

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 17, 2016, 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:

Sandra Baynes
Colleen Becker, Chair
Phillip Fincher
Erich J. Fritz

Gene E. Magruder
Reginald E. Marston, III
Frederick Molter, IV
Kenneth Nash
Peter D. Palmer, Vice Chair

Board members Joe T. France, James Haltigan, Rick Holtz, and Walter Nixon were not present at the meeting.

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

Jay W. DeBoer, Director
Mark N. Courtney, Senior Director for Regulatory and Public Affairs
Trisha L. Henshaw, Executive Director
Kristin M. Clay, Board Administrator
Tanya M. Pettus, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Ms. Becker, finding a quorum of the Board present, called the meeting to order at 9:08 a.m. **Call to Order**

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

After noting a correction needed to the date printed on the agenda, Mr. Magruder moved to approve the agenda as amended. Mr. Marston seconded the motion which was unanimously approved by: Baynes, Fritz, Magruder, Marston, Molter, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. **Approval of Agenda**

Mr. Fritz moved to approve the minutes of the February 11, 2016, Board meeting. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Fritz, Magruder, Marston, **Approval of Minutes**

Molter, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw advised the Board of newly-appointed Board Member Joe T. France, who will serve as the analytical laboratory representative. Mr. France was not in attendance.

Introduction of New Board Member

Ms. Henshaw also updated the Board on staffing. Tom Perry, Board Administrator, is currently on leave. Kristin M. Clay will be assisting the Board in his absence. Ms. Henshaw also advised the Board that Mark Courtney will be retiring from DPOR.

There were no members of the public present for comment.

Public Comment Period

In the matter of **File Number 2016-02221, Lorenzo Dale Williams, Jr.**, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's summary and recommendation. Mr. Magruder moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Williams' application for an asbestos worker license. Mr. Fritz seconded the motion which was unanimously approved by: Baynes, Fritz, Magruder, Marston, Molter, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2016-02221, Lorenzo Dale Williams, Jr.

Ms. Henshaw provided an update on the current status of the regulatory review processes for the Board's regulatory packages.

Update on Regulatory Review Processes

The proposed Certified Home Inspector Regulations were filed for executive branch review on November 20, 2015.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program Regulations (Initial Promulgation) are currently undergoing review by the Governor's office. If approved, the regulations will be posted to the Virginia Register and a 60-day public comment period will commence, to include a public hearing.

Mr. Fincher arrived at 9:14 a.m.

Arrival of Board Member

Ms. Henshaw advised the Board that questions have arisen regarding the licensing of laboratories with multiple branch locations. Currently the Board licenses each asbestos analytical laboratory branch location regardless of the laboratory's affiliation with a main entity. There is currently no licensing in place for a main entity in which said branches are a part. In addition to possible confusion created by having multiple licenses in the same name (as each location has a separate license), Subsection B of §54.1-503 of the *Code of Virginia* provides for the licensure of "a person", which, by definition, is the individual or entity. Ms. Henshaw advised the Board that regulatory action would be required to amend the current language of the Board regulations.

**Discussion of
Licensing Model for
Asbestos Analytical
Laboratories**

After discussion, Mr. Magruder moved to authorize Board staff to file a Notice of Intended Regulatory Action (NOIRA) on the licensing of asbestos analytical laboratories. Mr. Fincher seconded the motion which was unanimously approved by: Baynes, Fincher, Fritz, Magruder, Marston, Molter, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Discussion was held on the necessity by a project monitor to include the laboratory report on laboratory letterhead in final clearance reporting. Ms. Henshaw advised that regulatory action would be necessary to include language in the regulations to incorporate this requirement. Mr. Magruder moved to authorize Board staff to move forward with the regulatory action, and combine the action with the NOIRA on the licensing of asbestos analytic laboratories. Mr. Fritz seconded the motion which was unanimously approved by: Baynes, Fincher, Fritz, Magruder, Marston, Molter, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**Discussion of
Asbestos Project
Monitor Sampling
and Final Clearance
Reporting**

After discussion, the Board agreed by consensus that a Committee of subject matter experts should be formed to devise language for the proposed regulatory change. Ms. Baynes, Mr. Fincher, and Mr. Palmer volunteered for the committee. Discussion was held on other subject matter experts to potentially be invited to serve on the Committee. Ms. Henshaw advised that staff would contact potential Committee members.

Discussion was held on educational requirements for asbestos and lead licensure. Current regulations state licensure is based on a combination of work experience and education. Ms. Henshaw advised the Board that the regulations list a bachelor's degree in a "related field" as part of the education criteria. After discussion, the Board agreed by consensus that 40 credit hours in STEM (Science, Technology, Engineering, and Math) related courses should be included as education criteria for licensure. Ms. Henshaw advised that staff would draft a guidance document outlining appropriate education to satisfy licensure requirements.

**Discussion of
Education Provisions
for Asbestos and
Lead Licenses**

Mr. Fritz moved to authorize Board staff to draft the guidance document as discussed. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Fincher, Fritz, Magruder, Marston, Molter, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw provided the Board with an update of passed legislation affecting the Board and asbestos, lead, and home inspector professionals.

**2016 Legislative
Update**

Ms. Henshaw advised the Board that a regulatory review was necessary to amend language in the home inspector regulations pursuant to legislation requiring home inspectors in the Commonwealth to be licensed by the Board. This legislation will become effective July 1, 2017. Ms. Henshaw recommended the formation of a Committee of subject matter experts to assist in the implementation of licensing. Mr. Marston motioned to authorize staff to move forward with the formation of the Committee, and the regulatory review. Mr. Magruder seconded the motion which was unanimously approved by: Baynes, Fincher, Fritz, Magruder, Marston, Molter, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**Discuss Regulatory
Review to Implement
Licensing Legislation**

Mr. Fritz and Mr. Marston volunteered to serve on the Committee. Discussion was held on other subject matter experts to potentially be invited to serve on the Committee. Ms. Henshaw advised that staff would contact potential Committee members. After discussion, Mr. Marston agreed to serve as Chair for the home inspector regulatory review Committee.

Ms. Henshaw asked Mr. Palmer to serve as Chair of the Committee for regulatory review of asbestos analytical lab licensing and project monitor reporting. Mr. Palmer accepted.

Ms. Henshaw presented the Board with tentative Board meeting dates for 2017. After noting a correction needed to a date listed, Mr. Magruder moved to accept the meeting dates as amended. Mr. Fritz seconded the motion which was unanimously approved by: Baynes, Fincher, Fritz, Magruder, Marston, Molter, and Palmer. Board members Becker and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Consider 2017 Meeting Dates

Ms. Henshaw reminded Board members of conflict of interest training still outstanding that must be completed by members of the Board every two years.

Other Business

The following meeting dates have been scheduled:

- August 18, 2016
- November 15, 2016

Future Meeting Dates

Ms. Henshaw 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 10:05 a.m.

Adjourn

Colleen Becker, Chair

Jay W. DeBoer, Secretary