



**VOSH PROGRAM DIRECTIVE: 13-011**

**ISSUED: September 15, 2008**

**SUBJECT: Memorandum of Understanding between the Department of Environmental Quality and the Department of Labor and Industry**

**A. Purpose.**

This Directive memorialize into the VOSH Program Directive System the long established (1997) Memorandum of Understanding between the Department of Environmental Quality (DEQ) and the Department of Labor and Industry (DOLI) to permit DOLI to use DEQ's four-wheel drive vehicles, subject to availability, within the West Central and Southwest DEQ regions to facilitate DOLI's safety and health inspections in those regions. There are no changes.

*This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.*

**B. Scope.**

This directive applies to all VOSH personnel.

**C. Reference.**

None.

**D. Cancellation.**

Not Applicable.

**E. Action.**

Directors and Managers shall ensure that field personnel understand and adhere to the Memorandum of Understanding included in this Directive.

**F. Effective Date.**

September 15, 2008.

**G. Expiration Date.**

Not Applicable.

C. Ray Davenport

Commissioner

Attachment: Memorandum of Understanding between the Department of Environmental Quality and the Department of Labor and Industry (April 2, 1997)

Distribution: Commissioner of Labor and Industry  
Assistant Commissioner - Programs  
VOSH Directors and Managers  
Cooperative Programs Director and Manager  
VOSH Compliance and Cooperative Programs Staff  
Legal Support and IMIS Staff  
OSHA Region III and Norfolk Area Offices

**MEMORANDUM OF UNDERSTANDING**  
**Department of Environmental Quality**  
**Department of Labor and Industry**

This Memorandum of Understanding represents a cooperative understanding between the Department of Environmental Quality (DEQ) and the Department of Labor and Industry (DOLI). Pursuant to the terms contained in this Memorandum, DEQ agrees to permit DOLI to use its four-wheel drive vehicles, subject to availability, within the West Central and Southwest DEQ regions to facilitate DOLI's safety and health inspections in those regions.

This understanding shall be effective upon signature of the authorizing parties. It shall remain in effect until canceled upon written notice by either party. This understanding may be revised by written agreement of the authorizing parties.

Statement of Work

1. DEQ agrees to provide a four-wheel drive vehicle, if available, to DOLI for use by DOLI personnel in the conduct of safety and health inspections in the West Central and Southwest DEQ regions.
2. DOLI agrees to use a DEQ vehicle only when there is a justifiable need for such a vehicle to gain access to the site of an accident.
3. DOLI agrees to contact the designated representative from DEQ when DOLI has need for a DEQ vehicle.
4. DEQ agrees to designate a contact person who can provide DOLI access to a DEQ vehicle outside normal working hours.
5. DOLI agrees to establish an internal agency procedure to ensure that all personnel who operate a DEQ vehicle have a valid operator's license.
6. DOLI agrees to follow VDOT Policy and Procedure Regulations governing the use, operation, and maintenance of state-owned vehicles and to ensure that its employees are aware of their individual responsibilities concerning the use of a DEQ vehicle.

7. DOLI agrees that it shall be responsible for routine maintenance of DEQ's vehicle while the vehicle is in DOLI's possession. Such maintenance would include (1) checking and maintaining fluid levels, (2) a visual inspection for readily apparent defects, (3) reporting any mechanical problems, and (4) cleaning the vehicle after use.
8. DEQ agrees to retain responsibility for normal wear and tear to the vehicle, including the repair or replacement of hoses, belts, drive train, and engine components.
9. DOLI agrees to establish and maintain a gasoline account with VDOT and shall ensure that DEQ vehicles returned to the appropriate DEQ office with a full tank of gasoline.
10. This Memorandum of Understanding represents a non-financial understanding.

Statement of Intent

This Memorandum of Understanding represents a cooperative understanding between the participating entities, as indicated by the representative signatures below. It is entered into for the mutual benefit of both parties with regard to their respective missions. It is not a legal contract, nor is it intended to create any contractual rights, obligations, or benefits. Neither participating entity shall assign or subcontract any work or services related to this understanding without the prior written consent of the other entity.

Signature Theron J. Bell Date 3/19/97

Theron J. Bell  
Commissioner  
Virginia Department of Labor and Industry

Signature Thomas L. Hopkins Date 4/2/97

Thomas L. Hopkins  
Director  
Virginia Department of Environmental Quality

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DEQ, DOLI  
Use of Four-Wheel Drive Vehicles