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Proposed Regulation Agency Background Document

Agency name	Board for Asbestos, Lead, and Home Inspectors
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 15-50
VAC Chapter title(s)	Lead-Based Paint Renovation, Repair and Painting
Action title	Initial promulgation of Lead-based Paint Renovation, Repair and Painting Regulations
Date this document prepared	Initial ADB date: April 24, 2014 Current ADB date: April 22, 2021

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This is a revised proposed stage. Due to a wholesale rewrite of the regulation text, differences between the proposed stage and this revised proposed stage are not highlighted. The new regulation establishes: 1) a regulatory program for the licensure of renovators, dust sampling technicians and renovation contractor firms; 2) requirements for the approval of accredited renovator and dust sampling technician training programs; and 3) standards of conduct and work practices that are consistent with the United States Environmental Protection Agency (EPA) Lead Renovation, Repair, and Painting Program Final Rule.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

This document does not contain acronyms or technical terms that are not defined in the "Definition" section of the regulations.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

1) Section 54.1-201.5 of the *Code of Virginia* (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201>) states that the Board has the power and duty "To 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. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title."

The 2009 Acts of Assembly, Chapter 819 amended §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-512, 54.1-516, and 54.1-517 of the *Code of Virginia* to mandate the regulation of lead renovation, repair, and painting activities.

Section 54.1-501.8 of the *Code of Virginia* (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-501>) states that the Board shall "Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovations consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule."

2) Pursuant to Chapter 819 of the 2009 Acts of the Assembly, the Virginia Board for Asbestos, Lead, and Home Inspector's authority to implement the regulation is mandatory.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the *Code of Virginia* and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

1) Section 54.1-201.5 of the *Code of Virginia* (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201>) states that the Board has the power and duty "To 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. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title."

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Section 54.1-501.8 of the *Code of Virginia* (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-501>) states that the Board shall “Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovations consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.”

2) Pursuant to Chapter 819 of the 2009 Acts of the Assembly, the Virginia Board for Asbestos, Lead, and Home Inspector’s authority to implement the regulation is mandatory.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it’s intended to solve.

1) The proposed regulation fulfills specific statutory requirements and allows the Department to establish, monitor, and enforce a regulatory program that addresses lead-based paint hazards created by renovation, repair, and painting activities. Renovation, repair, and painting activities that disturb lead-based paint in target housing and child-occupied facilities increase the threat of lead-based paint exposure by dispersing lead particles in the air and over household items. Both adults and children can receive hazardous lead paint exposures by inhaling or ingesting lead-based paint dust. Studies have shown that lead poisoning can cause permanent damage to the brain and other organs. In children, lead poisoning can cause lower IQ levels and behavioral problems. 2) The goal of the proposed regulation is to ensure that individuals and businesses conducting lead-based paint renovation, repair and painting activities are properly trained and licensed so as to enhance the Department’s ability to protect the health, safety, and welfare of Virginia citizens from the hazard of lead-based paint poisoning.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

The proposed regulation is necessary to establish the Lead-based Paint Renovation, Repair and Painting (RRP) regulatory program, pursuant to the 2009 Acts of Assembly, Chapter 819. The proposed regulation establishes procedures and requirements for the (1) training of individuals, (2) licensure of individuals and businesses, (3) approval of accredited renovation training programs and training courses, (4) standards of practice and conduct for individuals, businesses, and accredited renovation training programs, and (5) recordkeeping for individuals and businesses conducting lead-based paint renovation, repair, and painting activities.

Issues

Identify the issues associated with the regulatory change, 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, include a specific statement to that effect.

Effective April 22, 2010, EPA began administering the RRP regulatory program in Virginia and other states that had not obtained authorization to administer the program. EPA's regulations at 40 CFR 745, Subpart Q allow states to seek authorization to administer the RRP regulatory program.

The primary advantages to the public and the Commonwealth of implementing the new regulation are the establishment of a regulatory program that sets the minimum competence for individuals and businesses conducting lead-based paint renovation, repair and painting activities, and an expected decline in the number of families exposed to lead from paint, dust, and soil. The expected reduction in exposure to lead-based paint hazards will benefit the quality of life for Virginia citizens, particularly young children, and the quality of the Commonwealth's environment.

An increase in the cost of lead-based paint renovation, repair and painting projects can be reasonably anticipated because of costs associated with training, licensure, and work practice requirements. At first glance, the anticipated increase may appear to be a disadvantage to the public or the Commonwealth. However, the anticipated increased cost will be offset by the expected reduction in the number of families exposed to lead-based paint hazards and the consequent reduction in the number of children affected by lead poisoning.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and 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 specific statement to that effect.

Currently, EPA is administering the RRP Program in Virginia. Training programs obtaining federal accreditation expire four years after the date of issuance. Under the proposed regulation, accreditation of training programs will expire 24 months from the last day of the month in with the Board grants approval.

All boards within the Department of Professional and Occupational Regulation must operate within the Code provision of the Callahan Act (§ 54.1-113). Reports summarizing the Board's fiscal affairs are created biennially. If training programs are accredited for greater than a 24-month period, then the biennial fiscal reports prepared for the Board would not truly reflect the Board's expenses and income. The proposed regulatory program would initially generate a great amount of revenue that would not be seen in future years. Accrediting training programs for four years would create "peaks and valleys" in the revenue stream, and thus, very likely create the need to revise the fees for licensure and renewal every two years.

Agencies, Localities, and Other Entities Particularly Affected

Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

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

Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is change versus the status quo.

**Board for Asbestos, Lead, and Home Inspectors
Economic and Fiscal Impact of Proposed Regulation**

Summary:

New regulations are being proposed in accordance with HB2432 of the 2009 Session of the General Assembly to regulate the businesses and individuals in the practice of renovations that involve lead-based paint.

All costs incurred in support of board activities and regulatory operations are paid by the Department and funded through fees paid by applicants and licensees. All boards within the Department of Professional and Occupational Regulation must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of agency operating costs. The department allocates costs to its regulatory programs based on consistent, equitable, and cost-effective methodologies. The Board has no other source of income.

Economic Impact:

<p>Description of the individuals, businesses or other entities likely to be affected (positively or negatively) by this regulatory proposal. Think broadly, e.g., these entities may or may not be regulated by this board.</p>	<p>The new regulations will apply to businesses and individuals practicing renovation or modification of any existing structure which results in the disturbance of painted surfaces, and providers of training for such practice.</p>
<p>Agency's best estimate of the number of (1) entities that will be affected, including (2) small businesses affected. Small business means a business, including affiliates, that is independently owned and operated, employs fewer than 500 full-time employees, or has gross annual sales of less than \$6 million.</p>	<p>It is difficult to determine the number of individuals and businesses performing this work. Based on the best information available, the Department estimates that approximately 5,000 businesses and 10,000 individuals will be licensed under these regulations.</p> <p>It is also difficult to determine the number of small businesses affected but it is estimated that 4,000 of the potential licensees are small businesses.</p>
<p>Benefits expected as a result of this regulatory proposal.</p>	<p>The new regulations are being proposed in accordance with HB2432 of the 2009 Session of the General Assembly. The licensure of businesses and individuals in the practice of conducting renovations for compensation that involve lead-based paint was determined to be necessary and beneficial to protect the health, safety, and welfare of the public.</p>

<p>Projected cost to the <u>state</u> to implement and enforce this regulatory proposal.</p> <p>See Fiscal Impact by year below:</p>	<p><u>One-Time</u>: Expected one-time costs include \$4,000 for printing and mailing new regulations, \$1,000 for court reporters for public hearings and \$42,000 for furniture, equipment and supplies for 6 new positions.</p> <p><u>Ongoing</u>: Six staff positions and funding have been approved by the General Assembly to support the new requirements of this program. Salary and operating costs related to the new positions are expected to be \$519,945 annually. The Board is expected to meet an additional 4 times per year at a cost of \$8,853 annually.</p> <p>Because of the substantial increase anticipated in volume of regulants for this program, the Board is also expected to incur additional allocated expenditures related to its proportionate share of agency operating costs.</p> <p>Both one-time and ongoing expenses will be paid by fees charged to new licensees of the program.</p>
<p>Projected cost to <u>localities</u> to implement and enforce this regulatory proposal.</p>	<p>There are no projected to costs to localities as a result of implementing or enforcing the regulations.</p>
<p>All projected costs of this regulatory proposal for <u>affected individuals, businesses, or other entities</u>. Please be specific and include all costs, including projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses, and costs related to real estate development.</p>	<p>Application and annual renewal fees for the new program are expected to be \$45 for individuals and \$60 for businesses. The cost for training programs to obtain an initial license is expected to be \$500 and \$250 per each additional training course, The cost for the renewal of the training program is expected to be \$125. Training courses already approved by the EPA will not need to be audited by the Board, and so the initial licensing fee will be \$25. Costs and fees may vary based on the actual number of regulants entering the program.</p>

Fiscal Impact:

	FY 2015	FY 2016	FY2017	FY2018
Fund	NGF (0900)	NGF (0900)	NGF (0900)	NGF (0900)
Program/Service Area	560 46	560 46	560 46	560 46

Impact of Regulatory Changes:				
One-Time Costs	\$8,853	\$33,000	\$14,000	\$519,945
Ongoing Costs	\$8,853	\$326,372	\$519,945	\$0

Total Fiscal Impact	\$8,853	\$359,372	\$533,945	\$519,945
Revenue Impact	\$0	\$380,000	\$711,200	\$775,520
FTE	0.00	4.00	6.00	6.00

**Financial Status and Projections
Current Regulations**

<u>Biennium</u>	<u>Beginning Cash Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Cash Balance</u>	<u>Callahan Act %</u>
20010-12	380,449	425,394	585,703	220,140	37.6%
2012-14	220,140	364,409	627,017	-42,468	-6.8%
2014-16	-42,468	387,838	721,235	-375,865	-52.1%
2016-18	-375,865	387,838	756,330	-744,356	-98.4%

Number of Regulants

6,065 as of 7/1/2013

Note: Projections do not include the Board's proposed fee adjustment regulations

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Virginia statute requires regulations consistent with EPA. Therefore, no viable alternative exists.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

In developing the proposed regulations, the Board considered that the affected industry consists primarily of small businesses. Accordingly, the Board promulgated the regulation in a manner that ensures statutory requirements are met while minimizing the adverse impact on small businesses.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

Not applicable.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Colleen Becker	<p>Suggests DPOR have a mechanism to recognize training providers and firms who have paid for and met the requirements for EPA approval or certification and states that EPA approved training providers and certified lead renovator firms should not have to pay an additional fee for Virginia approval.</p> <p>Says that post notification for lead renovators must include student digital photos and DPOR does not require this for other lead classes and has no mechanism to accept digital photos.</p>	<p>The Board is required to comply with the Callahan Act in establishing the fees for its programs. The Board will certainly consider the request as suggested in the comment and establish standards for the reaccreditation of training providers and firms which will be as least burdensome as possible.</p> <p>The Board's statutory authority includes developing RRP regulations that are consistent with the EPA's RRP regulations which currently require photo identification on training certificates for individual renovators and dust sampling technicians.</p>

<p>Tom Neltner, National Center for Healthy Housing</p>	<p>Asks that the Board consider the changes to the EPA Final Rule as a result of a settlement agreement reached between EPA and public interest petitioners. The changes include eliminating the owner-occupied opt out provisions, requiring post-renovation notification, amending clearance level criteria, adding work practice standards for exterior renovation, and adding renovation standards for the interior of non-residential buildings which may create a lead-based paint hazard.</p> <p>Suggests that DPOR consider 48 specific edits made by Healthy Housing to EPA's current final rule for RRP. The edits clarify language in the EPA's regulations under Purpose, Effective Dates, Applicability, Definitions, Information Distribution Requirements, Work Practice Standards, Recordkeeping and Reporting Requirements, Firm Certification, Renovator Certification & Dust Sampling Technician Certification, Fees, and State Program Approval Requirements.</p>	<p>The Board's statutory authority includes developing RRP regulations that are consistent with the EPA's RRP regulations. The Board will stay current of the EPA's regulations as they change. It will also consider the comments suggested here as it develops its regulations for Lead RRP.</p>
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Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

In addition to any other comments, the board/agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email or fax to Joseph C. Haughwout, Jr., Regulatory Administrator, Board for Asbestos, Lead, and Home Inspectors, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia 23233; email: alhi@dpwr.virginia.gov; fax: 866-350-5354. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last date of the public comment period.

A public hearing will be held after this regulatory stage is published in the *Virginia Register of Regulations* and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

Please note that this is a revised proposed stage. Due to a wholesale rewrite of the regulation text, differences between the proposed stage and this revised proposed stage are not highlighted.

If a new regulation is being promulgated, use this chart:

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
10	Definitions.	§ 54.1-500 of the <i>Code of Virginia</i>	This section references specific definitions established in Virginia statute and provides an explanation of specific terms used throughout the regulation.
20	Licensure and training program approval requirements.		This section identifies persons required to obtain (1) licensure to conduct lead-based paint renovation or dust sampling activities and (2) approval to conduct training courses intended to satisfy training requirements.
30	Renovation activities.		The section establishes that renovation activities for compensation in target housing and child-occupied facilities shall be conducted by: (1) a licensed renovator who owns or works for a licensed renovation contractor firm or (2) an individual trained by and under the supervision of a licensed renovator who owns or works for a renovation contractor firm.
40	Activities exempt from licensure requirement.		The section specifies persons not required to possess a renovator or renovation contractor license based on specific renovation activities performed.

50	Application procedures.		This section specifies the process by which an application may be submitted to the board; gives the Board the authority to confirm or amplify information provided on an application; and establishes a 12-month timeframe in which the application process must be completed.
60	General qualifications for individual licensure.		This section is intended to ensure the protection of Virginia families and the environment by requiring renovator and dust sampling technician applicants to demonstrate successful completion of required training courses, to disclose convictions and disciplinary action, and to be in good standing in every jurisdiction where licensed.
70	Qualifications for licensure as a renovator.		This section specifies the entry training requirements for licensure as a renovator.
80	Qualifications for licensure as a dust sampling technician.		This section specifies the entry training requirements for licensure as a dust sampling technician.
90	Qualifications for renovation contractor licensure.		This section is intended to ensure the protection of Virginia families and the environment by requiring renovation contractor firms to meet State requirements for their business types; to ensure individuals performing renovation activities are licensed or properly trained by and under the supervision of a licensed renovator; to ensure work practice standards established by the proposed regulation, EPA, and OSHA are followed; to ensure the pre-renovation education rule is followed; to disclose convictions and disciplinary action, and to be in good standing in every jurisdiction where licensed.
100	Accredited renovation training programs and training course approval.		This section establishes the different training courses for which approval may be sought by an accredited renovation training program.
110	Qualifications for accredited renovation training program approval.		This section specifies the entry requirements for approval of

			accredited renovation training programs.
120	General training course requirements		This section specifies what information that must be submitted with an application for training course approval; and indicates that an on-site audit of the course must be conducted prior to approval.
130	Renovator initial training course requirements.		This section establishes that a minimum of two hours of hands-on training is required and specifies course topics for the renovator initial training course.
140	Dust sampling technician initial training course requirements.		This section establishes that a minimum of two hours of hands-on training is required and specifies course topics for the dust sampling technician initial training course.
150	Refresher training criteria.		This section establishes that a minimum of four hours of training is required for renovator and dust sampling technician refresher training courses and specifies course topics for the renovator and dust sampling technician refresher training courses.
160	Training manager qualifications.		This section establishes the experience, education, and training requirements of the training manager employed by the accredited training program.
170	Principal instructor qualifications.		This section establishes the experience, education, and training requirements of the principal instructor employed by the accredited training program.
180	Qualifications for a training manager serving as a principal instructor.		This section specifies that any training manager who also serves as a principal instructor shall also meet the requirements established for a principal instructor.
190	Training manager and principal instructor documentation.		This section establishes the documents recognized by the Board as evidence that the training manager and principal instructor meet the required education, work experience, and training qualifications, and grants authority to the Board to approve the training manager and a principal instructor.

200	Course examination for approved initial training courses.		This section establishes the requirement for an end of the course written examination and hands-on skills assessment; a passing score of 70 percent on the examination; and the use of a proficiency test in lieu of the course test and skills assessment.
210	Course certificates of completion.		This section establishes the requirement of training programs to issue a course completion certificate, and specifies the information that must be included on the completion certificate.
220	Acceptance of certificates of completion, retroactive approval prohibited.		This section establishes criteria for the acceptance of training course certifications of completion.
230	Audit of accredited renovation training program training course.		This section establishes the requirement for an on-site audit and what action the Board takes as a result of the audit.
240	General fee requirements.		This section establishes the Board's determination of the timely payment of fees and that fees are nonrefundable.
250	Application fees.		This section establishes the fees that must accompany the application for initial licensure for renovators, dust sampling technicians, and renovation contractors and initial accreditation of renovation training programs and initial approval of additional training courses.
260	Renewal fees.		This section establishes the fees that must accompany the renewal application for licensed renovators, dust sampling technicians, and renovation contractors, and accredited renovation training programs.
270	Renewal required.		This section establishes a 12-month licensure period for renovators, dust sampling technicians, and renovation contractors, and a 24-month approval period for accredited renovation training programs.
280	Procedures for renewal.		This section provides an explanation regarding the renewal notice, required training

			documentation, the regulant's obligation to timely renew his license or accredited training program approval within 30 days after the expiration date on the license or accredited training program approval letter, and the consequences of failing to timely renew. The section also establishes requirements for renovation contractors to renew their licenses and establishes requirements for accredited renovation training programs to submit specific information to the Board for renewal of training course approvals.
290	Qualifications for individual license renewal.		This section establishes for individual licensees the requirement and frequency, at least once every 60 months, of discipline-specific board-approved refresher training.
300	Grounds for denial of application, denial of renewal, or disciplinary action.		This section provides authority to the Board to deny initial and renewal applications and to invoke disciplinary action, including the imposition of fines, suspensions, and revocations, for the violation of certain standards of practice and conduct.
310	Maintenance of license.		This section establishes that regulants are required to report, within 30 calendar days, a change of name or address and changes in the business entity; prohibits the transfer of licenses or approvals; and mandates that regulants keep their training and licenses current.
320	Recordkeeping and reporting requirements for renovation contractors.	40 CFR 745, Subparts E and L	This section establishes the requirements for information distribution, records retention, and reporting requirements, in accordance with 40 CFR 745.
330	Notice of adverse action.		This section establishes the requirements for regulants to notify the board, within 30 calendar days, of any adverse action taken against them, such as criminal convictions and disciplinary action taken by a regulatory board.

340	Response to inquiry and provision of records.		This section specifies the regulant's responsibility to promptly comply with the Board's request for information and to provide accurate and complete information in response to a complaint filed.
350	Audit of accredited renovation training programs and approved training courses.		This section provides authority to the board to audit an accredited renovation training program and approved training course at any time, with or without notice.
360	Changes to an accredited renovation training program or training course.		This section establishes the training program's responsibility to report substantial changes to any course item and seek the Board's approval before implementing the change, to report a change in ownership within 30 calendar days of the change, and to report the relocation of its business or transfer of records 30 calendar days prior to the change.
370	Responsibilities of the training manager.		This section establishes that the training manager is responsible for ensuring that the training program complies with the Board's requirements; ensuring the validity and integrity of tests and assessments; and designating principal and guest instructors.
380	Accredited renovation training program recordkeeping and provision of records to the board.	40 CFR 745, Subparts E and L	This section establishes that training program recordkeeping requirements shall be in compliance with 40 CFR 745, with the exception that the records must be retained for a minimum of five years and six months, the five-year period in which the training is valid and six months beyond the training expiration date; establishes course and participant notification procedures, including timeframes for notification of courses and participants; and grants authority to the Board to refuse training certificates from approved training providers that fail to observe the notification requirements.

390	General requirements.	40 CFR 745, Subparts E and L	This section establishes that renovation activities performed for compensation shall be conducted in accordance with 40 CFR 745.
400	Pre-renovation education requirements.	40 CFR 745, Subparts E and L	This section establishes that renovation contractors shall distribute information related to lead-based paint renovation activities in accordance with 40 CFR 745.
410	Renovation contractor.	40 CFR 745, Subparts E and L	This section establishes that renovation activities for compensation in target housing and child-occupied facilities shall be conducted in accordance with 40 CFR 745.
420	Renovator.	40 CFR 745, Subparts E and L	This section establishes that renovation activities for compensation in target housing and child-occupied facilities shall be conducted in accordance with 40 CFR 745, and that the renovator shall have at the work site a copy of his current training certificate and valid Virginia renovator license.
430	Dust sampling technician.	40 CFR 745, Subparts E and L	This section establishes that a licensed dust sampling technician, licensed lead inspector, or licensed lead risk assessor may conduct dust sampling for renovation activities; establishes procedures for collecting and managing dust samples, in accordance with 40 CFR 745; establishes the requirement for a written clearance report; and establishes that the dust sampling technician shall have at the work site a copy of his current training certificate and valid Virginia dust sampling technician license.
440	Activities conducted after successful cleaning verification or clearance testing.	40 CFR 745, Subparts E and L	This section establishes that activities that do not disturb paint are not regulated under this chapter if they are conducted after post-renovation cleaning verification has been performed or clearance testing results reflect dust lead levels below clearance standards specified in 40 CFR 745.

450	Emergency renovations.		This section establishes exemptions from certain work practices and licensure requirements for renovation contractors and renovators to the extent necessary to respond to an emergency.
460	Recognized testing methodologies.	40 CFR 745, Subparts E and L	This section establishes testing methodologies and procedures for a licensed renovator to test components and surfaces affected by renovation activities, and specifies recognized test kits shall meet or exceed positive and negative response criteria, as specified in 40 CFR 745.