy then called for discussion and motion for approval of the September 17, 2025 meeting minutes. She asked the Board if there was any discussion on the September 17, 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.

<b>Approval of Meeting Minutes September 17, 2025</b>	Yes	No	Abstain	Absent
Jay Abbott	x			
Kevin Battle	x			
Lee Biedrycki	x			
Kelly Bundy			x	
Joel Canady - DEQ	x			
Michael Everett				x
Lance Gregory - VDH	x			
Larry James	x			
Audrey Janosik				x
Rena Parker	x			
W. Allan Rees				x
Jeffrey Rowe	x			
Robert Smith	x			
James Spencer	x			
<b>TOTAL</b>	10		1	3

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Chair Bundy called the next item on the agenda, which was the opportunity for the public to address the Board. Reilly Moore of Hunton Andrews Kurth LLP requested to address the board on the topic of the heat illness prevention regulation that was mandated by statute at the 2026 General Assembly session.

*I'm an attorney at Hunton Andrews Kurth in Richmond, practicing primarily the management side of OSHA and labor work. I'm here this morning on behalf of the Coalition for Workplace Safety, which is an organization of trade groups and employer organizations focused on encouraging positive workplace safety outcomes through collaboration and the regulatory process and ensuring clarity in those regulations. I'm here this morning, really, because the initial agenda I noticed the proposed rule-making had the Heat rule on it. I understand that's come off the agenda, but it would still be something that's on your radar in the coming months and years here.*

*Based on the legislation, obviously the General Assembly is here with respect to the Heat bill. In response to that bill and the and the proposal to that bill, the Coalition for Workplace Safety reviewed some of the data as far as Virginia's OSHA enforcement of federal OSHA's Heat National Emphasis Program. And we wanted to share some of that information because the outcomes, as far as Virginia employers, have been very positive under that program even with increased regulatory enforcement activity.*

*Since April 2022 when OSHA implemented a Heat National Emphasis Program, there have been 282 heat-focused inspections in Virginia based on the data that was publicly available. And only 11 of those inspections resulted in heat-related citations. So a little bit less than four percent. The takeaway there is that Virginia employers have been overwhelmingly in compliance with heat safety obligations under a general duty clause framework, including a significantly better compliance percentage than the federal average as far as inspections under the National Emphasis Program from federal OSHA for heat hazards. And those have been consistent since 2022, even as enforcement activity, meaning the overall number of heat-related inspections has increased over that time period. So I'm happy to share that data with the Board as this process continues.*

*I understand it's in the early stages and -- and we have a couple years before the legislation suggest a standard has to be put in place. But the statistics in the opinion of the Coalition for Workplace Safety reflect the -- the real risk that over-regulation in this area could burden employers, despite the fact that there are already positive outcomes as far as heat illness in the State of Virginia.*

*We encourage the Board to consider a flexible standard that is focused on, you know, meaningfully improving workplace outcomes, but not burdening employers unnecessarily. Respectfully, we'd suggest that the Board does not simply adopt the proposed federal standard, which seems unlikely to proceed in its current form with federal OSHA. And that the Board considers a standard more appropriate for the specifics of Virginia as far as, you know, heat triggers and stuff like that. As well as reflecting the fact that Virginia employers already have strong safety programs that address heat hazards among their employees. I am happy to work with the Board as this process continues. And you can reach me at my Hunton email address or I'm happy to provide additional information about that research report that the coalition put together.*

**OLD BUSINESS.** None.

Chair Bundy moved to the next item on the agenda, which was Old Business.

## **NEW BUSINESS**

Chair Bundy moved to the next item on the agenda, which was New Business. She recognized Deputy Commissioner Stiff to address the Board on **legislative updates**.

Deputy Commissioner Stiff began by recognizing and thanking Joshua E Laws, Senior Assistant Attorney General, for his support of DOLI and the Safety and Health Codes Board (SHCB) throughout the years. He expressed DOLI's excitement about the opportunity to improve worker protections across Virginia. Deputy Commissioner Stiff explained that the 2026 General Assembly session was exceptionally active with respect to worker protection legislation. He noted that DOLI, an agency of approximately 150 employees, historically tracks between 15 and 20 bills during a legislative session and typically engages substantively with five to six of those bills. During the 2026 session, however, DOLI tracked approximately 81 bills, actively worked on approximately 50 bills, and prepared almost 40 fiscal impact statements and analyses, all while continuing to manage existing agency responsibilities with current staffing levels.

Deputy Commissioner Stiff highlighted the General Assembly's focus on heat illness prevention and discussed House Bill 1092 and Senate Bill 288, which directs the Safety and Health Codes Board to adopt regulations addressing heat illness prevention for workers performing both indoor and outdoor work by May 1, 2028. He stated that DOLI appreciates the implementation timeline established by the General Assembly because it provides sufficient opportunity to engage stakeholders, gather information, and develop a comprehensive standard through the regulatory process.

Deputy Commissioner Stiff emphasized that the legislation applies to both indoor and outdoor work environments. He noted that certain manufacturing, chemical, agricultural, research, and development processes may expose workers to heat hazards indoors, while outdoor heat exposure hazards are more readily recognized. He explained that the legislation establishes minimum elements that must be addressed through the regulatory process, including practical measures intended to reduce worker exposure to heat-related hazards.

Deputy Commissioner Stiff reviewed the requirements of the Virginia Administrative Process Act and outlined the regulatory process that will be used to develop the heat illness prevention standard. He explained that the first step will be the publication of a Notice of Intended Regulatory Action (NOIRA), which provides notice of the agency's intent to develop a regulation and invites public participation. The NOIRA process allows stakeholders from all industries and regions of the Commonwealth to submit comments that will help inform the development of draft regulatory language.

He further explained that following the NOIRA stage, DOLI will develop proposed regulatory text for consideration by the Board. Upon Board approval, the proposed regulation will be published for a 60-day public comment period. Following review of public comments, DOLI

will present a final regulation to the Board for consideration before proceeding through the remaining stages of the regulatory process leading to publication and implementation.

Deputy Commissioner Stiff also stated that DOLI, with the Board's approval, intends to establish a Regulatory Advisory Panel (RAP) during the regulatory process. He explained that the RAP will serve in an advisory capacity and provide technical and practical expertise from a broad range of stakeholders. He noted that DOLI utilized a similar process during the agency's previous heat illness prevention regulatory effort in 2021.

To initiate the regulatory process, Deputy Commissioner Stiff stated that DOLI plans to present the NOIRA for Board consideration at the next Board meeting.

Deputy Commissioner Stiff asked if there were any questions from the Board about what was presented.

Board Member Parker asked about the May 1, 2028 implementation deadline and why a shorter implementation period, similar to those used for the adoption of federal standards by the State Plan, would not apply. Deputy Commissioner Stiff explained that, if a federal OSHA standard existed, Virginia would generally be required to adopt an equivalent standard within six months. However, because no federal heat illness prevention standard currently exists, the legislation directs Virginia to develop a Virginia-specific standard through the regulatory process established under the Virginia Administrative Process Act.

Board Member Spencer asked whether anything would prohibit the Board from addressing cold stress hazards in the future. Deputy Commissioner Stiff responded that the Board possesses authority to adopt, amend, revise, or repeal occupational safety and health standards designed to protect the safety, health, and welfare of employees in the Commonwealth. He stated that, should the Board choose to pursue a cold stress standard, it could direct the agency to research the issue and develop draft regulatory language for Board consideration through the established regulatory process.

Chair Bundy moved to the next item on the agenda of New Business. She recognized Ronald Graham, VOSH Health Compliance Director, to address the Board regarding federal **OSHA's Hazard Communication Standard: Second Correction**.

Mr. Graham presented the technical amendments issued by federal OSHA to the revised Hazard Communication Standard. He explained that the Safety and Health Codes Board previously adopted federal OSHA's May 2024 revisions to the Hazard Communication Standard at its September 23, 2024, meeting, with an effective date of November 20, 2024. Federal OSHA subsequently issued additional corrections in October 2024, which were also adopted by the Board. Mr. Graham explained that OSHA continued its review of the regulatory text and identified additional minor and typographical errors in the regulatory text and appendices to the Hazard Communication Standard. He stated that OSHA issued the second correction document to address those additional minor errors and also made one technical amendment to an appendix unrelated to the May 2024 final rule.

Mr. Graham explained that the corrections are technical in nature and do not affect employer obligations under the Hazard Communication Standard as previously adopted by the Board.

Mr. Graham summarized the corrections to the regulatory text which include corrections to paragraph (c) of the regulatory text and one of the corrections is to paragraph (d) of the regulatory text. These corrections add the heading “Definitions” to the beginning of paragraph (c), add “chemicals under pressure” to the definition of “Physical hazard,” correct the formatting of the text of “area” in the definition of “Work area” to match the formatting for other terms, and correct the definition for “Liquid”, which inadvertently did not include the conversion of 14.69 PSI for all references to vapor pressure. OSHA is also adding the heading “Hazard Classification” to paragraph (d), which was inadvertently omitted from the 2024 final rule. Mr. Graham noted that the remaining corrections are contained in the appendices of the OSHA document.

Mr. Graham stated that the correction does not impose additional costs on the regulated community and is economically and technologically feasible because it addresses only minor technical and typographical errors. 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: Second Correction, as authorized by Virginia Code §§ 40.1-22(5) and 2.2-4006.A.4(c), with an effective date to be determined following adoption by the Board and submission through the exempt regulatory process on the Virginia Regulatory Townhall.

DOLI also recommended 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.

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.

<b>Approval of DOLI Recommendation to adopt OSHA Hazard Communication Standard: Second Corrections.</b>	Yes	No	Abstain	Absent
Jay Abbott	x			
Kevin Battle	x			
Lee Biedrycki	x			
Kelly Bundy	x			
Joel Canady - DEQ	x			
Michael Everett				x
Lance Gregory - VDH	x			
Larry James	x			
Audrey Janosik				x
Rena Parker	x			
W. Allan Rees				x
Jeffrey Rowe	x			
Robert Smith	x			
James Spencer	x			
TOTAL	11			3

## **ITEMS OF INTEREST FROM DOLI OF LABOR AND INDUSTRY**

Chair Bundy moved to the next item on the agenda, which was Items of Interest from DOLI. The Board recognized Commissioner Frederick to address the Board regarding DOLI's "*WhatIF?*" Toolkit.

Commissioner Frederick addressed the Board regarding DOLI's ongoing efforts to improve workplace safety and health and promote injury and illness prevention. He discussed OSHA injury rates and emphasized the importance of focusing on workplace incident and injury prevention. He discussed his excitement surrounding this ongoing work and highlighted DOLI's "*WhatIF?*" initiative, which is designed to support prevention-focused workplace safety and health efforts. He explained that the program encourages employers and employees to move beyond measuring success only by a reduction in incidents and instead to consider how

workplaces can create conditions where employees can complete their careers free from injury. He stated that the “*WhatIF?*” program is intended to promote positive conversations around continuous safety and health improvement.

Commissioner Frederick discussed his recent visit to New River Electric and described the company’s use of the “*WhatIF?*” program to strengthen its existing safety and health management systems in partnership with DOLI.

Commissioner Frederick encouraged Board members to share information regarding the upcoming VOSH Safety and Health Conference, scheduled for September 16–18, 2026. Board Member Parker asked for additional details about the conference. DOLI staff stated that information regarding the conference, including the website address, would be provided to Board members.

*WhatIF?* folders were provided to all board members in their meeting packets. Board Member Spencer asked about the “*WhatIF?*” Challenge coins that had been provided at a previous meeting and requested additional coins to distribute to industry members. DOLI stated that it would contact Board members regarding their interest and would mail Challenge coins to those who requested them.

Board Member Smith asked Commissioner Frederick whether OSHA maintains reports or data regarding “near miss” incidents as a tool to identify areas of concern. Commissioner Frederick explained that near misses are not part of the formal OSHA reporting structure and discussed the historical context of the recordkeeping framework under the Occupational Safety and Health Act. He thanked Board Member Smith for the question and encouraged Board members to share ideas on ways DOLI could better incorporate near miss concepts into agency materials.

## **ITEMS OF INTEREST FROM MEMBERS OF THE BOARD**

Chair Bundy moved to the next item on the agenda, which was Items of Interest from Members of the Board.

Chair Bundy commented on her observations of increased willingness of DOLI at the regional level to collaborate, discuss and resolve OSHA citations with her clients. She commended DOLI, including its regional directors and regional offices, for placing safety at the forefront and for working in a manner that serves the interests of DOLI, industry employers, and employees.

## **MEETING ADJOURNMENT**

The motion to adjourn the meeting was made, properly seconded and the roll call vote was conducted. The motion carried. Chair Bundy adjourned the meeting at 11:31.am.