



Virginia
Regulatory
Town Hall

Periodic Review and
Notice of Intended Regulatory Action
Agency Background Document

Agency Name:	Department of Labor and Industry/Safety and Health Codes Board
VAC Chapter Number:	16 VAC 25-10-10 et.seq.
Regulation Title:	Public Participation Guidelines
Action Title:	Periodic Review
Date:	June 11, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The Public Participation Guidelines set out procedures to be followed by the Board and the Department of Labor and Industry to ensure that the public and all parties interested in regulations adopted by the Board have a full and fair opportunity to participate at every stage. The regulation sets forth processes to identify interested groups; to involve the public in the formation of regulations; and to solicit and use public comments and suggestions. The regulation also provides a procedure to notify the public of proposed federal Occupational Safety and Health regulatory action and encourages the public's participation in the formulation of these regulations at the federal level.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The regulation is mandated by the Administrative Process Act, Code of Virginia section 9-6.14:7.1. This section mandates that the Board will have Public Participation Guidelines and defines policies to be included. The regulation does not exceed the minimum requirements of the state mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.

No comments from the public were received during the comment period of April 23, 2001 through May 15, 2001. An informal advisory group was not used in the periodic review of this regulation.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The goals of the regulation are:

Provide and publish a fair process for adopting regulations and gaining public participation in rule-making and public meetings.

Ensure that the public is informed of any new regulations or amendments to existing regulations and that the public has the opportunity to provide comments on the changes throughout the process.

Protect the public's 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 goals in that there has not been any complaints regarding the rule-making process; and citizens have been aware of specific regulation promulgation and have had input in the process. The regulation is clearly written and easily understandable.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

Since this regulation is mandated there are no alternatives for achieving the purpose of the regulation.

Recommendation

Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.

The Board and the Department are recommending that the regulation be amended. The current regulation contains references to requirements in the Administrative Process Act that have been repealed. The regulation should be amended to conform the language to the current requirements of the APA. Also, with the advances in information technology, amendments are necessary to include the agency website and other Internet resources.

Substance

Please detail any changes that would be implemented.

Amendments to the regulation would conform language to the current APA requirements; include references to the agency website; remove language contained in the APA that is repeated in the regulation; and remove any language that conflicts with the current APA or the Governor's Executive Orders.

Family Impact Statement

Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation has no impact on the institution of the family or family stability.