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Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation(s)	16 VAC25-90-1910.106
Regulation title(s)	Flammable Liquids Standard for General Industry
Action title	Code of Federal Regulations (CFR) Correction to the Flammable Liquids Standard for General Industry
Final agency action date	November 8, 2018
Date this document prepared	November 14, 2018

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Code of Federal Regulations (CFR) is the codification of the general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the federal government of the United States. CFR Title 29 contains the principal set of rules and regulations issued by federal agencies regarding labor. Virginia Occupational Safety and Health standard, §1910.106 is equivalent to 29 CFR 1910.106.

Section 1910.106 (d)(2)(iii) addresses the design, construction, capacity and size of storage containers

and portable tanks for flammable liquids. Previously, the introductory text of that paragraph read as follows:

...

Size. Flammable and combustible liquid containers shall be in accordance with Table H-12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Category 1 or 2 flammable liquid if:...

The introductory text has been revised by removing the words “and combustible” between “Flammable” and “liquid” to currently read as follows:

...

Size. Flammable liquid containers shall be in accordance with Table H-12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Category 1 or 2 flammable liquid if:...

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On November 8, 2018, the Safety and Health Codes Board adopted federal OSHA’s Code of Federal Regulations (CFR) Correction to the Flammable Liquids Standard for General Industry, §1910.106, with an effective date of February 15, 2019.

To access the Code of Federal Regulations (CFR) Correction to the Flammable Liquids Standard for General Industry, please click on the link below:

https://www.osha.gov/sites/default/files/laws-regs/federalregister/2018-06-29_1.pdf

Amendment to the Flammable Liquids Standard for General Industry, §1910.106 – CFR Correction

As Adopted by the
Safety and Health Codes Board

Date: November 8, 2018



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: February 15, 2019

16VAC25-90-1910.106, Flammable Liquids Standard for General Industry, §1910.106

When the regulations, as set forth in the Amendment to the Flammable Liquids Standard for General Industry, §1910.106, CFR Correction, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

June 29, 2018

February 15, 2019

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Safety and Health Standards

CFR Correction

In Title 29 of the Code of Federal Regulations, Parts 1910 to § 1910.999, revised as of July 1, 2017, on page 247, in § 1910.106, paragraph (d)(2)(iii) introductory text is revised to read as follows:

§ 1910.106 Flammable liquids.

* * * * *

(d) * * *

(1) * * *

(2) * * *

(iii) *Size.* Flammable liquid containers shall be in accordance with Table H-12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Category 1 or 2 flammable liquid if:

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[FR Doc. 2018-14144 Filed 6-28-18; 8:45 am]

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