

Unified Regulatory Plan of the Department of Labor and Industry for State Fiscal Year 2025-26

Prepared for June 30, 2025

The Department of Labor and Industry administers the programs for Virginia Occupational Safety and Health, Boiler and Pressure Vessel Safety, and Labor and Employment Law. Acting through the Commissioner, the Department is authorized to adopt regulations necessary and incidental to the performance of duties or execution of powers conferred by Title 40.1 of the Code of Virginia. The Department operates under the supervision of the Virginia Secretary of Labor.

Action/Stage Action 6575/Final Stage Virginia Regulatory Town Hall View Action	
Title of Proposed Regulatory Action Public Employee Union Membership Authorization and Solicitation – 16 VAC 15-70	
Brief Overview This final regulation is intended to: 1) make clear that the statutory requirements that currently apply to any union elections apply to union elections involving local government employees; 2) make clear that current proscriptions on private employer methods for collecting union dues apply to local government employers who collect union dues; 3) make clear that the statutory requirements that currently apply to solicitation of union membership during work hours apply to solicitation of local government employees; and 4) identify statutory provisions for assuring compliance with the requirements of the chapter.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute ☐ Discretionary action
Deregulatory Component	
Expected Date	Effective Date July 30, 2025

Action/Stage Action 6757/Final Stage Virginia Regulatory Town Hall View Action		
Title of Proposed Regulatory Action Amendments to Federal Identical General Industry Standards Safety and Health Program – 16 VAC 25-90		
Brief Overview This action is necessary to meet the requirements of federal law and is therefore exempt from the requirements of the Administrative Process Act (APA) under §2.2-4006.A.4(c). On May 20, 2024, issued a final rule amending the Hazard Communication Standard (HCS) that became effective July 19, 2024. On October 9, 2024, OSHA issued a corrections notice and technical amendment to correct errors in that final rule. OSHA made corrections to the regulatory text and appendices to the HCS that mainly include classification of hazardous chemicals and information presented on labels and Safety Data Sheets (SDSs).		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	Effective Date July 30, 2025	

Action/Stage Action 6758/Final Stage Virginia Regulatory Town Hall View Action	
Title of Proposed Regulatory Action Amendments to Federal Identical Construction Industry Standards Safety and Health Program – 16 VAC 25-175	
Brief Overview This action is necessary to meet the requirements of federal law and is therefore exempt from the requirements of the Administrative Process Act (APA) under §2.2-4006.A.4(c). OSHA is revising §1926.95(c)1 (the Construction Industry Standard for Personal Protective Equipment (PPE)) to state that employers must ensure that all PPE: (1) is of safe design and construction for the work to be performed; and (2) is selected to ensure that it properly fits each affected employee. The Department of Labor and Industry is filing this exempt regulatory action to amend Virginia regulation 16VAC25-175 to reflect the changes made to the federal OSHA requirements.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☒ Exempt Rule ☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☒ Discretionary action
Deregulatory Component	
Expected Date	Effective Date July 30, 2025

Guidance Document Forum ID (if available)	
Guidance Document Forum ID: 2738 – open June 30, 2025 – July 30, 2025	
Guidance Document	
VOSH Field Operations Manual Penalty Chapter [09-001.2025] Update	
Guidance Document Public Comment Forum	
Brief Overview	
NOTICE: Virginia Code § 40.1-49.4.P provides that: “the Commissioner annually shall adjust the maximum civil penalties stated in subsections G through J each year by the percentage increase, if any, in the United States Average Consumer Price Index for all Urban Consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, from its monthly average for the previous calendar year. The amount of each adjustment to the maximum civil penalties shall be rounded to the nearest whole dollar. The adjustments to the maximum civil penalties shall be effective on each August 1.” (Emphasis added).	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule ☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☐ Discretionary action
Deregulatory Component	
Expected Date	Effective Date August 1, 2025

Guidance Document Forum ID (if available)	
LEL-TBD	
Guidance Document	
Division of Labor and Employment Law Field Operations Manual – Chapter TBD	
Brief Overview	
This Guidance Document is being developed to provide interpretive guidance for the recently promulgated regulation, 16VAC15-70: Local Government Union Requirements and Employee Protections.	
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final ☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action ☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute ☐ Discretionary Action
Deregulatory Component	
Expected Date	Fall 2025