

**VIRGINIA BOARD FOR
ASBESTOS, LEAD, AND HOME INSPECTORS
MEETING MINUTES**

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 2, 2013, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Bonnie Atwood
Colleen Becker
Suzanne Blevins
Keith Cronan
Dolores Daniels
Rick Holtz

D. Bowen Hyatt
Brian Koepf
Reginald Marston, III
Walter C. Nixon
Peter Palmer
D. Todd Vander Pol

Board members Phillip Fincher and Kenneth Nash were not present at the meeting.

The following staff members were present for part or all of the meeting:

Mark N. Courtney, Senior Director for Regulatory and Public Affairs
Trisha L. Henshaw, Executive Director
Thomas K. Perry, Board Administrator
Candace Howard, Legal Analyst
Betty C. Jones, Administrative Assistant

Ms. Henshaw introduced and welcomed Steven Jack, Assistant Attorney General, from the Office of the Attorney General. Mr. Jack was in attendance as Board counsel as Elizabeth Peay was unable to attend.

Mr. Cronan, finding a quorum of the Board present, called the **Call to Order** meeting to order at 9:03 a.m.

Ms. Henshaw advised the Board of the emergency evacuation procedures. **Emergency Evacuation Procedures**

Mr. Vander Pol moved to approve the revised agenda. Mr. Nixon seconded the motion which was unanimously approved by: Atwood, Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Nixon, Palmer, and Vander Pol. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to lead-based paint renovation, repair, and painting (RRP) until the effective date of the regulations. **Approval of Agenda**

Mr. Vander Pol moved that the Board approve the minutes of the following meetings:

Approval of Minutes

Board Meeting Minutes – February 7, 2013
Informal Fact-Finding Meeting Minutes – March 20, 2013

Mr. Hyatt seconded the motion which was unanimously approved by: Atwood, Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Nixon, Palmer, and Vander Pol. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Mr. Cronan opened the floor for public comment. No members of the public present requested to speak.

Public Comment Period

Regarding **File Number 2013-01837, Jeremiah Hamby**, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Hamby was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Hamby's asbestos supervisor license application. Ms. Daniels seconded the motion which was unanimously approved by: Atwood, Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Nixon, Palmer, and Vander Pol. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

File Number 2013-01837, Jeremiah Hamby

Ms. Henshaw gave an update on the current status of the regulatory review processes for several of the Board's regulatory packages. The proposed amendments to the Asbestos Licensing Regulations, Lead-Based Paint Activities Regulations, and the Certified Home Inspector Regulations made pursuant to the Governor's Regulatory Reform Initiative are in the Notice of Intended Regulatory Action (NOIRA) stage. The 30-day public comment period ends May 22, 2013. The Certified Home Inspector Regulations Fast Track action to remove the requirement that initial training courses have to be taken in a classroom setting has been approved by the Governor's office. Staff is preparing documentation for publication in the Virginia Register for public comment.

Update on Regulatory Activity

The Board was provided a guidance document currently posted on the Regulatory Town Hall concerning mold. Ms. Henshaw stated that mold is no longer regulated and asked the Board to repeal the policy. After discussion, Mr. Vander Pol made a motion to repeal the Mold Inspector and Mold Remediation Regulations Interpretations and Policies. Ms. Becker seconded the motion which was unanimously approved by: Atwood, Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Nixon, Palmer, and Vander Pol. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**Consider Repeal of
Board Policy
Concerning Mold**

The Board was provided with a memorandum from Mr. Perry concerning home inspectors Continuing Professional Education audit. Mr. Perry stated that each certified home inspector certificate holder must complete 16 contact hours of (CPE) during each certificate renewal cycle, beginning with the certificate renewal cycle that ends on April 30, 2013. Regulation 18 VAC 15-40-80.C states that by returning the certificate renewal to the board, the regulant affirms that the CPE requirements have been met. Regulation 18 VAC 15-40-72.D requires the certificate holder to maintain evidence of completion of CPE for a minimum of three years following the end of the certificate renewal cycle for which the CPE was taken. Evidence of CPE shall be provided to the Board upon request.

**Home Inspectors
CPE Audit**

Most DPOR Boards requiring CPE for their regulants conduct a sampling audit. A specified percentage of the regulants are requested to provide evidence of the required CPE. The specific regulants are randomly selected for the audit.

As of March 1, 2013, the Board has certified 279 Home Inspectors. Between April 30, 2013 and September 30, 2013, there will be 87 certificates expiring; and between October 31, 2013 and March 31, 2014, there will be 81 certificates expiring. Beginning April 30, 2013, between 8 and 26 certificates expire each month.

Staff recommends the Board conduct a random audit every six months of 25 percent of those certificates expiring during the previous six months. This would result in requesting evidence of the required CPE for 22 of the 87 certificates expiring between April 30, 2013 and September 30, 2013, and 21 of the 81 certificates expiring between October 31, 2013 and March 31, 2014. The randomly selected certificate holders would be required

to submit a completed CPE Audit Form and photocopies of the certificate(s) of completion or some other acceptable, verifiable evidence of having met the CPE requirement. Certificate holders who fail to provide evidence of satisfactory completion of CPE to the Board within established timeframes may be subject to disciplinary action by the Board. The Board reviewed the CPE Audit Form and suggested adding a signature line. After discussion, Mr. Vander Pol made a motion to adopt a policy to direct staff to initiate staff's recommendation with modification to the CPE Audit Form. Mr. Koepf seconded the motion which was unanimously approved by: Atwood, Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Nixon, Palmer, and Vander Pol. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

After discussion, the Board considered the following 2014 Board meeting dates:

Set 2014 Meeting Dates

- February 6, 2014
- May 1, 2014
- August 7, 2014
- November 6, 2014

Mr. Marston made a motion to adopt the 2014 Board meeting dates. Mr. Nixon seconded the motion which was unanimously approved by: Atwood, Blevins, Cronan, Daniels, Hyatt, Koepf, Marston, Nixon, Palmer, and Vander Pol. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Mr. Perry provided a summary of the asbestos and lead training course audits. He conducted two course approval audits: one asbestos worker refresher course and one lead inspector refresher course with ECS Mid-Atlantic. One unannounced lead supervisor refresher course audit with Applied Laboratory Services was also conducted.

Asbestos and Lead Training Course Audits

The Board revisited the scheduling of future Board meeting dates. Mr. Cronan indicated that he noted the next meeting date as August 8, not August 15. Upon reviewing past meeting minutes, Ms. Henshaw indicated the minutes of the May 10, 2012, Board meeting adopted August 8, 2013, as the meeting date. The Board

Future Meeting Dates

decided that the meeting date should remain August 8, 2013, instead of August 15, 2013, as previously reported.

- August 8, 2013
- November 14, 2013

Mr. Cronan requested that the Board members complete their conflict of interest forms and travel vouchers.

**Conflict of Interest
Forms and Travel
Vouchers**

There being no further business, the meeting adjourned at 9:45 a.m. **Adjourn**

Keith F. Cronan, Chair

Gordon Dixon, Secretary