

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 8, 2012, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

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

D. Bowen Hyatt (arrived at 9:03 a.m.)  
Reginald Marston, III  
Walter C. Nixon  
Peter Palmer  
D. Todd Vander Pol

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

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

Gordon Dixon, Director  
Mark N. Courtney, Senior Director for Regulatory and Public Affairs  
Trisha L. Henshaw, Executive Director  
Jill Hrynciw, Board Administrator  
Candace Howard, Legal Analyst  
Betty C. Jones, Administrative Assistant

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

Mr. Cronan, finding a quorum of the Board present, called the meeting to order at 9:01 a.m.

**Call to Order**

Ms. Henshaw advised the Board of the emergency evacuation procedures.

**Emergency  
Evacuation  
Procedures**

Ms. Henshaw introduced Susan Salomon, a licensing specialist for the Board, to the Board members.

**Introduction of Staff**

Ms. Becker moved to approve the agenda. Mr. Vander Pol seconded the motion which was unanimously approved by: Atwood, Blevins, Cronan, Daniels, Marston, Nixon, Palmer, and Vander Pol. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to lead-based paint renovation, repair, and

**Approval of Agenda**

painting (RRP) until the effective date of the regulations.

Mr. Hyatt arrived at 9:03 a.m.

**Arrival of Board  
Member**

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

**Approval of  
Minutes**

Board Meeting Minutes – August 23, 2012 and  
Informal Fact-Finding Meeting Minutes – September 20, 2012

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

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

**Public Comment  
Period**

Regarding **File Number 2013-00640, Marcus A. Edwards**, the Board members reviewed the record, which consisted of the application file, exhibits, and transcript from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Edwards was not present. Mr. Hyatt moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Edwards' asbestos supervisor application. Mr. Nixon seconded the motion.

**File Number  
2013-00640  
Marcus A. Edwards**

After further discussion, Mr. Vander Pol made a substitute motion to reject the recommendation of the presiding officer. Ms. Atwood seconded the motion which was approved by: Nixon and Vander Pol. Members voting in opposition to the motion were: Atwood, Blevins, Cronan, Daniels, Hyatt, Marston, and Palmer. Board members Becker and Holtz were present but abstained from voting because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. The substitute motion failed.

The Board reconsidered the initial motion by Mr. Hyatt and

seconded by Mr. Nixon to accept the summary and recommendation of the Presiding Officer and to approve Mr. Edwards' asbestos supervisor license. The motion was approved by: Atwood, Blevins, Cronan, Daniels, Hyatt, Marston, and Palmer. Members voting in opposition to the motion were: Nixon and Vander Pol. Board members Becker and Holtz were present but abstained from voting because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

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

**Update on  
Regulatory Activity**

Ms. Henshaw indicated that all DPOR regulations are undergoing review as a result of the Governor's Regulatory Reform Initiative. This initiative directs all regulatory boards to conduct a comprehensive review of regulations currently in place and repeal regulations that are unnecessary or no longer in use, reduce unnecessary regulatory burdens on individuals, businesses, and other regulated groups, and identify statutes that require unnecessary or overly burdensome regulations.

The regulations will be subject to a 30-day public comment period pursuant to the Regulatory Reform Initiative. Staff will review all comments to determine whether they are appropriate to advance for Board consideration. Such review shall include whether the comment reduces or eliminates regulatory burdens and whether the proposal is permitted based on the underlying statute. Staff will provide additional information regarding this regulatory review process at the next Board meeting.

Staff provided a press release by the Governor to announce this initiative and a website launched for citizens to submit ideas by March 1, 2013.

The Board discussed a memorandum from Ms. Hrynciw regarding online training for the lead and asbestos programs.

**Discussion of  
Memorandum  
Regarding Asbestos  
Refresher Online  
Training**

After discussion with EPA, Board staff determined that due to the required hands-on element, online training is not feasible at this time for lead initial and refresher training and asbestos initial training. EPA determined that asbestos refresher training requirements can be satisfied through online training because the Asbestos Model Accreditation Plan (MAP) does not require

refresher training be hands-on or in-person. EPA provided a memorandum and guidelines to this effect in 2007. The current Asbestos Licensing Regulations do not address online training and whether online training is acceptable to meet the regulatory requirement of annual refresher training.

Board staff recommended the Board adopt a policy to allow asbestos online refresher training that meets regulatory requirements, EPA guidelines, and any specific criteria developed by the Board.

After much discussion, the Board agreed by consensus to table this item until its next regulatory review.

The Board recessed for a break at 10:00 a.m. and reconvened at 10:15 a.m.

**Break**

Mr. Courtney provided training to the Board members on their roles and responsibilities.

**Board Roles and Responsibilities Training**

The following meeting dates have been scheduled:

**Future Meeting Dates**

- § February 7, 2013
- § May 2, 2013
- § August 15, 2013
- § November 14, 2013

Mr. Cronan requested that the Board members complete their conflict of interest forms and travel vouchers. In addition, Ms. Henshaw reminded Board members to return the Financial Disclosure Statement form.

**Conflict of Interest Forms and Travel Vouchers**

There being no further business, the meeting adjourned at 11:08 a.m.

**Adjourn**

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Keith F. Cronan, Chair

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Gordon Dixon, Secretary