



Final Regulation Agency Background Document

Agency name	Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16VAC25-35
Regulation title	Certified Lead Contractors Notification, Lead Project Permits, and Permit Fees
Action title	Final Regulation to Amend the Standard for Certified Lead Contractors Notification, Lead Project Permits, and Permit Fees
Date this document prepared	June 16, 2014

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The Department sought to finalize the removal of the \$2,000 minimum contract price provision for lead contractors to be required to file a lead project notification with the Department, as provided in Paragraph A. of 16VAC25-35-30 of the Regulation. This change requires that licensed lead contractors submit written notification for all lead projects, as defined in 16VAC25-35-10, regardless of the contract price for the lead project.

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 or board taking the action, and (3) the title of the regulation.

On June 5, 2014, the Safety and Health Codes Board adopted as a final regulation of the Board an amendment to the Standard for Certified Lead Contractors Notification, Lead Project Permits and Permit Fees, 16VAC25-35, pursuant to the Virginia Administrative Process Act (§2.2-4007.01).

Legal basis

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

The Safety and Health Codes Board is authorized by Title 40.1-22(5) to: "...adopt, alter, amend or repeal rules and regulations to further, protect and promote the safety and health of employees in places of employment over which it has jurisdiction and to effect compliance with the federal OSH Act of 1970...as may be necessary to carry out its functions established under this title".

"In making such rules and regulations to protect the occupational safety and health of employees, the Board shall adopt the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence that no employee will suffer material impairment of health or functional capacity".

Section 40.1-51.20 of the Code of Virginia mandates that all certified lead contractors notify the Department of Labor and Industry prior to commencement of each lead abatement project for which certification is required by the Department of Professional and Occupational Regulation. The contractor shall also obtain a lead permit and pay the appropriate fee in accordance with this code section. This regulation establishes the notification requirements and provides that the Department of Labor and Industry conduct on-site inspections of each certified lead contractor's actual abatement projects. This regulation does not exceed the mandate required by Section 40.1-51.20.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it 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 rationale for this final regulatory action is to conform the regulatory language of the Department's Regulation Concerning Certified Lead Contractors Notification, Lead Project Permits and Permit Fees, 16VAC25-35, with that of the Environmental Protection Agency's (EPA) Notification Requirements for Lead-Based Paint Abatement Activities and Training, 40 CFR 745.227(e)(4)(i)-(ix) [See attachments].

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The Lead notification requirements in Paragraph A., of 16VAC25-35-30, Notification and Permit Fee, of the Regulation Concerning Licensed Lead Contractor Notification, Lead Project Permits, and Permit Fees, 16VAC25-35, currently stipulates that lead contractors notify the Department of Labor and Industry (the Department) for lead abatement projects when the contract price is \$2,000 or more. The U. S. Environmental Protection Agency (EPA) also has notification requirements with which the Department is obligated to comply. The EPA has no price amount stipulated with respect to its notification requirements; therefore, the Department seeks to remove the \$2,000 minimum contract price provision requiring lead abatement notification for all lead projects, regardless of the contract price for the lead project.

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.*
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1) The primary advantages to the public of implementing the amended provisions is that the \$2,000 minimum contract price provision required for lead abatement notification will be removed for consistency with the notification requirements of the U.S. Environmental Protection Agency (EPA). However, since there will no longer be a contractor price threshold of \$2,000, lead contractors will be required to submit more notification permit applications which will, in turn, increase the overall costs of lead permit fees that contractors need to pay in order to get their lead abatement permit.

2) The primary advantages and disadvantages to the agency or the Commonwealth – The Department will incur no added costs nor will staffing levels require an increase as a result of the rule change. Any additional revenue received will be deposited in the Lead Program Special Fund.

3) There are no disadvantages to the public or to the Commonwealth.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No changes have been made to the text of the proposed regulation since the publication of the proposed stage.

Section number	Requirement at proposed stage	What has changed	Rationale for change

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.

Commenter	Comment	Agency response

No comments were received during the public comment period following the publication of the proposed stage.

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.

No changes have been proposed in this regulatory action.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

Attachments:

EPA Letter to Nancy K. Van Voorhis, VDOH

64 FR 1884 (March 10, 1999) <http://www.gpo.gov/fdsys/pkg/FR-1999-03-10/pdf/99-5821.pdf>

69 FR 18489-18496 (April 8, 2004) <http://www.gpo.gov/fdsys/pkg/FR-2004-04-08/pdf/04-7980.pdf>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Nancy K. Van Voorhis, MPH
Program Director
Childhood Lead Poisoning Prevention
Lead-Safe Virginia Program
Virginia Department of Health
James Madison Building
109 Governor Street, 8th Floor
Richmond, Virginia 23219

JAN 26 2012

RE: EPA Grant Number PB-99318913-2

Dear Ms. Van Voorhis:

Enclosed is the annual performance report summarizing the U.S. Environmental Protection Agency's (EPA) evaluation of the Commonwealth of Virginia's performance under the State Lead 404(g) and Enforcement Grant. Our evaluation is based on the information reported in the semi-annual report from October 1, 2010 to March 31, 2011 and the review meeting that occurred on June 1, 2011.

The EPA is pleased by the progress made by the Virginia Departments' of Health (VADH) and Professional and Occupational Regulation (VADPOR) under the 404(g) portion of the grant. Significant progress has been made to ensure that the lead professionals in the Commonwealth are trained, accredited, and licensed to accomplish their work in Virginia.

EPA is also encouraged that the Commonwealth is continuing its efforts to adopt regulations on the state level to implement a Renovation, Repair and Painting program. We understand that the regulations are still undergoing review by the Governor's Office and if they are approved by the governor, will be subject to a sixty (60) day public comment period. Upon completion of the comment period, Virginia will address any comments received and publish the final regulations in the Virginia Register.

Although Virginia is making acceptable progress implementing the programmatic elements of the lead program, we continue to be concerned about the lack of emphasis on inspections and enforcement activity related to lead abatement requirements.

During the last several program reviews, EPA has expressed concern about the lack of compliance inspections and resulting enforcement actions. The Virginia representatives at these meetings have consistently identified structural reasons why minimal, if any inspections are being conducted and little if any enforcement actions are taken to address lead-based paint abatement issues. The explanations offered range from there are no inspection targets to be

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found, lead-based paint inspections are not the primary focus of VADoLI, VADPOR's work is so great that these cases are not a high enough priority to Virginia to warrant formal enforcement action and Virginia prefers to address these violations through compliance assistance rather than formal enforcement. Additionally, EPA has been informed that VADPOR's enforcement action would only impact the contractor's license to do work in the state and not necessarily address the underlying lead-based paint violation(s).

Last year, in a letter dated March 22, 2011 to Ms. Nancy Van Voorhis, EPA stated that "EPA believes that the lack of inspection activity demonstrates inadequate oversight of the regulated [universe of] lead-based paint professionals." Virginia's continued failure to take actions to address the lack of inspections and enforcement actions raises concerns about Virginia's commitment to administering all aspects of a successful lead-based paint regulatory program.

EPA recognizes that some difficulties may arise as a result of the way the program is organized in the Commonwealth, however, because Virginia accepted program authorization, Virginia agreed to effectively implement all aspects of the lead abatement program, including full implementation of a compliance and enforcement program designed to detect violations and seek appropriate enforcement responses. Continued failure to effectively implement a compliance and enforcement program could result in the withholding of grant funds, increased inspection activity by EPA in the Commonwealth and impact EPA's decision whether to grant authorization to the Commonwealth for the RRP should Virginia seek program authorization. We stand ready to work with the Commonwealth to resolve these issues to ensure that lead-based paint professionals receive the proper amount of compliance oversight for the purpose of protecting the health and welfare of the citizens of Virginia.

I have directed Harry Daw, Associate Director for Toxics and Pesticides and Mrs. Aquanetta Dickens, Chief, Toxics Programs Branch to work with your staff to develop a strategy to increase inspections and enforcement actions. Please feel free to call me at 215-814-3143 if you would like to discuss this further.

Sincerely,


Abraham Ferdas, Director
Land and Chemicals Division

Enclosure

cc: David Dick, DPOR
Mark Courtney, DPOR
Ron Graham, DOLI
Bill Burge, DOLI

Virginia Department of Health
Office of Lead Poisoning Prevention Program

BACKGROUND:

On June 1, 2011, EPA Region III, the Virginia Department of Health (VDH), Virginia Department of Professional and Occupation Regulation (DPOR), and the Virginia Department of Labor and Industry (DOLI) met to discuss the grant cycle for October 1, 2010 to September 30, 2011. The purpose of the grant is to assist Virginia in the development and implementation of its lead compliance and enforcement program.

PARTICIPATES:

Participant	Organization
Nancy Van Voorhis, Program Director	Lead-Safe Virginia Program Virginia Department of Health
David Dick, Executive Director	Board for Asbestos, Lead and Home Inspectors Department of Professional and Occupation Regulation
Michele Atkinson, Board Administrator	Board for Asbestos, Land and Home Inspectors Department of Professional and Occupation Regulation
Jill Hrynciw, Board Administrator	Board for Asbestos, Lead and Home Inspectors Department of Professional and Occupation Regulation
Ron Graham, Director	Occupational Health Compliance Virginia Department of Labor and Industry
Emory Rodgers, Deputy Director of Building and Fire Regulation	Virginia Department of Community Housing Development
Aquanetta Dickens, Chief	Toxics Programs Branch EPA Region III
Artencia Johnson, Environmental Protection Specialist	Toxics Programs Branch EPA Region III

PURPOSE:

The purposes of the mid-year program and enforcement review were to:

- Review the status of grant commitments
- Identify areas of concern (including resource related issues)
- Provide a forum in which Virginia could ask questions to better understand grant requirements and responsibilities.

Enclosure 1 provides an explanation of the status of schedule of deliverables under the grant, as reported during Virginia's Mid-Year Review Meeting. Virginia and Region III may

use the meeting to identify and make corrective actions necessary to ensure completion of the grant project and task before the grant is closed out.

PERFORMANCE STRENGTHS:

Grant Administration

The Assistance Agreement is administered by VDH and is in its third year as a multi-year grant. VDH is on target with expending its funding levels.

VDH has consistently submitted the required Semi-Annual reports summarizing the progress and performance of its Lead Safe Virginia Project. The first semi-annual report was submitted on April 29, 2011.

On March 31, 2011, representatives from VDH and DPOR attended EPA's Spring Regional Meeting in Philadelphia, PA.

State Authorization

Lead-Based Paint Activities

On March 10, 1999, Virginia Department of Professional and Occupational Regulation achieved program approval to run its Lead-Based Paint Training and Certification Program under Section 402(a) of the Toxics Substances Control Act. Since that time of achieving full program approval, DPOR has consistently submitted the required annual report summarizing the progress and performance of its Lead-Based Paint Activities Regulatory Compliance and Enforcement Program. The report for this reporting cycle is due by December 31, 2011.

Renovation, Repair, and Painting Regulations

DPOR reported that the proposed regulations are currently in the Governor's office for review and have been, at the time of the meeting, for 116 days. It was explained that prior to reaching the Governor's office, the agency submitted proposed regulations for an Executive Branch review which consist of the Office of the Attorney General, the Planning and Budget Office, and the Cabinet Secretary. After receiving Executive Branch approval, the agency submits the Notice of Intended Regulatory Action (NOIRA) for publication in the *Virginia Register of Regulations*. Once published in the *Virginia Register*, a 60-day comment period begins during which time the agency may receive comments from the general public. DPOR reviews and responds to comments and prepares final regulations for the Executive Branch review. Upon the Executive Branch's approval, the agency submits the final text of the regulations, with an explanation of any changes from the proposed, for publication in the *Virginia Register*. The regulation will become effective 30 days after publication in the *Virginia Register*. The day it becomes effective, the regulations appear online. EPA asked what was the mood for passage of the RRP regulations, what was the reason for the delay in the review of the

regulations, and asked if EPA could be any assistance to the Commonwealth to obtain the status of the regulations from EPA's Congressional liaison officer. DPOR expressed the disposition of the Governor signing the regulations were favorable and the director of the agency would be the Governor's point of contact during the process and EPA's assistance is not needed. EPA asked DPOR to find out from the Director the status of the regulations and they agreed to EPA's request. DPOR will apply for authorization upon the passage of its regulations. DPOR noted the regulatory action takes approximately 12-15 months from start to finish and they anticipate the process should be completed by spring 2012.

Since the time of the meeting, Wojceich Jankowski from EPA's Office of Regional Counsel was assigned to review the proposed regulations and was provided a link to the Commonwealth's regulatory website.

During the Year 13 grant cycle, Virginia was awarded \$75,000 to support its RRP efforts. Since that time, DPOR reported that they will not need funding to establish its program; however, management's point of view may change. Currently, DPOR's program is supported by application and renewal fees from its accreditation and certification program. EPA will confirm if funds can be redirected to support another activity.

Virginia's Quality Assurance Project Plan/Quality Management Plan was approved April 23, 2010. Virginia will not be required to update its plan until February 23, 2015.

Certification/Accreditation/Notification

DPOR continues to operate its certification and accreditation program. During this reporting period, a total of 944 individual certifications were issued in the five disciplines and 135 firms received certification. The breakdown of individuals certified during this period is as follows: 99 inspectors, 213 risk assessors, 398 abatement workers, 188 supervisors, and 46 project designers. There are 20 training providers accredited, which included the course accreditation of 86.

Compliance Assistance

Virginia has demonstrated the following accomplishments under compliance assistance:

- 7,224 brochures distributed through direct orders;
- 25,810 documents were downloaded through web site;
- 14,799 visits through State web site;
- 21 Lead Dustbuster Trainings;
- 606 visits to realtors; building code officials and through Hampton Roads Home & Garden Show;
- 228 Lead Safe hotline calls;
- 2 Media Outreach Campaigns; and

- 1 coalition formed.

VDH reported that during the Lead Poisoning Prevention Week, ten health departments throughout the state promoted lead poisoning prevention awareness by hosting displays in its lobby and clinic areas by distributing educational materials. Some districts partnered with other organizations to provide outreach education during special informational sessions or hosted booths at local health and safety fairs.

Enforcement

DPOR received three complaints of contractors using unlicensed personnel to remove paint from bridges at various locations. The complaints involved K and K Painting and Blastach Enterprise, Inc., located in Baltimore, Maryland. Since the work was performed on commercial structures, the activity is not regulated in Virginia.

Concerns

EPA is continuing concerned about the lack of inspections and enforcement the Commonwealth's lead abatement program. As stated in EPA's March 22, 2011 letter to the Virginia Department of Health for period October 2009-March 2010, "EPA believes the lack of inspection activity demonstrates inadequate oversight of the regulated lead-based paint professionals." During other previous mid-year evaluations, Virginia's performance under the enforcement grant, EPA has expressed ongoing and continuing concern about the lack of inspections and subsequent enforcement in this area. During this reporting period of October 2010-March 2011, there were six (6) lead abatement notifications received, two (2) lead abatement project inspections, and tips and complaints were received, but the number wasn't reported during the meeting, but DPOR will send to EPA a list of them.

When the Governor accepted program authorization, Virginia agreed to implement all aspects of the lead abatement program including full implementation of all compliance and enforcement elements. Continue failure to implement an effective compliance and enforcement program could result in actions that include withholding grant funds, increase inspection and enforcement activity by EPA in the Commonwealth of Virginia until such time as Virginia takes positive steps to increase its compliance and enforcement presence among the regulated universe.

Mr. Emory Rodgers, Deputy Director of Building and Fire Regulation was invited to attend the mid-year meeting on behalf of the Department of Housing and Community Development (DHCD) to explain his offices' function with the intent to build a collaborative effort among state agencies to address lead-based paint activities. The DHCD promulgates the Virginia Uniform Statewide Building Code (USBC) that regulates the construction and alteration of all new and existing building construction. Local building departments enforce the USBC with technical assistance and mandated certification training by DHCD. Integrated in the USBC

are measures to ensure the safe abatement of lead from homes built before 1978 along with ensuring that contractors are properly licensed through DPOR.

During the discussion, Mr. Rodgers provided clarification on how DHCD relates to the State. His contribution was a link to the responsibilities of the statewide local building code officials that inspect a building or structure and enforce the Virginia Codes. It was reported on March 1, 2011, based on legislation passed by the 2010 General Assembly, the 2009 USBC, Virginia Construction Code, Section 104, Part 1 and the Virginia Maintenance Code Section 104.1, Part 111 of USBC which requires the local building officials to investigate unsafe dwellings when a complaint is made and it also extends to localities that have not adopted the Virginia Maintenance Code. The provision covers interior/exterior of peeling and flaking paint surfaces. For example, based on a complaint by a tenant, the local building department would inspect the dwelling. If the structure or unit is deemed unsafe, the structure would be in violation of the Virginia Maintenance Code and the local building code official would be responsible for enforcing the code. The USBC Virginia Maintenance Code Section 103.4 allows localities to conduct rental inspections in districts of blighted areas where often lead is a problem. The enforcement penalty for criminal is \$2,500 per violation and imprisonment. *In addition, civil penalties can reach up to \$5,000.

The following number of training courses offered for this reporting period is as follows:

- 15 inspector initial
- 11 inspector refresher
- 14 risk assessor initial
- 17 risk assessor refresher
- 23 supervisor initial
- 32 supervisor refresher
- 1 project designer initial
- 2 project designer refresher
- 42 worker initial
- 60 worker refresher
- 0 training provider audits

Miscellaneous

VDH reported a total of 40,983 children under the age of 6 were tested for lead exposure. The total number of children confirmed with an elevated blood lead levels $\geq 10\mu\text{g/dL}$ was 154. The total number of children confirmed with elevated blood levels $\geq 15\mu\text{g/dL}$ was 56.

Challenges

There were no program meetings held during this reporting period. Due to the Commonwealth's budget crisis, travel and meetings have been restricted. VDH would like to redirect funds to support contractual services to support two positions. VDH explained that CDC funding will end on June 30, 2011. VDH will be applying for CDC's Healthy Homes Grant. The purpose of the initiative is to address unsafe housing through surveillance and research for prevention programs such as lead. VDH would like to use CDC funding to develop a venous module in order to pass on risk assessment referrals to the building code officials and also create a surveillance database.

Action Items

Virginia will provide a print out of all tips/complaints received, where the violations occurred and the tips/complaints that an action was initiated by Criminal Investigation Division.

DPOR will inform EPA the status of Virginia's RRP Regulations.

**FY2011 VIRGINIA LEAD PROGRAM 404(G) AND ENFORCEMENT WORK PLAN
YEAR 13: AMENDMENT #2**

This work plan includes information from the Virginia Department of Health (VDH) and its subgrantees: the Virginia Department of Professional and Occupational Regulation (DPOR), and the Virginia Department of Labor and Industry (DOLI).

CATEGORY I: GRANT ADMINISTRATION		Commitments/Deliverables	Status/Comment/Accomplishments	Accomplishments
		Submit Semi-Annual Progress Reports within 30 days of end of previous reporting period	October 1 – March 31 <i>Submitted April 29, 2011</i>	April 1 – September 30
		Submit Final Technical Report within 90 days of end of budget period. (Cumulative) VDH	N/A this reporting period	DPOR will submit within 90 days to EPA with copy to VDH
		Submit Financial Status Report within 90 days of end of budget period. VDH	Interim FSR submitted December 2010	Interim FSR will be submitted before December 30, 2010
		Attend Regional and National Meetings as scheduled VDH, DPOR, DOLI	David Dick and Michelle Atkinson from DPOR and Nancy Van Voorhis from VDH attended EPA Spring Regional Meeting in Philadelphia 3/31/2011	Nancy Van Voorhis attended the Lead and Healthy Homes National Conference in Denver 6/20-23/2011
		Attend professional training sessions VDH, DPOR, DOLI	Nancy Van Voorhis attended Healthy Homes Essentials training 10/18-22/2010	
CATEGORY 2: STATE AUTHORIZATION				
Commitments/Deliverables		Status/Comment/Accomplishments		
	Activities			
	Submit State Authorization Reports DPOR	October 1 – March 31 DPOR submitted 12/29/10 Rec'd: 1/7/11	April 1 – September DPOR will submit by 12/30/11	
	Submit Quality Assurance Project Plan (QAPP)/Quality Management Plan (QMP)	Approved: 4/23/10 QAPP valid for 5 years	Approved: 4/23/10 Expiration date: 4/23/15	
	Develop authority to seek authorization to run Renovation, Repair, and Painting Rule DPOR	Completed: Copy of legislation provided in 2010 progress report effective 2009.	Completed: Copy of legislation provided in 2010 progress report effective 2009.	
	Continue work on obtaining full authorization from EPA DPOR	Proposed regulations currently undergoing Executive Branch review	Proposed regulations currently undergoing Executive Branch review	

State Level Results Reported	Activities	Status/Comment/Accomplishments	ACS Measure 11B
ACS Measure 13B – Annual percentage of viable lead-based paint certification applications that require less than grantee State-established timeframes (semi-annual) Virginia – 14 days	<p>Comments/Deliverables</p> <p>Engage in discussions with Region III states to develop agreement to accept training offered in other states.</p>	<p>Comments/Deliverables</p> <p>October 1 – March 31 100% Certification applications meet timeframe Reciprocity discussions ongoing</p>	<p>Comments/Deliverables</p> <p>April 1 – September 30 100% Certification applications meet timeframe Reciprocity discussions ongoing</p>
<p>Submit schedule of activities for re-submittal of State Authorization. DPOR</p>	<p>Comments/Deliverables</p> <p>Completed: A letter of commitment outlining schedule sent January 12, 2009. DPOR expects to submit application for program authorization on or about 10/30/11.</p>	<p>Comments/Deliverables</p> <p>Completed: A letter of commitment outlining schedule sent January 12, 2009. DPOR expects to submit application for program authorization on or about 10/30/11.</p>	
<p>Outputs Report Semi-annually on: DPOR</p>	<p># of inspectors certified</p>	<p>99</p>	<p>90</p>
	<p># of risk assessors certified</p>	<p>213</p>	<p>214</p>
	<p># of abatement workers certified</p>	<p>398</p>	<p>437</p>
	<p># of supervisors certified</p>	<p>188</p>	<p>183</p>
	<p># of project designers certified</p>	<p>46</p>	<p>42</p>
	<p># of firms certified (please specify in comment field)</p>	<p>135</p>	<p>134</p>
	<p># of training providers accredited*</p>	<p>20</p>	<p>20</p>
	<p># of training courses accredited*</p>	<p>86</p>	<p>85</p>
	<p># of inspector initial training courses accredited</p>	<p>11</p>	<p>11</p>
	<p># of inspector refresher training courses accredited</p>	<p>4</p>	<p>4</p>
	<p># of risk assessor initial training courses accredited</p>	<p>10</p>	<p>10</p>
	<p># of risk assessor refresher training courses accredited</p>	<p>8</p>	<p>8</p>
	<p># of supervisor initial training courses accredited</p>	<p>10</p>	<p>10</p>
	<p># of supervisor refresher training courses accredited</p>	<p>10</p>	<p>10</p>
	<p># of project designer initial training courses accredited</p>	<p>8</p>	<p>8</p>

		# of project designer refresher training courses accredited.	4	3
		# of abatement worker initial training courses accredited	14	14
		# of abatement worker refresher training courses accredited.	7	7
		Number of lead abatement notifications received for child occupied building (child care center, kindergarten classroom) and residential dwelling. DOLI	6-DOLI	0-DOLI
		Number of training provider course notifications received.	217	250
MISCELLANEOUS				
Commitments/Deliverables		Status/Comments/Accomplishments		
	Report on: Blood lead screening data (Copies of blood lead screening data will be provided). Data will provide the number of children screened in categories of children with numbers equal to or exceeding 10 µg/dl (elevated blood-lead level) and the number of children with less than 10 µg/dl.	<p>October 1 – March 31 Completed: 40,983 children under 72 months tested for lead exposure. 154 confirmed EBLs ≥ 10 µg/dl 56 confirmed EBLs ≥ 15 µg/dl</p>	<p>April 1 – September 30 Completed: 55,076 children under 72 months tested for lead exposure. 162 confirmed EBLs ≥ 10 µg/dl 69 confirmed EBLs ≥ 15 µg/dl See Attachment F for this period data and 2010 Annual Surveillance Report.</p>	
CATEGORY 4: COMPLIANCE ASSISTANCE				
Commitments/Deliverables		Status/Comments/Accomplishments		
	<p>VDH Submit semi-annual report on compliance assistance activities by April 30th and October 31st every year on: Number of compliance assistance activities conducted (an attachment that identifies the activities conducted during the reporting period including the target audience and outreach goals. In addition, copies of materials developed through compliance assistance activities will be attached) Number of individuals reached through compliance assistance (A description of what the State is doing to pro-actively inform the regulated and higher risk communities about rights/responsibilities/dangers with respect to lead-based paint will be included).</p>	<p>October 1 – March 31 Completed 7,224 Brochures distributed through direct orders; 25,810 documents downloaded through Web site</p>	<p>April 1 – September 30 Completed 5,031 Brochures distributed through direct orders; 39,816 documents downloaded through Web site</p>	
	Through dissemination of information at conference, expos, presentations, demonstrations, etc.	21 Lead Dustbuster Trainings; 606 through visits to realtors; building code officials and through Hampton Roads Home & Garden Show	14 Lead Dustbuster Trainings; 486 through visits to realtors; building code officials	
	Through contact on State Web site	14,799 visitors	16,672 visitors	

CATEGORY: ENFORCEMENT		Status/Comment/Accomplishments
Commitments/Deliverables	October 1 - March 31	April 1 - September 30
Through operation of 1-800 hotline.	59 hotline calls 866-SOS-LEAD; and 228 to Lead Safe VA toll free	41 hotline calls 866-SOS-LEAD; and 305 to Lead Safe VA toll free
Through media outreach campaigns	Completed: 2 1) 120,000 Richmond Magazine 2) 60,000 Richmond Guide circulated	No media campaigns this period
Number of coalitions formed	Completed: 2 United Way of Greater Richmond-Bright Beginnings; VDH nurses with Lead-Safe Virginia established a coalition with Virginia Home School Association	Completed 1: Dept. of Behavioral Health and Development. Services-Part C (children under 3 years) to include lead poisoning as qualifying criteria for services.
National/State Lead Awareness Week Activities (A sheet indicating activities planned for lead awareness week will be provided).	Completed: October 24-30, 2010	Completed: October 24-30, 2010
CATEGORY: ENFORCEMENT		
Commitments/Deliverables	October 1 - March 31	April 1 - September 30
DPOR Report Semi-annually on: Number of training courses offered	15	13
Inspector Refresher	11	13
Risk Assessor Initial	14	13
Risk Assessor Refresher	17	19
Supervisor Refresher	23	21
Project Designer Initial	32	33
Project Designer Refresher	1	2
Worker Initial	2	2
Worker Refresher	42	6
Neutral Training Provider Audits (if no courses were conducted during reporting period)	60	50
# of Lead abatement project inspections	0	80
DOLI	6	2
# of other 402 inspections	6	3
Number of tips/complaints received (A sheet(s) which describes the location and nature of complaint will be provided. VDH, DOLI, DPOR	0	1
Number of 406(b) and/or 1018 complaints referred to EPA	Many may be referred through EPA 0-direct	Many may be referred through EPA 0-direct

**FINAL REGULATION TO AMEND THE REGULATION
CONCERNING CERTIFIED LEAD CONTRACTORS NOTIFICATION,
LEAD PROJECT PERMITS AND PERMIT FEES, 16VAC25-35**

**As Adopted by the
Safety and Health Codes Board**

Date: June 5, 2014



**16VAC25-35, Certified Lead Contractors Notification, Lead Project Permits
And Permit Fees**

16VAC25-35-30. Notification and permit fee.

A. Written notification of any lead project, ~~the contract price of which is \$2,000 or more,~~ shall be made to the department on a department form. Such notification shall be sent by facsimile transmission as set out in subsection J of this section, by certified mail, or hand-delivered to the department. Notification shall be postmarked or made at least 20 days before the beginning of any lead project.

B. The department form shall include the following information:

1. Name, address, telephone number, and the certification number of each person intending to engage in a lead project.
2. Name, address, and telephone number of the owner or operator of the facility in which the lead project is to take place.
3. Type of notification: amended, emergency, renovation or demolition.
4. Description of facility in which the lead project is to take place, including address, size, and number of floors.
5. Estimate of amount of lead and method of estimation.
6. Amount of the lead project fee submitted.
7. Scheduled setup date, removal date or dates, and completion date and times during which lead-related activity will take place.
8. Name and license number of the supervisor on site.
9. Name, address, telephone number, contact person, and landfill permit number of the waste disposal site or sites where the lead-containing material will be disposed.
10. Detailed description of the methods to be used in performing the lead project.

11. Procedures and equipment used to control the emission of lead-contaminated dust, to contain or encapsulate lead-based paint, and to replace lead-painted surfaces or fixtures in order to protect public health during performance of the lead project.

12. If a facsimile transmission is to be made pursuant to subsection J of this section, the credit card number, expiration date, and signature of cardholder.

13. Any other information requested on the department form.

C. A lead project permit fee shall be submitted with the completed project notification form. The fee shall be in accordance with the following schedule:

1. The greater of \$100 or 1.0% of the contract price, with a maximum of \$500.

2. If, at any time, the Commissioner of Labor and Industry determines that projected revenues from lead project permit fees may exceed projected administrative expenses related to the lead program by at least 10%, the commissioner may reduce the minimum and maximum fees and contract price percentage set forth in subdivision 1 of this subsection.

D. A blanket notification, valid for a period of one year, may be granted to a contractor who enters into a contract for a lead project on a specific site which is expected to last for one year or longer.

1. The contractor shall submit the notification required in subsection A of this section to the department at least 20 days prior to the start of the requested blanket notification period. The notification submitted shall contain the following additional information:

a. The dates of work required by subdivision B 7 of this section shall be every work day during the blanket notification period, excluding weekends and state holidays.

b. The estimate of lead to be removed required under subdivision B 5 of this section shall be signed by the owner and the owner's signature authenticated by a notary.

c. A copy of the contract shall be submitted with the notification.

2. The lead project permit fee for blanket notifications shall be as set forth in subsection C of this section.

3. The contractor shall submit an amended notification at least one day prior to each time the contractor will not be present at the site. The fee for each amended notification will be \$15.

4. Cancellation of a blanket notification may be made at any time by submitting a notarized notice of cancellation signed by the owner. The notice of cancellation must include the actual amount of lead removed and the actual amount of payments made under the contract. The refund shall be the difference between the original lead permit fee paid and 1.0% of the actual amount of payments made under the contract.

E. Notification of fewer than 20 days may be allowed in case of an emergency involving protection of life, health or property. In such cases, notification and the lead permit fee shall be submitted within five working days after the start of the emergency lead project. A description of the emergency situation shall be included when filing an emergency notification.

F. A notification shall not be effective unless a complete form is submitted and the proper permit fee is enclosed with the completed form. A notification made by facsimile transmission pursuant to subsection J of this section shall not be effective if the accompanying credit card payment is not approved.

G. On the basis of the information submitted in the lead notification, the department shall issue a permit to the contractor within seven working days of the receipt of a completed notification form and permit fee.

1. The permit shall be effective for the dates entered on the notification.

2. The permit or a copy of the permit shall be kept on site during work on the project.

H. Amended notifications may be submitted for modifications of subdivisions B 3 through B 11 of this section. No amendments to subdivision B 1 or B 2 of this section shall be allowed. A copy of the original notification form with the amended items circled and the permit number entered shall be submitted at any time prior to the removal date on the original notification.

1. No amended notification shall be effective if an incomplete form is submitted or if the proper permit amendment fee is not enclosed with the completed notification.

2. A permit amendment fee shall be submitted with the amended notification form. The fee shall be in accordance with the following schedule:

- a. For modifications to subdivisions B 3, B 4, and B 6 through B 10 of this section, \$15.
- b. For modifications to subdivision B 5 of this section, the difference between the permit fee in subsection C of this section for the amended amount of lead and the original permit fee submitted, plus \$15.

3. Modifications to the completion date may be made at any time up to the completion date on the original notification.

4. If the amended notification is complete and the required fee is included, the department will issue an amended permit if necessary.

I. The department must be notified prior to any cancellation. A copy of the original notification form marked "canceled" must be received no later than the scheduled removal date. Cancellation of a project may also be done by facsimile transmission. Refunds of the lead project permit fee will be made for timely cancellations when a notarized notice of cancellation signed by the owner is submitted.

The following amounts will be deducted from the refund payment: \$15 for processing of the original notification, \$15 for each amendment filed, and \$15 for processing the refund payment.

J. Notification for any lead project, emergency notification, or amendment to notification may be done by facsimile transmission if the required fees are paid by credit card.