



VIRGINIA

REGISTER OF REGULATIONS

Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code

The Form and Style Requirements for the Virginia Register of Regulations (Register) and the Virginia Administrative Code (VAC) provide the proper style and format, grammatical correctness, and consistency of language to conform to the journalistic style of the Register and VAC.

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Article 1. Structure of Regulations

1.1. VAC organization; numbering system.

A. The Virginia Administrative Code is organized into 24 broad subject matter titles. An agency's regulations are organized into a title, according to the responsibility and nature of the agency. Within each title, the agencies are alphabetically ordered and numbered by multiples of five. This system allows for agencies to be added or reordered and still be organized providing plenty of space for new agencies within a title.

B. The chapter numbering in VAC is organized by multiples of 10. This design is to accommodate new chapters within a title. Chapters are cited by using the title number, agency number, and chapter number. Do not cite a VAC chapter (i.e., a "regulation") by using a citation to the first section of a chapter followed by "et seq."

EXAMPLE

INCORRECT: 4VAC5-30-10 et seq.

INCORRECT: 4VAC5-30, Virginia State Parks Regulations.

CORRECT: Virginia State Parks Regulations (4VAC5-30)

C. The section is the basic unit of VAC. The content of a section is as short and simple presentation of a single regulatory function as possible. Sections are numbered in increments of 10, leaving room to add sections and organize the new section in a logical topical manner. Each section of a regulation is identified with its own VAC codification number. The numbering system of VAC is as follows:

i VAC ii-iii-iv

1. **i** represents the subject matter title (1 through 24) where the regulation is located.
2. **ii** represents the promulgating agency.
3. **iii** represents the chapter number within the title.
4. **iv** represents the section number within the chapter.

EXAMPLE

11VAC10-100-40. Names of horses.

Title 11 - Gaming

Agency 10 - Virginia Racing Commission

Chapter 100 - Horses

Section 40 - Names of horses

D. A section number may not be repurposed to contain a subject different from its initial subject. Therefore, do not strike all language in a section and replace it with content of a different subject. Instead, repeal the current section and add a new section where it topically falls within the subject matter of the chapter.

E. Generally, existing sections may not be renumbered once established in VAC to preserve the integrity of a chapter's original numbering system. If major reorganization is needed, repeal the current chapter and replace it with a new chapter. The exception to the rule on renumbering is when a regulation is transferred from one agency to another due to a change in regulatory authority.

F. Questions concerning the (i) numbering of a chapter (regulation) within a regulatory catalog or sections within a regulation or (ii) transfer of chapters or sections from one agency to another should be directed to the Registrar's Office.

1.2. Arrangement of a regulation.

A. Concise drafting of a regulation and logical arrangement of the sections, subsections, and subdivisions in a regulation create a general design best suited to communicate regulatory content. The major objective in arranging text within a regulation is to make the document as clear and understandable as possible.

B. Use the following sequence of elements as a guideline when preparing a new regulation or amending a current regulation:

1. Place generally applicable provisions before specialized provisions.
2. Place permanent provisions before temporary provisions.
3. Place more important provisions before less important provisions.
4. Place frequently used provisions before less frequently or rarely applicable provisions.

C. A regulation may be divided into "parts" for the purpose of grouping like portions of the regulation. If necessary, a part may be divided into "articles."

1. When dividing a chapter into parts, first add all sections of the chapter in the Regulation Information System (RIS), then go back and insert the parts so that a first section and a last section can be identified in the system. Parts are numbered using Roman numerals and titled using title case punctuation, that is, each significant word is initial capped (given a capital letter). For example, "Part IV Designation of Specialty Certification." Do not create a part to contain only one section. Do not create only one part for a regulation.

2. When dividing a part into articles, use RIS to identify first and last sections contained in an article. Articles are numbered using Arabic numerals and titled using title case punctuation. For example, "Article 2 Apprentice Level Certification." Do not create an article to contain only one section. Do not create only one article in a part.

1.3. Sections, subsections, and subdivisions.

A. A section is the basic unit of VAC. The content of a section is a short, simple presentation of a single regulatory function. Sections within a chapter are numbered incrementally by 10.

B. Divide separate requirements concerning a single subject, that is, a section, into subsections. If a section contains more than one subsection, label each subsection using an uppercase letter.

C. A list of requirements or standards is clearer and more readable if put into the form of numbered subdivisions. Before dividing a subsection into a list of subdivisions, introduce the list with a complete thought followed by a colon. The initial level of subdivisions is indented and numbered 1, 2, 3, etc., and each subdivision at that outline level is numbered and placed on a separate line. Subdivisions may be further divided into subdivisions. The next (second) subsequent division of a subdivision is indented again and labeled with a, b, c, etc. Use the following organizational system in the text of regulations:

1. Designate subsections by uppercase letters of the alphabet (i.e., A, B, C, etc.).

2. Designate subdivisions in numeric and alphabetic order. The order of precedence follows and is illustrated in Figure 1.3 C: A, B, C; 1, 2, 3; a, b, c; (1), (2), (3); (a), (b), (c). Avoid the use of subdivision designations below the "a, b, c" level because it makes a regulation hard to read and use. Consider using more sections to avoid using excessive subdivision levels.

Figure 1.3 C. Vertical Lists

3VAC5-10-480. Section title or "catchline."

A. In RIS, the style used to create this level of the outline form is "section indent"

1. The style of this level is "section block indent"

a. The style of this level is "section block indent 2"

(1) The style of this level is also "section block indent 2"

(a) The style of this level is also "section block indent 2".

(b) If there is no (b), do not label (a). Make it part of (1). (See C 4.)

(2) If there is no (2), do not label (1). Make it part of a.

(3)

b. If there is no b, do not label a. Make it part of 1.

2. If there is no 2, do not label 1. Make it part of A.

a.

b.

B. If there is no B, do not label A. The section will contain only one subsection, and it will carry no label.

3. In a list of individual or distinct items, number or letter each item and place it on a separate line. Subdivisions may end with a semicolon or a period. When using semicolons, use the conjunction "and" or "or" at the end of the penultimate (i.e., next to last) subdivision. A conjunction must be used following the penultimate subdivision for each level of the outline form.

EXAMPLE

6. An application for a permit, license, or registration may be withdrawn if the:

a. Applicant submits a written request to the director to withdraw the application; **and**

b. Written request is submitted before the director has:

(1) Denied the application; **or**

(2) Terminated a temporary permit, license, or registration.

4. Do not assign a letter or number to a subsection or subdivision unless there is more than one subsection or subdivision in the section. In the following example, note that the subsection is not labeled "A" since there is no second subsection to label "B." In this example, the subdivisions are numbered correctly as 1, 2, 3, etc.

EXAMPLE

9VAC25-780-60. State role in program preparation.

To assist local governments in the development of local programs, the board shall:

1. Provide technical and financial assistance;
2. Provide guidance on compliance options;
3. Facilitate acquisition of existing resource conditions (the department shall prepare and post on its website a list of readily available sources for the items identified in 9VAC25-780-90 B);
- ...
8. At the request of the applicant, convene a technical evaluation committee meeting; and
9. Provide notice of local public hearings on the local program upon notification by the locality.

5. Use lowercase Roman numerals (romanettes) in parentheses (i.e., (i), (ii), (iii), etc.) for in-line or horizontal lists. Refer to these as "clauses" within a section, subsection, or subdivision as appropriate. If any of the clauses contain a comma, separate the clauses using a semicolon; if none of the clauses contain a comma, separate the clauses using a comma.

EXAMPLES

"Preadmission screening" means the process to (i) evaluate the functional, nursing, and social supports of individuals referred for preadmission screening; (ii) assist individuals in determining what specific services the individuals need; (iii) evaluate whether a service or a combination of existing community services are available to meet the individuals' needs; and (iv) refer individuals to the appropriate provider for Medicaid-funded nursing facility or home and community-based care for those individuals who meet nursing facility level of care.

A. Any person or entity wishing to (i) obtain a new license as a wholesale distributor or register as a nonresident wholesale distributor, (ii) engage in the acquisition of an existing wholesale distributor, (iii) change the location or make structural changes to the prescription drug storage space of an existing wholesale distributor, or (iv) make changes to a previously approved security system shall file an application with the board on a form approved by the board.

D. In general, subsections and subdivisions do not have catchlines. Use the section catchline to summarize the content of the section. If a subsection or subdivision catchline must be used, it should be in sentence case and followed by a period, and a subsection or subdivision catchline must be used for every subsection or subdivision of the outline level carrying a catchline.

1.4. Section catchlines.

A. The name given to each section is called a catchline. The catchline should briefly and accurately summarize or describe the subject matter of the section. If it does not, expand the catchline or divide the contents of the section into multiple sections. Avoid wording a catchline using "General" and "Miscellaneous." Those words are not specific. Do not include "etc." in a catchline.

B. The section catchline follows the section number, forming the first line of a section. The catchline is separate from the section text. Do not use acronyms in a catchline. Capitalize only the first letter and proper names. (Use sentence case, i.e., only initial cap the first letter of the first word.) Separate items in a catchline with semicolons, and end each catchline with a period.

C. A change in a catchline requires amendment in the same format as required for body text (i.e., stricken text for deletions and underscored text for new language).

D. The catchline is not regulatory text. The catchline summarizes the subject of each section, serving like a table of contents for a regulation. Draft regulatory text of the section so that its meaning is clear independent of the catchline. Essential information contained in a catchline must be repeated in the body of the section.

EXAMPLES

18VAC60-21-220. Inactive licensure.

12VAC30-135-410. Administration; authority; waived provisions.

1.5. Severability provision; purpose statement.

A. Section [2.2-4004 of the Code of Virginia](#) provides that regulatory provisions adopted under the Administrative Process Act (APA) (§ 2.2-4000 of the Code of Virginia) are generally severable. This section eliminates the need for agencies to include a severability clause within a regulation. When an agency amends a regulation that currently contains a severability clause, this clause should be repealed. This section does not apply to regulations that are adopted exempt from the APA.

B. Pursuant to [1VAC7-10-40 C](#), the Registrar of Regulations may omit from publication in the Register and VAC, specific examples of nonregulatory text, including purpose statements.

1.6. Definitions section.

A. Place the definition section at the beginning of the chapter, generally as the first numbered section. Definitions provide clarification for terms used within the chapter and allow the regulation writer to control the meaning of a word. They also save space in the body of the regulation. For example, "department" may be defined to mean the Department of Social Services and "TANF" to be the acronym for the Temporary Assistance to Needy Families program. If appropriate, defined terms may also be placed within and limited to a section or part.

B. Define a term only when the meaning is important and the term is used more than once in the regulation. If a term is only used once, define the term in the text where it's used. Do not define terms not used in the regulation. Pursuant to [1VAC7-10-40 C](#), the Registrar of Regulations may omit from publication in the Register and VAC, specific examples of nonregulatory text, including defined terms that are not used in the regulatory text of a chapter.

C. Do not include substantive provisions or requirements within the definitions of terms in the definitions section. For example, "executive secretary" may be defined in the definitions section, but do not include the required duties for the position as part of the definition. The duties must be the subject of a separate section.

D. Use the following guidelines for formatting definitions:

1. Use the following language for the introductory paragraph: "The following words and terms when used in this chapter (or part, article, or section) shall have the following meanings unless the context clearly indicates otherwise:"
2. Arrange the defined terms in alphabetical order.
3. Capitalize only the first letter of the first word of the term that is being defined unless the term is a proper noun. Use standard grammatical capitalization rules in definition text; only proper nouns are initial capped. Wherever possible, use the singular form of the word for a defined term.
4. Place the word or term being defined within quotation marks.
6. Immediately after the word or term being defined, insert the word "means" followed by the text of the definition.
7. Avoid using dashes, slashes, or parentheses in a term being defined. For example, use "Individualized education plan" or "IEP" means... instead of "Individualized education plan (IEP)" means....

EXAMPLE

9VAC25-600-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Act" means the Ground Water Management Act of 1992 (§ 62.1-254 et seq. of the Code of Virginia).

"Board" means the State Water Control Board.

"Department" means the Department of Environmental Quality.

"Groundwater" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of this Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"Groundwater management area" means a geographically defined groundwater area in which the board has deemed the levels, supply or quality of groundwater to be adverse to public welfare, health and safety.

1.7. Stating an effective date.

A. Generally, do not include an effective date in the text of a regulation. Pursuant to [1VAC7-10-40 C](#), the Registrar of Regulations may omit from publication in the Register and VAC, specific examples of nonregulatory text, including effective date clauses.

If it is necessary to refer to an effective date in the text and the exact effective date for the regulation is unknown (i.e., the text is in a proposed regulation instead of a final or fast-track), use "(insert effective date of this regulation)" as a placeholder. Be sure to use parentheses, not brackets, for the temporary language. When the final regulation stage is submitted, strike the parenthetical and add the effective date. Brackets are used at the final stage to show the change from the proposed text published in the Register.

EXAMPLE

In the proposed:

a. Supervisees who began a supervised experience before (insert effective date of this regulation) shall complete the supervised experience by (insert 60 months after the effective date).

In the final with an effective date of February 19, 2020:

a. Supervisees who began a supervised experience before [~~(insert effective date of this regulation)~~ February 19, 2020,] shall complete the supervised experience by [~~(insert 60 months after the effective date)~~ February 19, 2025].

B. To state an effective date, use "become" rather than "be." The use of "be" limits the action to one day.

EXAMPLE

CORRECT: shall become effective on March 20, 2006

INCORRECT: ...shall be effective on March 20, 2006

C. In the rare case where an individual section in a regulatory action has a different effective date from the other sections in the action, indicate the alternate effective date with language in the text of the section, not in the catchline. For example, the first line in the section might read: "The provisions of this section shall become effective September 1, 2026." Or, the first sentence may begin with "Effective September 1, 2026..." This language may be stricken in a later regulatory action when it is no longer needed to distinguish it from the remaining sections in the chapter.

D. Using "through" in a date range, includes the final day of the range. Using "to" when referring to dates excludes the final day referenced in the date range.

EXAMPLES

The permit is effective from March 10, 2005, to March 10, 2026.

In this example, the permit is NOT effective on March 10, 2026.

The permit is effective from March 10, 2005, through March 9, 2026.

This sentence has the same meaning as the first example. Both are correct.

1.8. Special sections; forms and documents incorporated by reference.

A. Do not use appendices as part of a regulation. VAC does not use footnotes, except in the case of footnotes for a table. Material important enough to be set out for enforcement should be made part of the regulation itself and given a section number accordingly. Provisions to be enforced should be included in the regulatory text of the regulation.

B. An unnumbered section titled "FORMS" may appear after the last section of a chapter. The section content is a list of the forms required in administering the chapter. Each form name on the list is a link to an electronic version of the form that is stored within the RIS.

1. Forms are filed with the Registrar pursuant to [§ 2.2-4031 A of the Code of Virginia](#) and [Part IV \(1VAC7-10-180 et seq.\)](#) of Regulations for Filing and Publishing Agency Regulations (1VAC7-10).

2. Forms must have an effective or revised date on the form, and that date needs to be included with the form name for the list. Forms are uploaded to the FORMS lists using RIS.

3. Pursuant to 1VAC7-10-190 A, an agency may request an exemption from filing a form if the form (i) may be completed only online or electronically or (ii) is not in a printable format. The Request for File a Form by Description, RR12 Form, is available on the [Register website](#).

C. An unnumbered section titled "DOCUMENTS INCORPORATED BY REFERENCE (DIBR)" may appear at the end of a chapter. The section content is a list of the documents incorporated by reference (IBR) into the chapter. Generally, IBR is a tool that allows an agency to make requirements or provisions published by another entity an enforceable part of the agency's regulation without reprinting the entire text of the requirement or provision in the regulation. [Section 2.2-4103 of the Code of Virginia](#) requires an agency to file the full text of all currently operative regulations with the Registrar's Office; therefore, where regulations adopt text contained in a DIBR, the incorporated material becomes a part of the regulation just as if the material were set out in full in the regulation. For this reason, DIBRs must be filed with the Registrar's Office. The version of the document that is identified in the regulation is the text that is incorporated into the regulation. If an updated version of the incorporated material becomes available, the regulation must be updated through a regulatory action if the agency wants the regulation to incorporate the new version.

[Part III \(1VAC7-10-140 et seq.\)](#) of Regulations for Filing and Publishing Agency Regulations (1VAC7-10) addresses requirements for using IBR and provides limited exceptions to the filing requirements.

1. When filing the incorporated document, the agency must provide a complete copy of the document, either physically or electronically, to the Registrar's Office. If this is a copyrighted document, and the agency does not have permission from the authorial entity to make the document openly available for public reproduction, the document will not be linked on the DIBR list, but the copy retained by the Registrar's Office will be available for the public to read upon demand. The agency must retain a copy, either physically or electronically, for the same public availability.

2. Along with the title of the document on the DIBR list, the following information must be included: (i) version or edition number; (ii) date of document, which may be the effective, adoption, revision, issue, or publication date; (iii) authorial entity; and (iv) contact information for the authorial entity.

3. When a DIBR on the list is cited within regulatory text, the title of the document and associated date provided on the DIBR list must be included in the regulatory text citation.

4. Pursuant to 1VAC7-10-170 C, an agency may request an exemption from filing a DIBR. The Request for File a DIBR by Description, RR11 Form, is available on the [Register website](#).

Incorporation of statute from (i) the Virginia Administrative Code, (ii) the Code of Virginia, (iii) the United States Code (USC), (iv) the Code of Federal Regulations (CFR), or (v) the Federal

Register (i.e., has not yet been published in the CFR) does not require filing as a DIBR, and those requirements update as the cited requirements update. However, if an agency has adopted federal statute or regulation effective a specific date, that date must be updated through regulatory action.

If a document is mentioned or named in a regulation but the contents of the document are not made requirements of the regulation, the document is not incorporated by reference and would not be filed with the Registrar's Office.

Article 2. Composition and Style Guidelines for the Virginia Register and VAC

2.1. Application of composition and style guidelines.

A. The composition and style guidelines in this manual provide editorial assistance in drafting regulations, general notices, and other items to be published in the Virginia Register of Regulations or the Virginia Administrative Code. The goal is greater clarity and accuracy in the texts of official documents.

B. For specific questions not covered within this style guide, refer to the following reference books concerning matters of style, spelling, usage, and word division:

1. *The Chicago Manual of Style online*; and
2. *Merriam-Webster.com Dictionary*.

2.2. Rules of construction.

In the drafting of regulations, the rules of construction and definitions in [1VAC7-10-30](#) shall apply.

2.3. General construction guidelines.

A. In general, keep the language of the text as clear and simple as possible. When drafting, remember that documents should be written so that the general public can understand them. Avoid using language that only individuals with specialized knowledge can understand. Consistency of expression, logical arrangement, and adherence to accepted usage aid readability.

B. Strive for consistency of terminology, expression, and arrangement. Avoid using the same word or term in more than one sense. Conversely, avoid using different words to denote the same idea. Apply the principles of consistency to phrases, sentences, paragraphs, arrangement, and format. For example, in the text of a regulation, two or more subdivisions that are similar in substance should be parallel in form.

C. In general, use parallel construction for similar levels of provisions. Whether using lists and series or sentences, each list or sentence portion must be of the same grammatical style and content (e.g., part of speech, verb tense, noun number) and relate to a common theme. Following is a simple example:

EXAMPLE

CORRECT: The committee reviewed the requirements for **determining claims** and **making payments**.

INCORRECT: The committee reviewed the requirements for **determining claims** and **how payments must be made**.

D. In general, keep a subsection or subdivision simple and short to avoid confusion and misunderstanding. Avoid long sentences where short ones will suffice.

2.3.1. Use active voice sentence construction.

The subject performs the action described by the verb in a sentence using active voice. In a sentence using passive voice, the subject is acted upon by the verb. Use active voice wherever possible.

EXAMPLE

CORRECT: The chairman shall appoint members of the committee.

INCORRECT: Members of the committee shall be appointed by the chairman.

2.3.2. Use the third person point of view.

Use third person, rather than first person or second person, point of view. Use a noun as the subject so that the regulation is clear as to who must perform the action or meet the requirement.

EXAMPLE

CORRECT: The applicant shall file the appropriate forms.

INCORRECT: You shall file the appropriate forms.

2.3.3. Use positive construction.

If an idea can be accurately expressed either positively or negatively, express it positively. Negative construction makes reading comprehension more difficult; positive construction communicates the same ideas in a more direct and clear fashion. Negative construction is appropriate where a provision expresses a prohibition. Negative words should not be used where provisions provide only advisory guidance.

EXAMPLE

POSITIVE: No licensee shall work outside of the scope of licensure.

NEGATIVE: A licensee shall not work outside the scope of licensure.

POSITIVE: An application fee will not be prorated.

NEGATIVE: No application fee will be prorated.

2.3.4. Use singular number.

Draft regulations using the singular of each noun instead of plural nouns, unless plural construction is necessary to support accurate meaning. Pursuant to subdivision 3 of 1VAC7-10-30, "A word used in the singular includes the plural, and a word used in the plural includes the singular unless the context clearly indicates otherwise." If both versions of a word are used in regulatory text, the Registrar's Office will let stand the version best conforming to context and strike or remove the other version. Agencies are encouraged to make this conforming amendment when amending text generally.

EXAMPLE

PREFERRED: All information associated with **an applicant or a recipient** that could disclose **an individual's** identity...

AVOID: All information associated with **applicants or recipients** that could disclose **individuals'** identities...

2.3.5. Use gender neutral nouns.

A. Instead of using a pronoun, use the noun that the pronoun would replace, that is, the antecedent of the pronoun. "Licensee," "certificate holder," and "applicant" are examples of

commonly replaced nouns in regulatory text. Subdivision 2 of 1VAC7-10-30 prescribes pronoun use for regulatory text.

EXAMPLE

b. If the individual is living with a primary caregiver, who is providing the service voluntarily and without pay, and the primary caregiver indicates that ~~he~~ the primary caregiver can no longer care for the individual...

B. Except when otherwise required for context, standardize use of the following gender-neutral terms. Change:

- "husband" or "wife" to "spouse"
- "father" or "mother" to "parent"
- "grandfather" or "grandmother" to "grandparent"
- "stepfather/step-father" or "stepmother/step-mother" to "stepparent"
- "father-in-law" or "mother-in-law" to "parent-in-law"
- "son" or "daughter" to "child"
- "grandson" or "granddaughter" to "grandchild"
- "stepson/step-son" or "stepdaughter/step-daughter" to "stepchild"
- "son-in-law" or "daughter-in-law" to "child-in-law"
- "brother" or "sister" to "sibling"
- "stepbrother/step-brother" or "stepsister/step-sister" to "stepsibling"
- "brother-in-law" or "sister-in-law" to "sibling-in-law"
- "half-brother" or "half-sister" to "half-sibling"
- "widow" or "widower" to "surviving spouse"

2.3.6. Use accurate auxiliary (helping) verb

The meaning of each regulatory provision depends on the auxiliary or helper verb the drafter of the regulation uses. The helper verb (i.e., "will," "may," "shall," or "must") communicates the degree of requirement for the verb it is "helping."

1. May. In the affirmative, "may" **allows** the action of a verb, but **does not require** that action; that is, "may" expresses a privilege not a mandate. When an individual is authorized but not ordered to act, "may" is appropriate. In the negative "may not" is the **strongest expression of prohibition** of the action of a verb.

A permittee **may allow** access to facilities beyond hours of operation.

A licensee **may not transfer** a license without approval from the board.

2. Will. "Will" **states the future tense** (either affirmatively, or negatively when "not" is added) of the verb it is helping and carries no obligation for action upon that verb. Use "will" instead of "shall" for instances in which a nonhuman is the subject of the sentence. (Nonhumans cannot be required to do something.)

An individual license **will expire** upon the odd-numbered year birthday of the licensee.

3. Shall. Use "shall" in the imperative sense to express a duty or obligation to complete the action of the verb. "Shall not" negates the obligation to act but not the permission to act.

The board **shall approve** applications that meet the requirements of this section.

4. Must. While "shall" is generally used in connection with statutory mandates, because "shall" also has a the non-imperative meaning, "must" is a clearer helping verb to use to mandate the action of the verb.

A licensee **must provide** documentation of continuing education credits upon request by the board.

2.3.7. Avoid ambiguous references; indicating inclusion.

Do not use ambiguous intertextual references, such as "above," "below," or "herein" when referring to the location of a provision. If a cross reference is necessary, cite the specific part, article, section, subsection, or subdivision containing the material being referenced.

2.4. Citations.

2.4.1. Citations to the Code of Virginia, the Acts of Assembly, and General Assembly sessions.

A. Cross references or citations to the Code of Virginia.

1. Cite an entire chapter of the Code of Virginia (COV) by stating the chapter number followed by a parenthetical containing a reference to the first section of the chapter and "et seq": Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 of the Code of Virginia.

If a chapter will be referenced frequently, add the citation to the definitions section and use only the name in additional references in the VAC chapter: "Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

A chapter of the COV with a commonly referred to name may be cited in VAC by its name: The Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Once a COV chapter, whether a named act or not, is "defined," that is, the citation is provided, subsequent mentions in a section can use a shortened form of either the act name (Administrative Process Act) or the chapter number (Chapter 37).

2. Cite an article as follows: Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

3. Cite a specific section as follows: § 2.2-4006 of the Code of Virginia. Spell the word "section" out if it's the first word of a sentence; in all other cases, use the section symbol. Whenever possible, avoid citing sections of the Code of Virginia at the subsection or subdivision level. Instead, use only the section citation.

Multiple sections are cited as follows:

§§ 2.2-4013 and 2.2-4014 of the Code of Virginia (use "and" when citing two or three sections)

§§ 2.2-4001 through 2.2-4011 of the Code of Virginia (use "through" when citing four or more consecutive sections)

§ 2.2-4001, 2.2-4013, or 2.2-4014 of the Code of Virginia (use one section mark at the beginning of a list when using "or")

4. Do not insert periods between COV sections and subsections or subdivisions. Use spaces instead. A subsection may be cited one of two ways as shown in the example. Be sure to use the selected style consistently.

EXAMPLES

subsection B of § 2.2-4020 of the Code of Virginia
§ 2.2-4020 B of the Code of Virginia

5. A subdivision may be cited in one of several ways. Be sure to use the selected style consistently.

EXAMPLES

CORRECT: § 2.2-4006 A 4 a of the Code of Virginia

CORRECT: subdivision A 4 a of § 2.2-4006 of the Code of Virginia

CORRECT: subdivision 7 of § 2.2-3802 of the Code of Virginia

INCORRECT: § 2.2-3802 7 of the Code of Virginia

B. Cross references or citations to the Acts of Assembly.

1. For a chapter, use: Chapter 40 of the 2020 Acts of Assembly.

2. For a Budget item, use: Item 302 PP of Chapter 847 of the 2020 Acts of Assembly

C. Cross references or citations to a session of the General Assembly.

1. The 2020 Session of the General Assembly,

2. The 2020 Session of the General Assembly, Special Session I.

2.4.2. Citations to the Virginia Register of Regulations.

The Virginia Register is cited by volume, issue, page number, and date.

EXAMPLE

To refer to the Marine Resources Commission final regulation in Volume 25, Issue 3, on pages 354 through 356 of the Virginia Register published on October 13, 2008, write:

25:3 VA.R. 354-356 October 13, 2008

2.4.3. Citations to the Virginia Administrative Code.

A. Virginia Administrative Code (VAC) chapters are cited may be cited by VAC number or by the name combined with the VAC number. If using the name:

EXAMPLES

Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs (6VAC35-60)

Regulations for the Control and Abatement of Air Pollution (9VAC5-80)

Virginia State Parks Regulations (4VAC5-30)

In a sentence:

This sample shall be tested with the methods established by the Virginia Hazardous Waste Management Regulations (9VAC20-60) for determining if a solid waste is a hazardous waste.

B. Parts, articles, or sections of the Virginia Administrative Code are cited as follows:

1. Citing a part.

EXAMPLES
When in the relevant chapter: Part III (6VAC35-60-170 et seq.) of this chapter
When in a different chapter: Part III (6VAC35-60-170 et seq.) of the Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs
When a part is cited more than once in a section: C. If a license or registration condition cites provisions of Part IV (12VAC5-481-600 et seq.) of this chapter in effect prior to September 20, 2006, which do not correspond to any provisions of Part IV of this chapter, the license or registration condition remains in force until there is an amendment or renewal of the license or registration that modifies or removes this condition.

2. Citing an article.

EXAMPLES
When in the relevant part: Article 4 (6VAC35-60-320 et seq.) of this part
When in a different part, but the same chapter: Article 4 (6VAC35-60-320 et seq.) of Part III of this chapter
When in a different chapter: Article 4 (6VAC35-60-320 et seq.) of Part III of the Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs

3. Citing a specific section. Unlike the Code of Virginia, a section symbol is not used.

EXAMPLES
6VAC35-60-290 12VAC5-481-380 24VAC30-71-50

4. Citing multiple sections.

EXAMPLES
6VAC35-60-10 and 6VAC35-60-20 - use "and" for two or three sections 6VAC35-60-10 through 6VAC35-60-60 - use "through" for a range of four or more sections 6VAC35-60-10, 6VAC35-60-50, or 6VAC35-60-170

C. All uppercase lettered divisions in VAC are called subsections and all divisions of subsections are called subdivisions. So whether a reference is to subdivision A 3 or subdivision A 3 c (1) (a), they are both subdivisions.

1. Do not insert periods between VAC section numbers and subsections and subdivisions. Use spaces instead. Citing a subsection.

EXAMPLES

CORRECT: subsection A of 12VAC5-90-240

CORRECT: 12VAC5-90-240 A

INCORRECT: 12VAC5-90-240.A

When in another section of VAC:

B. Current conservation practices, techniques, and technologies shall be considered in projecting water demand pursuant to 9VAC25-780-100 D.

When in a different subsection of the same section of VAC:

B. Current conservation practices, techniques, and technologies shall be considered in projecting water demand pursuant to subsection D of this section.

When in the same subsection of VAC:

D. Current conservation practices, techniques, and technologies shall be considered in projecting water demand pursuant to this subsection.

2. Citing a subdivision.

EXAMPLES

CORRECT: subdivision B 1 a of 9VAC20-80-300

CORRECT: 9VAC20-80-300 B 1 a

INCORRECT: 9VAC20-80-300.B.1.a

D. If a section has only one subsection, then it is not given the letter "A" but its divisions are called subdivisions. In the following example, since there is only one subsection, it is not labeled "A" and the only correct reference to subdivision 2 is "subdivision 2 of 18VAC110-20-230."

EXAMPLE

18VAC110-20-230. Qualification as a nuclear pharmacist.

In order to practice as a nuclear pharmacist, a pharmacist shall possess the following qualifications:

1. Meet Nuclear Regulatory Commission (NRC) standards of training for medically used or radioactive by-product material.
2. Have received a minimum of 200 contact hours of didactic instruction in nuclear pharmacy.
3. Attain a minimum of 500 hours of clinical nuclear pharmacy training under the supervision of a qualified nuclear pharmacist in a nuclear pharmacy providing nuclear pharmacy services, or in a structured clinical nuclear pharmacy training program in an approved school of pharmacy.

2.4.4. Citations to federal statutes and regulations.

A. When citing federal statutes, use the official name together with a reference to the United States Code. If a USC number is not available, then a Public Law Number is acceptable. When citing federal regulations, cite the Code of Federal Regulations (CFR) if the regulation has been codified. If the regulation has been adopted but not codified in the CFR, cite the Federal Register (FR).

Public laws (both acts and joint resolutions) are published in the official U.S. Statutes at Large. They are designated by the number of the Congress that passed them, and then in order of their approval. For example, Public Law No. 100-1 is the first public statute the 100th Congress enacted into law. U.S. public laws are equivalent to Virginia Acts of Assembly.

The federal code of laws called the United States Code (USC) is the current subject compilation of permanent federal statutes of general applicability. The United States Code Annotated (USCA) and the United States Code Service (USCS) are commercially published versions of the USC containing the same statutes but providing additional research aids. References to federal statutory and regulatory compilations are abbreviated as follows:

Federal Material	Abbreviation
U.S. Statutes at Large	Stat.
United States Code	USC
United States Code Annotated	USCA
United States Code Service	USCS
Public Law Number	P.L. (not Pub. L.); enclose citation with commas, not parentheses.
Code of Federal Regulations	CFR
Federal Register	FR

EXAMPLES

Solid Waste Disposal Act (42 USC § 3251 et seq.)
 Endangered Species Act of 1973 (16 USC § 1531 et seq.)
 Commercial Motor Vehicle Safety Act of 1986 (49 USC § 2501 et seq.)
 Organized Crime Control Act of 1970 (18 USC § 841 et seq.)

For citations at the section level, use the section symbol (§) with the number, letter combination and indicate the source.

EXAMPLES

§ 307(a) of the federal Clean Water Act
 § 112(a)(2)(C) of the federal Clean Air Act
 § 141.2 of the federal Safe Drinking Water Act
 § 504 of the Rehabilitation Act of 1973

B. When distinguishing a federal statute from a state statute, the term "federal" may be used prior to a reference to a federal act. The term "federal" is set lower case unless it is part of the proper name of the statute. For example, it is correct to cite the "Federal Hazardous Substances Act" because the term "Federal" is part of its short title. On the other hand, the short title of the "Safe Drinking Water Act" does not include the word "Federal," so that act is cited as the "federal Safe Drinking Water Act" when distinguishing it from a state act.

EXAMPLES

"Maintenance area" means any geographic region of the United States previously designated nonattainment under § 107 of the federal Clean Air Act and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan.
 "RCRA" means the federal Resource Conservation and Recovery Act (42 USC § 6901 et seq.).
 Section 1538 of the federal Endangered Species Act of 1973 (16 USC § 1531 et seq.) makes it illegal for any person subject to the jurisdiction of the United States to "take" any federally endangered or threatened species of fish or wildlife without a special exemption.

C. Cite the Federal Register by volume and page number with the date. The approved short form of citation is "FR." Thus, 62 FR 52622 (October 8, 1997) refers to text on page 52622 of Volume 62 published on October 8, 1997.

D. Cite the Code of Federal Regulations by title and section numbers. "CFR" is the approved short form. Thus, 7 CFR 1.1 refers to text at § 1.1 of Title 7. To refer to an entire part of the Code of Federal Regulations, use the following format: 42 CFR Part 70. To refer to a subpart, use the following format: 40 CFR Part 141 Subpart B; 40 CFR Part 763 Subpart E.

EXAMPLES

2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency unless other procedures have been specified in this permit.

b. The designated representative or any other person specified in this definition for any other purposes under this article or 40 CFR Part 70.

Section of the Code of Federal Regulations: 40 CFR 70.1

2.4.5. Use of "through"

To indicate inclusion, use "through" when referring to four or more sections, subsections, or subdivisions, in consecutive order. Use "and" when listing two or three items.

EXAMPLES

CORRECT: In §§ 22.1-8 through 22.1-20 of the Code of Virginia...

CORRECT: subsections B through F of this section

CORRECT: subsections B, C, and D

INCORRECT: subsections B through D

2.5. Lists.

A. There are numerous ways to present information in lists. The main types used in regulations are (i) horizontal lists, with parallel list items within one sentence, and (ii) vertical lists, with parallel list items shown as separate paragraphs. An outline format, which is the format of regulation text, is vertical listing of text.

EXAMPLES

Horizontal list:

The agency reviewed the processes for determining claims, making payments, and renewing memberships.

Vertical list:

The agency reviewed the processes for:

1. Determining claims;
2. Making payments; and
3. Renewing memberships.

B. The following guidelines apply when using lists:

1. The items in the list must form a logical group;
2. Each item must contain only one idea;
3. Any language in common to all the items must be included in the introductory language;
4. Each item must express a complete thought when combined with the introductory language; and
5. Items must be parallel in structure.

EXAMPLES

The following sentence arranged as a displayed list is incorrect because subdivision c is not parallel in substance or form to the introductory language.

INCORRECT:

1. An applicant for licensure shall:
 - a. Complete the application for examination;
 - b. Submit in advance the examination fee; and
 - c. Eligibility for licensure by reciprocity.

CORRECT:

1. An applicant for licensure shall:
 - a. Complete the application for examination;
 - b. Submit the examination fee in advance; and
 - c. Be eligible for licensure by reciprocity.

While each item in the following list begins with a verb, thus following the introductory language, the items are not parallel in substance.

INCORRECT:

A licensee may:

1. Manufacture drugs or medicines;
2. Distribute drugs or medicines; and
3. Take any license renewal examination that is required.

CORRECT:

A. A licensee may:

1. Manufacture drugs or medicines; and
 2. Distribute drugs or medicines.
- B. A licensee may take any license renewal examination that is required.

C. Each item in a list must express a complete thought when combined with the language that introduces the list.

EXAMPLE

The language in the first subdivision 1 c is not parallel to the other subdivisions and does not express a complete thought when combined with the introductory language.

INCORRECT:

1. An applicant is exempt if the applicant:
 - a. Signs the application under oath;
 - b. Pays the required fee; and
 - c. Any required training courses.

CORRECT:

1. An applicant is exempt if the applicant:
 - a. Signs the application under oath;
 - b. Pays the required fee; and
 - c. Provides proof of completion of the required training courses.

D. For horizontal lists, use commas to separate entries if no entry itself contains a comma. If any entry contains a comma, use semicolons to separate the entries. If further delineation is needed, lowercase roman numerals in parentheses may be used to separate items in a horizontal list. This can be particularly useful when writing summaries of regulatory actions.

EXAMPLES

Horizontal list with entries separated by commas:

The physical environment and furnishings shall be clean, dry, free of foul odors, safe, and well-maintained.

Horizontal list with entries separated by semicolons because individual entries have commas:

"Qualified mental health professional" means a professional having at least one year of documented experience working directly with recipients who have developmental disabilities; at least a bachelor's degree in a human services field including sociology, social work, special education, rehabilitation counseling, or psychology; and the required Virginia or national license, registration, or certification in accordance with his profession.

Horizontal list with entries designated with lowercase roman numerals in parentheses and separated by commas:

"Waterworks" means a system that serves piped water for drinking or domestic use to (i) the public, (ii) at least 15 connections, or (iii) an average of 25 individuals for at least 60 days out of the year.

Horizontal list with entries designated with lowercase roman numerals in parentheses and separated by semicolons because individual entries have commas:

13. If wearing a uniform while employed as an unarmed security officer, that uniform must include no patch or other writing (i) containing the word "police" or any other word suggesting a law-enforcement officer; (ii) containing the word "officer" unless used in conjunction with the word "security"; or (iii) resembling any uniform patch or insignia of any duly constituted law-enforcement agency of the Commonwealth, its political subdivisions, or of the federal government.

E. The following guidelines apply when using vertical lists:

1. In most cases, the introductory language to a displayed list should end in a colon.
2. All items in a displayed list should begin with a capital letter, whether the entry is a word, a sentence fragment, a full sentence, or numerous sentences.
3. Each item should end with a semicolon or period, and a period should be used after the last item if it is the end of a sentence.
4. Items should end with periods if the items are complete sentences.
5. If using semicolons and the list consists of alternatives, "or" should be placed after the penultimate item.
6. If using semicolons and the list is inclusive, "and" should be placed after the penultimate item.
7. Do not use both "and" and "or" in one list.
8. Language should not be added after a displayed list that continues the sentence of the introductory language.

2.6. Modifiers.

A. Generally place a modifier as close as possible to the term or phrase it modifies.

EXAMPLE

INCORRECT: The petitioner shall file the petition with the court in writing.

CORRECT: The petitioner shall file the petition in writing with the court.

B. Be sure that a modifier clearly refers to the term the modifier is intended to modify.

EXAMPLE

INCORRECT: An authorization for dental laboratory work only may be signed by a licensed dentist.

CORRECT: Only a licensed dentist may sign an authorization for dental laboratory work.

C. Do not place a modifier so that it is not clear whether the modifier is intended to modify the preceding term or the following term.

EXAMPLE

INCORRECT: The department and the unit of state government that had state property at the time of its loss or damage jointly shall determine the value of the property.

CORRECT: The unit of state government that had state property at the time of its loss or damage and the department shall jointly determine the value of the property.

D. Do not place a modifier so that it is unclear whether it modifies a single item in a series or each item in the series.

EXAMPLE

INCORRECT: ...a gasoline-powered automobile, truck, or van

CORRECT: ...a truck, van, or gasoline-powered automobile

2.7. Numbers.

When writing numbers, numbers one through nine are spelled out, unless a proper noun uses the numeral (e.g., "7-Up"), and use Arabic numerals for numbers greater than nine (e.g., 10, 11, 23, and 400). Zero is written out.

2.7.1. Dates.

Spell out the month of the year. Do not use the number of the month to signify the month. Do not abbreviate the name of the month. Add a comma after the year if the date is in running text.

EXAMPLE

CORRECT: December 2, 2006,

INCORRECT: 12/2/06

INCORRECT: Dec. 2, 2006

2.7.2. Fractions; mixed numbers.

A. Fractions are written in numeric form (e.g., 1/2, 3/4, 1/4). Use 1/2 instead of the symbol ½.

B. Mixed numbers (whole numbers and fractions) are also written in their numeric form with a hyphen to separate the whole number from the fraction (e.g., 1-1/2, 2-3/4, 13-7/8).

2.7.3. Money figures.

A. Use numerals preceded by a dollar symbol (\$) for most monetary listings.

B. Amounts less than \$1.00 are written with a dollar symbol followed by a decimal, and the cent value (e.g., \$.04, \$.50, \$.99).

C. Amounts greater than \$.99 but less than \$10 are written with a dollar symbol followed by the dollar value followed by a decimal and the cent value, even if the cent value is ".00." (e.g., \$2.00, \$3.40, \$9.99).

D. Amounts greater than \$9.99 are written with a dollar symbol followed by the dollar value followed by a decimal point followed by the cent value, unless the cent value is ".00," in which case no decimal point or cent value is included (e.g., \$10, \$10.06, \$100).

E. For monetary listings incorporating seven or more digits, use the dollar symbol followed by the abbreviated numeral and the appropriate term such as million, billion, etc.

EXAMPLES			
CORRECT:	\$1 million	INCORRECT:	\$1,000,000
CORRECT:	\$4.2 million	INCORRECT:	\$4,200,000

2.7.4. Ordinals.

If the number creating the ordinal is spelled out, the ordinal is spelled out. If the number creating the ordinal is a numeral, the ordinal uses a numeral. However, if a proper noun uses the reverse of the rule, conform to the style of the proper noun.

EXAMPLES			
CORRECT:	seventh	INCORRECT:	7th
CORRECT:	32nd	INCORRECT:	thirty-second

2.7.5. Percentages.

Use numerals followed by a percentage symbol (%) for all percentages. All percentages consist of at least two digits.

EXAMPLES				
Percentages greater than or equal to 10:	10%	12%	13.4%	15.63%
Percentages less than 10:	8.0%	8.64%	9.6%	4.87%
Percentages less than one:	0.002%	0.5%	0.621%	0.75%

2.7.6. Temperature.

Forms of temperatures (i.e., Fahrenheit, Celsius, and Kelvin) are written using numerals only. The temperature value is followed by a degree symbol (°) and the appropriate letter, "F," "C," or "K," as the case may be (e.g., 75°F, 30°C, 4°F, 0°K).

2.7.7. Time.

Indicate time in Arabic numerals, with the exception of 12 p.m., which is written as "noon," and 12 a.m., which is written as "midnight."

EXAMPLES	
CORRECT:	INCORRECT:
10 a.m.	10:00 a.m.
10:30 a.m.	10:30 am
noon	12 p.m. or 12 noon

2.7.8. Units of measure.

Generally, abbreviations are not used in the Virginia Register of Regulations and Virginia Administrative Code; however, there are a few exceptions when referring to units of measure, particularly when using measurements in lists and in tables and charts. The following table serves as a guide to writing units of measure:

USE	AVOID
barrel	bbl.
by	X
Btu	British thermal unit
and	&
°F	Fahrenheit
°C	Celsius
°K	Kelvin
Watts	W.
No.	#

2.7.9. Age.

When referencing the age of a person, use "65 years of age" instead of "65 years old." Avoid "aged." This may also be phrased as "persons older than 65 years of age." Use "younger" or "older" instead of "less than" and "more than" or "under" and "over."

2.8. Punctuation.

2.8.1. Brackets.

In RIS, square brackets are used to indicate a change in text between the published proposed regulation and the published final regulation. Do not use brackets in the text of a regulation except when needed for naming chemical compounds and when necessary in mathematical equations. To indicate information to be inserted in a form or contract, use parentheses rather than brackets.

EXAMPLES
2,4,5-TP [Silvex] (ppb)
Benzo(a)pyrene[PAH]
Carefully check the application and write to (insert company name and address) within 10 days if any information is not correct and complete, or if any medical history has been left out of the application.

2.8.2. Colons.

The following principles apply to the use of colons:

1. The terms "as follows" and "the following" require a colon if followed directly by the illustrating or enumerated items.
2. A colon may be used to precede an extended explanation.
3. Capitalize the first word after a colon when it introduces an independent passage or sentence.

2.8.3. Commas.

A. Use commas to set off a nonrestrictive (unnecessary) clause or phrase. A nonrestrictive clause gives added information about the word it modifies but is not needed to complete the meaning of a sentence. "Which" is used to introduce a nonrestrictive clause.

Do not use commas to set off a restrictive (necessary) clause or phrase. A restrictive clause cannot be omitted without altering the meaning of the main clause; therefore, it is not parenthetical and should not be set off by commas. "That" is used to introduce a restrictive clause unless "who" or "whose" is appropriate.

B. Use a comma in a compound sentence to separate independent clauses joined by one of the coordinating conjunctions "and," "but," "for," "or," "nor," "so," and "yet."

EXAMPLE

The board is responsible for collecting the revenue from all permits and fees, but the legislature sets the rates.

If the second clause is not independent (i.e., it does not have its own subject), then no comma is used:

The board is responsible for collecting the revenue from all permits but doesn't set the rates.

C. The use of a comma without a coordinating conjunction between two independent clauses is known as a comma fault and should be avoided.

EXAMPLE

Incorrect: The board collects the fees and issues permits, the legislature sets the rates.

The sentence may be corrected by:

1. *Using a coordinating conjunction after the comma.*

The board collects the fees and issues permits, but the legislature sets the rates.

2. *Using a semicolon between the two independent clauses.*

The board collects the fees and issues permits; the legislature sets the rates.

3. *Dividing the two independent clauses into two simple sentences.*

The board collects the fees and issues permits. The legislature sets the rates.

D. Use commas to separate a series of three or more words, phrases, or clauses. If the elements within the sentence contain internal commas or other punctuation, separate the elements with semicolons.

EXAMPLES

The board is responsible for collecting the revenue from all fees, permits, license certifications, and renewals.

"Built-up area" means any area with a substantial portion covered by industrial, commercial, or residential buildings.

The board is responsible for collecting the revenue from fees for examinations; permits for shops, salons and schools; and license certifications.

E. Use a comma to set off a contrasted word or phrase.

EXAMPLE

The meetings of the commission shall be set by majority vote of the members, not by the chair.

F. A comma is usually used to set off expressions like "that is," "i.e.," and "e.g." Note that "i.e." means "that is" and "e.g." means "for example," and these abbreviations should only be used inside of parentheses or in a table. In running text, write out "that is" and "for example". The phrase "that is" is typically set off by a comma before and after the phrase.

EXAMPLES

The SWPPP must include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of non-stormwater.

1. For each separate area identified, the description must include a list of:

- a. The activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams);
- b. The associated pollutants or pollutant parameters (e.g., crankcase oil, iron, biochemical oxygen demand, or pH) for each activity.

G. Use commas to set off parenthetical clauses like "provided," "including," and "such as." When using "including" and "such as," the entire clause begins and ends with a comma so that it is set off entirely from the rest of the sentence.

EXAMPLES

Further, a permit is not required to sell wine or beer to wholesale or retail licensees, including mixed beverage licensees, by a wine or beer solicitor salesman who represents any winery, brewery or wholesaler licensed in this Commonwealth engaged in the sale of wine and beer.

1. "Delicatessen." An establishment that sells a variety of prepared foods or foods requiring little preparation, such as cheeses, salads, cooked meats and related condiments, for retail sale.

A note about the use of "including." Pursuant to subdivision 4 of 1VAC7-10-30, "The word "includes" means includes, but not limited to." Because of this, including "but not limited to" following "including" is unnecessary, and the Registrar's Office will strike or remove it.

H. In a date, use a comma before and after the year when the day of the month is stated. The commas are not needed if the day is omitted.

EXAMPLES

The program begins July 1, 2005, and ends June 30, 2006.

The fisherman shall provide the commission with proof of having harvested channeled whelk from federal waters during the period from January 1, 1997, through October 1, 1999.

The public hearing in July 2005 led to the development of regulations to address the issues presented by the public.

2.8.4. Parentheses.

In general, commas, rather than parentheses, should set off phrases and words. If text is important enough to include in a regulation, it should not be included parenthetically.

Parentheses may be used in the following circumstances:

1. In equations.
2. In scientific names.
3. Following a proper name, to designate an acronym.
4. Following the name of a state or federal statute or regulation, to provide the appropriate citation.
5. When providing an example or clarification involving the terms "e.g." or "i.e."
6. To hold a place for an effective date in the text of a regulation.

EXAMPLES

VOC Content = (Certified Emissions x 100)

Certified Use Rate

HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane)

North American Industry Classification System (NAICS)

Solid Waste Disposal Act (42 USC § 3251 et seq.)

Virginia Pesticide Control Act (§ 3.1-249.27 et seq. of the Code of Virginia)

"Laminate repair or edgebanding adhesive" means an aerosol for the touch-up or repair of items laminated with high pressure laminates (e.g., lifted edges, delaminates, etc.).

2.8.5. Quotation marks.

Use quotation marks as follows:

1. Words within text that require emphasis are set off in quotation marks.
2. Brief quotes are enclosed in quotation marks; lengthy quotes are set off in the text but are not enclosed in quotation marks.

EXAMPLES

When gift containers meet the requirements of gift grade, such containers need be marked "gift grade."

Fees are waived at Natural Tunnel for use of the chairlift on one designated "Customer Appreciation Day" per year.

2.8.6. Use of punctuation marks with quotation marks.

A. Place commas and periods inside a closing quotation mark.

EXAMPLE

All volumetric glassware shall be marked "Class A," denoting that it meets federal specifications and need not be calibrated before use.

B. Place punctuation marks other than commas and periods outside a closing quotation mark unless they are a part of the quoted material.

EXAMPLES

All volumetric glassware shall be marked "Class A"; other glassware does not need to be marked.

The powers of the stewards shall include:

1. Varying any arrangement for the conduct of a race meeting including postponing a race or races, canceling a race, or declaring a race "no contest";

2.8.7. Semicolons.

The following principles apply to the use of semicolons:

1. Use a semicolon between two main clauses that are not joined by a coordinating conjunction. The coordinating conjunctions are "and," "but," "for," "or," "nor," "so," and "yet."
2. Use semicolons in a list following a colon. If each of the items is an incomplete sentence, end each item, except the last, with a semicolon. If each of the items in an enumerated list is a complete sentence, end each with a period.

EXAMPLES

1. When reviewing the construction costs, the board may adjust the amount being requested for reimbursement funding as follows:

a. A reduction in funding when planned facilities vary from the recommended security level proportions contained in the board standards by more than 10% without proper justification;

b. A reduction in funding when functional areas of the facility, such as kitchen, recreation, visiting, laundry, library and commissary, are not included or are included at a size not in conformance with applicable board standards or normal practice;

c. An increase in funding when construction is proposed for space to be utilized for inmate industries;

d. An increase in funding when support services areas are proposed at sizes larger than necessary in anticipation of future enlargements or expansions to the facility; and

e. An increase in funding when the facility includes areas for extraordinary inmate program activities.

3. Use a semicolon when a conjunctive adverb, such as "however," "therefore," or "for example," is used to connect or provide transition between two main clauses.

EXAMPLES

Revised plans or specifications constitute a resubmittal; therefore, additional time will be necessary for the review and technical evaluation pursuant to 9VAC25-790-80 C.

"Groundwater system" means any waterworks that uses groundwater as its source of supply; however, a waterworks that combines all its groundwater with surface water or with groundwater under the direct influence of surface water before treatment is not a groundwater system.

With prior approval from the department, coverage may be allowed to commence on an earlier date in limited circumstances when prior coverage is unavailable; for example, a new employee who has moved out of the service area of an HMO.

4. Use semicolons to separate portions of a horizontal list when they are long or when one or more contain commas.

EXAMPLE

Such procedures shall also require requests for proposals to include and define the criteria of such construction projects in areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; and special telecommunications and may define such other requirements as the public body determines appropriate for that particular construction project.

5. Use semicolons in lists of names with titles or addresses and in other lists that would not be clear if separated only by commas.

2.9. Tables and illustrations.

A. Numerical and textual tables are permitted in the body of regulations. Such tables often provide complicated and large amounts of information in an easy-to-read format or provide simple presentations in a compact format. Use the following guidelines for preparing tables:

1. For larger tables and tables that are referenced in additional parts of a regulation, center the word "TABLE" in uppercase letters above the table.

2. Number tables within a regulation when there is more than one table.
3. Center a table title in title case underneath the word "TABLE" and its number, if any.

EXAMPLE	
TABLE 7	
Minimum Design Chlorine Dosages.	
EFFLUENT BOD/SS CONCENTRATION	DOSAGE (Based on Maximum Daily Flow)
30/78 mg/1	20 mg/1
45/45 mg/1	15 mg/1
30/30 mg/1	8 mg/1
20/20 mg/1	6 mg/1
10/10 mg/1	4 mg/1
<10/10 mg/1	<4 mg/1
Odor/Sludge Bulking Control	>20 mg/1

4. For smaller tables or tables that are not referenced in additional parts of a regulation, a title is not necessary.

EXAMPLE	
... continuous monitoring on an ongoing basis at the frequencies each day prescribed below:	
Waterworks size by population	Samples/Day*
500 or less	1
501 to 1,000	2
1,000 to 2,500	3
2,501 to 3,300	4
*The day's samples cannot be taken at the same time. The sampling intervals are subject to commissioner's review and approval.	

5. Footnotes may appear directly beneath a table when describing components of a table. Superscripted letters or numbers may be used. When possible, use asterisks for footnotes in order to avoid potential problems with superscripted letters and numbers being confused with nearby subdivision designations.

6. Include all pieces of a table within the table parameters.

B. Use RIS table styles, that is, `tblleft` (left justify); `tblctr` (center); and `tblrt` (right justify). Table headings are usually in the `tblctr` formatting style.

C. Maps, charts, graphs, diagrams, and other illustrations may be included in regulations but because they can be difficult to read, their use is discouraged. If necessary, images should be inserted as .jpeg files.

2.10. Usage.

2.10.1. Indefinite pronouns: use of "any," "each," and "every."

Use "a," or "an," instead of "any," "each," "all," "some," or "every." If the subject of the sentence is singular, the indefinite pronoun is used only when the article "a" or "an" is inadequate, as when the use of "a" would allow the unintended interpretation that the

obligation is to be discharged by applying it to one single member of the class instead of to all of a class of regulant. When indefinite pronoun use is necessary, follow these rules:

1. If a right, privilege, or power is conferred, use "any," as in "Any qualified employee may"
2. If an obligation to act is imposed, use "each," as in "Each employee shall"

2.10.2. Use of "such" and "said."

Avoid the use of "such" and "said." Instead, use "the" or "that." In many instances "such" and "said" mean nothing at all and can be omitted without any other words being substituted.

2.10.3 Use of "ensure," "assure," and "insure."

"Ensure" means to guarantee something happens. Probably this is the word to use in regulatory text.

"Assure" means to remove doubt or insecurity about something. Probably in regulation "providing assurance" is the form the word most often is used.

"Insure" means to cover an something or someone with an insurance policy.

2.10.4. Use of "and/or."

Do not use "and/or". Pursuant to [subdivision 5 of 1VAC7-10-30](#), "The word "or" means any one or all of the items listed or any combination thereof." Instead, use "or" to encompass any possible combinations of a list.

2.10.5. Use of "effect" versus "affect."

Whether to use the word "effect" or "affect" in drafting generally depends on whether text requires a noun or a verb. The noun "effect" means the result of a process, event, or activity, the result of a cause. The verb "effect" means to bring into existence or to bring about a result, as in "to effect a change." The more common verb used in regulation is "affect," which means to influence or change or, basically, to produce an effect.

EXAMPLES

"Effect" as noun:

A statement of the purpose of the product, stated in terms of the claimed or beneficial effect resulting from the use of the product;

This criterion applies to the net effect on emissions of all projects contained in a new or revised transportation plan.

"Effect as verb:

The agency may effect change by initiating the following actions...

"Affect"

Nothing in this chapter shall affect the distribution for sale, offering for sale, or sale of gasoline.

Underground mining activities will not adversely affect the water quantity and quality or other environmental resources of the stream.

2.10.6. Use of "if" and "when."

Only use "if" to express a condition.

Only use "when" with a reference to time.

EXAMPLES

INCORRECT: When the applicant is qualified...

CORRECT: If the applicant is qualified...

INCORRECT: If the application arrives prior to the midnight deadline, the department will waive the reinstatement fee.

CORRECT: When the application arrives prior to the midnight deadline, the department will waive the reinstatement fee.

2.10.7. Use of "whether" instead of "if."

If "or not" is implied in the meaning, use "whether" instead of "if."

EXAMPLE

INCORRECT: The director shall investigate if the licensee is violating the regulation.

CORRECT: The director shall investigate whether the licensee is violating the regulation.

2.10.8. Use of articles with acronyms.

When choosing the article (i.e., "a" or "an") to precede an acronym, base the choice on the first sound of the acronym not the first letter of the acronym. For example, "a nursing facility," but "*an* NF." In this instance, the acronym is pronounced "en eff," so the leading vowel sound requires "an" to precede it.

2.10.9. Relative pronouns: use of "who" and "whose."

A. Use the words "who" and "whose" to refer to an individual.

EXAMPLES

INCORRECT: The individual that files the report shall...

CORRECT: The individual who files the report shall...

B. There is no possessive form for "which." Use "whose" to mean "of which."

EXAMPLES

Counties whose populations exceed 25,000 residents shall file.

The people who interrupted the demonstration were arrested.

2.19.10. Relative pronouns: use of "that" and "which."

A. The words "that" and "which" have different meanings; the words are not interchangeable. The choice between them is determined by the type of clause the word introduces.

B. Restrictive clause. "That" is used to introduce a restrictive (necessary) clause, unless the subject is an individual, in which case "who" or "whose" is appropriate. A restrictive clause is essential to the meaning of the sentence. Do not use commas to set off a restrictive clause.

EXAMPLES

CORRECT: Construction bonds that are issued by local governments generally carry tax-free interest.

DISCUSSION: The clause "that are issued by local governments" has a restrictive meaning; it describes the construction bonds being discussed. It answers the question, "which ones?" – the ones that are issued by local governments. It is not set off by commas.

INCORRECT: The requirements which an applicant must meet for certification are listed in the regulation.

CORRECT: The requirements that an applicant must meet for certification are listed in the regulation.

DISCUSSION: Without the clause "that an applicant must meet for certification," the meaning of the sentence would be significantly altered; therefore, the clause is restrictive, "that" is used instead of "which," and commas are not used.

INCORRECT: The person, who files the complaint, shall sign the complaint.

CORRECT: The person who files the complaint shall sign the complaint.

INCORRECT: Direct care staff shall encourage and assist residents, who do not have medical conditions with physician ordered fluid restrictions, to drink water or other beverages frequently.

CORRECT: Direct care staff shall encourage and assist residents who do not have medical conditions with physician ordered fluid restrictions to drink water or other beverages frequently.

C. Nonrestrictive clause. "Which" is used to introduce a nonrestrictive (unnecessary) clause. If the clause can be removed from the sentence and the sentence retains its essential meaning, then the clause is nonrestrictive and is set off by commas.

EXAMPLES

INCORRECT: Construction bonds which can be a dependable tax shelter carry different interest rates according to the credit standing of the local government.

CORRECT: Construction bonds, which can be a dependable tax shelter, carry different interest rates according to the credit standing of the local government.

DISCUSSION: The clause "which can be a dependable tax shelter" has a nonrestrictive meaning. It provides additional information about the bonds, but does not restrict the meaning of the construction bonds. The clause is therefore set off by commas.

INCORRECT: "School" means any private or religious school which offers instruction at any level or grade.

CORRECT: "School" means any private or religious school that offers instruction at any level or grade.

DISCUSSION: "That offers instruction at any level or grade" affects the primary meaning of the sentence, so it is restrictive; therefore, "that" is the correct word choice and no commas are used.

2.10.11. Use of words both singular and plural.

Modifying singular words to be both singular and plural (i.e., "parent(s)") or using both singular and plural (e.g., "parent or parents") is unnecessary. Pursuant to [subdivision 3 of 1VAC7-10-30](#), "A word used in the singular includes the plural, and a word used in the plural includes the singular unless the context clearly indicates otherwise." If both versions of a word

are used in regulatory text, the Registrar's Office will let stand the version best conforming to context and strike or remove the other version. Agencies are encouraged to make this conforming amendment when amending text generally.

2.10.12. Plain language alternatives for words commonly used in regulation.

A. Listed in this section are commonly used words and phrases. The use of the words in the right column is preferred.

AVOID	USE
appear	seem
ascertain	find out
at such time as	when
at this point in time	now
commence	begin
complete	fill out
comply	follow
constitute	be
disclose	show
elect	choose
endeavor	try
ensue	follow
execute	sign
experience	have, feel
following section	§ (fill in the number)
for the duration of	during
forthwith	immediately
forward	send
hereby	by this
herein	to this
hereof	of this
hereto	to this
hereunder	in subdivision (fill in number)
herewith	with this
in lieu of	instead of
in the event	if
inasmuch as	because
indicate	state, show
initial	first
insufficient	not enough
negative	not
obtain	get
personnel	people, staff
presently	now, soon
prior to	before, earlier
prohibit	forbid
purchaser	buyer
subsequent to	after, later
such, same, said	the, this, that, them, those, it
terminate	end
thereby	by that
therein	in that
thereof	of that
thereto	to that
therewith	with that
thus	so, that way
transpire	happen
upon	on
vendor	seller
whereas	avoid using this term
wherein	where, in which

2.10.13. American versus British spellings.

Use the American English version of words that have alternative spelling in British English. The following list provides common examples of these types of differences. Each example represents a general pattern; use these as a basis for judging when a word might have both a British and an American spelling.

AVOID (British spelling)	USE (American spelling)
Acknowledgement	Acknowledgment
Cancelling	Canceling
Catalogue (verb)	Catalog (verb)
Colour	Color
Defence	Defense
Grey	Gray
Liveable	Livable
Recognise	Recognize
Skilful	Skillful
Towards	Toward

2.10.14. Problem words and expressions.

A. Do not use the term "paragraph" or "subparagraph." Use the term "subsection" for paragraphs with capital letters and the term "subdivision" to indicate any division of a subsection.

B. The following list defines problem words and expressions.

affect:	verb - "To influence" or "to change"
effect:	noun - "Result" or "accomplishment"; verb – "to cause" or "to bring about"
assure:	"To convince" or "to guarantee" and applies only to persons
ensure:	"To make sure, certain, or safe" or "to guarantee" and applies to both persons and property
insure:	To cover with insurance or "to guard against loss"
capital:	The seat of government of a state or country (e.g., Richmond is the capital of Virginia); money invested in a business
capitol:	A building in which a state legislative body meets; with uppercase, the building in which the U.S. Congress meets in Washington, D.C.
e.g.:	"For example"
i.e.:	"That is"
farther:	Refers to a measurable distance or space
further:	"Moreover." Also indicates greater in quantity, time, and degree
imply:	"To express indirectly." The speaker implies
infer:	"To derive as a conclusion." The hearer infers

2.11. Word treatment.

2.11.1. Capitalization.

A. Capitalize civil, military, religious, and professional titles when they immediately precede a personal name, as part of the name.

EXAMPLES
Governor Northam
Secretary Morris
Chairman Jones

B. Capitalize full names of legislative, deliberative, administrative, and judicial bodies, departments, bureaus, and offices. Lowercase common noun substitutes or incomplete designations.

EXAMPLES	
Uppercase	Lowercase
General Assembly of Virginia	the state legislature
Department of Transportation	the department
State Health Commissioner	the commissioner

C. Do not capitalize the following words unless they are part of a proper name: board; commission; department; executive branch, legislative branch, or judicial branch; federal; government; and state.

EXAMPLES	
Uppercase	Lowercase
The Board for Geology is adopting these emergency regulations ...	The board is adopting these emergency regulations ...
The State Corporation Commission operates ...	The commission operates ...
The Department of Health is required to ...	The department is required to ...
Members of the General Assembly met ...	Members of the legislative branch met ...
Federal Power Act ("Federal" is part of the Act's name)	federal Clean Air Act
Government Accounting Office	The government agency spokesman answered the question.
Virginia State Capitol	state constitution

D. Capitalize common nouns and adjectives that form an essential part of a place.

EXAMPLES
Hanover County
City of Richmond
Northern Virginia
Counties of Chesterfield, Hanover, and Henrico

E. Capitalize "Commonwealth of Virginia" and "Commonwealth."

F. Capitalize names of buildings and monuments.

EXAMPLES
Washington Monument
Monticello
Virginia Supreme Court Building
James Monroe Building

G. Capitalize only the official names of documents.

EXAMPLE	
Uppercase Constitution of Virginia	Lowercase state constitution

H. Capitalize the names of specific acts (e.g., Administrative Process Act, Virginia Register Act).

I. Capitalize the word "Act" when it has previously been defined or designated as a shortened form to stand for a longer term and when subsequent references are to the specific act.

J. Capitalize a word describing a part of a document only if it is followed by a specific number or letter designation.

EXAMPLES	
Uppercase Chapter 40 Part IV	Lowercase this chapter this part

This policy does not apply to subsection or subdivision designations.

EXAMPLES	
Lowercase subsection A of this section subdivision C 1 of this section subdivision 4 of this subsection	

K. Lowercase "page" and "line" (e.g., page 10, line 22).

L. Capitalize acronyms, such as "IEP" for "individualized education plan," but a term is not capitalized just because it is being replaced with an acronym.

M. In definitions, capitalize only the first word of two or more words being defined, such as "Motor vehicle," unless the words being defined contain proper nouns, such as "Clean Water Act."

N. Within a regulation:

1. Use title case letters for chapter, part, and article titles.
2. Use sentence case for section catchlines.

EXAMPLES	
Chapter 421	
Food Regulations	
Part IV	
Equipment, Utensils, and Linens	
Article 6	
Cleaning of Equipment and Utensils	
12VAC5-421-1790. Cooking and baking equipment.	

2.11.2. Hyphens and compound words.

A. The general purpose in the use of hyphens is to promote clarity. Use this section as a guide, but don't stand on the rules if confusion results. There are three types of compound words:

1. Open compound, which is a combination of separate words that are closely related and form a single concept, for example, health care, reference manual, cross section;
2. Hyphenated compound, which is a combination of words joined by one or more hyphens, for example, right-of-way, well-known, cross-reference, double-check, mass-produced; and
3. Closed compound, which is a combination of two or more elements, originally separate words, now spelled as one word, for example, stormwater, notebook, bookkeeper, rulemaking, wasteload, website.

When considering whether a word is an open, closed, or hyphenated compound, use the following steps to establish the correct option: (i) search for the word in agency regulations to check for a precedent as to the word's treatment there; (ii) if the word is not used in current agency regulations, search VAC generally for a precedent for how the word is treated; and finally (iii) if the word is not in VAC at all, then search Merriam-Webster.com, the dictionary on which this style guide is based.

B. Not strictly compounds but related in use are words with prefixes or suffixes. Some of these words are closed and some are hyphenated. Use the hyphen to avoid confusion or an awkward combination of letters and syllables between prefix and root or suffix and root.

Most prefixes form words that are closed unless the word it is joined with is a proper noun, or if there would be ambiguity owing to, for example, a doubled letter, or if the hyphenated version is in the dictionary. If an unhyphenated word would be indistinguishable from another word (e.g., recover vs. re-cover), this is known as a homograph. Use a hyphen to avoid homographs. Use a hyphen when the prefix goes with an open compound noun (e.g., non-United States citizen) and when the prefix goes with a hyphenated compound (e.g., non-English-speaking country).

Prefixes forming closed compounds:

coauthor	multifaceted	reexamine
midcentury	nonnegotiable	semiconductor
nonprofit	semisolid	prerelease

Prefixes and suffixes forming hyphenated compounds:

capitalized words or numerals: mid-August, anti-American, pre-1950
homographs: re-cover, re-create, re-sign
more than one word: non-habit forming, pre-World War II
repeated vowels: semi-independent, anti-inflammatory
prefix ex- (meaning "former"): ex-senator
prefixes self and all: self-help, self-propelled, all-knowing, all-inclusive
suffix elect: governor-elect, president-elect

C. Words that function as a compound adjective that are placed before the noun they modify should be hyphenated.

EXAMPLES
will be determined on a case-by-case basis
during a 30-day period
law-enforcement officer
out-of-state transplant facilities
even-numbered years
single-family home
law-abiding citizen
public health-related field
in-service training

However, when these same word groups are placed after the nouns or pronouns they modify, they are not hyphenated.

EXAMPLES
determine the outcome case by case
perform the inspection on site

EXAMPLES		
part-time employee	but	He is employed part time.
board-approved course	but	The course is board approved.
state-owned property	but	The property is state owned.
on-the-job training	but	He will be trained on the job.

D. When the compound adjective contains an open compound noun, use the hyphen after the second word (e.g., public health-related fields).

E. Hyphens should not be used in cumulative adjective chains, such as "sales tax bill," "foreign aid plan," "navy blue skirt," or "dark green paint."

F. An adverb ending in "ly" followed by a participle or adjective is always open.

EXAMPLES
officially designated laboratory
officially declared disasters
highly developed

G. In a series of hyphenated phrases, use the complete phrase in each instance.

EXAMPLE
INCORRECT: fixed- or rotary-wing aircraft
CORRECT: fixed-wing or rotary-wing aircraft
INCORRECT: short- and long-term evaluations
CORRECT: short-term and long-term evaluations

Article 3. Formatting Text Using the Regulation Information System

Agencies must use the Regulation Information System (RIS) to create the regulatory text for regulatory actions to submit for publication in the Register of Regulations for the eventual inclusion in the Virginia Administrative Code (VAC). Using RIS, agency regulation writers are able to access an agency's full catalog of regulations, pull accurate versions of each section of

each regulation into an RIS project, and edit (amend or repeal) existing regulations or add new sections to or chapters of regulations. Individual agency user access to RIS is managed by the Agency Regulatory Coordinator. Log-in for RIS is a user's state government email address. Instructions for using RIS are available to users of the system in two places, within RIS on the [Resources tab](#), [Help screen](#) and on the Register website on the [RIS Resources page](#).

3.1. Amending text of the Virginia Administrative Code.

A. Use the following rules to format regulatory text for submission to the Registrar's Office for publication in the Register:

1. Existing text of a regulation section is called "old language." Old language has no formatting. In the example provided in subdivision 5 of this subsection, the old language is the text without underline or strikethrough.
2. Text being added to old language is called "new language." New language is underlined. Use the underscore button on the RIS toolbar within Edit section to apply underlining to all new language.
3. Text being removed from regulation is not deleted. It is stricken. Use the strikethrough button on the RIS toolbar within Edit section to apply strikethrough to all old language to be removed. **Do not strike a part or portion of a word or number.** Instead, strike through the entire word or number, then insert the new version of word or number and underscore it to indicate that the revised word or number is new language. See subdivision 7 of this subsection for examples of correctly stricken words and numbers.
4. Always insert new language **after** stricken language. Do not strike, then add, then strike. Group together stricken text and underlined text. In the example provided in subdivision 5 of this subsection, look at the beginning end of the example sentence. See how the stricken language and the new language are grouped. Compare that to the incorrect example. Group stricken and underlined text correctly to submit for publication.
5. Always leave a blank (i.e., unformatted - neither stricken nor underlined) space between each instance of differently formatted text. In the example provided in this subdivision, these spaces are highlighted in red. The first, which comes after "~~request~~" and before "9." is between stricken text and underlined text; the second is between underlined text and old language; the third between old language and stricken text, and so on. The only exception to leaving the space is for punctuation. In the example provided in this subdivision, see the stricken semicolon; it immediately follows "variance." If text is not formatted with these blank spaces, the Registrar's Office will return the project to the agency with instructions to "clean up the strikes and underlines." An agency must do that for the project to be accepted for publication.

EXAMPLES

Underscore:

2. The owner shall install, calibrate, maintain, and operate a device to continuously measure the temperature of the flue gas stream at the inlet of each particulate matter control device.

Strikethrough:

~~3. 12VAC5-590-420 Treatment technique requirements.~~

Strikethrough, then underscore:

~~7. For any request~~ 9. An application made under subdivision A 2 of this section, for a treatment technique variance, the applicant must also include a statement that the owner will perform monitoring and other reasonable requirements prescribed by the division commissioner as a condition to the variance; will be performed.

INCORRECT: ~~7. 9. For An any request application made under subdivision A 2 of this section, for a treatment technique variance, the applicant must also include a statement that the owner will perform monitoring and other reasonable requirements prescribed by the division commissioner as a condition to the variance will be performed;.~~

Leave blank spaces between unlike formatted text:

~~7. For any request~~ 9. An application made under subdivision A 2 of this section, for a treatment technique variance, the applicant must also include a statement that the owner will perform monitoring and other reasonable requirements prescribed by the division commissioner as a condition to the variance; will be performed.

6. When a subsection or subdivision is completely stricken or newly added, the list of subsections or subdivision must be relabeled to accommodate the amendment. Relabel the list of subsections or subdivisions this way:

EXAMPLES

When an entire subsection or subdivision is stricken, do this:

~~A. Except as in accordance with this chapter, no person or other entity shall sell any degree, degree credit, diploma, or certificate.~~

~~B. A.~~ Use of the term "college" or "university" or abbreviations or words of similar meaning in its name is prohibited, except in accordance with § 23.1-225 of the Code of Virginia.

Relabel all subsequent subsections or subdivisions in the same manner, that is, by striking the old label and its period, leaving a blank space, and adding the new underlined label and its period.

When an entire subsection or subdivision is added, do this:

A. A school whose claim for exemption under subsection A of this section is denied by the council shall have right to appeal the council's decision pursuant to Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

B. Existing postsecondary schools must recertify compliance with certification criteria on an annual basis in order to continue offering postsecondary courses and programs.

~~B. C.~~ Postsecondary schools operating branches multiple sites in Virginia must certify each separately.

Relabel all subsequent subsections or subdivisions in the same manner, that is, by striking the old label and its period, leaving a blank space, and adding the new underlined label and its period.

7. Following are some more examples of striking and underlining:

EXAMPLES	
To change a word from plural to singular or vice versa:	
INCORRECT	CORRECT
parking decks	parking ~~decks~~ <u>deck</u>
applications	~~application~~ <u>applications</u>
To change capitalization of a word:	
~~N~~ umbers	~~Numbers~~ <u>numbers</u>
~~The n~~ <u>Number</u>	~~The number~~ <u>Number</u>
To change a cross reference:	
INCORRECT	CORRECT
18VAC65-20-70 <u>120</u>	~~18VAC65-20-70~~ <u>18VAC65-20-120</u>
§ 2.2-400 <u>23</u>	~~§ 2.2-4002~~ <u>2.2-4003</u>

B. When the text of a final regulation differs from what was published in the Register for the proposed regulation, show the changes made to the proposed regulation by enclosing the material in brackets. Only use the bracket buttons on the RIS toolbar within Edit section for this task. Do not use the brackets on the keyboard. Make sure brackets are neither stricken nor underlined. Leave one blank space on each side of every bracket.

The only other instance where text is bracketed is the rare occasion of an agency doing a revised proposed (reproposed) action. Do not use brackets in other proposed regulations.

In the example provided, the first example shows text stricken for final, replaced for final, and added for final. The second sentence shows what it looks like when text that was added at proposed is to be removed for the final; that is, text is both underlined and stricken within the brackets. The final sentence shows how to restore text that was stricken at proposed but will be retained for the final stage; that is, the strikethrough is removed.

EXAMPLES
Text stricken, replaced, and added for final
a. An appraiser may provide [~~market~~] analysis studies or [~~counseling~~ <u>consulting</u>] reports ...
2. Test reports, including supporting [<u>initial</u>] calculations that document the results of all [~~stack~~ <u>emission</u>] tests.
Text added at proposed is removed for final
"Agency administrator" means any chief of police, sheriff, or any agency head of [~~a~~] local ~~or~~ , state, [~~or~~] federal [~~government~~] <u>law-enforcement</u> [~~agency~~ , or college or university law-enforcement agencies sworn under § 23-232.1 of the Code of Virginia].
Text stricken at proposed is restored for final
[1. The senior administrators shall hold at least an earned baccalaureate degree from an accredited college or university and shall have sufficient experience to qualify for the position.
2. <u>1.</u>] Each ~~branch~~ <u>site</u> of the institution certified to operate in Virginia must designate one person as the ~~branch/campus~~ <u>site</u> director.

C. Only use brackets in a final regulation after there has been a proposed regulation published.

D. If a proposed regulatory action is resubmitted with changes as a "reproposed" action, use brackets for all changes made since publication of the original proposed stage. This will mean that all changes in the proposed action remain in the document, but new changes since the last publication will appear in brackets. When the final stage of a reproposed regulation is published, unbracket all text bracketed at the reproposed stage and only bracket changes between what was published in the Register at reproposed and what is being published as the final regulation.

E. When a final regulatory action is suspended and resubmitted with additional changes since the original final regulation was published, remove all brackets before making additional changes, then use brackets for all changes made since the last publication. All proposed and initial final changes will remain in the document, but only new changes since the last publication will appear in brackets.

3.2. Repealing text of the Virginia Administrative Code.

3.2.1. Repealing a chapter.

A. A chapter of the Virginia Administrative Code (VAC) that is in effect may be repealed if the agency determines that the chapter is no longer necessary. All of the regulatory text of the chapter being repealed will be stricken. RIS automatically applies the strikethrough when a user chooses the repeal (instead of amend) option when pulling a section into an RIS project.

B. Frequently, an agency realizes when amending a chapter that the revisions are so extensive that repealing and replacing the existing chapter with a new chapter will be easier for the agency and clearer for regulants and the public to understand the changes. In this case, the replacement chapter (the new chapter) will be numbered to immediately follow the chapter being repealed. For example, if 11VAC10-20 is repealed, the replacement chapter is numbered 11VAC10-21.

C. The agency creates only one RIS project to repeal and replace a chapter of VAC. The agency must include in the summary submitted with the regulatory text (i) the reasons for repealing the current chapter and replacing it with the new chapter and (ii) the major differences between the two chapters.

D. The repeal and replacement are considered one regulatory action. For example, it is not necessary to obtain separate letters from the Office of the Attorney General for the repeal and the replacement chapters; one letter may verify statutory authority for both actions.

3.2.2. Repealing a section.

A. When repealing an individual section, RIS will strike through the catchline, the full text of the section, and the statutory authority, but not the section number or the historical notes, and the word "Repealed" is underscored, placed between parentheses, and inserted after the stricken catchline.

EXAMPLE

~~12VAC30-110-890. Resources transferred pursuant to § 1917 of the Act. (Repealed.)
Provided transfers are made within one month of the initial determination of eligibility or
within the protected period specified in 12VAC30-110-860, resources held by an
institutionalized spouse shall not be counted in determining continuing eligibility when §
1917 transfers are made to parties for which there is no penalty for failure to receive
equitable value, or transfer for which equitable value is received.
Statutory Authority
§ 28.2-201 of the Code of Virginia.
Historical Notes
Derived from Virginia Register Volume 23, Issue 19, eff. May 1, 2007.~~

B. If a section is repealed, the section number is not used again, and sections following a repealed section are not renumbered. Content of a section must stay basically the same. If the basic topic of a section is changed, rather than strike the catchline and text and replace it with new language, repeal the section and insert a new section following the repealed section or in the appropriate location. Once a section number has been used, it can neither be used again nor reserved to be used again. Chapters are set up with sections numbered in multiples of 10 so that the numbers in between may be used to amend the chapter at a later time.

3.3. Adding a new section or chapter to the Virginia Administrative Code.

3.3.1. Adding a chapter.

When an agency must add a new chapter to the agency's regulatory catalog, consult the Registrar's Office regarding the numbering of that chapter. Longevity of the agency's catalog of regulations must be considered. That is, future need to repeal and replace existing chapters or add more chapters that topically should be inserted within (instead of at the end of) the existing chapters must be taken into account.

All of the text of a new chapter is underlined.

3.3.2. Adding a section.

To a more limited degree, adding a new section to a chapter also requires planning and consideration. The new section should relate topically to the sections surrounding it, leave sufficient room to allow the chapter to expand, and consider the logic of the new section's placement: Does it have general application or limited application? Does it expand privileges (or requirements) or contract them?

All of the text of a new section is underlined.