

Virginia Safety and Health Codes Board

<https://www.doli.virginia.gov/safety-and-health-codes-board/>

History

In 1962, the Virginia General Assembly established the Safety Codes Commission with power to make rules and regulations governing safety operations. The Commission was revised by the General Assembly in 1972 and continues as the Safety and Health Codes Board.

Purpose

The 14-member Board is authorized to adopt, alter, amend and repeal rules and regulations for the Department to protect the occupational safety and health of employees in Virginia. This responsibility includes the state plan agreement with federal OSHA to effect compliance with the Federal Occupational Safety and Health Act of 1970, Boiler and Pressure Vessel Safety, and the Commonwealth's Asbestos and Lead Contractor Notification and Inspection Programs.

Board Members

Twelve members of the Board are appointed by the Governor for a 4-year term and, in accordance with statute, are drawn from various industries to be a mix of employee/employer representatives and the general public. The remaining two members of the Board are the Executive Director of the Department of Environmental Quality and the Commissioner of Health. Both positions serve ex-officio.

Safety and Health Codes Board Roster:

Mr. Louis J. ("Lou") Cernak Jr.

Term Expires: 06/30/22

Labor Representative of the Boiler and Pressure Vessel Industry

Ms. Milagro ("Milly") Rodriguez

Term Expires: 06/30/20

Labor Representative Knowledgeable in Chemical and Toxic Substances

Mr. John D. Fulton

Term Expires: 06/30/22

Employer Representative of the Boiler and Pressure Vessel Industry

Mr. Charles L. ("Chuck") Stiff

Term Expires: 06/30/24

Representative for Industrial Employers

Ms. Anna E. Jolly

Term Expires: 06/30/20

Industrial Representative Knowledgeable in Chemical and Toxic Substances

Mr. Thomas A. Thurston

Term Expires: 06/30/22

Representative for Labor in the Manufacturing Industry

Mr. Courtney M. Malveaux

Term Expires: 06/30/21

Representative from Construction Industry Employers

Ms. Tina Hoover

Term Expires: 06/30/22

Representative for Agricultural Employees

Mr. Michael. A. Luce
Term Expires: 06/30/24
Representative of an Insurance Company

Mr. Phil Glaize
Term Expires: 06/30/22
Representative for Agricultural Employers

Mr. Travis M. Parsons
Term Expires: 06/30/22
Representative from Labor in the Construction Industry

Dr. M. Norman Oliver, MD, MPH (Ex Officio)
Commissioner Virginia Department of Health
Represented by: Julie Henderson
Director of Office of Environmental Health Services
Virginia Department of Health

Mr. Kenneth W. Richardson, II
Term Expires: 06/30/20
Representative for the General Public

Mr. David K. Paylor (Ex Officio)
Director Department of Environmental Quality
Represented by: Elizabeth Lohman
Pollution Response & Emergency Preparedness
Program Specialist

Powers and Duties

§ 40.1-22. Safety and Health Codes Commission continued as Safety and Health Codes Board.

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(3) The Board shall annually select a chairman from its members. The Board shall meet at least once every six months; other meetings may be held upon call of the chairman or any three members of the Board. Five members of the Board shall constitute a quorum.

(4) The Board shall study and investigate all phases of safety in business establishments, the application of this title thereto, and shall serve as advisor to the Commissioner.

(5) The Board, with the advice of the Commissioner, is hereby authorized to adopt, alter, amend, or repeal rules and regulations to further, protect and promote the safety and health of employees in places of employment over which it has jurisdiction and to effect compliance with the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596), and as may be necessary to carry out its functions established under this title. The Commissioner shall enforce such rules and regulations. All such rules and regulations shall be designed to protect and promote the safety and health of such employees. In making such rules and regulations to protect the occupational safety and health of employees, the Board shall adopt the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity. However, such standards shall be at least as stringent as the standards promulgated by the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596). In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired. Such standards when applicable to products which are distributed in interstate commerce shall be the same as federal standards unless deviations are required by compelling local conditions and do not unduly burden interstate commerce.

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(7) Any person who may be adversely affected by a standard issued under this title may challenge the validity of such standard in the Circuit Court of the City of Richmond by declaratory judgment. The determination of the Safety and Health Codes Board shall be conclusive if supported by substantial evidence in the record considered as a whole. Adoption of a federal occupational safety and health standard shall be deemed to be sufficient evidence to support promulgation of such standard. The filing of a petition for declaratory judgment shall not operate as a stay of the standard unless the court issues a preliminary injunction.

Board Process

The Board is required to meet at least twice annually with additional meetings as necessary to fulfill statutory or federal regulatory requirements. Advance notice of meetings can be found in the [Virginia Register of Regulations](#), on the [Regulatory Town Hall](#), or on this web site. (See link above) Additional information on Board members, meeting schedule, and meeting agenda and minutes can be obtained by contacting regina.cobb@doli.virginia.gov.

Unique VOSH Standards

The Board has enacted a number of safety and health regulatory standards that are unique to Virginia or have requirements which are different from those of Federal OSHA. These standards can be found at the [Virginia Unique Standards](#) page. For more information or to contact members of the Board, please call (804) 786-0610 or email at holly.trice@doli.virginia.gov.

Public Participation Guidelines

The Board's Public Participation Guidelines, 16VAC25-11, *et seq.*, can be found at:

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+16VAC25-11-10>

Bylaws

The Bylaws of the Board can be found at:

<https://www.doli.virginia.gov/wp-content/uploads/2020/06/Revised-Board-Bylaws-2004.pdf>