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Final Regulation Agency Background Document

Agency name	Virginia Board for Asbestos, Lead, and Home Inspectors
Virginia Administrative Code (VAC) citation(s)	18 VAC 15-20
Regulation title(s)	Virginia Asbestos Licensing Regulations
Action title	Update regulations for asbestos labs and project monitors
Date this document prepared	April 30, 2018

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Board proposes amending the section pertaining to scope (18 VAC 15-20-10) to clarify those entities which are required to obtain a license from the Board. The current section refers to "individuals and firms" that need a license. The amendment would require that "persons," defined as "a firm, individual, or any other entity" are subject to licensure. The change will also clarify licensure requirements for asbestos analytical laboratories with multiple locations.

The Board also proposes amending its entry requirements for firms to be consistent with similar requirements for firms in other Department programs, as well as clarifying for applicants the information that needs to be furnished to demonstrate their qualifications for licensure. This will entail revising 18 VAC 15-20-33 to outline general entry requirements applicable to all firms seeking a license from the Board, and adding two new sections detailing specific entry requirements for asbestos contractors and asbestos analytical laboratories, respectively. With respect to firms, the regulations will be amended to specify that firm licenses may not be transferred, and are valid only so long as the business entity holding the license

is in existence. The regulations will be amended to clarify when asbestos analytical laboratories must notify the Board of changes to their responsible personnel and types of analysis performed at laboratory locations.

The Board further proposes amending sections pertaining to the responsibilities of asbestos project monitors. These include changes to requirements for air sample reports, and a new section pertaining to the conduct during on-site analysis. In addition, technical amendments and corrections are made.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

"AAR" means the Asbestos Analysts Registry program offered by the AIHA Registry Programs.

"AIHA" means American Industrial Hygiene Association.

"IHLAP" means the Industrial Hygiene Laboratory Accreditation Program of the AIHA Laboratory Accreditation Programs LLC.

"IHPAT" means the Industrial Hygiene Proficiency Analytical Testing Program of the AIHA Proficiency Analytical Testing Programs LLC.

"NIOSH" means National Institute of Occupational Safety and Health.

"PCM" means phase contrast microscopy.

"PLM" means polarized light microscopy.

"TEM" means transmission electron microscopy.

There are no technical terms used in this document that are not defined in the "Definitions" section of the regulations.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On February 8, 2018, the Virginia Board for Asbestos, Lead, and Home Inspectors voted to adopt the proposed amendments to the Virginia Asbestos Licensing Regulations as final.

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and (2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Va. Code § 54.1-201(5) provides that the Board has the power and duty “[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.”

Va. Code § 54.1-501 provides the authority for the Board to promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos contractors, asbestos analytical laboratories, as well as regulations governing the functions and duties of project monitors on asbestos projects. The content of the regulations is pursuant to the Board’s discretion, but shall not be in conflict with the purposes of the statutory authority.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The amended regulations are designed to (1) clarify existing regulatory requirements, particularly for firms that operate as asbestos contractors and asbestos analytical laboratories; and (2) to enhance protection of the public welfare by ensuring that analytical laboratories and project monitors are properly qualified, and, with respect to air sample reporting, that there is adequate transparency.

The Board considered the current asbestos analytical laboratory licensing requirements after receiving inquiries from laboratory applicants regarding the necessity to obtain a separate license for each laboratory location. Upon reviewing Va. Code § 54.1-503(B), it is clear that licensure of analytical laboratories applies to a “person.” Further, Va. Code § 54.1-500 defines a person as “a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.” The current requirement for each location of a laboratory (entity) to obtain a separate license does not align with the statutory provisions. This has caused confusion for asbestos analytical laboratories that have branch offices in various sites, as all printed licenses bear the same name and address information as the main firm.

The Board reviewed licensing models utilized by other boards in developing requirements for laboratory licensing to include branch office locations. The proposed amendments will remove the requirement that each laboratory location be separately licensed, and instead require only the main office to be licensed. Branch office locations will need to be listed with the Board, and provide documentation of their qualifications to perform analysis. This will reduce the regulatory burden on analytical laboratories that operate in multiple locations, while also protecting the public by ensuring that each laboratory location is qualified to perform asbestos analysis.

Project monitors who analyze air samples on site are required to be employed by a licensed analytical laboratory. However, there is no related provision that the final clearance reports prepared for the client include the laboratory results on the employing laboratory’s letterhead. The proposed amendments will impose this requirement in order to provide greater transparency and protection to the public.

During review of the Board’s regulations, it was determined that the language pertaining to entry requirements was ambiguous and needlessly complicated, and some requirements were unnecessary. The proposed amendments will serve to clarify and strengthen entry requirements for asbestos contractors and analytical laboratories. The proposed amendments will help make the regulations easier for licensees, applicants, and the public to understand. The proposed amendments will also help protect the public from those who are unfit for licensure.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both.

Substantive changes to the regulations are as follows:

1. Section 15-20-10, which outlines those individuals who need to be licensed, will be revised to reflect that persons, as defined in the Board's regulations, are subject to licensure. The section will also be revised to reflect that asbestos analytical laboratories with more than one location only need to obtain a license for the main office location. Branch offices of these laboratories will need to be listed with the Board.
2. Section 15-20-20 will be revised to add new definitions. These will include a definition for "responsible individual," who is the individual designated by a licensed firm as responsible for the firm's regulatory compliance; and several definitions for terms referring to various accrediting agencies in the area of asbestos testing/analysis.
3. Section 15-20-33, which outlines qualifications for licensure of asbestos contractors and asbestos analytical laboratories, will be significantly revised. Under proposed revisions, the section will outline general entry qualifications applicable to both contractors and laboratories. Requirements specific to contractors and laboratories will be outlined in two new sections. General qualifications for firms include requirements for disclosure of criminal history of the applicant and its owners and principals, and adverse regulatory actions (e.g. license revocation, suspension, discipline) taken against the same; on which bases the Board may deny licensure. The Board may also deny licensure to firms on the basis of substantial identity of interest (same controlling principals/owners) with firms whose licenses were previously revoked. Applicants are prohibited from knowingly making any false statements on an application, or submitting false documentation to the Board in support of an application.
4. Sections 15-20-33.1 and 15-20-33.2 are the new sections that pertain to specific entry requirements for asbestos contractors and asbestos analytical laboratories, respectively. For asbestos analytical laboratories, a new requirement will be that laboratories designate a "responsible individual" to be responsible for regulatory compliance at each laboratory location. In addition, each branch office of a laboratory must meet entry requirements to perform the types of asbestos testing/analysis which are to be undertaken at that location.
5. Sections 15-20-52 and 15-20-53 will be revised to add application and renewal fees for asbestos analytical laboratory branch offices.
6. Section 15-20-454, which prohibits the transfer of an asbestos contractor license, will be expanded to specify that licenses are issued to firms and are not transferable; and that any change to the firm's business entity type (e.g. conversion from corporation to a limited liability company) will render the license void. The successor entity must obtain its own license.
7. Section 15-20-456, which outlines professional responsibilities of asbestos project monitors, will be revised to remove language pertaining to project monitors who perform onsite analysis. Onsite analysis by project monitors will be addressed in a new section. A new requirement will be added to the section regarding air sample reports that are part of final clearance reports. Air sample reports are to be on the letterhead of the employing asbestos analytical laboratory, and must be signed by project monitor.

- 8. Section 15-20-456.1 is a new section that outlines professional responsibilities of project monitors performing onsite analysis (previously part of 15-20-456). The section will add new training and accreditation requirements for project monitors who perform onsite analysis.
- 9. Section 15-20-459.4, which outlines notification requirements for laboratories pertaining to changes in qualified personnel and types of analysis undertaken, will be significantly revised. Laboratories will be required to report any change in the responsible individual, rather than supervisors or signing officers. A new requirement will be added to require laboratories to report whenever an employed analyst or project monitor loses their accreditation. Branch offices are required to report any change in the types of analysis performed. A requirement equivalent to that in 15-20-454, but pertaining to asbestos analytical laboratories, will be added to the section.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

The amended regulations are designed to (1) clarify existing regulatory requirements, particularly for firms that operate as asbestos contractors and asbestos analytical laboratories; and (2) to enhance protection of the public welfare by ensuring that analytical laboratories and project monitors are properly qualified, and, with respect to air sample reporting, that there is adequate transparency.

The primary advantage to the public is that the revisions will improve the clarity of the regulations and ensure consistency with current board practices, legal requirements, and standards of practice in the industry, all to better protect the health, safety, and welfare of citizens of the Commonwealth. No disadvantages to the public have been identified at this time.

The primary advantage to the Commonwealth is that the revisions to the regulations reflect the importance that Virginia places on ensuring the regulations are the least burdensome but also provide protection to the citizens of the Commonwealth. No disadvantages to the Commonwealth could be identified.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

Current federal law and regulations require states to accredit asbestos contractors, project monitors, analytical laboratories, and other persons who inspect for, or design or conduct response actions for, asbestos-containing material in public and commercial buildings. Minimum federal accreditation standards are established by the U.S. Environmental Protection Agency (“EPA”) Asbestos Model Accreditation Plan. The EPA model plan outlines minimum requirements with respect to training programs and examinations. However, the EPA model plan specifies that states “may require candidates for accreditation to meet other qualification and/or experience standards that the State considers appropriate for some or all disciplines.” (See 15 U.S.C. § 2646 and Appendix C to Subpart E of 40 CFR Part 763).

The proposed amendments to the regulations fall within the scope of “other qualification and/or experience standards” for which there do not appear to be any applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

We have not identified any localities that will be particularly affected by the proposed regulation.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

A family impact has not been identified.

Changes made since the proposed stage

*Please list all changes that made to the text since the proposed regulation was published in the Virginia Register of Regulations and the rationale for the changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. *Please put an asterisk next to any substantive changes.*

Section number	Requirement at proposed stage	What has changed	Rationale for change
15-20-20	Outlined definitions used in the chapter. Proposed change includes adding several definitions for terms that refer to various accrediting agencies in the area of asbestos testing/analysis.	A technical correction was made to the definition of IHPAT, an accrediting agency, to reflect that the organization is a limited liability corporation.	Change was made for the purposes of accuracy.
*15-20-33.2	Outlines entry requirements specific to asbestos analytical laboratories, based on	Corrections were made to clarify the qualifications for onsite PCM analysis (18 VAC 15-20-33.2.A.2.b).	The changes were made for the purposes of accuracy and clarity.

	<p>the type(s) of analysis the laboratory seeks to perform (PLM, PCM, and/or TEM).</p> <p>New section created to address specific licensure requirements for asbestos analytical laboratories.</p>	<p>To qualify for onsite PCM analysis, a laboratory may be rated as “proficient” in the IHPAT Program or accredited under IHLAP, but must maintain the training and quality control document to demonstrate the competency of each onsite analyst performing onsite analysis. The corrections clarify that the laboratory must have documentation of each analyst’s competence.</p>	
<p>*15-20-53</p>	<p>Outlined application fees for license renewal and late renewal.</p> <p>Added renewal and late renewal fees for asbestos analytical laboratory branch offices.</p>	<p>There was an intervening exempt regulatory action that amended 18 VAC 15-20-53 to temporarily reduce renewal and late renewal fees. The section was divided into two subsections. Subsection A outlines renewal and late renewal fees. Subsection B outlines the temporarily reduced renewal and late renewal fees. The reduced fees are effective through February 2020. The amended section became effective on February 1, 2018, prior to the Board’s adoption of the present amendments at the final stage.</p> <p>The Board voted to incorporate the amended 18 VAC 15-20-53 into the present amendments, and have the renewal and late renewal fees for asbestos analytical laboratory branch offices added. The renewal and late renewal fee amounts are unchanged from the proposed stage.</p>	<p>The purpose of the fee reduction action was to reduce an accumulated surplus in the Board’s budget so as to remain in compliance with the Callahan Act (Va. Code § 54.1-113).</p> <p>Since there was an intervening regulatory change prior to adoption of the present amendments at the final stage, it was necessary to amend 18 VAC 15-20-53 in order to proceed with final adoption.</p>

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate. Please distinguish between comments received on Town Hall versus those made in a public hearing or submitted directly to the agency or board.

No public comments were received during the public comment period.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections. Explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
15-20-10		Outlines those individuals and firms that need to be licensed by the Board.	<p>Proposed change specifies “persons” as defined in the Board’s regulations that need to be licensed by the Board. This change occurs in conjunction with a change in the definition of person under 15-20-20. The intent of the change is to have the section more closely conform to statutory language.</p> <p>Proposed change also clarifies that an approval from the Board is required for an accredited asbestos training program, as training programs are not licensed.</p>
15-20-10		Licensure is required for asbestos analytical laboratories. Under current practice, laboratories with multiple locations are required to obtain a license for each location.	Proposed change will add language to specify that a laboratory with multiple locations is to obtain a license for its main office only, and register its branch offices with the Board. The intent of the change is to help resolve confusion regarding licensure requirements and reduce regulatory burdens on laboratories with more than one location.
15-20-20		Outlines definitions used in the chapter.	<p>Proposed change includes adding and revising several definitions for terms that refer to various accrediting agencies in the area of asbestos testing/analysis.</p> <p>The definition of “person” will be revised to simplify and clarify its meaning.</p> <p>A new definition, “responsible individual,” will be added. The term refers to an individual designated by an asbestos analytical laboratory firm to ensure compliance with the Board’s regulations and relevant statutes. The individual would also be responsible for receiving communications and notices from the Board.</p>
15-20-52		Outlines application fees for initial licensure.	Adds an application fee for asbestos analytical laboratory branch offices.
15-20-53		Outlines application fees for license renewal and	Adds renewal and late renewal fees for asbestos analytical laboratory branch offices.

		late renewal.	
15-20-454		Prohibits the transfer of an asbestos contractor license.	<p>Revised language expands upon existing requirement by specifying that the license is issued to the firm and is not transferrable. Also imposes new requirement that when the firm holding the license changes its form of legal business entity (e.g. converting from a corporation to a limited liability company), that the license issued to the firm is no longer valid and must be returned to the Board. The successor entity must obtain a license from the Board.</p> <p>This language mirrors the requirement under the Virginia Board for Contractors regulations (18 VAC 50-22-210) which imposes substantially the same restrictions regarding transfer of a license. The Board for Contractors regulation only applies to the contractor license issued by the Board for Contractors, not to the asbestos contractor license issued by the Board for Asbestos, Lead, and Home Inspectors. Having a parallel requirement will help ensure that whenever a licensee changes its form of business entity, that it will also obtain a new asbestos contractor license.</p>
15-20-459.4		<p>Outlines notification requirements for asbestos analytical laboratories when laboratories experience change in their qualified personnel, lose accreditation, or seek to change the type of analysis they will undertake.</p> <p>Laboratories must “immediately” notify the Board of any “addition or deletion” regarding the employment of “trained and experienced supervisors” or changes in the “signing officer’s relationship” with the licensee. Laboratories must also notify the Board within 10 business days if a laboratory location loses accreditation. Laboratories must also notify the Board</p>	<p>Revises existing requirement regarding personnel changes to only require the Board be notified when there are changes to the responsible individual for a laboratory location. Such notification is to be made within 10 days of the change. The change serves to simplify the requirement.</p> <p>The proposed change adds a requirement that laboratories notify the Board if an analyst or project monitor under their employ loses accreditation from the AAR. This requirement will help ensure that any laboratory which qualifies for licensure on the basis that its analysts are listed in the AAR notifies the Board of a change in its qualification to hold a license.</p> <p>The proposed change adds language to require that branch offices submit an application to the Board when changing the type of analysis that will be performed at a laboratory branch office.</p> <p>The proposed change also clarifies that a licensee must receive approval from the</p>

		<p>when changing the type of analysis they perform, and submit an application and demonstrate their qualifications to perform the new analysis type.</p>	<p>Board prior to performing a new type of analysis. Current language only required submission of information to the Board prior to performing a new type of analysis.</p> <p>The proposed change adds new requirements that licensees notify the Board of any change in a laboratory's location within 10 days of the change. This change will help ensure that a laboratory's address information is timely updated whenever there is a change.</p> <p>It also adds language specifying that licenses are issued to firms, and are not transferable; and that whenever the firm holding the license changes its form of business entity, that the license is no longer valid and must be returned to the Board within 30 days. The successor entity must obtain a new license.</p> <p>This new requirement parallels the proposed new requirement for asbestos contractor licensees. Having a parallel requirement will help ensure that whenever a licensee changes its form of business entity, that it will also obtain a new asbestos analytical laboratory license.</p>
<p>15-20-33</p>		<p>Outlines the qualifications for licensure of business entities to include asbestos contractors and asbestos analytical laboratories. Subsection E of the section provides the specific entry qualifications for asbestos contractor and asbestos analytical laboratories.</p>	<p>Under the proposed change, the existing subsection E would be repealed. New, separate sections (15-20-33.1 and 15-20-33.2) would be created to address specific qualifications for asbestos contractors and asbestos analytical laboratories.</p> <p>The section, as revised, would outline general requirements that are applicable to firms – as opposed to business entities. The change in terminology would make the section more consistent with the terminology used by 15-20-20, which defines “firm” but does not include a definition for “business entity.”</p> <p>Subsection B is revised to clarify that firms must register trade or fictitious names with the State Corporation Commission or clerk of the circuit court in the locality where the firm conducts business.</p> <p>Specific references to Virginia Code sections pertaining to the requirement for businesses to record trade or fictitious names with the circuit court are removed in favor of more</p>

			<p>general language that firms comply with applicable Virginia Code requirements. Similarly, specific references to Virginia Code sections pertaining to registration requirements for corporations and limited liability companies are removed, in favor of general language that firms comply with applicable law.</p> <p>Subdivision 4 of subsection D is repealed as the language is duplicative of requirements outlined in subsection B.</p>
15-20-33		<p>Subsection F addresses the criminal history of applicants. Under current language, it imposes a requirement that the firm, owners, officers, or directors not have been convicted of a felony or misdemeanor involving lying, cheating, or stealing; and outlines the Board's authority to deny licensure on this basis.</p>	<p>The subsection pertaining to an applicant's criminal history will be revised to require an applicant disclose the criminal history of the firm and its principals, rather than prohibit their being convicted. The revised language will also more clearly outline what information needs to be disclosed, the Board's authority to deny a license based on an applicant's criminal history, and the applicant's right to an informal conference for the Board to further review the application in face of possible denial of licensure.</p> <p>As presently written, the subsection arguably reflects a presumption that a criminal history will result in denial of licensure by the Board. This might potentially deter applicants, who might otherwise be qualified, from seeking licensure. Further, under § 54.1-204 of the Code of Virginia, a license may not be refused solely due to a criminal conviction unless, in the determination of the board, the conviction directly relates to the practice of the occupation/profession or demonstrates the applicant is unfit for licensure. Further, the existing language is unnecessarily complicated and confusing. The revisions will help to resolve these concerns.</p>
15-20-33		<p>Subsection G requires asbestos contractor and asbestos analytical laboratory applicants to adhere to the respective standards of conduct for each license type while application is pending.</p>	<p>The language is being repealed as it is unnecessary. During the pendency of an application, the applicant cannot lawfully engage in asbestos contracting or asbestos testing/analysis.</p>
15-20-33		<p>Subsection H addresses the standing of the applicant with respect to other regulatory bodies</p>	<p>The subsection pertaining to an applicant's disciplinary history will be revised to require an applicant disclose any suspension, revocation, or surrender of a license, or</p>

		<p>and any disciplinary history.</p> <p>Under current language, it imposes a requirement that the firm, owners, officers, or directors be in good standing, and not have had a license suspended, revoked, or surrendered in connection with a disciplinary action; and outlines the Board’s authority to deny licensure on this basis.</p>	<p>disclose any license that has been subject to discipline.</p> <p>Similar to the concern regarding criminal history, the current language in the subsection suggests a presumption that any previous disciplinary action taken against an applicant will result in denial of licensure. In addition, the existing language is ambiguous as to whether disciplinary action that did not result in license suspension, revocation, or surrender could be basis for denial of a license. The revised section would clarify this.</p>
15-20-33		<p>Subsection I provides that the Board has the authority to deny licensure to an asbestos contractor or asbestos analytical laboratory applicant that has a financial interest in an asbestos contractor whose licensed was previously revoked, suspended, or not renewed.</p>	<p>The language is being repealed and reformulated in a new subsection that provides that the board has the authority to deny an applicant licensure based on “substantial identity of interest.” Substantial identity of interest includes those applicants who have a controlling financial interest in a contractor or laboratory whose license was previously suspended, revoked, or denied renewal, but also includes common owners and/or principals between the same.</p> <p>As contractor and laboratory licenses are issued to firms (as opposed to individuals), the new language will help ensure that firms which controlled or operated by individuals who are unfit for licensure, as evidenced by a previous revocation, suspension, or nonrenewal, will not be issued a new license. This provision helps to prevent a “revolving door” problem caused when unfit persons seek to obtain a new (clean) license after a previous license was sanctioned.</p>
15-20-33		N/A	<p>A new subsection will be added that requires an applicant not to knowingly make a materially false statement, submit false documentation, or fail to disclose a material fact to the Board in connection with submitting an application.</p> <p>This new language helps to guard against fraud during the license application process. The Board often encounters situations where applicants attempt to provide false information, including fabricated identity documentation, in order to obtain a license.</p>
15-20-	15-20-33.1	Requires that asbestos	New section created to address specific

33.E		contractor applicants hold a valid license issued by the Virginia Board for Contractors, and hold the asbestos specialty.	licensure requirements for an asbestos contractor license. Substantively, the requirements are unchanged from those currently in place.
15-20-33.E	15-20-33.2	Outlines entry requirements specific to asbestos analytical laboratories, based on the type(s) of analysis the laboratory seeks to perform (PLM, PCM, and/or TEM).	<p>New section created to address specific licensure requirements for asbestos analytical laboratories. Clarifies the criteria by which an analytical laboratory can qualify for licensure by updating terminology for accrediting agencies, and by structuring the regulatory language so that it is easier to read.</p> <p>In addition, the new section adds a requirement that laboratories designate a “responsible individual” and that any branch office of a laboratory complete an application with the Board, designate a responsible individual for the branch office, and provide documentation necessary to demonstrate qualification to undertake PLM, PCM, and/or TEM analysis it seeks to perform.</p> <p>Adds requirement that the training and quality control documentation a licensee is required to maintain be provided to the Board upon request.</p>
15-20-456		<p>Outlines professional responsibilities of asbestos project monitors, including requirement to inspect contractor’s work and containment, and keep a log of work performed.</p> <p>Subsection D of the section requires project monitors performing PCM analysis onsite to be employed by a properly licensed analytical laboratory and possess designated accreditation.</p>	<p>Under the proposed change, the existing subsection D would be repealed. A new separate section (15-20-456.1) would be created to address onsite analysis performed by project monitors.</p> <p>A new subsection D would be added. The new subsection imposes a new requirement that the air sample report in a final clearance report be on the letterhead of the asbestos analytical laboratory that employs the project monitor. Also requires the air sample report contain the signature of the project monitor.</p> <p>The new language is being added in order to provide greater transparency to the public.</p>
15-20-456.D	15-20-456.1	Requires project monitors performing PCM analysis onsite to be employed by a properly licensed analytical laboratory and possess designated accreditation.	Keeps existing requirement that project monitors performing PCM analysis onsite be employed by a licensed asbestos analytical laboratory. Adds additional requirement that monitor have completed the NIOSH 582 course or equivalent. Expands accreditation criteria to qualify as onsite project monitor for PCM analysis. Project monitor may be listed

			<p>in AAR with an “acceptable” rating; or may be employed by a laboratory that meets certain accreditation requirements.</p> <p>The purpose behind these changes is to ensure that project monitors who perform PCM analysis onsite are properly qualified.</p>
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