



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Safety and Health Codes Board/Department of Labor and Industry
VAC Chapter Number:	16 VAC 25-10 et seq.
Regulation Title:	Public Participation Guidelines
Action Title:	Final amendments to regulation
Date:	December 2, 2002

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

This regulation sets 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 Safety and Health Codes 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 formulation of regulations, to solicit and use public comments and suggestions; and to draft and adopt regulations. It also defines the role of advisory groups and the use of open meetings. The current regulation contains references to requirements in the Administrative Process Act that have been repealed. The regulation is being 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 web site and other Internet resources. No changes were made in the amended text of the regulation since the proposed action was published.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On December 2, 2002, the Safety and Health Codes Board adopted final amendments to the regulation entitled “Public Participation Guidelines”, 16 VAC 25-10 et seq.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The regulation is mandated by the Administrative Process Act, Code of Virginia, section 2.2-4007. This section mandates that the Board will have Public Participation Guidelines and defines policies to be included. The regulation meets the minimum requirements of the state mandate. There is no federal mandate for the regulation. The Office of the Attorney General has reviewed the proposed amendments and certifies that the Board has the statutory authority to promulgate these amendments. Final text is the same as the proposed text.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

Since this regulation was adopted in 1994, the Administrative Process Act (APA) has been amended several times. Also, last year the APA was included in the recodification of Titles 2.1 and 9. Language in the current regulation includes provisions that are no longer required by the APA. This proposed action will conform the regulation language to the current requirements of the APA and update the cites to the APA. Also, with the advances in information technology since 1994, amendments are necessary to include the agency web site and other Internet resources that are now available. These changes will ensure that the public has the maximum opportunity to participate in the regulatory process of the Board.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

Amendments to the regulation would conform language to the current APA requirements; correct citations to the APA; include references to the agency web site; 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.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage of this final action is the increased opportunity for the public to receive information on regulatory actions initiated by the Board through various Internet resources and the increased opportunity for the public to provide comments by the use of e-mail. This will improve the speed of communication during the process and possibly increase the public participation. If the Board has a sufficient increase in the use of electronic communication, then it will reduce mailing costs for the agency. Since the current methods of notification are also being retained, there is no disadvantage to the public or the Commonwealth in implementing the amended provisions.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

No changes have been made to the text of the proposed regulation since its publication.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No public comment was received on the proposed amendments during the comment period of 08/26/02 through 10/25/02.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

The following changes are the same as the amendments included in the proposed regulation. The changes proposed for this regulation are:

1. Section 40 – An amendment allows persons or groups to be placed on an electronic notification list. This expands the methods available to the public to learn of the Council’s regulatory activity.
2. Section 50 – Amendment will add request for petitioner’s e-mail address, if applicable. Having e-mail address will improve communication between agency and petitioners.
3. Section 80 – Amendments would add facsimile, e-mail, publication on Regulatory Town Hall web site, posting on agency web site, and other appropriate methods as ways to inform public of NOIRA. This would expand the methods used to inform interested parties of regulatory activity.
4. Section 90 B – Adds Regulatory Town Hall for publication of proposed regulation. Also the proposed regulation will be posted on the agency’s web site. This would expand the methods used to inform interested parties of regulatory activity.
5. Section 100 – Language is added which includes the Regulatory Town Hall for publication of the final regulation. This would expand the methods used to inform interested parties of regulatory activity.
6. Section 120 – The publication of any notices of proposed federal regulatory action is being changed to the agency web site. This will provide faster notification to the public of any notices received by the agency from federal Occupational Safety and Health.

Through out the regulation, language is being deleted which is repetitive of the Administrative Process Act or has been repealed.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the 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.