

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233**

**LEAD-BASED PAINT ACTIVITIES REGULATORY REVIEW COMMITTEE
OF THE
VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS**

Tentative **AGENDA MONDAY, FEBRUARY 12, 2024
10:00 A.M. 2nd FLOOR, BOARD ROOM 4**

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**
 - a. Committee Agenda, February 12, 2024
- IV. PUBLIC COMMENT PERIOD***
- V. OVERVIEW**
 - a. Committee Members & Staff
 - b. Regulatory Review Summary
 - c. Proposed Regulatory Review Timeline
- VI. RESOURCES AND INFORMATION**
 - a. Chapter 5 of Title 54.1 of the Code of Virginia
 - b. Lead-Based Paint Activities Regulations
 - c. Federal Laws/Regulations
 - i. 40 CFR Part 745: Lead-Based Paint Poisoning Prevention
 - ii. HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing
 - iii. EPA Guidance on Identification of Lead-Based Paint Hazards
 - iv. EPA 747-R-95-001: Residential Sampling for Lead
 - v. Residential Lead Based Paint Hazard Reduction Act of 1992
- VII. NEW BUSINESS**
 - a. Review Definitions
 - b. Review Part IX
- VIII. OTHER BUSINESS**
 - a. Discuss Topics for Next Meeting
 - b. Set Next Meeting Date(s)
- IX. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL**

* Five minute public comment, per person, with the exception of any open disciplinary or application files.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

VOUCHERS

X. ADJOURN

DRAFT

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PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

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Virginia Board for Asbestos, Lead, and Home

Inspectors Lead-Based Paint Activities

Regulations

2023 General Regulatory Review

The following list of topics are items that the Board may wish to consider during the general review of the Lead-Based Paint Activities Regulations. This list is not inclusive of all items that the Board may present for amendment.

General

- Review to ensure regulation comports with statute and applicable federal requirements.
- Focus on making regulation organized and clear.
- Incorporate Board's interpretive guidance where appropriate.
- Review for areas to reduce regulations in accordance with Executive Order Number 19 (2022).

Definitions

- Review definitions, revise and update where appropriate.

Entry Requirements

- Review entry requirements for both individuals and firms.
- Update procedures to reflect current agency practice.

Renewal and Reinstatement

- Review requirements and procedures for renewal and reinstatement of licenses.

Standards of Conduct and Practice

- Review responsibilities for each of the licensed disciplines.
- Review standards for asbestos abatement projects.

Training Programs

- Review requirements for training program approval.
- Review requirements for renewal of training programs
- Review standards of conduct and practice for training programs.

2023 Virginia Lead-Based Paint Activities Regulations REGULATORY REVIEW TIMELINE

Regulatory Review Committee Meeting

Review Entry, Fees, Renewal, Standards of Practice and Conduct for Accredited Lead Training Program, Training Course Curricula Requirements

(10/25/2023)

ALHI Board Meeting

Update on Committee

(11/30/2023)

Regulatory Review Committee Meeting

Review Standards for Conducting Lead-Based Paint Activities, General Standards of Practice and Conduct

(January 2024)

ALHI Board Meeting

Update on Committee

(2/8/2024)

Regulatory Review Committee Meeting

If Necessary

Final Review and Adopt Recommendation

(February/March 2024)

ALHI Board Meeting

Present and Review Committee Recommendation; Adopt Proposed Regulations

(5/9/2024)

File Notice of Intended Regulatory Action for Executive Branch Review

Publication /30 Day Public Comment Period

Board Adopts Proposed Regulations

180 DAYS

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle II. Professions and Occupations Regulated by the Department of Professional and Occupational Regulation and Boards within the Department

Chapter 5. Asbestos, Lead, and Home Inspection Contractors and Workers

Article 1. General Provisions

§ 54.1-500. Definitions

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § [54.1-1144](#), shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment,

explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) limited in scope to the site work or remediation as referenced in the definition of contractor in § [54.1-1100](#). As used in this definition, "compensation" shall include the receipt of (a) pay for work performed, such as that paid to contractors and subcontractors; (b) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (c) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

1987, c. 579, § 54-145.4; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 49, 73, 823; 1992, c. 152; 1993, cc. 499, 660; 1994, cc. [185](#), [911](#); 1996, cc. [76](#), [176](#), [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#), [527](#).

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 13 members as follows: (i) one shall be a representative of a Virginia-licensed asbestos contractor, (ii) one shall be a representative of a Virginia-licensed lead contractor, (iii) one shall be a representative of a Virginia-licensed renovation contractor, (iv) one shall be either a Virginia-licensed asbestos inspector or project monitor, (v) one shall be a Virginia-licensed lead risk assessor, (vi) one shall be a representative of a Virginia-licensed asbestos analytical laboratory, (vii) one shall be a representative of an asbestos, lead, or renovation training program, (viii) one shall be a member of the Board for Contractors, (ix) three shall be Virginia-licensed home inspectors, and (x) two shall be citizen members. After the initial staggering of terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The home inspector and renovation contractor members appointed to the Board shall have practiced as a home inspector and a renovation contractor, respectively, for at least five consecutive years immediately prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

1993, c. 660; 1994, cc. [185, 911](#); 1996, cc. [180, 846](#); 1997, c. [885](#); 2001, c. [723](#); 2009, cc. [358, 819](#); 2012, cc. [522, 803, 835](#); 2016, cc. [161, 436](#); 2022, cc. [576, 577](#).

§ 54.1-501. Powers and duties of the Board

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;
2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;
4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;
5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;
6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;
7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties; and
8. 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 renovation 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.

1987, c. 579, § 54-145.5; 1988, c. 765; 1989, c. 397; 1990, cc. 49, 73, 823; 1991, c. 45; 1992, c. 477; 1993, cc. 499, 660; 1994, cc. [185, 911](#); 1995, cc. [543, 585](#); 1996, cc. [180, 846](#); 1997, cc. [649, 885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358, 819](#); 2012, cc. [803, 835](#); 2016, cc. [161, 436](#).

§ 54.1-501.1. Applicability

The provisions of this chapter shall not apply to any employer, or any employees of such employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

1992, c. 52.

§ 54.1-502. Interdepartmental implementation plan

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

1987, c. 579, § 54-145.6; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 73, 823; 1993, c. 660.

§ 54.1-503. Licenses required

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

E. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.

1987, c. 579, § 54-145.7; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 73; 1993, c. 660; 1994, cc. [185](#), [911](#); 1995, cc. [543](#), [585](#); 1996, cc. [180](#), [846](#); 1997, cc. [560](#), [885](#); 1998, c. [739](#); 2004, c. [133](#); 2009, c. [819](#); 2015, c. [411](#); 2016, cc. [161](#), [436](#).

§ 54.1-504. Asbestos supervisor's or worker's license required; exception

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding

material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § [54.1-501](#).

1987, c. 579, § 54-145.8; 1988, c. 765; 1989, c. 397; 1993, c. 660.

§ 54.1-504.1. Notices for handling asbestos

The Department of Professional and Occupational Regulation shall include with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors.

2016, c. [252](#).

§ 54.1-505. Qualification for an asbestos contractor's license

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § [54.1-504](#), ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

1987, c. 579, § 54-145.9; 1988, cc. 765, 802; 1989, c. 397; 1993, c. 660; 1996, cc. [180](#), [846](#).

§ 54.1-506. Repealed

Repealed by Acts 1993, c. 660.

§ 54.1-507. Repealed

Repealed by Acts 1992, c. 477.

§§ 54.1-508, 54.1-509. Repealed

Repealed by Acts 1993, c. 660.

§ 54.1-510. Repealed

Repealed by Acts 1988, c. 802.

§ 54.1-511. Repealed

Repealed by Acts 1993, c. 660.

§ 54.1-512. Exemptions from licensure

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ [8.01-195.1](#) et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project or renovation, if all of the asbestos or lead abatement work or renovation is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.

G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.

1987, c. 579, § 54-145.10:6; 1988, cc. 765, 807; 1989, c. 397; 1993, c. 660; 1996, cc. [180](#), [846](#); 1998, c. [739](#); 2009, c. [819](#).

§ 54.1-513. Repealed

Repealed by Acts 1998, c. [739](#).

§ 54.1-514. Award of contracts by state agencies and political subdivisions

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

1987, c. 579, § 54-145.10:8; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 105; 1996, cc. [180](#), [846](#).

§ 54.1-515. Employer discrimination; penalty

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § [54.1-517](#).

1987, c. 579, § 54-145.10:9; 1988, c. 765; 1993, cc. 499, 660.

§ 54.1-516. Disciplinary actions

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, renovation contractor, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or

3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.

1987, c. 579, § 54-145.10:10; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#).

§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § [54.1-307.1](#).

2004, c. [222](#).

§ 54.1-517. Penalties for willful violations

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, renovators, dust sampling technicians, renovation contractors, and accredited asbestos training programs, accredited lead training programs, accredited renovator training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

1987, c. 579, § 54-145.10:11; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2009, c. [819](#).

Article 2. Home Inspectors

§ 54.1-517.1. Repealed

Repealed by Acts cc. 161 and 436, cl. 2, effective July 1, 2017.

§ 54.1-517.2. Requirements for licensure

A. The Board shall issue a license to practice as a home inspector in the Commonwealth to:

1. An individual who holds an unexpired certificate as a home inspector issued prior to June 30, 2017; or
2. An applicant who has successfully:
 - a. Completed the educational requirements as required by the Board;
 - b. Completed the experience requirements as required by the Board; and
 - c. Passed the examination approved by the Board.

B. The Board shall issue a license with the new residential structure endorsement to any applicant who completes a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the International Residential Code component of the Virginia Uniform Statewide Building Code.

2001, c. [723](#); 2015, c. [411](#); 2016, cc. [161](#), [436](#).

§ 54.1-517.2:1. Home inspection; required statement related to the presence of yellow shaded corrugated stainless steel tubing

A. As used in this section:

"Bonding" means connecting metallic systems to establish electrical continuity and conductivity.

"Corrugated stainless steel tubing" or "CSST" means a flexible stainless steel pipe used to supply natural gas or propane in residential, commercial, and industrial structures.

"Grounding" means connecting to the ground or to a conductive body that extends to ground connection.

B. If a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective May 1, 2008, he shall include that observation in the report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia."

2017, c. [805](#).

Article 3. Mold Inspectors and Remediators

§§ 54.1-517.3 through 54.1-517.5. Repealed

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 56.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Virginia Administrative Code
Title 18. Professional And Occupational Licensing
Agency 15. Virginia Board For Asbestos, Lead, And Home Inspectors
Chapter 30. Virginia Lead-Based Paint Activities Regulations

Part I. Scope

18VAC15-30-10. Scope.

This chapter contains procedures and requirements for the accreditation of lead-based paint activities training programs and providers, procedures and requirements for the licensure of individuals and firms engaged in lead-based paint activities in target housing and child-occupied facilities, and standards for performing such activities. This chapter is applicable to all individuals and firms who are engaged in lead-based paint activities as defined in 18VAC15-30-20, except persons who perform these activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child residing in the building has been identified as having an elevated blood-lead level.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part II. Definitions and General Requirements

18VAC15-30-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Abatement" or "abatement project" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

1. "Abatement" includes, but is not limited to:

- a. The removal of paint, and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and
- b. All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

2. Specifically, "abatement" includes, but is not limited to:

- a. Lead-based paint activities for which there is a written contract or other documentation that provides that an individual or firm will be conducting activities in or to a residential

dwelling or child-occupied facility that:

- (1) Shall result in the permanent elimination of lead-based paint hazards; or
 - (2) Are designed to permanently eliminate lead-based paint hazards and are described in subdivision 1 of this definition;
- b. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals licensed in accordance with this chapter, unless such projects are covered by subdivision 3 of this definition;
 - c. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, unless such projects are covered by subdivision 3 of this definition; or
 - d. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards that are conducted in response to state or local abatement orders.

3. Abatement does not include renovation, remodeling, landscaping or other activities when such activities are not designed to permanently eliminate lead-based paint hazards, but instead are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards. Furthermore, federally assisted housing and community development programs conducted in compliance with the U.S. Department of Housing and Urban Development Lead-Safe Final Rule 24 CFR Part 35 shall be considered to meet the requirements of this chapter.

"Accredited lead training program" means a training program that has been approved by the board to provide training for individuals engaged in lead-based paint activities.

"Accredited lead training provider" means a firm, individual, state or local government, or nonprofit training program that has met the requirements of this chapter and has been approved by the board to offer an accredited lead training program.

"Applicant" means any person defined in this chapter who has applied for but has not been granted an interim license, a license or approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor by the board.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, six years of age or under, on at least two different days, within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours and the combined weekly visit lasts six hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms.

"Clearance levels" means values that indicate the maximum amount of lead permitted in dust on

a surface following completion of an abatement activity as identified by EPA, pursuant to 15 USC § 2683.

"Common area" means a portion of a building generally accessible to all occupants, including, but not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages and boundary fences.

"Component or building component" means specific design or structural elements or fixtures of a building or residential dwelling or child-occupied facility which are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills, stools, and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops and air conditioners, and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills, casings, sashes, wells, stools and troughs.

"Containment" means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

"Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

"Course test" means an evaluation of the overall effectiveness of the training which shall test the trainees' knowledge and retention of the topics covered during the course.

"Course test blue print" means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

"Department" means the Department of Professional and Occupational Regulation or any successor agency.

"Deteriorated paint" means paint that is cracking, flaking, chipping, peeling or otherwise separating from the substrate building component.

"Discipline" means one of the specific types or categories of lead-based paint activities established in this chapter for which individuals must receive training from accredited lead training providers, as defined in this chapter, and become licensed by the board. For example, "lead abatement worker" is a discipline.

"Distinct painting history" means application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

"Documented methodologies" means methods or protocols used to sample for the presence of lead in paint, dust, and soil.

"Elevated blood-lead level (EBL)" means an excessive absorption of lead that is a confirmed

concentration of lead in whole blood of 20 ^{(508)%e2}g/dl (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19 ^{(508)%e2}g/dl in two consecutive tests taken three to four months apart.

"Encapsulant" means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

"Encapsulation" means the application of an encapsulant.

"Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

"Environmental remediation activity" means any activity planned or carried out for the purpose of reducing or eliminating any environmental hazard, including activities necessary to train individuals in the proper or lawful conduct of such activities, which are regulated by federal or state law or regulation.

"EPA" means the United States Environmental Protection Agency.

"Financial interest" means financial benefit accruing to an individual or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds, or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or a combination thereof, paid or provided by a business that exceeds or may reasonably be expected to exceed \$1,000 annually; or (iv) ownership of real or personal property if the interest exceeds \$1,000 in value.

"Firm" means any company, partnership, corporation, sole proprietorship, association, or other business entity.

"Guest instructor" means an individual designated by the training program manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

"Hands-on skills assessment" means an evaluation that tests the trainees' ability to satisfactorily perform the work practices and procedures identified in this chapter, as well as any other skills taught in a training course.

"Hazardous waste" means any waste as defined in 40 CFR 261.3.

"HUD" means the United States Department of Housing and Urban Development.

"Individual" means a single human being, not a firm or other group or organization.

"Initial course" means the course of instruction established by this chapter to prepare an individual for licensure in a single discipline.

"Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

"Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

"Interim license" means the status of an individual who has successfully completed the appropriate training program in a discipline from an accredited lead training provider, as defined by this chapter, and has applied to the board, but has not yet received a formal license in that discipline from the board. Each interim license expires six months after the completion of the training program, and is equivalent to a license for the six-month period.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activities" means risk assessment, inspection, project design and abatement as defined in this chapter that affects or relates to target housing and child-occupied facilities.

"Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by EPA, pursuant to 15 USC § 2683.

"Lead-hazard screen" means a limited risk assessment activity that involves limited paint and dust sampling as defined in this chapter.

"Licensed lead abatement contractor" or "lead contractor" means a firm that has met the requirements of this chapter, and has been issued a license by the board to perform lead abatements.

"Licensed lead abatement supervisor" or "lead supervisor" means an individual who has met the requirements of this chapter, and has been licensed by the board to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

"Licensed lead abatement worker" or "lead worker" means an individual who has met the requirements of this chapter and has been licensed by the board to perform abatements under the supervision of a licensed lead supervisor.

"Licensed lead inspector" or "lead inspector" means an individual who has met the requirements of this chapter, and has been licensed by the board to conduct lead inspections. A licensed inspector may also sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

"Licensed lead project designer" or "lead project designer" means an individual who has met the requirements of this chapter, and has been licensed by the board to prepare abatement project designs, occupant protection plans, and abatement reports.

"Licensed lead risk assessor" or "lead risk assessor" means an individual who has met the requirements of this chapter, and has been licensed by the board to conduct lead inspections and

risk assessments. A licensed risk assessor may also sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

"Licensee" means any person, as defined by § 54.1-500 of the Code of Virginia, who has been issued and holds a currently valid license as a lead abatement worker, lead abatement supervisor, lead inspector, lead risk assessor, lead project designer, or lead abatement contractor under this chapter.

"Living area" means any area of a residential dwelling used by one or more children age six and under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

"Multi-family dwelling" means target housing that contains more than one separate residential dwelling unit, in which one or more units is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

"OSHA" means the United States Department of Labor, Occupational Safety and Health Administration.

"Paint in poor condition" means more than ten square feet of deteriorated paint on exterior components with large surface areas; or more than two square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than ten percent of the total surface area of the component is deteriorated on the interior or exterior components with small surface area (e.g., window sills, baseboards, soffits, trim).

"Permanently covered soil" means soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable material, such as pavement or concrete. Grass, mulch and other landscaping materials are not considered permanent covering.

"Person" means any natural or judicial person including any individual, corporation, partnership, or association; any Indian tribe, state or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the federal government.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching a particular course.

"Project design" means any descriptive form written as instructions or drafted as a plan describing the construction or set-up of a lead abatement project area and work practices to be utilized during the lead abatement project.

"Recognized laboratory" means any environmental laboratory recognized by the EPA as being capable of performing an analysis for lead compounds in paint, soil, and dust.

"Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

"Refresher course" or "refresher training program" means the course of accredited instruction established by this chapter which must be periodically completed as set out in this chapter to maintain an individual's license in a single discipline.

"Residential dwelling" means (i) target housing that is a detached single-family dwelling, including attached structures such as porches and stoops or (ii) target housing that is a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more individuals.

"Risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards, and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based hazards.

"Target housing" means any housing constructed prior to 1978, except for housing for the elderly, or persons with disabilities (unless any one or more children age six years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.

"Training curriculum" means an established set of course topics for instruction in an accredited lead training program for a particular discipline designed to provide specialized knowledge and skills.

"Training hour" means at least 50 minutes of actual instruction, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of the instructors.

"TSCA" means the federal Toxic Substances Control Act, 15 USC § 2601 et seq.

"Visual inspection for clearance testing" means the visual examination of a residential dwelling or a child-occupied facility following an abatement to determine whether the abatement has been successfully completed.

"Visual inspection for risk assessment" means the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-30. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume

19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

18VAC15-30-41. Waiver of the requirements of this chapter.

Except as required by law, the board may, in its reasonable discretion, waive any of the requirements of this chapter when in its judgment it finds that the waiver in no way lessens the protection provided by this chapter and Title 54.1 of the Code of Virginia to the public health, safety and welfare. The burden of proof that demonstrates continued public protection rests with the party requesting the waiver. Documents referenced are in effect as they existed as of the date the act or action has occurred.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-50. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

Part III. Entry

18VAC15-30-51. Application procedures.

All applicants seeking licensure, interim licensure or accredited lead training program approval shall submit an application with the appropriate fee specified in 18VAC15-30-162. Application shall be made on forms provided by the department.

By signing the application or submitting it electronically to the department, the applicant certifies that he has read and understands the board's statutes and regulations.

The receipt of an application and the deposit of fees by the board does not indicate approval by the board.

The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied.

Applicants will be notified if their application is incomplete. Applicants who fail to complete the process within 12 months after the date the department receives the application shall submit a

new application and fee.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-52. Qualifications for licensure - individuals.

A. General. Applicants shall meet all applicable entry requirements at the time application is made.

B. Name. The applicant shall disclose the applicant's full legal name.

C. Age. The applicant shall be at least 18 years old.

D. Address. The applicant shall disclose a physical address. A post office box is only acceptable when a physical address is also provided.

E. Training. The applicant shall provide documentation of having satisfactorily completed the board-approved initial training program and all subsequent board-approved refresher training programs as specified in subsection F of this section. Board-approved initial training programs shall be valid for 36 months after the last day of the month wherein completed. Board-approved refresher training programs shall be satisfactorily completed no later than 36 months after the last day of the month wherein the board-approved initial training program was completed and once each 36 months thereafter.

F. Specific entry requirements.

1. Worker. Each applicant for a lead abatement worker license shall provide evidence of successful completion of board-approved lead abatement worker training in accordance with subsection E of this section.

2. Project designer.

a. Each applicant for a lead project designer license shall provide evidence of successful completion of board-approved lead project designer training and board-approved lead abatement supervisor training in accordance with subsection E of this section.

b. Each applicant for a lead project designer license shall also provide evidence of successful completion of one of the following:

(1) A bachelor's degree in engineering, architecture, or a related profession, and one year experience in building construction and design or a related field; or

(2) Four years of experience in building construction and design or a related field.

3. Supervisor.

a. Each applicant for a lead abatement supervisor license shall provide evidence of:

(1) Successful completion of board-approved lead abatement supervisor training in accordance with subsection E of this section; and

(2) One year of experience as a licensed lead abatement worker or two years of experience in a related field (e.g., lead, asbestos, or environmental remediation) or in the building trades.

b. Each applicant shall pass a board-approved licensing examination for supervisors within 36 months after completion of the board-approved lead abatement supervisor initial training course or the board-approved lead supervisor refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

c. A licensed lead abatement supervisor may perform the duties of a licensed lead abatement worker.

4. Inspector.

a. Each applicant for a lead inspector license shall provide evidence of successful completion of board-approved lead inspector training in accordance with subsection E of this section.

b. Each applicant shall pass a board-approved licensing examination for lead inspector within 36 months after completion of the board-approved lead inspector initial training course or the board-approved lead inspector refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

5. Risk assessor.

a. Each applicant for a lead risk assessor license shall provide evidence of successful completion of board-approved lead risk assessor training and successful completion of board-approved lead inspector training in accordance with subsection E of this section.

b. Each applicant for a lead risk assessor license shall also provide evidence of successful completion of one of the following:

(1) Certification or licensure as an industrial hygienist, a professional engineer, or a registered architect or licensure in a related engineering/health/environmental field;

(2) A bachelor's degree and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction);

(3) An associate's degree and two years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

(4) A high school diploma or its equivalent, and at least three years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).

c. Each applicant shall pass a board-approved licensure examination for risk assessor within 36 months after completion of the board-approved lead risk assessor initial training course or the board-approved lead risk assessor refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

G. Training verification. Training requirements shall be verified by submittal to the board of the training certificate issued by the accredited lead training provider for that course.

H. Education verification. Education requirements shall be verified by submittal to the board on the Education Verification Form sent directly from the school.

I. Experience verification. Experience requirements shall be verified by resumes, letters of reference, or documentation of work experience.

J. Conviction or guilt. The applicant shall disclose the following information:

1. A conviction in any jurisdiction of any felony.
2. A conviction in any jurisdiction of any misdemeanor except marijuana convictions.
3. Any disciplinary action taken in another jurisdiction in connection with the applicant's environmental remediation practice including monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.
4. Any current or previously held environmental remediation certifications, accreditations, or licenses issued by Virginia or any other jurisdiction.

Subject to the provisions of § 54.1-204 of the Code of Virginia, the board may deny any application for licensure or accreditation as a lead training provider when any of the parties listed in this subsection have been convicted of any offense listed in this subsection or has been the subject of any disciplinary action listed in subdivision 3 of this subsection. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. A certified copy of a final order, decree, or case decision by a court or regulatory agency with the lawful authority to issue such order shall be admissible as prima facie evidence of such conviction or discipline.

K. Standards of conduct and practice. Applicants shall be in compliance with the standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) of this chapter at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

L. Standing. The applicant shall be in good standing in every jurisdiction where licensed, and the applicant shall not have had a license that was suspended, revoked, or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure or approval to any applicant based on disciplinary

action by any jurisdiction.

Statutory Authority

§§54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31, Issue 20, eff. August 1, 2015; Volume 38, Issue 7, eff. December 22, 2021.

18VAC15-30-53. Qualifications for licensure

A. General. Every business entity shall secure a license before transacting business.

B. Name. The business name shall be disclosed on the application. The name under which the entity conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also be disclosed on the application. Business entities shall register their trade or fictitious names with the State Corporation Commission in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia before submitting their applications to the board.

C. Address. The applicant shall disclose the firm's mailing address and the firm's physical address. A post office box is only acceptable as a mailing address when a physical address is also provided.

D. Form of organization. Applicants shall meet the additional requirements listed below for their business type:

1. Corporations. All applicants shall have been incorporated in the Commonwealth of Virginia or, if a foreign corporation, shall have obtained a certificate of authority to conduct business in Virginia from the State Corporation Commission in accordance with § 13.1-544.2 of the Code of Virginia. The corporation shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

2. Limited liability companies. All applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign limited liability company, shall have obtained a certificate of registration to do business in Virginia from the State Corporation Commission in accordance with § 13.1-1105 of the Code of Virginia. The company shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

3. Partnerships. All applicants shall have a written partnership agreement. The partnership agreement shall state that all professional services of the partnership shall be under the direction and control of a licensed or certified professional.

4. Sole proprietorships. Sole proprietorships desiring to use an assumed or fictitious name, that is a name other than the individual's full name, shall have their assumed or fictitious name recorded by the clerk of the court of the county or jurisdiction wherein the business is to be conducted.

E. Qualifications.

1. Lead contractor. Each applicant for lead contractor licensure shall:

a. Hold a valid Virginia contractor license with a lead specialty issued by the Virginia Board for Contractors and comply with the provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.

b. Certify that:

(1) Only properly licensed lead abatement supervisors and workers will be employed to conduct lead-based paint activities;

(2) A licensed lead abatement supervisor is present at each job site during all work site preparation and during post-abatement cleanup, and shall be on site or available by telephone, pager, or answering service and able to be present at the work site in no more than two hours when abatement activities are being conducted;

(3) The standards for conducting lead-based paint activities established in this chapter and standards established by EPA and OSHA shall be followed at all times during the conduct of lead-based paint activities; and

(4) The company is in compliance with all other occupational and professional licenses and standards as required by Virginia statute and local ordinance to transact the business of a lead abatement contractor.

F. Conviction or guilt. Neither the firm nor the owners, officers, or directors shall have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having lapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. A certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such conviction or discipline. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

G. Standards of conduct and practice. Applicants shall be in compliance with the standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) and Part IX (18VAC15-30-760 et seq.) of this chapter at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

H. Standing. Both the firm and the owners, officers, and directors shall be in good standing in every jurisdiction where licensed, and the applicant shall not have had a license that was suspended, revoked, or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure to any applicant based on disciplinary action by any jurisdiction.

I. Denial of license. The board may refuse to issue a license to any lead contractor applicant if the applicant or its owners, officers, or directors have a financial interest in a lead contractor whose

lead license has been revoked, suspended, or denied renewal in any jurisdiction.

Statutory Authority

§54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 36, Issue 15, eff. May 1, 2020.

18VAC15-30-54. Qualifications for accredited lead training program approval.

A. For a training program to obtain accreditation from the board to teach lead-based paint activities, the program shall demonstrate through its application material that it meets the minimum requirements for principal instructor qualifications, required topic review, length of training, and recordkeeping for each discipline for which the program is seeking accreditation. Training programs shall offer courses that teach the standards for conducting lead-based paint activities contained in this chapter and other such standards adopted by the EPA.

B. Each applicant for approval as an accredited lead training provider shall meet the requirements established by this chapter before being granted approval to offer an accredited lead training program. Applicants requesting approval of a lead training program to prepare participants for licensure shall apply on a form provided by the board. The application form shall be completed in accordance with the instructions supplied and shall include the following:

1. The course for which it is applying for accreditation.
2. A statement signed by the training program manager, which certifies that the training program meets the minimum requirements established in this chapter.
3. The names and qualifications, including education and experience, of each principal instructor.
4. A copy of the student manuals and instructor manuals or other materials to be used.
5. A copy of the course agenda that includes the time allocation for each course topic.
6. A copy of the test and answer sheet.
7. A description of the facilities and equipment to be used for lecture and hands-on training.
8. A description of the activities and procedures that will be used for conducting the assessment of hands-on skills.
9. A copy of the quality control plan as described in this chapter.
10. An example of a certificate that will be issued to students who successfully complete the course.
11. A proposed course date for auditing purposes.
12. The application fee required by 18VAC15-30-162.

C. The completed application form with attachments and fee shall be received by the board no later than 45 days before the desired audit date.

D. An applicant may seek approval for as many initial and refresher courses as it chooses, but shall submit a separate application and fee for each program.

E. Applicants may seek accreditation to offer lead-based paint activities initial or refresher courses in any of the following disciplines: lead abatement worker, lead project designer, lead abatement supervisor, lead inspector, and lead risk assessor.

F. Each training program shall be conducted in compliance with this chapter to qualify for and maintain approval as an accredited lead training program.

G. Upon receipt of an application, the board shall conduct a preliminary review and shall notify the applicant in writing of any deficiencies in the submittal packages. Applicants will have one year from the board's receipt of the application to correct any problems noted in the review.

H. After the application has been found to be complete and in compliance with this chapter, an on-site audit of the training program shall be conducted. The board shall conduct an additional on-site audit, grant approval or deny approval based on the board's evaluation of the level of compliance with this chapter found during the initial on-site audit.

I. Applicants denied approval shall have one year from the date of receipt of the application by the board to correct any deficiencies and notify the board in writing.

J. An accredited training provider shall have been approved by the board before its training certificates shall be accepted by the board as evidence that an individual has completed an accredited lead training program.

K. Each accredited lead training program that is granted approval shall be sent a form indicating the discipline approved and an expiration date that shall be maintained at the business address listed on the application.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-60. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-100. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

Part IV. Fees

18VAC15-30-161. General fee requirements.

A. All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

B. Fees for approval and renewal of an accredited lead training program and an accredited lead refresher training program shall not be imposed on any state, local government, or nonprofit training program.

C. The examination fee is subject to contracted charges to the department by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees will be adjusted and charged to the candidate in accordance with this contract.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 32, Issue 1, eff. November 1, 2015.

18VAC15-30-162. Application fees.

Application fees are as follows:

Fee Type	Fee Amount	When Due
Application for worker, supervisor, inspector, risk assessor or project designer license	\$80	With application
Application for a lead contractor license	\$110	With application
Application for accredited lead training program approval	\$500 per day of training	With application
Application for accredited lead	\$500	With

refresher training program approval except for project designer refresher		application
Application for accredited lead project designer refresher training program approval	\$250	With application

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31, Issue 20, eff. August 1, 2015.

18VAC15-30-163. Renewal and late renewal fees.

A. Renewal and late renewal fees are as follows:

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$45	With renewal application
Renewal for lead contractor license	\$70	With renewal application
Renewal for accredited lead training program approval	\$125	With renewal application
Late renewal for worker, supervisor, inspector, risk assessor, or project designer license (includes a \$35 late renewal fee in addition to the regular \$45 renewal fee)	\$80	With renewal application
Late renewal for lead contractor license (includes a \$35 late renewal fee in addition to the regular \$70 renewal fee)	\$105	With renewal application
Late renewal for accredited lead training program approval (includes a \$35 late renewal fee in addition to the regular \$125 renewal fee)	\$160	With renewal application

B. For licenses expiring after February 1, 2021, and before February 1, 2023, the renewal fees shall be as follows:

Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$25
Renewal for lead contractor license	\$30
Renewal for accredited lead training program approval	\$40

For late renewals received after March 1, 2021, and on or before February 28, 2023, the late renewal fees shall be as follows:

Late renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$60
Late renewal for lead contractor license	\$65
Late renewal for accredited lead training program approval	\$75

C. For licenses expiring after February 1, 2023, and before February 1, 2025, the renewal fees shall be as follows:

Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$25
Renewal for lead contractor license	\$30
Renewal for accredited lead training program approval	\$40

For late renewals received after March 1, 2023, and on or before February 28, 2025, the late renewal fees shall be as follows:

Late renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$60
Late renewal for lead contractor license	\$65
Late renewal for accredited lead training program approval	\$75

Statutory Authority

§§54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31, Issue 20, eff. August 1, 2015; Volume 34, Issue 8, eff. February 1, 2018; Volume 36, Issue 9, eff. February 1, 2020; Volume 37, Issue 14, eff. April 1, 2021; Volume 39, Issue 12, eff. March 1, 2023.

Part V. Renewal

18VAC15-30-164. Renewal required.

A. Interim licenses shall expire six months from the last day of the month during which the individual completed the board-approved initial or refresher accredited lead training program required by 18VAC15-30-52 regardless of the date on which the board received the application for initial licensure or the date the board issued the license.

B. Interim licenses shall not be renewed or extended.

C. Individual licenses shall expire 12 months from the last day of the month wherein issued.

D. Contractor licenses shall expire 12 months from the last day of the month wherein issued.

E. Accredited lead training programs approval shall expire 24 months from the last day of the month in which the board granted approval.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31, Issue 20, eff. August 1, 2015.

18VAC15-30-165. Procedures for renewal.

A. The board shall mail a renewal notice to the licensee or accredited lead training provider at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee or accredited lead training provider of the obligation to renew.

B. Prior to the expiration date shown on the license or approval, each licensee or accredited lead training provider desiring to renew the license or approval shall return to the board the renewal notice and the renewal fee. Documentation of refresher training programs for individuals and of the requirements in 18VAC15-30-166 C for accredited lead training programs shall be sent to the board.

C. Should the licensee or accredited lead training provider fail to receive the renewal notice, a photocopy of the current lead license or accredited lead training program approval may be substituted for the renewal notice and mailed with the required fee to the board.

D. Interim licensure shall not be renewed or extended. Each applicant who wishes a second interim license must provide to the board evidence of having retaken and satisfactorily completed the initial training requirements and make a new application to the board.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-166. Qualifications for renewal.

A. Individuals.

1. Licensees desiring to maintain an individual license shall satisfactorily complete the required board-approved refresher training course within 36 months after the date that the initial or most recent refresher training course was completed and at least once every 36 months thereafter. In the case of a proficiency-based course completion, refresher training is required every 60 months instead of 36 months.

2. Licensees are responsible for ensuring that the board receives proof of completion of the required board-approved training. Prior to the expiration date shown on the individual's current license, the individual desiring to renew that license shall provide evidence of meeting

the board-approved refresher training requirement for license renewal.

3. Refresher training shall be specific to the discipline of the license being renewed.

4. The board shall renew an individual license for an additional 12 months upon receipt of a renewal application and fee in compliance with 18VAC15-30-163 and 18VAC15-30-165, provided that the licensee has complied with subdivisions 1 through 3 of this subsection.

B. Contractors. The board shall renew a contractor license for an additional 12 months upon receipt of a renewal application and the renewal fee in compliance with 18VAC15-30-163 and 18VAC15-30-165. Return of the renewal application and renewal fee to the board shall constitute a certification that the licensee is in full compliance with the board's regulations.

C. Accredited training programs.

1. Accredited lead training providers desiring to maintain approval of their accredited lead training program shall cause the board to receive the following no later than 24 months after the date of initial approval and not less often than once each 24 months thereafter:

a. The training provider's name, address, and telephone number.

b. A statement signed by the training program manager that certifies that:

(1) The course materials for each course meet the requirements of Part VII (18VAC15-30-440 et seq.) of this chapter.

(2) The training manager and principal instructors meet the qualifications listed in 18VAC15-30-340.

(3) The training program manager complies at all times with all requirements of this chapter.

(4) The quality control program meets the requirements noted in 18VAC15-30-410.

(5) The recordkeeping requirements of this chapter will be followed.

2. Return of the renewal application and renewal fee to the board shall constitute a certification that the accredited lead training provider is in full compliance with the board's regulations.

3. An audit by a board representative may be performed to verify the certified statements and the contents of the application before relicensure is granted.

4. Accredited lead training programs determined by the board to have met the renewal requirements shall be issued an approval for an additional 24 months.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia

Register Volume 31, Issue 20, eff. August 1, 2015.

18VAC15-30-167. Late renewal.

A. If the renewal fee is not received by the board within 30 days after the expiration date printed on the license or accredited lead training program approval, a late renewal fee shall be required in addition to the renewal fee.

B. Any licensee or accredited lead training provider who fails to renew his license or accredited lead training program approval within 12 months after the expiration date on the license or approval shall not be permitted to renew and shall apply as a new applicant.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31, Issue 15, eff. May 1, 2015.

18VAC15-30-170. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

18VAC15-30-190. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-205. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

18VAC15-30-210. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-225. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

18VAC15-30-230. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-245. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; derived from or amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

18VAC15-30-310. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-330. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

Part VI. Standards of Practice and Conduct for Accredited Lead Training Programs

18VAC15-30-332. Changes to an approved course.

Once a training course has been approved, substantial changes in any of the approved items must be submitted to the board for review and approval prior to the continuation of the training course. These items include, but are not limited to:

1. Course curriculum.
2. Course examination.
3. Course materials.
4. Training manager and principal instructor or instructors.
5. Certificate of completion.

The board shall communicate its approval or disapproval in the same manner as for initial applications for accreditation approval.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-334. Change of ownership.

When an accredited lead training provider offering an accredited lead training program has a change of ownership, the new owner shall apply anew.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-340. Qualifications of training managers and principal instructors.

A. The training program shall employ a training manager who:

1. Has at least two years experience, education, or training in teaching workers or adults; has a bachelor's or graduate level degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, program management, or a related field; or has two years experience in managing a training program that specialized in environmental hazards; and
2. Has demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

B. The training program shall employ a qualified principal instructor, designated by the training manager, for each course who:

1. Demonstrates experience, education or training in teaching workers or adults;
2. Successfully completed a minimum of 16 hours of any EPA-accredited or board-approved lead-specific training; and
3. Demonstrated experience, education or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

C. Documentation of all principal instructor qualifications shall be reviewed and approved by the board prior to the principal instructor teaching in an accredited lead training program.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-350. Responsibilities of the training manager.

A. The training program shall employ a training manager who shall be responsible for ensuring that the training program complies at all times with the requirements of this chapter and who is responsible for maintaining:

1. The validity and integrity of the hands-on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics.
2. The validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

B. The training manager shall, for each course offered, designate a principal instructor. Principal instructors are responsible for the organization of the course and oversight of the teaching of all

course material.

C. Guest instructors may be designated by the training manager as needed to provide instruction specific to the lecture, hand-on activities, or work practice components of a course.

D. Any training manager who intends to also serve as a principal instructor shall meet the requirements of subsection B of 18VAC15-30-340 and provide documentation to the board prior to instructing.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-360. Training manager and principal instructor documentation.

The following documents shall be recognized by the board as proof that training managers and principal instructors meet the relevant educational, work experience, and training requirements specifically listed in 18VAC15-30-340:

1. Official academic transcripts or diplomas as proof of meeting the educational requirements.
2. Resumes, letters of reference, or documentation of work experience as proof of meeting the work experience requirements.
3. Certificates from lead-specific training courses as proof of meeting the training requirements.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-370. Training facilities.

The training program shall provide adequate facilities for the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices, and maintaining or updating the equipment and facilities as needed.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-380. Length of training courses.

A. The length of training courses are as follows:

1. The training course for lead inspector shall last a minimum of 24 training hours, with a minimum of eight hours devoted to hands-on training activities.
2. The training course for lead risk assessor shall last a minimum of 16 training hours with a minimum of four hours devoted to hands-on training activities. As a prerequisite, the 24 training hours provided for in subdivision 1 of this subsection for lead inspector shall be required.
3. The training course for lead project designer shall last a minimum of eight training hours. As a prerequisite, the 32 training hours provided for in subdivision 4 of this subsection for lead abatement supervisor shall be required.
4. The training course for lead abatement supervisor shall last a minimum of 32 training hours, with a minimum of eight hours devoted to hands-on activities.
5. The training course for lead abatement worker shall last a minimum of 16 training hours, with a minimum of eight hours devoted to hands-on activities.
6. All lead refresher courses shall last a minimum of eight training hours, except the project designer refresher course which shall last a minimum of four training hours.

B. In no case shall actual training exceed eight hours during any single 24-hour period, exceed four hours when conducted during evening hours (after 5 p.m. and before 8 a.m.) except training that is conducted during the student's normal second or third shift working hours, or exceed 16 hours during any weekend (Friday after 5 p.m. to Monday 8 a.m.).

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-390. Course examination.

A. For each course, the accredited lead training program shall conduct a monitored, written course test at the completion of the course and a hands-on skills assessment, or as an alternative, a proficiency test. Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course, or successfully complete a proficiency test. Refresher training programs are not required to conduct a hands-on skills assessment.

B. The course test is an evaluation of the overall effectiveness of the training which shall test the trainee's knowledge and retention of the topics covered during the course. An oral course test may be administered in lieu of a written course test for lead abatement worker only.

C. Seventy percent shall be the passing score on the course test.

D. The hands-on skills assessment is an evaluation of the effectiveness of the hands-on training which shall test the ability of the trainees to demonstrate satisfactory performance of work practices and procedures specified in Part VIII (18VAC15-30-440 et seq.) of this chapter, as well as any other skills demonstrated in the course.

E. The use of a proficiency test in lieu of a hands-on assessment and course test may be considered by the training provider. An accredited lead training program that offers a proficiency test shall assure that the test consists primarily of an evaluation of the effectiveness and reliability of a student's ability to conduct a particular lead-based paint activity. The proficiency test must also cover all of the topics and skills addressed in a particular course. For instance, a proficiency-based course in inspection could involve a mix of lecture material with students conducting a mock inspection in a residential dwelling with known lead-based paint concentrations. The student would be evaluated on the accuracy of the results of their inspection. For a training program to make use of a proficiency-based course, that course must be approved by the board in the same manner as approval for any other course, including fees.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-400. Certificates of completion.

Accredited lead training programs shall issue unique course completion certificates to each individual who successfully completes the course requirements. The course completion certificate shall include:

1. A unique certificate number.
2. The name and address of the individual.
3. The name of the particular course that the individual completed.
4. Dates of course completion/test passage.
5. Expiration date. Training certificates shall expire three years from the date of course completion. If the accredited lead training program offers a proficiency test, the training certificates shall expire five years from the date of course completion.
6. Name, address, and telephone number of the training provider.

7. Name and signature of the training manager and principal instructor.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 31, Issue 15, eff. May 1, 2015.

18VAC15-30-410. Quality control plan.

The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the accredited lead training program over time. This plan shall contain at least the following elements:

1. Procedures for periodic revision of training materials and course test to reflect innovations in the field.
2. Procedures for the training manager's annual review of principal instructor competency.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-420. Recordkeeping and provision of records to the board.

A. Each accredited lead training program shall maintain and make available upon request from the board the following records:

1. All documents specified in 18VAC15-30-360 that demonstrate the qualifications listed in 18VAC15-30-340 of the training manager and principal instructors.
2. Current curriculum/course materials and documents reflecting any changes made to these materials.
3. Course examination.
4. Information on how the hands-on assessment is conducted including, but not limited to, who conducts the assessment, how the skills are graded, what facilities are used, and the pass/fail rate.
5. The quality control plan described in 18VAC15-30-410.
6. Results of the student's hands-on skills assessments and course examination and a copy of each student's course completion certificate.
7. Any other material not listed in this chapter that was submitted to the board as part of the

application for accreditation.

The accredited lead training provider shall retain these records at the location specified on the training program application for a minimum of three years and six months.

B. The training manager shall notify the board at least 48 hours prior to the start date of any accredited lead training program.

C. The training manager shall provide an updated notification when an accredited lead training program will begin on a date other than the start date specified in the original notification as follows:

1. For accredited lead training programs beginning prior to the start date provided to the board, an updated notification must be received by the board at least 48 hours before the new start date.
2. For accredited lead training programs beginning after the start date provided to the board, an updated notification must be received by the board at least 48 hours before the start date provided to the board.

D. The training manager shall update the board of any change in location of an accredited lead training program at least seven business days prior to the start date provided to the board.

E. The training manager shall update the board regarding any accredited lead training program cancellations or any other change to the original notification at least two business days prior to the start date provided to the board. This requirement shall not apply to situations or circumstances beyond the control of the training provider.

F. Each notification, including updates, shall include the following:

1. Notification type (original, update, cancellation).
2. Training program name, Virginia accreditation number, address, and telephone number.
3. Course discipline, type (initial/refresher), and the language in which the instruction will be given.
4. Dates and times of training.
5. Training locations, telephone number, and address.
6. Principal instructor's name.
7. Training manager's name and signature.

G. The training program participant list shall be completed by the training provider and training program participants daily.

H. The training program participant list shall be retained by the training provider for three years following the date of completion of the training program.

I. The training manager shall provide to the board the accredited lead training program participant list no later than 10 business days following the training program completion. For the

purposes of this section, a business day shall mean Monday through Friday with the exception of federal holidays.

J. The training program participant list shall include the following:

1. Training program name, Virginia accreditation number, address, and telephone number.
2. Course discipline and type (initial/refresher).
3. Dates of training.
4. Each participant's name, address, social security number, course completion certificate number, and course test score.
5. Training manager's name and signature.

K. Notifications and training program participant lists shall be submitted electronically in the manner established by the board specifically to receive this documentation using a sample form designed by and available from the board. Any variation upon this procedure shall be approved by the board prior to submission.

L. The training provider shall retain all examinations completed by training program participants for a period of three years.

M. The department shall not recognize training certificates from approved training providers that fail to notify or fail to provide a training program participant list.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-430. Change of address.

The accredited lead training provider shall notify the board 30 days prior to relocating its business or transferring the records.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part VII. Training Course Curricula Requirements

18VAC15-30-440. General.

Training programs shall ensure that their courses of study for various lead-based paint activities disciplines cover the mandatory subject areas. Requirements listed in this part ending in an asterisk (*) indicate areas that require hands-on training as an integral component of the course. All training courses shall be discipline specific.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-450. Initial training criteria for lead abatement worker.

The lead abatement workers course shall last a minimum of 16 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Role and responsibilities of an abatement worker.
2. Background information and health effects of lead.
3. Background information on federal, state and local regulations and guidance that pertains to lead-based paint activities.
4. Lead-based paint hazard recognition and control methods.*
5. Lead-based paint abatement and lead hazard reduction methods, including restricted work practices.*
6. Interior dust abatement methods/clean-up or lead hazard reduction.*
7. Soil and exterior dust abatement methods or lead hazard reduction.*
8. Course review.
9. Examination.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-460. Initial training criteria for lead abatement supervisor.

The lead abatement supervisor course shall last a minimum of 32 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Role and responsibilities of an abatement supervisor.
2. Background information on lead and the adverse health effects.
3. Background information on federal, state and local regulations and guidance that pertains to lead-based paint activities including distribution and thorough review of the Virginia Lead-Based Paint Activities Regulations.
4. Liability and insurance issues relating to lead-based paint abatement.
5. Risk assessment and inspection report interpretation.*
6. Development and implementation of an occupant protection plan and abatement report.
7. Lead-based paint hazard recognition and control methods.*
8. Lead-based paint abatement or lead hazard reduction methods, including restricted work practices.*
9. Interior dust abatement/clean-up or lead hazard reduction.*
10. Soil and exterior dust abatement or lead hazard reduction.*
11. Clearance standards and testing.
12. Clean-up and waste disposal.
13. Recordkeeping.
14. Course review.
15. Examination.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-470. Initial training criteria for lead inspector.

The lead inspector course shall last a minimum of 24 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Background information on lead.
2. Health effects of lead.
3. Regulatory review. This entails a discussion of applicable federal, state and local regulations that pertains to lead-based paint, including distribution and thorough review of this chapter.
4. Roles and responsibilities of the lead-based paint inspector.

5. Lead-based paint inspection methods, including selection of rooms and components for sampling or testing.*
6. Paint, dust, and soil sampling methodologies.*
7. Preparation of the final inspection report.*
8. Clearance standards and testing, including random sampling.*
9. Recordkeeping.
10. Course review.
11. Examination.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-480. Initial training criteria for lead risk assessors.

The lead risk assessor course shall last a minimum of 16 hours and shall address the following topics with a minimum of four hours devoted to hands-on training, which includes site visits:

1. Role and responsibilities of a risk assessor.
2. Regulatory review. This entails a discussion of applicable federal, state and local regulations that pertain to lead-based paint, including distribution and thorough review of this chapter.
3. Collection of background information to perform risk assessment.
4. Visual inspection for the purpose of identifying potential sources of lead-based hazards.*
5. Sources of environmental lead contamination such as paint, surface dust, water, air, packaging, and food.
6. Lead hazard screen protocol.
7. Sampling for other sources of lead exposure.*
8. Interpretation of lead-based paint and other sampling results.
9. Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.
10. Preparation of a final risk assessment report.
11. Course review.
12. Examination.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-490. Initial training criteria for lead project designer.

The lead project designer course shall last a minimum of eight hours and shall address the following topics:

1. Role and responsibilities of a project designer.
2. Development and implementation of an occupant protection plan for large scale abatement projects.
3. Lead-based paint abatement and lead-based paint hazard reduction methods for large scale abatement projects.
4. Interior dust abatement/clean-up or lead hazard control and reduction methods for large scale abatement projects.
5. Clearance standards and testing for large scale abatement projects.
6. Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.
7. Course review.
8. Examination.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-500. Refresher training criteria.

The refresher course for all disciplines shall address the following topics:

1. An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
2. Current federal, state, and local laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline including distribution and thorough review of the Virginia Lead-Based Paint Activities Regulations.

3. Current technologies relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part VIII. Standards for Conducting Lead-Based Paint Activities

18VAC15-30-510. General requirements.

A. This part establishes work practice standards for conducting lead-based paint activities in target housing and child-occupied facilities.

B. Notification shall be sent by the licensed lead abatement contractor to the Virginia Department of Labor and Industry prior to the commencement of any lead-based paint abatement activities. The notification shall be sent in a manner prescribed by the Virginia Department of Labor and Industry.

C. No licensed lead abatement contractor shall enter into a contract to perform a lead abatement project if the lead inspection or project design is to be performed by individuals with an employer/employee relationship with, or financial interest in, the lead abatement contractor unless the contractor provides the building owner with a "Virginia Lead Consumer Information and Disclosure Sheet," which is available from the board. Persons licensed to perform post-abatement clearance procedures shall be independent of and have no financial interest in or an employer/employee relationship with the licensed lead abatement contractor.

D. The relationships described in subsection C of this section must be disclosed, and the disclosure form must be signed and dated by the building owner or the building owner's agent and the contracting entity prior to the signing of any contract to conduct lead-based paint activities. The contractor must provide the disclosure form to all parties involved in the lead abatement project. The disclosure form shall be kept on the lead abatement project site and available for review.

E. When performing a lead-based paint inspection, lead-hazard screen, risk assessment, or abatement, a licensed individual must perform that activity in compliance with documented methodologies. The following documented methodologies that are appropriate for this chapter are incorporated by reference:

1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Second Edition, July 2012.
2. 40 CFR Part 745, Subpart D (January 6, 2020, update).
3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-

Contaminated Soil (60 FR 47248-47257, September 11, 1995).

4. EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report (EPA 747-R-95-001, March 1995).

F. Individuals conducting lead-based paint activities shall comply with the work practice standards enumerated in this chapter.

G. Any lead-based paint activities, as described in this chapter, shall be performed only by individuals licensed by the board to perform such activities.

H. All reports and plans required by 18VAC15-30-520 through 18VAC15-30-651 shall be maintained by the licensed firm or individual who prepared the report for at least three years. The licensed firm or individual also shall provide copies of these reports to the building owner or person who contracted for its services.

Statutory Authority

§§54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006; Volume 39, Issue 23, eff. September 1, 2023.

18VAC15-30-511. Determination of the presence of lead-based paint, a paint-lead hazard, a dust-lead hazard, and a soil-lead hazard.

A. Lead-based paint is present:

1. On any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and
2. On any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

B. A paint-lead hazard is present:

1. On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified by EPA, pursuant to 15 USC § 2683;
2. On any chewable lead-based paint surface on which there is evidence of teeth marks;
3. Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame); and
4. If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

C. A dust-lead hazard is present in a residential dwelling or child-occupied facility:

1. In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than identified by EPA, pursuant to 15 USC § 2683 for floors and interior window sills;
2. On floors or interior window sills in an unsampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and
3. On floors or interior window sills in an unsampled common area in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled common area in the same common area group on the property.

D. A soil-lead hazard is present:

1. In a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than identified by EPA pursuant to 15 USC § 2683; or
2. In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., nonplay areas) for each residential building on a property is equal to or greater than identified by EPA pursuant to 15 USC § 2683.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8, 2003.

18VAC15-30-520. Inspections.

A. Inspections shall be conducted only by persons licensed by the board as an inspector or risk assessor.

B. When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:

1. In a residential dwelling or child-occupied facility, each testing combination with a distinct painting history and each exterior testing combination with a distinct painting history shall be tested for lead-based paint, except those testing combinations that the inspector or risk assessor determines to have been replaced after 1978, or do not contain lead-based paint.
2. In a multi-family dwelling or child-occupied facility, each testing combination with a distinct painting history in every common area, except those testing combinations that the inspector or risk assessor determines to have been replaced after 1978, or do not contain lead-based paint.

C. Paint shall be sampled in the following manner:

1. The analysis of paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures; and/or
2. Collected paint chips shall be sent to a laboratory recognized by EPA as being capable of performing the analysis.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-530. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-540. Written inspection report.

The licensed inspector or risk assessor shall prepare an inspection report that shall include the following information:

1. Date of each inspection.
2. Address of buildings.
3. Date of construction.
4. Apartment numbers (if applicable).
5. Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.
6. Name, signature, and license number of each licensed inspector or risk assessor conducting testing.
7. Name, address, and telephone number of the firm employing each inspector or risk assessor.
8. Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data, and, if used, the serial number of any X-Ray Fluorescence Spectroscopy (XRF) device.
9. Specific locations of each painted testing combination tested for the presence of lead-based

paint.

10. The results of the inspection expressed in terms appropriate to the sampling methods used.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8, 2003.

18VAC15-30-541. Lead hazard screen.

A. A lead hazard screen shall only be conducted by individuals licensed by the board as a risk assessor.

B. If conducted, a lead hazard screen shall be conducted as follows:

1. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under shall be collected.

2. A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

a. Determine if any deteriorated paint is present; and

b. Locate at least two dust sampling locations.

3. If deteriorated paint is present, each surface with deteriorated paint, which is determined to be in poor condition by using documented methodologies and to have a distinct painting history, shall be tested for the presence of lead.

4. In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways, or stairwells where one or more children, age six and under, are likely to come in contact with dust.

5. In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in 18VAC15-30-550 B 4, the risk assessor shall also collect composite dust samples from common areas where children, age six and under, are most likely to come into contact with dust.

C. Dust samples shall be collected in the following manner:

1. All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

2. All dust samples shall be sent to a laboratory recognized by EPA as being capable of performing the analysis to determine if they contain detectable levels of lead that can be quantified numerically.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-542. Written lead hazard screen report.

After a lead hazard screen has been conducted, a written hazard screen report shall be prepared by the risk assessor. A lead hazard screen report shall contain the following minimum information:

1. The information identified in a risk assessment report as specified in 18VAC15-30-610, including 18VAC15-30-610 1 through 18VAC15-30-610 14. Additionally, any background information collected pursuant to 18VAC15-30-541 B 1 of this chapter shall be included in the report.
2. Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-550. Risk assessment.

A. A risk assessment shall only be conducted by individuals licensed by the board as risk assessors.

B. If conducted, a risk assessment shall be conducted as follows:

1. A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of deterioration, and other potential lead-based paint hazards.
2. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under shall be collected.
3. The following surfaces that are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead:
 - a. Each friction surface or impact surface with visibly deteriorated paint; and
 - b. All other surfaces with visibly deteriorated paint.

4. In residential dwellings, dust samples (either composite or single-surface samples) from the

interior window sill(s) and floor shall be collected and analyzed for lead concentration in living areas where one or more children, age six and under, are most likely to come into contact with dust.

5. For multi-family dwellings and child-occupied facilities, the samples required in 18VAC15-30-550 B (3) shall be taken. In addition, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in the following locations:

- a. Common areas adjacent to the sampled residential dwelling or child-occupied facility; and
- b. Other common areas in the building where the risk assessor determines that one or more children, age six and under, are likely to come into contact with dust.

6. For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in each room, hallway or stairwell utilized by one or more children, age six and under, and in other common areas in the child-occupied facility where one or more children, age six and under, are likely to come into contact with dust.

7. Soil samples shall be collected and analyzed for lead concentrations in the following locations:

- a. Exterior play areas where bare soil is present;
- b. The rest of the yard (i.e., nonplay areas) where bare soil is present; and
- c. Dripline/foundation areas where bare soil is present.

8. Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.

9. Any collected paint chip, dust, or soil sample shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-560. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

18VAC15-30-610. Written risk assessment report.

After an assessment has been conducted, a written assessment report shall be completed. A risk assessment report shall contain the following minimum information:

1. Date of assessment.
2. Address of each building.
3. Date of construction of each building.
4. Apartment numbers (if applicable).
5. Name, address, and telephone number of each owner of each building.
6. Name, signature, and license number of the licensed risk assessor conducting the assessment.
7. Name, address, and telephone number of the firm employing each risk assessor.
8. Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.
9. Results of the visual inspection.
10. Testing method and sampling procedures for paint analysis employed.
11. Specific locations of each painted testing combination tested for the presence of lead-based paint.
12. All data collected from on-site testing, including quality control and, if used, the serial number of any XRF device.
13. All results of laboratory analysis on collected paint, soil, and dust samples.
14. Any other sampling results.
15. Any background information collected pursuant to 18VAC15-30-550 B 2.
16. To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint related hazards.
17. A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazard.
18. A description of interim controls or abatement options, or both, for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-620. Abatement.

- A. Abatement shall be conducted only by individuals licensed by the board as supervisors or workers and employed by a licensed lead abatement contractor.
- B. A licensed lead abatement supervisor is required for each abatement project and shall be on-site during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the licensed supervisor shall be on-site or available by telephone, pager or answering service, and able to be present at the work site in no more than two hours.
- C. The licensed lead abatement supervisor and the licensed lead abatement contractor employing the supervisor shall ensure that all abatement activities are conducted according to the requirements of this chapter and all other federal, state and local regulations.
- D. A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:
1. The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazard.
 2. A licensed lead abatement supervisor or lead project designer shall prepare the occupant protection plan.
- E. The following work practices shall be restricted during an abatement:
1. Open-flame burning or torching of lead-based paint is prohibited.
 2. Machine sanding or grinding or abrasive blasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.
 3. Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or stairwell or totaling no more than 20 square feet on exterior surfaces.
 4. Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.
- F. If the soil is removed:

1. The soil shall be replaced by soil with a lead concentration as close to local background as practicable, but no greater than 400 ppm.
2. The soil that is removed shall not be used as top soil at another residential property or child-occupied facility.
3. If soil is not removed, the soil shall be permanently covered as defined in 18VAC15-30-20.

G. An abatement report shall be prepared by a licensed lead abatement supervisor or lead project designer. The abatement report shall include the following information:

1. Start and completion dates of abatement.
2. The name and address of each licensed lead abatement contractor conducting the abatements, and the name of each licensed lead abatement supervisor assigned to the abatement project.
3. The occupant protection plan prepared pursuant to subsection D of this section.
4. The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing.
5. The results of clearance testing, the name of each recognized laboratory that conducted the analysis, and the name and signature of the person conducting the analysis.
6. A detailed written description of the abatement, including abatement methods used, locations of rooms and components where abatement occurred, and reason for selecting particular abatement methods for each component and any suggested monitoring of encapsulants or enclosures.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-630. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-650. Post-abatement clearance procedures.

The following post-abatement clearance procedures shall be performed by a licensed inspector or

licensed risk assessor:

1. Following an abatement, a visual inspection shall be performed by the licensed inspector or licensed risk assessor to determine if there are any deteriorated painted surfaces or visible amounts of dust, debris, or residue still present. If deteriorated painted surfaces or visible amounts of dust, debris, or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.
2. Following a successful visual inspection for clearance, but no sooner than one hour after completion of final post abatement clean-up, clearance sampling shall be conducted.
3. Clearance sampling may be conducted by employing single-surface or composite sampling techniques, and shall be taken using documented methodologies that incorporate adequate quality control procedures.
4. The following post-abatement clearance activities shall be conducted, as appropriate, based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility.
 - a. After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.
 - b. After conducting an abatement with no containment, two dust samples shall be taken from each of no less than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior window sill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are less than four rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled.
 - c. Following an exterior paint abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surfaces shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable federal, state, and local requirements.
5. The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies.
6. The licensed inspector or licensed risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each single surface dust sample with the clearance levels, as established in 40 CFR Part 745 Subpart D, for lead in dust on floors, interior window

sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance level or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested.

7. In multi-family dwellings with similarly constructed and maintained residential dwellings, random sampling for the purpose of clearance may be conducted provided:

- a. The licensed individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random sample.
- b. A sufficient number of residential dwellings are selected for dust sampling to provide a 95% level of confidence that no more than 5.0% or 50 dwellings (whichever is less) in the randomly sampled population exceed the appropriate clearance levels.
- c. The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in this chapter.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-651. Composite dust sampling.

Composite dust sampling may be used in situations specified in 18VAC15-30-520 through 18VAC15-30-610. If such sampling is conducted, the following conditions shall apply:

1. Composite dust samples shall consist of at least two aliquots;
2. Every component that is being tested shall be included in the sampling; and
3. Composite dust samples shall not consist of aliquots taken from more than one type of component.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-660. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

Part IX. General Standards of Practice and Conduct

18VAC15-30-760. Responsibility to the public.

The primary obligation of the licensee is to the public. If the licensee's judgment is overruled under circumstances when the safety, health, property, and welfare of the public are endangered, the licensee shall inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. The licensee shall take such action only when his authority to correct a problem has been ignored or overruled.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-770. Public statements.

A. The licensee shall be truthful in all matters relating to the performance of lead abatement or lead consulting services.

B. When serving as an expert or technical witness, the licensee shall express an opinion only when it is based on an adequate knowledge of the facts in issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the licensee shall issue no statements, reports, criticisms, or arguments on matters relating to practices which are inspired or paid for by an interested party or parties, unless one has prefaced the comment by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing any self-interest.

C. Licensees or applicants shall not knowingly make a materially false statement, submit falsified documents, or fail to disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for licensure or renewal.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-780. Solicitation of work.

In the course of soliciting work:

1. The licensee shall not bribe.
2. The licensee shall not falsify or permit misrepresentation of the licensee's work or an associate's academic or professional qualifications, nor shall the licensee misrepresent the degree of responsibility for prior assignments.
3. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associate joint ventures, or past accomplishments of any kind.
4. Materials used in the solicitation of services shall not misrepresent facts of approval, federal, or state requirements.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-790. Professional responsibility.

- A. The licensee or accredited lead training provider shall, upon request or demand, produce to the board, or any of its representatives, any plan, document, book, record or copy thereof in his possession concerning a transaction covered by this chapter, and shall cooperate in the investigation of a complaint filed with the board against a licensee or accredited lead training provider.
- B. A licensee shall not use the design, plans, or work of another licensee with the same type of license without the original's knowledge and consent, and after consent, a thorough review to the extent that full responsibility shall be assumed by the user.
- C. Accredited lead training providers shall admit board representatives for the purpose of conducting an on-site audit, or any other purpose necessary to evaluate compliance with this chapter and other applicable laws and regulations.
- D. Each licensee shall keep his board-approved training and license current.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 31, Issue 20, eff. August 1, 2015.

18VAC15-30-800. Good standing in other jurisdictions.

A. Licensees, accredited lead training providers, training managers, or principal instructors who perform lead project designs, lead inspections, lead risk assessments, lead-based paint abatement training, lead contracting or lead abatement supervisor work in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or approved and shall not have had a license, certification, or approval suspended, revoked, or surrendered in connection with a disciplinary action.

B. Licensees, accredited lead training providers, training managers, or principal instructors shall notify the board in writing no later than 10 days after the final disciplinary action taken by another jurisdiction against their license or approval to conduct lead-based paint activities.

C. Licensees, accredited lead training providers, training managers, or principal instructors may be subject to disciplinary action or removal of a lead training program accreditation for disciplinary actions taken by another jurisdiction.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-810. Grounds for denial of application, denial of renewal, or discipline.

A. The board shall have the authority to fine any licensee or accredited lead training provider, training manager or principal instructor, and to deny renewal, to suspend, to revoke or to deny application for any license or approval as an accredited lead training program, accredited lead training provider, training manager or principal instructor provided for under Chapter 5 of Title 54.1 of the Code of Virginia for:

1. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.
2. Obtaining a license, approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor through fraudulent means.
3. Altering, falsifying or issuing a fraudulent Virginia lead license or a training certificate issued by an accredited lead training provider.
4. Violating any provision of any federal or state regulation pertinent to lead-based paint activities.
5. Having been found guilty by the board, another regulatory authority, or by a court, of any misrepresentation in the course of performing his operating duties.

6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.

7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent threat of significant harm to human health or the environment.

8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which a lead license is held.

9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.

10. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of lawful compliance inspections.

11. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the Code of Virginia or of the regulations of the board by any lead abatement supervisor or lead abatement worker may be cause for disciplinary action against the lead abatement contractor for whom he works if it appears to the satisfaction of the board that the lead abatement contractor knew or should have known of the unlawful act or violation.

12. Failing to notify the board in writing within 30 days after any change in address or name.

13. Acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business.

14. Failing to keep board-approved training and license current.

B. Any individual or firm whose license, approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm shall meet all education, experience, and training requirements, complete the application, and submit the required fee for consideration as a new applicant.

C. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-4021 of the Administrative Process Act.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006; Volume 31, Issue 20, eff. August 1, 2015.

18VAC15-30-820. Suspension or revocation of approval of an accredited lead training provider.

A. The board may suspend, revoke, or modify an accredited lead training program's approval if an accredited lead training provider, training manager, or other person with supervisory authority over the training program has:

1. Misrepresented the contents of a training course to the board or the student population.
2. Failed to submit required information or notification in a timely manner.
3. Failed to submit training program notifications as required and in the manner described in 18VAC15-30-420.
4. Failed to submit training program participant lists as required and in the manner described in 18VAC15-30-420.
5. Failed to maintain required records.
6. Falsified accreditation records, qualifications of the training manager and principal instructors, or other accreditation information.
7. Failed to comply with the federal, state, or local lead-based paint statutes or regulations.
8. Acted as an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the accredited lead training provider's business.

B. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-4021 of the Administrative Process Act.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-830. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Volume 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

FORMS (18VAC15-30).

[Lead Abatement Worker License Application, A506-3351LIC-v4 \(eff. 12/2021\)](#)

[Lead Abatement Supervisor License Application, A506-3353LIC-v5 \(eff. 12/2021\)](#)

[Lead Abatement Inspector License Application, A506-3355LIC-v4 \(eff. 12/2021\)](#)

[Lead Abatement Risk Assessor License Application, A506-3356LIC-v6 \(eff. 12/2021\)](#)

[Lead Abatement Project Designer License Application, A506-3357LIC-v4 \(eff. 12/2021\)](#)

[Lead Abatement Contractor License Application, A506-3358LIC-v6 \(eff. 12/2021\)](#)

[Contractor - Asbestos & Lead License Renewal Form, A506-33CONREN-vs9 \(rev. 4/2021\)](#)

[Individual - Lead License Renewal Form, A506-33LREN-vs6 \(rev. 4/2021\)](#)

[Lead - Education Verification Application, A506-33LED-v3 \(rev. 8/2015\)](#)

[Lead - Experience Verification Application, A506-33LEXP-v3 \(rev. 8/2015\)](#)

[Lead Training Course Application, 3331LCRS-v5 \(eff. 5/2020\)](#)

[Inspector/Risk Assessor/Project Designer/Contractor Disclosure Form, A506-33LDIS-v2 \(eff. 8/2013\)](#)

[Virginia Lead Licensing Consumer Information Sheet, A506-33LCIS-v2 \(eff. 8/2013\)](#)

Statutory Authority

Historical Notes

Documents Incorporated by Reference (18VAC15-30).

[Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Second Edition, July 2012, U.S. Department of Housing and Urban Development.](#)

[EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil \(60 FR 47248-47257, September 11, 1995\).](#)

[Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report \(EPA 747-R-95-001, March 1995\).](#)

Statutory Authority

Historical Notes

40 CFR PART 745

LEAD-BASED PAINT POISONING
PREVENTION IN CERTAIN
RESIDENTIAL STRUCTURES

DRAFT

HUD GUIDELINES
FOR THE EVALUATION AND
CONTROL OF LEAD-BASED PAINT
HAZARDS IN HOUSING

DRAFT

EPA GUIDANCE ON
IDENTIFICATION OF LEAD-
BASED HAZARD

DRAFT

EPA RESIDENTIAL SAMPLING OF
LEAD: PROTOCOLS FOR DUST AND
SOIL SAMPLING

DRAFT

RESIDENTIAL LEAD-BASED PAINT
HAZARD REDUCTION ACT OF 1992
(PUBLIC LAW 102-550), AS AMENDED
THROUGH APRIL 21, 2005

DRAFT

1 **Total Number of Requirements: 669**

2 **Part I. Scope**

4 **18VAC15-30-10. Scope. (0)**

6 This chapter contains procedures and requirements for the accreditation of lead-based
7 paint activities training programs and providers, procedures and requirements for the
8 licensure of individuals and firms engaged in lead-based paint activities in target
9 housing and child-occupied facilities, and standards for performing such activities. (0)
10 This chapter is applicable to all individuals and firms who are engaged in lead-based
11 paint activities as defined in 18VAC15-30-20, except persons who perform these
12 activities within residences which they own, unless the residence is occupied by a
13 person or persons other than the owner or the owner's immediate family while these
14 activities are being conducted or a child residing in the building has been identified as
15 having an elevated blood-lead level. (0)

16 **Statutory Authority**

17 § 54.1-501 of the Code of Virginia.

18 **Historical Notes**

19 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
20 19, Issue 24, eff. October 1, 2003.

21 **Part II. Definitions and General Requirements**

23 **18VAC15-30-20. Definitions. (0)**

25 A. Section 54.1-500 of the Code of Virginia provides definitions of the following
26 terms and phrases as used in this chapter:

27 "Accredited lead training program"

28 "Board"

29 "Dust clearance sampling"

30 "Lead-based paint"

31 "Lead project design"

32 "Lead risk assessment"

Formatted: Numbering: Continuous

Commented [JH1]: Consider requesting changes to enabling statute to align statutory definitions for terms with meanings used in federal regulation.

Commented [HJ2]: Relevant terms that are defined in statute should be incorporated by reference. Those definitions would govern the regulated activity.

Review statutory definitions for:

- Lead inspector
- Lead risk assessor
- Lead project designer
- Lead supervisor
- Lead worker

Do the definitions in the regulation limit the scope of licensure provided for in the law?

33 “Person”

34 The following words and terms when used in this chapter shall have the following
35 meanings unless the context clearly indicates otherwise:

36 "Abatement" or "abatement project" means any measure or set of measures designed
37 to permanently eliminate lead-based paint hazards.

38 1. "Abatement" includes, ~~but is not limited to:~~

39 a. The removal of paint, and dust, the permanent enclosure or encapsulation of
40 lead-based paint, the replacement of painted surfaces or fixtures, or the removal or
41 permanent covering of soil, when lead-based paint hazards are present in such
42 paint, dust or soil; and

43 b. All preparation, cleanup, disposal, and post-abatement clearance testing
44 activities associated with such measures.

45 2. Specifically, "abatement" includes, ~~but is not limited to:~~

46 a. Lead-based paint activities for which there is a written contract or other
47 documentation that provides that an individual or firm will be conducting activities
48 in or to a residential dwelling or child-occupied facility that:

49 (1) Shall result in the permanent elimination of lead-based paint hazards; or

50 (2) Are designed to permanently eliminate lead-based paint hazards and are
51 described in subdivision 1 of this definition;

52 b. Lead-based paint activities resulting in the permanent elimination of lead-based
53 paint hazards, conducted by firms or individuals licensed in accordance with this
54 chapter, unless such projects are covered by subdivision 3 of this definition;

55 c. Lead-based paint activities resulting in the permanent elimination of lead-based
56 paint hazards, unless such projects are covered by subdivision 3 of this definition;
57 or

58 d. Lead-based paint activities resulting in the permanent elimination of lead-based
59 paint hazards that are conducted in response to state or local abatement orders.

60 3. Abatement does not include renovation, remodeling, landscaping or other
61 activities when such activities are not designed to permanently eliminate lead-based
62 paint hazards, but instead are designed to repair, restore, or remodel a given
63 structure or dwelling, even though these activities may incidentally result in a
64 reduction or elimination of lead-based paint hazards. Abatement does not include
65 interim controls, operations and maintenance activities, or other measures and

Commented [JH3]: Would removal of paint always include removal of dust?

Paint or dust?

Commented [JH4]: Not clear this is needed.

Commented [JH5]: Consider consolidating.

If it is regulated activity, the meaning of the term would not be contingent upon whether the activity is done by a licensee.

66 activities designed to temporarily, but not permanently, reduce lead-based paint
67 hazards. Furthermore, federally assisted housing and community development
68 programs conducted in compliance with the U.S. Department of Housing and Urban
69 Development Lead-Safe Final Rule 24 CFR Part 35 shall be considered to meet the
70 requirements of this chapter.

Commented [JH6]: This should not be in a definition.

This appears to be a carve out from the regulation applicable to this class of programs.

71 ~~"Accredited lead training program" means a training program that has been approved~~
72 ~~by the board to provide training for individuals engaged in lead-based paint activities.~~

Commented [JH7]: Is the provider accredited? Or just the training program?

73 "Accredited lead training provider" means a firm, individual, state or local
74 government, or nonprofit training program that has met the requirements of this
75 chapter and has been approved by the board to offer an accredited lead training
76 program.

Does this term need to be defined?

Not defined in proposed RRP regs.

77 "Applicant" means ~~any a person defined in this chapter who has applied for but has~~
78 ~~not been granted an interim license, a license or approval as an accredited lead~~
79 ~~training program, approval as an accredited lead training provider or approval as a~~
80 ~~training manager or principal instructor by the board~~ submits an application to the
81 board.

82 "Application" means a completed board-prescribed form submitted with the
83 appropriate fee and other required documentation.

84 ~~"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.~~

85 "Child-occupied facility" means a building, or portion of a building, constructed prior
86 to 1978, visited regularly by the same child, six years of age or under, on at least two
87 different days, within any week (Sunday through Saturday period), provided that each
88 day's visit lasts at least three hours and the combined weekly visit lasts six hours, and
89 the combined annual visits last at least 60 hours. Child-occupied facilities may
90 include, ~~but are not limited to,~~ day-care centers, preschools and kindergarten
91 classrooms.

92 "Clearance levels" means values that indicate the maximum amount of lead permitted
93 in dust on a surface following completion of an abatement activity as identified by
94 EPA, pursuant to 15 USC § 2683.

95 "Common area" means a portion of a building generally accessible to all occupants,
96 including, ~~but not limited to,~~ hallways, stairways, laundry and recreational rooms,
97 playgrounds, community centers, garages and boundary fences.

98 "Component or building component" means specific design or structural elements or
99 fixtures of a building or residential dwelling or child-occupied facility which are
100 distinguished from each other by form, function, and location. These include, ~~but are~~
101 ~~not limited to,~~ interior components such as ceilings, crown molding, walls, chair rails,

102 doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf
103 supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades,
104 windows and trim (including sashes, window heads, jambs, sills, stools, and troughs),
105 built-in cabinets, columns, beams, bathroom vanities, counter tops and air
106 conditioners, and exterior components such as painted roofing, chimneys, flashing,
107 gutters and downspouts, ceilings, soffits, facias, rake boards, corner boards,
108 bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing
109 caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades,
110 window sills ~~or stools and troughs~~, casings, sashes, ~~and~~ wells, ~~stools and troughs~~ air
111 ~~conditioners~~.

Commented [JH8]: Revised to align with current federal definition.

112 "Containment" means a process to protect workers and the environment by controlling
113 exposures to the lead-contaminated dust and debris created during an abatement.

114 "Course agenda" means an outline of the key topics to be covered during a training
115 course, including the time allotted to teach each topic.

116 "Course test" means an evaluation of the overall effectiveness of the training which
117 shall test the trainees' knowledge and retention of the topics covered during the
118 course.

119 "Course test blue print" means written documentation identifying the proportion of
120 course test questions devoted to each major topic in the course curriculum.

121 "Department" means the Department of Professional and Occupational Regulation or
122 any successor agency.

123 "Deteriorated paint" means paint that is cracking, flaking, chipping, peeling or
124 otherwise separating from the substrate building component.

125 "Discipline" means one of the specific types or categories of lead-based paint
126 activities established in this chapter for which individuals must receive training from
127 accredited lead training providers, ~~as defined in this chapter~~, and become licensed by
128 the board. ~~For example, "lead abatement worker" is a discipline.~~

129 "Distinct painting history" means application history, as indicated by its visual
130 appearance or a record of application, over time, of paint or other surface coatings to a
131 component or room.

132 "Documented methodologies" means methods or protocols used to sample for the
133 presence of lead in paint, dust, and soil.

134 "Elevated blood-lead level (EBL)" means an excessive absorption of lead that is a
135 confirmed concentration of lead in whole blood of 20 ⁽⁵⁰⁸⁾ µg/dl (micrograms of lead

136 per deciliter of whole blood) for a single venous test or of 15-19 ⁽⁵⁰⁸⁾ %e2g/dl in two
137 consecutive tests taken three to four months apart.

138
139 "Encapsulant" means a substance that forms a barrier between lead-based paint and
140 the environment using a liquid-applied coating (with or without reinforcement
141 materials) or an adhesively bonded covering material.

142 "Encapsulation" means the application of an encapsulant.

143 "Enclosure" means the use of rigid, durable construction materials that are
144 mechanically fastened to the substrate in order to act as a barrier between lead-based
145 paint and the environment.

146 "Environmental remediation activity" means any activity planned or carried out for
147 the purpose of reducing or eliminating any environmental hazard, including activities
148 necessary to train individuals in the proper or lawful conduct of such activities, which
149 are regulated by federal or state law or regulation.

150 "EPA" means the United States Environmental Protection Agency.

151 "Financial interest" means financial benefit accruing to an individual or to a member
152 of his immediate family. Such interest shall exist by reason of (i) ownership in a
153 business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual
154 gross income that exceeds, or may be reasonably anticipated to exceed \$1,000 from
155 ownership in real or personal property or a business; (iii) salary, other compensation,
156 fringe benefits, or benefits from the use of property, or a combination thereof, paid or
157 provided by a business that exceeds or may reasonably be expected to exceed \$1,000
158 annually; or (iv) ownership of real or personal property if the interest exceeds \$1,000
159 in value.

160 "Firm" means any company, partnership, corporation, sole proprietorship, association,
161 or any other business entity form of business organization recognized under the laws
162 of the Commonwealth of Virginia.

163 "Guest instructor" means an individual designated by the training program manager or
164 principal instructor to provide instruction specific to the lecture, hands-on activities,
165 or work practice components of a course.

166 "Hands-on skills assessment" means an evaluation that tests the trainees' ability to
167 satisfactorily perform the work practices and procedures identified in this chapter, as
168 well as any other skills taught in a training course.

169 "Hazardous waste" means any waste as defined in 40 CFR 261.3.

170 "HUD" means the United States Department of Housing and Urban Development.

171 ~~"Individual" means a single human being, not a firm or other group or organization.~~

Commented [JH9]: Does not appear necessary. Dictionary definition should be sufficient.

172 ~~"Initial course" means the course of instruction established by this chapter to prepare~~
173 ~~an individual for licensure in a single discipline.~~

Commented [JH10]: Definition not necessary. Term is only used in the definitions section.

174 "Inspection" means a surface-by-surface investigation to determine the presence of
175 lead-based paint and the provision of a report explaining the results of the
176 investigation.

177 "Interim controls" means a set of measures designed to temporarily reduce human
178 exposure or likely exposure to lead-based paint hazards, including specialized
179 cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring
180 of lead-based paint hazards or potential hazards, and the establishment and operation
181 of management and resident education programs.

182 ~~"Interim license" means the status of an individual who has successfully completed~~
183 ~~the appropriate training program in a discipline from an accredited lead training~~
184 ~~provider, as defined by this chapter, and has applied to the board, but has not yet~~
185 ~~received a formal license in that discipline from the board. Each interim license~~
186 ~~expires six months after the completion of the training program, and is equivalent to a~~
187 ~~license for the six-month period.~~

Commented [JH11]: Consider whether this definition is necessary.

188 ~~"Lead-based paint" means paint or other surface coatings that contain lead equal to or~~
189 ~~in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.~~

190 "Lead-based paint activities" means risk assessment, inspection, project design and
191 abatement as defined in this chapter that affects or relates to target housing and child-
192 occupied facilities.

193 "Lead-based paint hazard" means any condition that causes exposure to lead from
194 lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is
195 deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that
196 would result in adverse human health effects as identified by EPA, pursuant to 15
197 USC § 2683.

198 "Lead-hazard screen" means a limited risk assessment activity that involves limited
199 paint and dust sampling ~~as defined in this chapter.~~

200 ~~"Licensed lead abatement contractor" or "lead contractor" means a firm that has met~~
201 ~~the requirements of this chapter, and has been issued a license by the board to perform~~
202 ~~lead abatements.~~

Commented [JH12]: Discuss whether statutory definition is sufficient.

203 "Licensed lead abatement supervisor" or "lead supervisor" means an individual who
204 has met the requirements of this chapter, and has been licensed by the board to

205 supervise and conduct abatements, and to prepare occupant protection plans and
206 abatement reports.

207 "Licensed lead abatement worker" or "lead worker" means an individual who has met
208 the requirements of this chapter and has been licensed by the board to perform
209 abatements under the supervision of a licensed lead supervisor.

Commented [JH13]: Definition does not match statute or federal regulation.

210 "Licensed lead inspector" or "lead inspector" means an individual who has met the
211 requirements of this chapter, and has been licensed by the board to conduct lead
212 inspections. A licensed inspector may also sample for the presence of lead in dust and
213 soil for the purposes of abatement clearance testing.

Commented [JH14]: Conflict between statutory definition and regulatory definition re: abatement clearance testing.

214 "Licensed lead project designer" or "lead project designer" means an individual who
215 has met the requirements of this chapter, and has been licensed by the board to
216 prepare abatement project designs, occupant protection plans, and abatement reports.

217 "Licensed lead risk assessor" or "lead risk assessor" means an individual who has met
218 the requirements of this chapter, and has been licensed by the board to conduct lead
219 inspections and risk assessments. A licensed risk assessor may also sample for the
220 presence of lead in dust and soil for the purposes of abatement clearance testing.

221 "Licensee" means any person, ~~as defined by § 54.1-500 of the Code of Virginia,~~ who
222 has been issued and holds a ~~currently~~ valid license as a lead abatement worker, lead
223 abatement supervisor, lead inspector, lead risk assessor, lead project designer, or lead
224 abatement contractor ~~under this chapter.~~

225 "Living area" means any area of a residential dwelling used by one or more children
226 age six and under, including, but not limited to, living rooms, kitchen areas, dens, play
227 rooms, and children's bedrooms.

228 "Multi-family dwelling" means target housing that contains more than one separate
229 residential dwelling unit, in which one or more units is used or occupied, or intended
230 to be used or occupied, in whole or in part, as the home or residence of one or more
231 persons.

232 "OSHA" means the United States Department of Labor, Occupational Safety and
233 Health Administration.

234 "Paint in poor condition" means more than ten square feet of deteriorated paint on
235 exterior components with large surface areas; or more than two square feet of
236 deteriorated paint on interior components with large surface areas (e.g., walls,
237 ceilings, floors, doors); or more than ten percent of the total surface area of the
238 component is deteriorated on the interior or exterior components with small surface
239 area (e.g., window sills, baseboards, soffits, trim).

240 "Permanently covered soil" means soil that has been separated from human contact by
241 the placement of a barrier consisting of solid, relatively impermeable material, such as
242 pavement or concrete. Grass, mulch and other landscaping materials are not
243 considered permanent covering.

244 ~~"Person" means any natural or judicial person including any individual, corporation,~~
245 ~~partnership, or association; any Indian tribe, state or political subdivision thereof; any~~
246 ~~interstate body; and any department, agency, or instrumentality of the federal~~
247 ~~government.~~

Commented [JH15]: This definition of person appears to be inapplicable to how the term is used in the regulation.

248 "Principal instructor" means the individual who has the primary responsibility for
249 organizing and teaching a particular course.

250 ~~"Project design" means any descriptive form written as instructions or drafted as a~~
251 ~~plan describing the construction or set up of a lead abatement project area and work~~
252 ~~practices to be utilized during the lead abatement project.~~

Commented [JH16]: Statutory definition appears to be the same.

253 "Recognized laboratory" means any environmental laboratory recognized by the EPA
254 as being capable of performing an analysis for lead compounds in paint, soil, and dust.

255 "Reduction" means measures designed to reduce or eliminate human exposure to lead-
256 based paint hazards through methods including interim controls and abatement.

257 "Refresher course" or "refresher training program" means the course of accredited
258 instruction established by this chapter which must be periodically completed as set out
259 in this chapter to maintain an individual's license in a single discipline.

Commented [JH17]: Consider whether this definition is necessary.

260 "Residential dwelling" means (i) target housing that is a detached single-family
261 dwelling, including attached structures such as porches and stoops or (ii) target
262 housing that is a single-family dwelling unit in a structure that contains more than one
263 separate residential dwelling unit, which is used or occupied, or intended to be used or
264 occupied, in whole or in part, as the home or residence of one or more individuals.

265 ~~"Risk assessment" means (i) an on-site investigation to determine the existence,~~
266 ~~nature, severity and location of lead-based paint hazards, and (ii) the provision of a~~
267 ~~report by the individual or the firm conducting the risk assessment, explaining the~~
268 ~~results of the investigation and options for reducing lead-based hazards.~~

Commented [JH18]: Statutory definition appears to be the same.

269 "Target housing" means any housing constructed prior to 1978, except for housing for
270 the elderly, or persons with disabilities (unless any one or more children age six years
271 or under resides or is expected to reside in such housing for the elderly or persons
272 with disabilities) or any zero-bedroom dwelling.

273 "Training curriculum" means an established set of course topics for instruction in an
274 accredited lead training program for a particular discipline designed to provide
275 specialized knowledge and skills.

276 "Training hour" means at least 50 minutes of actual instruction, including, but not
277 limited to, time devoted to lecture, learning activities, small group activities,
278 demonstrations, evaluations, and/or hands-on experience.

279 "Training manager" means the individual responsible for administering a training
280 program and monitoring the performance of the instructors.

281 "TSCA" means the federal Toxic Substances Control Act, 15 USC § 2601 et seq.

282 "Visual inspection for clearance testing" means the visual examination of a residential
283 dwelling or a child-occupied facility following an abatement to determine whether the
284 abatement has been successfully completed.

285 "Visual inspection for risk assessment" means the visual examination of a residential
286 dwelling or a child-occupied facility to determine the existence of deteriorated lead-
287 based paint or other potential sources of lead-based paint hazards.

288 **Statutory Authority**

289 § 54.1-501 of the Code of Virginia.

290 **Historical Notes**

291 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
292 19, Issue 24, eff. October 1, 2003.

293 **18VAC15-30-25. Applicability.**

294
295 A. A licensed lead abatement supervisor may perform the duties of a licensed lead
296 abatement worker. (0)

297 B. Federally assisted housing and community development programs conducted in
298 compliance with the U.S. Department of Housing and Urban Development Lead-
299 Safe Final Rule 24 CFR Part 35 will be considered to meet the requirements of this
300 chapter.

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302

303 **18VAC15-30-30. (Repealed.)**

304 **Historical Notes**

Commented [JH19]: Pulled from definition of "abatement."

305 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
306 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

307
308 **18VAC15-30-41. Waiver of the requirements of this chapter. +1**
309

310 Except as required by law, the board may, in its reasonable discretion, waive any of
311 the requirements of this chapter when in its judgment it finds that the waiver in no
312 way lessens the protection provided by this chapter and Title 54.1 of the Code of
313 Virginia to the public health, safety and welfare. **(0)** The burden of proof that
314 demonstrates continued public protection rests with the party requesting the waiver.
315 **(+1) (R/D)** Documents referenced are in effect as they existed as of the date the act or
316 action has occurred. **(0)**

317 **Statutory Authority**

318 § 54.1-501 of the Code of Virginia.

319 **Historical Notes**

320 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

321 **18VAC15-30-50. (Repealed.)**

322 **Historical Notes**

323 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
324 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

325

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Commented [HJ(20): On what basis does the Board have the authority to waive its regulations?

Consider repealing this section.

327 Part III. Entry

328

329 **18VAC15-30-51. Application procedures. +7**

330

331 A. All applicants ~~seeking licensure, interim licensure or accredited lead training~~
332 ~~program approval shall must~~ submit an application (+1) (R/D) with the appropriate
333 fee specified in 18VAC15-30-162. (+1) (R/D) Application ~~shall must~~ be made on
334 forms provided by the ~~department~~ board or its agent. (+1) (R/D)

335 1. By ~~signing the application or~~ submitting ~~it electronically the application~~ to
336 the department, the applicant certifies that ~~he the applicant~~ has read and
337 understands the ~~board's~~ statutes and the board's regulations. (+1) (R/D)

338 2. The receipt of an application and the deposit of fees by the board does not
339 indicate approval by the board. (0)

340 B. The board may make further inquiries and investigations with respect to the
341 applicant's qualifications to confirm or amplify information supplied. (0)

342 C. ~~Applicants~~ The applicant will be notified if ~~their the~~ application is incomplete. (+1)
343 (G/D) ~~Applicants~~ A person who ~~fail fails~~ to complete the process within 12 months
344 after the date (+1) (R/D) the department receives the application ~~shall must~~ submit a
345 new application and fee. (+1) (R/D)

346 D. The applicant must immediately report all changes in information supplied with the
347 application, if applicable, prior to issuance of the license or expiration of the
348 application.

349 **Statutory Authority**

350 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

351 **Historical Notes**

352 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

353 **18VAC15-30-52. General requirements for licensure: individuals.**

354

355 A. In addition to the specific qualifications for each license type, each applicant for
356 individual licensure must meet the requirements provided in this section.

357

358 B. The applicant must disclose the applicant's full legal name.

359

360 C. The applicant must be at least 18 years old.

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362 D. The applicant must disclose the applicant’s mailing address. A post office box is
363 only acceptable as a mailing address when a physical address is also provided.

364 E. In accordance with § 54.1-204 of the Code of Virginia, each applicant must
365 disclose the following information:

366 a. All felony convictions.

367 b. All misdemeanor convictions related to environmental remediation activity.

368 c. All misdemeanor convictions, excluding marijuana convictions, that occurred
369 within three years of the date of application.

370 d. Any finding of guilt regardless of adjudication or deferred adjudication will be
371 considered a conviction for the purposes of this section. The record of conviction
372 certified or authenticated in such form as to be admissible in evidence under the laws
373 of the jurisdiction where convicted will be admissible as prima facie evidence of a
374 conviction or finding of guilt.

375 The board, at its discretion, may deny licensure to any applicant in accordance with §
376 54.1-204 of the Code of Virginia.

377 F. The applicant must report any action taken by any board or administrative body in
378 any jurisdiction against a professional or occupational license, certification, or
379 registration issued to the applicant, to include any suspension, revocation, or surrender
380 of a license, certification, or registration, imposition of a monetary penalty, or
381 requirement to take remedial education or other corrective action. The board, in its
382 discretion, may deny licensure to any applicant for any prior action taken by any
383 board or administrative body in any jurisdiction.

384 G. Applicants must be in compliance with the standards of practice and conduct set
385 forth in Part VIII, (18VAC15-30-510, et seq.) and Part IX, (18VAC15-30-760, et seq.)
386 of this chapter at the time of application to the board, while the application is under
387 review by the board, and at all times when the license is in effect.

388 **18VAC15-30-52. Qualifications for licensure - individuals. +56**

389 A. Each applicant for individual licensure must meet the requirements provided in this
390 section.

391 B. The applicant must disclose the applicant’s full legal name.

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Commented [HJ(21): Under applicable statute, the Board is required to adopt regulations "...consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulation..." and requires the regulations not be more stringent than EPA regulations.

The training, examination, education, and experience requirements in this section are, essentially, mandatory and not within the discretion of the Board per the statute.

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C. The applicant must be at least 18 years old.

D. The applicant must disclose the applicant’s mailing address. A post office box is only acceptable as a mailing address when a physical address is also provided.

E. In accordance with § 54.1-204 of the Code of Virginia, each applicant must disclose the following information:

a. All felony convictions.

b. All misdemeanor convictions related to environmental remediation activity.

c. All misdemeanor convictions, excluding marijuana convictions, that occurred within three years of the date of application.

The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

F. The applicant must report any action taken by any board or administrative body in any jurisdiction against a professional or occupational license, certification, or registration issued to the applicant, to include any suspension, revocation, or surrender of a license, certification, or registration, imposition of a monetary penalty, or requirement to take remedial education or other corrective action. The board, in its discretion, may deny licensure to any applicant for any prior action taken by any board or administrative body in any jurisdiction.

G. Applicants must be in compliance with the standards of practice and conduct set forth in Part VIII (18VAC15-30-510 et seq.) and Part IX (18VAC15-30-760 et seq.) of this chapter at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

~~A. General. Applicants shall meet all applicable entry requirements at the time application is made. (+1) (R/D)~~

~~B. Name. The applicant shall disclose the applicant's full legal name. (+1) (R/D)~~

441 ~~C. Age. The applicant shall be at least 18 years old. (+1) (R/D)~~

442 ~~D. Address. The applicant shall disclose a physical address. (+1) (R/D) A post office~~
443 ~~box is only acceptable when a physical address is also provided. (0)~~

444 ~~E.H. Training.~~ The applicant shall must provide documentation of having
445 satisfactorily completed the board-approved initial training program (+1) (R/D) and
446 all subsequent board-approved refresher training programs applicable to the license
447 sought as specified in subsection ~~F-I~~ of this section. (+1) (R/D) Documentation of
448 training completion will be verified by the board.

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451 1. Completion certificates for ~~Board~~ board-approved initial training programs shall are
452 be valid for 36 months ~~after from the last day of the month wherein the date training~~
453 was completed. (0) Board-approved refresher training programs shall must be
454 satisfactorily completed (+1) (R/D) no later than 36 months ~~after the last day of the~~
455 month wherein from the date the board-approved initial training program was
456 completed (+1) (R/D) and ~~once each every~~ 36 months thereafter. (+1) (R/D)

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Commented [HJ(22)]: Make consistent with renewal.

457 ~~F.I. Specific entry requirements~~ An applicant for individual licensure must meet the
458 education or experience requirements of this subsection that are applicable to the
459 license sought.

460 1. Worker. Each applicant for a lead abatement worker license shall must provide
461 evidence of successful completion of board-approved lead abatement worker
462 training ~~in accordance with subsection E of this section.~~ (+1) (R/S)

463 2. Project designer.

464 a. Each applicant for a lead project designer license shall must provide evidence of
465 successful completion of board-approved lead project designer training (+1) (R/S)
466 and board-approved lead abatement supervisor training ~~in accordance with~~
467 subsection E of this section. (+1) (R/S)

468 b. Each applicant for a lead project designer license shall must also provide
469 evidence of successful completion of one of the following: (+1) (R/S)

470 (1) A bachelor's degree in engineering, architecture, or a related profession, and one
471 year experience in building construction and design or a related field; or

472 (2) Four years of experience in building construction and design or a related field.

473 3. Supervisor.

474 a. Each applicant for a lead abatement supervisor license ~~shall~~must provide
475 evidence of:

476 (1) Successful completion of board-approved lead abatement supervisor training ~~in~~
477 ~~accordance with subsection E of this section~~; and (+1) (R/S)

478 (2) One year of experience as a licensed lead abatement worker or two years of
479 experience in a related field (~~e.g., including~~ lead, asbestos, or environmental
480 remediation) ~~or~~ in the building trades. (+1) (R/S)

481 b. Each applicant ~~shall for a lead abatement supervisor license~~ must pass a board-
482 approved licensing examination for supervisors (+1) (R/S) within 36 months after
483 completion of the board-approved lead abatement supervisor initial training course
484 or the board-approved lead supervisor refresher course. (+1) (R/S) Applicants who
485 fail the examination three times must provide to the board evidence, after the date
486 of ~~their~~the third examination failure, of having retaken (+1) (R/S) and satisfactorily
487 completed the initial training requirements (+1) (R/S) ~~and make new application to~~
488 ~~the board. (+1) (R/D)~~ The applicant is then eligible to sit for the examination an
489 additional three times. (+1) (G/D) (+1) (R/D)

490 ~~e. A licensed lead abatement supervisor may perform the duties of a licensed lead~~
491 ~~abatement worker. (0)~~

492 4. Inspector.

493 a. Each applicant for a lead inspector license ~~shall~~must provide evidence of
494 successful completion of board-approved lead inspector training or lead risk
495 assessor training ~~in accordance with subsection E of this section~~. (+1) (R/S)

496 b. Each applicant ~~shall for a lead inspector license~~ must pass a board-approved
497 licensing examination for lead inspector (+1) (R/S) within 36 months after
498 completion of the board-approved lead inspector initial training course or the
499 board-approved lead inspector refresher course. (+1) (R/S) Applicants who fail the
500 examination three times must provide to the board evidence, after the date of ~~their~~
501 the third examination failure, of having retaken (+1) (R/S) and satisfactorily
502 completed the initial training requirements (+1) (R/S) ~~and make new application to~~
503 ~~the board. (+1) (R/D)~~ The applicant is then eligible to sit for the examination an
504 additional three times. (+1) (G/D) (+1) (R/D)

505 5. Risk assessor.

506 a. Each applicant for a lead risk assessor license ~~shall~~must provide evidence of
507 successful completion of board-approved lead risk assessor training (+1) (R/S) and
508 successful completion of board-approved lead inspector training ~~in accordance with~~
509 ~~subsection E of this section~~. (+1) (R/S)

Commented [LB23]: Incorporated Board guidance from 12/7/23 meeting.

510 b. Each applicant for a lead risk assessor license ~~shall~~must also provide evidence of
511 successful completion of one of the following: (+1) (R/S)

512 (1) Certification or licensure as an industrial hygienist, a professional engineer, or a
513 registered architect or licensure in a related engineering/health/environmental field;

514 (2) A bachelor's degree and one year of experience in a related field (e.g., lead,
515 asbestos, environmental remediation work, or construction);

516 (3) An associate's degree and two years of experience in a related field (e.g., lead,
517 asbestos, environmental remediation work, or construction); or

518 (4) A high school diploma or its equivalent, and at least three years of experience in
519 a related field (e.g., lead, asbestos, environmental remediation work, or
520 construction).

521 c. Each applicant ~~shall~~must pass a board-approved licensure examination for risk
522 assessor (+1) (R/S) within 36 months after completion of the board-approved lead
523 risk assessor initial training course or the board-approved lead risk assessor
524 refresher course. (+1) (R/S) Applicants who fail the examination three times must
525 provide to the board evidence, after the date of ~~their~~the third examination failure,
526 of having retaken (+1) (R/S) and satisfactorily completed the initial training
527 requirements (+1) (R/S) ~~and make new application to the board. (+1) (R/D)~~ The
528 applicant is then eligible to sit for the examination an additional three times. (+1)
529 (G/D) (+1) (R/D)

530 ~~G. Training verification. Training requirements shall be verified by submittal to the~~
531 ~~board of the training certificate issued by the accredited lead training provider for that~~
532 ~~course. (+1) (R/S)~~

533 ~~H. Education verification. Education requirements shall be verified by submittal to the~~
534 ~~board on the Education Verification Form sent directly from the school. (+1) (R/D)~~

535 ~~J. Applicants seeking to qualify for licensure based on completion of degree must~~
536 ~~submit a transcript from the school where the applicable degree was obtained. Only~~
537 ~~degrees from a regional or national accreditation association, or by an accrediting~~
538 ~~agency that is recognized by the U.S. Secretary of Education will be considered.~~

539 ~~I.K. Experience verification.~~ Experience requirements shall be verified by resumes,
540 letters of reference, or other documentation of work experience acceptable to the
541 board. (+1) (R/S)

542

Commented [JH24]: Provision clarified and moved to subsection H.

Commented [HJ(25)]: Expand to include submission of transcript.

543 L. Individuals who are required to pass a board-approved license examination may be
544 issued an interim license provided the required initial or refresher training was
545 completed no later than six months prior to the application being received by the
546 board.

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547 ~~J. Conviction or guilt. The applicant shall disclose the following information:~~

548 ~~1. A conviction in any jurisdiction of any felony. (+1) (R/D)~~

549 ~~2. A conviction in any jurisdiction of any misdemeanor except marijuana~~
550 ~~convictions. (+1) (R/D)~~

551 ~~3. Any disciplinary action taken in another jurisdiction in connection with the~~
552 ~~applicant's environmental remediation practice including monetary penalties, fines,~~
553 ~~suspension, revocation, or surrender of a license in connection with a disciplinary~~
554 ~~action. (+1) (R/D)~~

555 ~~4. Any current or previously held environmental remediation certifications,~~
556 ~~accreditations, or licenses issued by Virginia or any other jurisdiction. (+1) (R/D)~~

557 ~~Subject to the provisions of § 54.1-204 of the Code of Virginia, the board may deny~~
558 ~~any application for licensure or accreditation as a lead training provider when any of~~
559 ~~the parties listed in this subsection have been convicted of any offense listed in this~~
560 ~~subsection or has been the subject of any disciplinary action listed in subdivision 3 of~~
561 ~~this subsection. (+1) (G/S) Any plea of nolo contendere shall be considered a~~
562 ~~conviction for the purposes of this subsection. (+1) (G/D) (+1) (R/D) A certified copy~~
563 ~~of a final order, decree, or case decision by a court or regulatory agency with the~~
564 ~~lawful authority to issue such order shall be admissible as prima facie evidence of~~
565 ~~such conviction or discipline. (+1) (G/D)~~

566 ~~K. Standards of conduct and practice. Applicants shall be in compliance with the~~
567 ~~standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) of~~
568 ~~this chapter at the time of application to the board (+1) (R/D), while the application is~~
569 ~~under review by the board (+1) (R/D), and at all times when the license is in effect.~~
570 ~~(+1) (R/D)~~

571 L. Standing. The applicant shall be in good standing in every jurisdiction where
572 licensed (+1) (R/D), and the applicant shall not have had a license that was
573 suspended, revoked, or surrendered in connection with any disciplinary action in any
574 jurisdiction prior to applying for licensure in Virginia. (+1) (R/D) The board, at its
575 discretion, may deny licensure or approval to any applicant based on disciplinary
576 action by any jurisdiction. (0)

Commented [HJ(26)]: Match ASB Regs action.

577 Statutory Authority

578 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

579 **Historical Notes**

580 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,

581 Issue 20, eff. August 1, 2015; Volume 38, Issue 7, eff. December 22, 2021.

582 **18VAC15-30-53. Qualifications for ~~licensee business entities~~ lead contractors.**
583 **+32**

Commented [HJ(27)]: Match ASB Regs action.

584
585 A. Each firm applying for a license must meet the requirements of this section.

586
587 B. The applicant must disclose the name under which the firm conducts business and
588 holds itself out to the public. In accordance with Chapter 5 (§ 59.1-69 et seq.) of Title
589 59.1 of the Code of Virginia, the firm must register any trade or fictitious names,
590 when applicable, with the State Corporation Commission before submitting an
591 application to the board.

592
593 C. The applicant must disclose the firm's mailing address and the firm's physical
594 address.

595
596 D. In accordance with § 54.1-204 of the Code of Virginia, the applicant must disclose
597 the following information about the firm and its owners, officers, managers, members,
598 directors, as applicable:

599
600 1. All felony convictions;

601
602 2. All misdemeanor convictions, except marijuana convictions, within the last three
603 years; and

604
605 3. Any conviction involving environmental remediation activity that resulted in the
606 significant harm or the imminent and substantial threat of significant harm to human
607 health or the environment.

608
609 E. The board, at its discretion, may deny licensure to any applicant in accordance with
610 § 54.1-204 of the Code of Virginia. The applicant has the right to request further
611 review of any such action by the board under the Administrative Process Act (§ 2.2-
612 4000 et seq. of the Code of Virginia).

613
614 F. The applicant must report any disciplinary action taken by any board or
615 administrative body in any jurisdiction against a professional or occupational license,
616 certification, or registration issued to the firm, its owners, officers, managers,
617 members, directors, and, as applicable, any reprimand, suspension, revocation, or
618 surrender of a license, certification, or registration, imposition of a monetary penalty
619 or requirement to take remedial education or other corrective action. The board, in its
620 discretion, may deny licensure to any applicant based on disciplinary action taken by
621 any board or administrative body in any jurisdiction.

622
623 G. The board may deny the application of an applicant who is shown to have a
624 substantial identity of interest with a person whose license or certificate has been
625 revoked or not renewed by the board. A substantial identity of interest includes (i) a
626 controlling financial interest by the individual or corporate principals of the person
627 whose license or certificate has been revoked or has not been renewed or (ii)
628 substantially identical owners, officers, managers, members, or directors, as
629 applicable.

630
631
632 ~~A. General. Every business entity shall secure a license before transacting business.~~
633 ~~(+1) (R/D)~~

634 ~~B. Name. The business name shall be disclosed on the application. (+1) (R/D) The~~
635 ~~name under which the entity conducts business and holds itself out to the public (i.e.,~~
636 ~~the trade or fictitious name) shall also be disclosed on the application. (+1) (R/D)~~
637 ~~Business entities shall register their trade or fictitious names with the State~~
638 ~~Corporation Commission in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title~~
639 ~~59.1 of the Code of Virginia before submitting their applications to the board. (+1)~~
640 ~~(R/D)~~

641 ~~C. Address. The applicant shall disclose the firm's mailing address (+1) (R/D) and the~~
642 ~~firm's physical address. (+1) (R/D) A post office box is only acceptable as a mailing~~
643 ~~address when a physical address is also provided. (0)~~

644 ~~D. Form of organization. Applicants shall meet the additional requirements listed~~
645 ~~below for their business type:~~

646 ~~1. Corporations. All applicants shall have been incorporated in the Commonwealth~~
647 ~~of Virginia or, if a foreign corporation, shall have obtained a certificate of authority~~
648 ~~to conduct business in Virginia from the State Corporation Commission in~~
649 ~~accordance with § 13.1-544.2 of the Code of Virginia. (+1) (R/D) The corporation~~
650 ~~shall be in good standing with the State Corporation Commission at the time of~~
651 ~~application to the board and at all times when the license is in effect. (+1) (R/D)~~

652 ~~2. Limited liability companies. All applicants shall have obtained a certificate of~~
653 ~~organization in the Commonwealth of Virginia or, if a foreign limited liability~~
654 ~~company, shall have obtained a certificate of registration to do business in Virginia~~
655 ~~from the State Corporation Commission in accordance with § 13.1-1105 of the~~
656 ~~Code of Virginia. (+1) (R/D) The company shall be in good standing with the State~~
657 ~~Corporation Commission at the time of application to the board and at all times~~
658 ~~when the license is in effect. (+1) (R/D)~~

659 ~~3. Partnerships. All applicants shall have a written partnership agreement. (+1)~~
660 ~~(R/D) The partnership agreement shall state that all professional services of the~~
661 ~~partnership shall be under the direction and control of a licensed or certified~~
662 ~~professional. (+1) (R/D)~~

663 ~~4. Sole proprietorships. Sole proprietorships desiring to use an assumed or fictitious~~
664 ~~name, that is a name other than the individual's full name, shall have their assumed~~
665 ~~or fictitious name recorded by the clerk of the court of the county or jurisdiction~~
666 ~~wherein the business is to be conducted. (+1) (R/D)~~

667 ~~E. Qualifications. [PARKING LOT]~~

668 1. Lead contractor. Each applicant for lead contractor licensure shall:

669 a. Hold a valid Virginia contractor license with a lead specialty issued by the
670 Virginia Board for Contractors (+1) (R/D) and comply with the provisions of
671 Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the
672 regulation of contractors. (+1) (R/D)

673 b. Certify that:

674 (1) Only properly licensed lead abatement supervisors and workers will be
675 employed to conduct lead-based paint activities; (+1) (R/S)

Commented [HJ(28)]: Requirements as follows:

Corporations;
+1 R/D for be incorporated in VA or have certificate of
authority.
+1 R/D for being in good standing with SCC.

LLCs:
+1 R/D for be organized in VA or have certificate of
registration.
+1 R/D for being in good standing with SCC.

Partnerships:
+1 R/D for have written partnership agreement.
+1 R/D for agreement to state professional services under
control of licensee.

Commented [HJ(29)]: Address 36 month training
certificate cycle.

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676 (2) A licensed lead abatement supervisor is present at each job site during all work
677 site preparation and during post-abatement cleanup, and shall be on site or available
678 by telephone, pager, or answering service and able to be present at the work site in
679 no more than two hours when abatement activities are being conducted; **(+1) (R/S)**

680 (3) The standards for conducting lead-based paint activities established in this
681 chapter and standards established by EPA and OSHA shall be followed at all times
682 during the conduct of lead-based paint activities; and **(+1) (R/S)**

683 ~~(4) The company is in compliance with all other occupational and professional~~
684 ~~licenses and standards as required by Virginia statute **(+1) (R/D)** and local~~
685 ~~ordinance to transact the business of a lead abatement contractor. **(+1) (R/D)**~~

686 ~~F. Conviction or guilt. Neither the firm nor the owners, officers, or directors shall~~
687 ~~have been convicted or found guilty, regardless of adjudication, in any jurisdiction of~~
688 ~~any felony **(+1) (R/D)** or of any misdemeanor involving lying, cheating, or stealing or~~
689 ~~of any violation while engaged in environmental remediation activity that resulted in~~
690 ~~the significant harm or the imminent and substantial threat of significant harm to~~
691 ~~human health or the environment, there being no appeal pending therefrom or the time~~
692 ~~of appeal having lapsed. **(+1) (R/D)** Any plea of nolo contendere shall be considered a~~
693 ~~conviction for the purposes of this section. **(+1) (G/D) (+1) (R/D)** A certified copy of~~
694 ~~the final order, decree, or case decision by a court or regulatory agency with lawful~~
695 ~~authority to issue such order, decree, or case decision shall be admissible as prima~~
696 ~~facie evidence of such conviction or discipline. **(+1) (G/D)** The board, at its~~
697 ~~discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the~~
698 ~~Code of Virginia. **(+1) (G/S)**~~

699 ~~G. Standards of conduct and practice. Applicants shall be in compliance with the~~
700 ~~standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) and~~
701 ~~Part IX (18VAC15-30-760 et seq.) of this chapter at the time of application to the~~
702 ~~board **(+1) (R/D)**, while the application is under review by the board **(+1) (R/D)**, and~~
703 ~~at all times when the license is in effect. **(+1) (R/D)**~~

704 ~~H. Standing. Both the firm **(+1) (R/D)** and the owners, officers, and directors shall be~~
705 ~~in good standing in every jurisdiction where licensed **(+1) (R/D)**, and the applicant~~
706 ~~shall not have had a license that was suspended, revoked, or surrendered in connection~~
707 ~~with any disciplinary action in any jurisdiction prior to applying for licensure in~~
708 ~~Virginia. **(+1) (R/D)** The board, at its discretion, may deny licensure to any applicant~~
709 ~~based on disciplinary action by any jurisdiction. **(0)**~~

710 ~~I. Denial of license. The board may refuse to issue a license to any lead contractor~~
711 ~~applicant if the applicant or its owners, officers, or directors have a financial interest~~
712 ~~in a lead contractor whose lead license has been revoked, suspended, or denied~~
713 ~~renewal in any jurisdiction. **(0)**~~

714 **Statutory Authority**

715 §54.1-501 of the Code of Virginia.

716 **Historical Notes**

717 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 36,

718 Issue 15, eff. May 1, 2020.

719

720 **18VAC15-30-54. Qualifications for accredited lead training program approval.**

721 +40

722

723 A. For a training program to obtain accreditation from the board to teach lead-based
724 paint activities, the program ~~shall~~must demonstrate through its application material
725 that it meets the minimum requirements for principal instructor qualifications (+1)
726 (R/S), required topic review (+1) (R/S), length of training (+1) (R/S), and
727 recordkeeping for each discipline for which the program is seeking accreditation. (+1)
728 (R/S) Training programs ~~shall~~must offer courses that teach the standards for
729 conducting lead-based paint activities contained in this chapter and other such
730 standards adopted by the EPA. (+1) (R/S)

731 B. Each applicant for approval as an accredited lead training provider ~~shall~~must meet
732 the requirements established by this chapter ~~before being granted approval to offer an~~
733 ~~accredited lead training program.~~ (+1) (R/D) Applicants ~~requesting approval of a lead~~
734 ~~training program to prepare participants for licensure shall~~must apply on a form
735 provided by the board. (+1) (R/D) The application ~~form shall~~must be completed in
736 accordance with the instructions supplied (+1) (R/D) and ~~shall~~must include the
737 following:

738 1. The course for which ~~it~~the training provider is applying for accreditation. (+1)
739 (R/S)

740 2. A statement signed by the training program manager, which certifies that the
741 training program meets the minimum requirements established in this chapter. (+1)
742 (R/S)

743 3. The names (+1) (R/S) and qualifications, including education and experience, of
744 each principal instructor. (+1) (R/S)

745 4. A copy of the student manuals (+1) (R/S) and instructor manuals or other
746 materials to be used. (+1) (R/S)

Commented [HJ(30)]: Add in Board guidance re: virtual training.

Commented [HJ(31)]: Under applicable statute, the Board is required to adopt regulations "...consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulation..." and requires the regulations not be more stringent than EPA regulations.

Much of the training program requirements in this section are, essentially, mandatory and not within the discretion of the Board per the statute.

- 747 5. A copy of the course agenda that includes the time allocation for each course
748 topic. **(+1) (R/S)**
- 749 6. A copy of the test **(+1) (R/S)** and answer sheet. **(+1) (R/S)**
- 750 7. A description of the facilities and equipment to be used for lecture and hands-on
751 training. **(+1) (R/S)**
- 752 8. A description of the activities **(+1) (R/S)** and procedures that will be used for
753 conducting the assessment of hands-on skills. **(+1) (R/S)**
- 754 9. A copy of the quality control plan as described in this chapter. **(+1) (R/S)**
- 755 10. ~~An example~~A sample of a certificate that will be issued to students who
756 successfully complete the course. **(+1) (R/D)**
- 757 11. A proposed course date for auditing purposes. **(+1) (R/D)**
- 758 12. The application fee required by 18VAC15-30-162. **(+1) (R/D)**
- 759 C. The ~~completed~~ application ~~form with attachments and fee shall~~must be received by
760 the board no later than 45 days before the desired audit date. **(+1) (R/D)**
- 761 D. An applicant may seek approval for as many initial and refresher courses as it
762 chooses, but ~~shall~~must submit a separate application **(+1) (R/D)** ~~and fee~~ for each
763 program. **(+1) (R/D)**
- 764 E. Applicants may seek accreditation to offer lead-based paint activities initial or
765 refresher courses in any of the following disciplines: lead abatement worker, lead
766 project designer, lead abatement supervisor, lead inspector, and lead risk assessor. **(0)**
- 767 ~~F. Each training program shall be conducted in compliance with this chapter to qualify
768 for and maintain approval as an accredited lead training program. **(+1) (R/D)**~~
- 769
- 770 F. Upon receipt of an application, a preliminary review will be conducted to ensure
771 compliance with this chapter. The applicant will be notified if the application is
772 incomplete or is deficient. All deficiencies must be corrected prior to the on-site audit.
- 773
- 774 G. Upon completion of the preliminary review, the board will conduct an on-site
775 audit. The applicant will be notified of any deficiencies identified during the audit. All
776 deficiencies must be corrected prior to approval of the application.
- 777

778 ~~G. Upon receipt of an application, the board shall conduct a preliminary review (+1)~~
779 ~~(G/D) and shall notify the applicant in writing of any deficiencies in the submittal~~
780 ~~packages. (+1) (G/D) Applicants will have one year from the board's receipt of the~~
781 ~~application to correct any problems noted in the review. (+1) (R/D)~~

782 ~~H. After the application has been found to be complete and in compliance with this~~
783 ~~chapter, an on-site audit of the training program shall be conducted. (+1) (G/D) The~~
784 ~~board shall conduct an additional on-site audit, grant approval or deny approval based~~
785 ~~on the board's evaluation of the level of compliance with this chapter found during the~~
786 ~~initial on-site audit. (+1) (G/D)~~

787 ~~I. Applicants denied approval shall have one year (+1) (R/D) from the date of receipt~~
788 ~~of the application by the board to correct any deficiencies (+1) (R/D) and notify the~~
789 ~~board in writing. (+1) (R/D)~~

790 ~~J. An accredited A training provider program shall have been must be approved by the~~
791 ~~board before its the training program's training certificates shall will be accepted by~~
792 ~~the board as evidence that an individual has completed an accredited lead training~~
793 ~~program. (+1) (R/D)~~

794 ~~K. Each accredited lead training program that is granted approval shall will be sent a~~
795 ~~form letter indicating the discipline approved (+1) (G/D) and an expiration date (+1)~~
796 ~~(G/D) that shall be maintained at the business address listed on the application. (+1)~~
797 ~~(R/D)~~

798 **Statutory Authority**

799 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

800 **Historical Notes**

801 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

802 **18VAC15-30-60. (Repealed.)**

803 **Historical Notes**

804 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
805 19, Issue 24, eff. October 1, 2003.

806 **18VAC15-30-100. (Repealed.)**

807 **Historical Notes**

808 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
809 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; Volume 19, Issue 24, eff. October 1, 2003;
810 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; Volume 19, Issue 24, eff. October 1, 2003;
811 repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

812

Commented [HJ32]: Training location and business address.

Commented [JH33]: Move to record keeping section for training programs in standards of practice.

813 Part IV. Fees

814

815 **18VAC15-30-161. General fee requirements. +7**

816

817 A. All fees are nonrefundable (+1) (G/D) and ~~shall~~will not be prorated. (+1) (G/D)
818 The date on which the fee is received by the department or its agent will determine
819 whether the fee is on time. (+1) (G/D) (+1) (R/D) Checks or money orders ~~shall~~must
820 be made payable to the Treasurer of Virginia. (+1) (R/D)

821 B. Fees for approval and renewal of an accredited lead training program and an
822 accredited lead refresher training program shall not be imposed on any state, local
823 government, or nonprofit training program. (+1) (G/D)

824

825 C. The fee for examination or reexamination is subject to charges to the department
826 by an outside vendor based on a contract entered into in compliance with the Virginia
827 Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be
828 adjusted and charged to the candidate in accordance with this contract.

829 ~~C. The examination fee is subject to contracted charges to the department by an~~
830 ~~outside vendor. (+1) (R/D) These contracts are competitively negotiated and~~
831 ~~bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et~~
832 ~~seq. of the Code of Virginia). (0) Fees will be adjusted and charged to the candidate in~~
833 ~~accordance with this contract. (0)~~

834 **Statutory Authority**

835 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

836 **Historical Notes**

837 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 32,
838 Issue 1, eff. November 1, 2015.

839 **18VAC15-30-162. Application fees. +0**

840

841 Application fees are as follows: (0)

Fee Type	Fee Amount	When Due
----------	------------	----------

Application for worker, supervisor, inspector, risk assessor or project designer license	\$80	With application
Application for a lead contractor license	\$110	With application
Application for accredited lead training program approval	\$500 per day of training	With application
Application for accredited lead refresher training program approval except for project designer refresher	\$500	With application
Application for accredited lead project designer refresher training program approval	\$250	With application

842 **Statutory Authority**

843 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

844 **Historical Notes**

845 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,

846 Issue 20, eff. August 1, 2015.

847

848 **18VAC15-30-163. Renewal and late renewal fees. +0**

849

850 A. Renewal and late renewal fees are as follows: **(0)**

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$45	With renewal application
Renewal for lead contractor license	\$70	With renewal application
Renewal for accredited lead training program approval	\$125	With renewal application
Late renewal for worker, supervisor, inspector, risk assessor, or project designer license (includes a \$35 late renewal fee in addition to the regular \$45 renewal fee)	\$80	With renewal application

Late renewal for lead contractor license (includes a \$35 late renewal fee in addition to the regular \$70 renewal fee)	\$105	With renewal application
---	-------	-----------------------------

Late renewal for accredited lead training program approval (includes a \$35 late renewal fee in addition to the regular \$125 renewal fee)	\$160	With renewal application
---	-------	-----------------------------

852 ~~B. For licenses expiring after February 1, 2021, and before February 1, 2023, the renewal~~
853 ~~fees shall be as follows:~~

Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$25
Renewal for lead contractor license	\$30
Renewal for accredited lead training program approval	\$40

854 ~~For late renewals received after March 1, 2021, and on or before February 28, 2023, the~~
855 ~~late renewal fees shall be as follows:~~

Late renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$60
Late renewal for lead contractor license	\$65
Late renewal for accredited lead training program approval	\$75

856 ~~C.B.~~ For licenses expiring after February 1, 2023, and before February 1, 2025, the
857 renewal fees shall be as follows:

Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$25
Renewal for lead contractor license	\$30
Renewal for accredited lead training program approval	\$40

858 For late renewals received after March 1, 2023, and on or before February 28, 2025, the
859 late renewal fees shall be as follows:

Late renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$60
Late renewal for lead contractor license	\$65
Late renewal for accredited lead training program approval	\$75

861 Statutory Authority

862 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

863 **Historical Notes**

864 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,
865 Issue 20, eff. August 1, 2015; Volume 34, Issue 8, eff. February 1, 2018; Volume 36, Issue 9, eff. February 1, 2020;
866 Volume 37, Issue 14, eff. April 1, 2021 Volume 39, Issue 12, eff. March 1, 2023.

867 **Part V. Renewal**

868

869 **18VAC15-30-164. Renewal required. +2**

870

871 ~~A. Interim licenses shall expire six months from the last day of the month during~~
872 ~~which the individual completed the board-approved initial or refresher accredited lead~~
873 ~~training program required by 18VAC15-30-52 regardless of the date on which the~~
874 ~~board received the application for initial licensure or the date the board issued the~~
875 ~~license. (0)~~

876 ~~B. Interim licenses shall not be renewed or extended. (+1) (R/D) (+1) (G/D)~~

877 C. Individual licenses shall will expire 12 months from the last day of the month
878 wherein issued. (0)

879 1. Interim licenses issued to individuals will expire six months from the last day
880 of the month the individual completed the board-approved initial or refresher
881 accredited lead training program required by 18VAC15-30-52. Interim licenses
882 cannot will not be renewed.

883 D. Contractor licenses shall will expire 12 months from the last day of the month
884 wherein issued. (0)

885 E. Accredited lead training programs approval shall will expire 24 months from the
886 last day of the month in which the board granted approval. (0)

887 **Statutory Authority**

888 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

889 **Historical Notes**

890 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,
891 Issue 20, eff. August 1, 2015.

892 **18VAC15-30-165. Procedures for renewal. +12**

893

Commented [JH34]: Discuss 36 month term for individual licensees.

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Commented [JH35]: Discuss whether to tether to Board for Contractors license.

Commented [JH36]: Note: EPA regulation requires re-accreditation every four years. However, based on state budgeting requirements, these approvals operate on a two-year cycle.

Discuss whether to go to four year cycle.

894 A. The board ~~shall mail~~will send a renewal notice to the licensee or accredited lead
895 training provider at the ~~last known~~address of record. ~~(+1) (G/D) The notice shall~~
896 ~~outline the procedures for renewal and the renewal fee amount. (+1) (G/D) Failure to~~
897 ~~receive the notice shall not relieve the licensee or accredited lead training provider of~~
898 ~~the obligation to renew. (+1) (R/D)~~

899 B. ~~Prior to the expiration date shown on the license or approval, each licensee or~~
900 ~~accredited lead training provider desiring to renew the license or approval shall return~~
901 ~~to the board the renewal notice (+1) (R/D) and the renewal fee. (+1) (R/D)~~
902 ~~Documentation of refresher training programs for individuals (+1) (R/S) and of the~~
903 ~~requirements in 18VAC15-30-166 C for accredited lead training programs shall be~~
904 ~~sent to the board. (+1) (R/S) Prior to the license expiration date, each licensee desiring~~
905 ~~to renew a license must return to the board the appropriate fee specified in 18VAC15-~~
906 ~~30-163. Individual licensees must provide evidence of meeting the annual refresher~~
907 ~~training requirement for license renewal and meet the requirements of 18VAC15-30-~~
908 ~~166 A.~~

909 C. ~~Prior to the expiration date on the approval letter, each accredited lead training~~
910 ~~program desiring to renew the approval must return to the board the appropriate fee~~
911 ~~specified in 18VAC15-30-163 and the documentation required by 18VAC15-30-166~~
912 ~~B.~~

913 D. ~~By making application for renewal, the licensee or accredited lead training~~
914 ~~program is certifying continued compliance with the requirements of this chapter.~~

915
916 C. ~~Should the licensee or accredited lead training provider fail to receive the renewal~~
917 ~~notice, a photocopy of the current lead license or accredited lead training program~~
918 ~~approval may be substituted for the renewal notice and mailed with the required fee to~~
919 ~~the board. (0)~~

920 D. ~~Interim licensure shall not be renewed or extended. (+1) (R/D) (+1) (G/D) Each~~
921 ~~applicant who wishes a second interim license must provide to the board evidence of~~
922 ~~having retaken (+1) (R/D) and satisfactorily completed the initial training~~
923 ~~requirements (+1) (R/D) and make a new application to the board. (+1) (R/D)~~

924 **Statutory Authority**

925 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

926 **Historical Notes**

927 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

928 **18VAC15-30-166. Qualifications for renewal. +24**

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929

930 A. Individuals.

931 1. Licensees desiring to maintain an individual license shall ~~must~~ satisfactorily
932 successfully complete ~~the required~~ board-approved refresher training course (+1)
933 (R/S) within 36 months after the date that the initial or most recent refresher
934 training course was completed (+1) (R/S) and at least once every 36 months
935 thereafter. (+1) (R/S) In the case of a proficiency-based course completion,
936 refresher training is required every 60 months instead of 36 months. (+1) (R/S)

937 ~~2. Licensees are responsible for ensuring that the board receives proof of~~
938 ~~completion of the required board-approved training. (+1) (R/D) Prior to the~~
939 ~~expiration date shown on the individual's current license (+1) (R/D), the individual~~
940 ~~desiring to renew that license shall provide evidence of meeting the board-approved~~
941 ~~refresher training requirement for license renewal. (+1) (R/D)~~

Commented [HJ(37)]: These appear to be duplicative of requirements in -165.

942 ~~3~~2. Refresher training shall must be specific to the discipline of the license being
943 renewed. (+1) (R/S)

944
945 ~~4. The board shall renew an individual license for an additional 12 months upon~~
946 ~~receipt of a renewal application and fee in compliance with 18VAC15-30-163 and~~
947 ~~18VAC15-30-165, provided that the licensee has complied with subdivisions 1~~
948 ~~through 3 of this subsection. (+1) (G/D)~~

Commented [JH38]: Discuss whether this is necessary.

949 ~~B. Contractors. The board shall renew a contractor license for an additional 12 months~~
950 ~~upon receipt of a renewal application and the renewal fee in compliance with~~
951 ~~18VAC15-30-163 and 18VAC15-30-165. (+1) (G/D) Return of the renewal~~
952 ~~application and renewal fee to the board shall constitute a certification that the~~
953 ~~licensee is in full compliance with the board's regulations. (+1) (R/D)~~

Commented [JH39]: Discuss whether this is necessary.

954 ~~C~~B. Accredited training programs.

955 1. Accredited lead training providers desiring to ~~maintain-renew~~ approval of ~~their a~~
956 accredited lead training program shall ~~cause the board to receive the following no~~
957 ~~later than 24 months after the date of initial approval (+1) (R/D) and not less often~~
958 ~~than once each 24 months thereafter~~ must provide the following: (+1) (R/D)

959 a. The training provider's name (+1) (R/S), address (+1) (R/S), and telephone
960 number. (+1) (R/S)

961 b. A statement signed by the training program manager that certifies that:

962 (1) The course materials for each course meet the requirements of Part VII
963 (18VAC15-30-440 et seq.) of this chapter. (+1) (R/S)

- 964 (2) The training manager **(+1) (R/S)** and principal instructors meet the
965 qualifications listed in 18VAC15-30-340. **(+1) (R/S)**
- 966 (3) The training program manager complies at all times with all requirements of
967 this chapter. **(+1) (R/S)**
- 968 (4) The quality control program meets the requirements noted in 18VAC15-30-410.
969 **(+1) (R/S)**
- 970 (5) The recordkeeping requirements of this chapter will be followed. **(+1) (R/S)**
- 971 ~~2. Return of the renewal application and renewal fee to the board shall constitute a~~
972 ~~certification that the accredited lead training provider is in full compliance with the~~
973 ~~board's regulations. **(+1) (R/D)**~~
- 974 3. An audit by a board representative may be performed to verify the certified
975 statements and the contents of the application before relicensure is granted. **(0)**
- 976 4. Accredited lead training programs determined by the board to have met the
977 renewal requirements ~~shall will~~ be issued an approval for an additional 24 months.
978 **(+1) (G/D)**

979 **Statutory Authority**

980 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

981 **Historical Notes**

982 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,
983 Issue 20, eff. August 1, 2015.

984 **18VAC15-30-167. Late renewal. +3**

986 ~~A. Each license and each accredited lead training program approval that is not~~
987 ~~renewed within 30 days of the expiration date on the license or approval letter will be~~
988 ~~subject to late renewal fees as established in 18VAC15-30-162. If the renewal fee is~~
989 ~~not received by the board within 30 days after the expiration date printed on the~~
990 ~~license or accredited lead training program approval, a late renewal fee shall be~~
991 ~~required in addition to the renewal fee. **(+1) (R/D)**~~

992 ~~B. Each license and each approved accredited lead training program that is not~~
993 ~~renewed within 12 months after the expiration date will not be renewed. The~~
994 ~~individual or firm must apply for a new license or approval and meet entry~~
995 ~~requirements current at the time the new application is submitted. Any licensee or~~
996 ~~accredited lead training provider who fails to renew his license or accredited lead~~

997 ~~training program approval within 12 months after the expiration date on the license or~~
998 ~~approval shall not be permitted to renew (+1) (R/D) and shall apply as a new~~
999 ~~applicant. (+1) (R/D)~~

1000 **Statutory Authority**

1001 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1002 **Historical Notes**

1003 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,
1004 Issue 15, eff. May 1, 2015.

1005 **18VAC15-30-170. (Repealed.)**

1006 **Historical Notes**

1007 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1008 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1009 **18VAC15-30-190. (Repealed.)**

1010 **Historical Notes**

1011 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1012 19, Issue 24, eff. October 1, 2003.

1013 **18VAC15-30-205. (Repealed.)**

1014 **Historical Notes**

1015 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23,
1016 Issue 3, eff. December 1, 2006.

1017 **18VAC15-30-210. (Repealed.)**

1018 **Historical Notes**

1019 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1020 19, Issue 24, eff. October 1, 2003.

1021 **18VAC15-30-225. (Repealed.)**

1022 **Historical Notes**

1023 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23,
1024 Issue 3, eff. December 1, 2006.

1025 **18VAC15-30-230. (Repealed.)**

1026 **Historical Notes**

1027 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1028 19, Issue 24, eff. October 1, 2003.

1034
1035 **18VAC15-30-245. (Repealed.)**
1036 **Historical Notes**
1037 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; derived from or amended, Virginia
1038 Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December
1039 1, 2006.

1040
1041 **18VAC15-30-310. (Repealed.)**
1042 **Historical Notes**
1043 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1044 19, Issue 24, eff. October 1, 2003.

1045
1046 **18VAC15-30-330. (Repealed.)**
1047 **Historical Notes**
1048 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1049 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1050
1051 **Part VI. Standards of Practice and Conduct for Accredited Lead Training**
1052 **Programs**

1053
1054 **18VAC15-30-332. Changes to an approved course. +2**
1055

1056 **A.** Once a training course has been approved, substantial changes in any of the
1057 approved items must be submitted to the board for review and approval prior to the
1058 continuation of the training course. **(+1) (R/S)** These items include, ~~but are not limited~~
1059 ~~to:~~ **(0)**

- 1060 1. Course curriculum.
- 1061 2. Course examination.
- 1062 3. Course materials.
- 1063 4. Training manager and principal instructor or instructors.
- 1064 5. Certificate of completion.

1065 **6. Change in permanent training location.**

1066 **B. INSERT EPA APPROVAL LANGUAGE**

Commented [HJ(40): Under applicable statute, the Board is required to adopt regulations "...consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulation..." and requires the regulations not be more stringent than EPA regulations.

Much of the training program requirements in this part are, essentially, mandatory and not within the discretion of the Board per the statute.

Commented [JH41]: Any others?

Commented [TP42R41]: Any new permanent training location.

Per Title 40 Ch 1 Sub R Part 745 Subpart L (j): a change may also require provider to provide proof of EPA's approval of certain changes to the course.

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1067 ~~The board shall will communicate its approval or disapproval in the same manner as~~
1068 ~~for initial applications for accreditation approval. (+1) (C/D)~~

1069

1070 **Statutory Authority**

1071 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1072 **Historical Notes**

1073 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1074 **18VAC15-30-334. Change of ownership. +1 [PARKING LOT]**

1075

1076 When an accredited lead training provider offering an accredited lead training
1077 program has a change of ownership, the new owner shall apply anew. (+1) (R/D)

1078 **Statutory Authority**

1079 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1080 **Historical Notes**

1081 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1082 **18VAC15-30-340. Qualifications of training managers and principal instructors.**
1083 **+6**

1084

1085 A. The training program ~~shall will~~ employ a training manager who:

1086 1. Has at least two ~~years' years of~~ experience, education, or training in teaching
1087 workers or adults; has a bachelor's or graduate level degree in building
1088 construction technology, engineering, industrial hygiene, safety, public health,
1089 education, business administration, program management, or a related field; or has
1090 two ~~years' years of~~ experience in managing a training program that specialized in
1091 environmental hazards; and (+1) (R/S)

1092 2. Has demonstrated experience, education, or training in the construction industry
1093 including: lead or asbestos abatement, painting, carpentry, renovation, remodeling,
1094 occupational safety and health, or industrial hygiene. (+1) (R/S)

1095 B. The training program ~~shall will~~ employ a qualified principal instructor, designated
1096 by the training manager, for each course who:

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Commented [JH43]: Is this requirement necessary?

Commented [TP44R43]: I think this would depend on how the requirements of the SCC would be affected. If there is a change to the entire entity, essentially the old one would not exist, so yes, there would have to be a new application. But the fed regs don't speak to this.

Commented [LB45R43]: PER 12/7/23 COMMITTEE PARKING LOT THIS

- 1097 1. Demonstrates experience, education or training in teaching workers or adults;
1098 (+1) (R/S)
- 1099 2. Successfully completed a minimum of 16 hours of any EPA-accredited or board-
1100 approved lead-specific training; and (+1) (R/S)
- 1101 3. ~~Demonstrated~~ Has demonstrated experience, education or training in lead or
1102 asbestos abatement, painting, carpentry, renovation, remodeling, occupational
1103 safety and health, or industrial hygiene. (+1) (R/S)
- 1104 C. Documentation of all principal instructor qualifications ~~shall~~will be reviewed and
1105 approved by the board prior to the principal instructor teaching in an accredited lead
1106 training program. (+1) (R/D)

1107 **Statutory Authority**

1108 § 54.1-501 of the Code of Virginia.

1109 **Historical Notes**

1110 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1111 19, Issue 24, eff. October 1, 2003.

1112 **18VAC15-30-350. Responsibilities of the training manager. +7**

- 1113
- 1114 A. The training program ~~shall~~will employ a training manager who ~~shall~~will be
1115 responsible for ensuring that the training program complies at all times with the
1116 requirements of this chapter (+1) (R/S) and who is responsible for maintaining:
- 1117 1. The validity and integrity of the hands-on skills assessment or proficiency test to
1118 ensure that ~~it~~the assessment or test accurately evaluates ~~the~~ trainees' performance of
1119 the work practices and procedures associated with the course topics. (+1) (R/S)
- 1120 2. The validity and integrity of the course test to ensure that ~~it~~the test accurately
1121 evaluates the trainees' knowledge and retention of the course topics. (+1) (R/S)
- 1122 B. The training manager ~~shall~~will, for each course offered, designate a principal
1123 instructor. (+1) (R/S) Principal instructors are responsible for the organization of the
1124 course and oversight of the teaching of all course material. (+1) (R/S)
- 1125 C. Guest instructors may be designated by the training manager as needed to provide
1126 instruction specific to the lecture, hand-on activities, or work practice components of a
1127 course. (0)

1128 D. Any training manager who intends to also serve as a principal instructor ~~shall must~~
1129 meet the requirements of subsection B of 18VAC15-30-340 (+1) (R/D) ~~and provide~~
1130 ~~documentation to the board prior to instructing. (+1) (R/D)~~

Commented [JH46]: Would application and reporting requirements be sufficient to establish this?

Commented [TP47R46]: Yes.

1131 **Statutory Authority**

1132 § 54.1-501 of the Code of Virginia.

1133 **Historical Notes**

1134 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1135 19, Issue 24, eff. October 1, 2003.

1136

1137 **18VAC15-30-360. Training manager and principal instructor documentation. +3**

1138

1139 The following documents ~~shall will~~ be recognized by the board as proof that training
1140 managers and principal instructors meet the ~~relevant applicable~~ educational, work
1141 experience, and training requirements specifically listed in 18VAC15-30-340:

1142 1. Official academic transcripts or diplomas as proof of meeting the educational
1143 requirements. (+1) (R/S)

1144 2. Resumes, letters of reference, or documentation of work experience as proof of
1145 meeting the work experience requirements. (+1) (R/S)

1146 3. Certificates from lead-specific training courses as proof of meeting the ~~training~~
1147 requirements. (+1) (R/S)

Commented [TP48]: Guidance document

1148 **Statutory Authority**

1149 § 54.1-501 of the Code of Virginia.

1150 **Historical Notes**

1151 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1152 19, Issue 24, eff. October 1, 2003.

1153 **18VAC15-30-370. Training facilities. +5**

1154

1155 The training program ~~shall will~~ provide adequate facilities for the delivery of the
1156 lecture (+1) (R/S), course test (+1) (R/S), hands-on training (+1) (R/S), and
1157 assessment activities. (+1) (R/S) This includes providing training equipment that
1158 reflects current work practices, and maintaining or updating the equipment and
1159 facilities as needed. (+1) (R/S)

1160 **Statutory Authority**

1161 § 54.1-501 of the Code of Virginia.

1162 **Historical Notes**

1163 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1164 19, Issue 24, eff. October 1, 2003.

1165 **18VAC15-30-380. Length of training courses. +14**

1166

1167 **A. The length of training courses are ~~will be~~ as follows:**

1168 1. The training course for lead inspector shall ~~must~~ last a minimum of 24 training
1169 hours ~~(+1) (R/S)~~, with a minimum of eight hours devoted to hands-on training
1170 activities. ~~(+1) (R/S)~~

1171 2. The training course for lead risk assessor shall ~~must~~ last a minimum of 16
1172 training hours ~~(+1) (R/S)~~ with a minimum of four hours devoted to hands-on
1173 training activities. ~~(+1) (R/S)~~ As a prerequisite, the 24 training hours provided for in
1174 subdivision 1 of this subsection for lead inspector shall ~~be~~ required. ~~(+1) (R/S)~~

1175 3. The training course for lead project designer shall ~~must~~ last a minimum of eight
1176 training hours. ~~(+1) (R/S)~~ As a prerequisite, the 32 training hours provided for in
1177 subdivision 4 of this subsection for lead abatement supervisor shall ~~be~~ required.
1178 ~~(+1) (R/S)~~

1179 4. The training course for lead abatement supervisor shall ~~must~~ last a minimum of
1180 32 training hours ~~(+1) (R/S)~~, with a minimum of eight hours devoted to hands-on
1181 activities. ~~(+1) (R/S)~~

1182 5. The training course for lead abatement worker shall ~~must~~ last a minimum of 16
1183 training hours ~~(+1) (R/S)~~, with a minimum of eight hours devoted to hands-on
1184 activities. ~~(+1) (R/S)~~

1185 6. All lead refresher courses shall ~~must~~ last a minimum of eight training hours ~~(+1)~~
1186 ~~(R/S)~~, except the project designer refresher course which shall ~~must~~ last a minimum
1187 of four training hours. ~~(+1) (R/S)~~

1188 **B. In no case shall ~~will~~ actual training exceed eight hours during any single 24-hour**
1189 **period, exceed four hours when conducted during evening hours (after 5 p.m. and**
1190 **before 8 a.m.) except training that is conducted during the student's normal second or**
1191 **third shift working hours, or exceed 16 hours during any weekend (Friday after 5 p.m.**
1192 **to Monday 8 a.m.). ~~(+1) (R/D)~~**

Commented [JH49]: Discuss whether this is necessary.

Commented [LB50R49]: Struck per committee on 12/7/23.

Commented [LB51]: Rolled into 450 per 12/7/23 committee.

1193 **Statutory Authority**

1194 § 54.1-501 of the Code of Virginia.

1195 **Historical Notes**

1196 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1197 19, Issue 24, eff. October 1, 2003.

1198 **18VAC15-30-390. Course examination. +10**

1199

1200 A. For each course, the accredited lead training program ~~shall~~ will conduct a
1201 monitored, written course test at the completion of the course (+1) (R/S) and a hands-
1202 on skills assessment, or as an alternative, a proficiency test. (+1) (R/S) Each
1203 individual must successfully complete the hands-on skills assessment (+1) (R/S) and
1204 receive a passing score on the course test to pass any course, or successfully complete
1205 a proficiency test. (+1) (R/S) ~~Refresher training programs are not required to conduct~~
1206 ~~a hands-on skills assessment. (0)~~

1207 B. The course test is an evaluation of the overall effectiveness of the training which
1208 ~~shall~~ must test the trainee's knowledge and retention of the topics covered during the
1209 course. (+1) (R/S) ~~An oral course test may be administered in lieu of a written course~~
1210 ~~test for lead abatement worker only. (0)~~

1211 ~~1. For a lead abatement worker training program, an oral course test may be~~
1212 ~~administered in lieu of a written course test.~~

1213 C. Seventy percent ~~shall~~ will be the passing score on the course test. (+1) (R/D)

1214 D. The hands-on skills assessment is an evaluation of the effectiveness of the hands-
1215 on training which ~~shall~~ will test the ability of the trainees to demonstrate satisfactory
1216 performance of work practices and procedures specified in Part VIII (18VAC15-30-
1217 440 et seq.) of this chapter, as well as any other skills demonstrated in the course. (+1)
1218 (R/S)

1219 E. ~~The use of a proficiency test in lieu of a hands-on assessment and course test may~~
1220 ~~be considered by the training provider. (0)~~ An accredited lead training program that
1221 offers a proficiency test ~~shall~~ must assure that the test consists primarily of an
1222 evaluation of the effectiveness and reliability of a student's ability to conduct a
1223 particular lead-based paint activity. (+1) (R/D) The proficiency test must also cover
1224 all of the topics and skills addressed in a particular course. (+1) (R/D) ~~For instance, a~~
1225 ~~proficiency based course in inspection could involve a mix of lecture material with~~
1226 ~~students conducting a mock inspection in a residential dwelling with known lead-~~
1227 ~~based paint concentrations. (0) The student would be evaluated on the accuracy of the~~

Commented [HJ(52)]: This may not be consistent with current federal requirements. Under the federal regulation, all disciplines except project designer must conduct a hands-on assessment for refresher courses.

Commented [LB53R52]: Struck per committee on 12/7/23.

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Commented [JH54]: Should this remain 70%. Not clear this is tied to a federal standard.

Commented [LB55R54]: Keep as is per 12/7/23 committee.

1228 ~~results of their inspection. (0) For a training program to make use of a proficiency~~
1229 ~~based course, that course must be approved by the board in the same manner as~~
1230 ~~approval for any other course, including fees. (+1) (R/D)~~

1231 **Statutory Authority**

1232 § 54.1-501 of the Code of Virginia.

1233 **Historical Notes**

1234 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1235 19, Issue 24, eff. October 1, 2003.

1236

1237 **18VAC15-30-400. Certificates of completion. +14**

1238

1239 A. Accredited lead training programs ~~shall-will~~ issue unique course completion
1240 certificates to each individual who successfully completes the course requirements.
1241 (+1) (R/S) The course completion certificate ~~shall-must~~ include:

- 1242 1. A unique certificate number. (+1) (R/S)
- 1243 2. The name (+1) (R/S) and address of the individual. (+1) (R/S)
- 1244 3. The name of the particular course that the individual completed. (+1) (R/S)
- 1245 4. Dates of course completion/test passage. (+1) (R/S)
- 1246 5. Expiration date. (+1) (R/S) Training certificates ~~shall-will~~ expire three years from
1247 the date of course completion. (0) If the accredited lead training program offers a
1248 proficiency test, ~~the-such~~ training certificates ~~shall-will~~ expire five years from the
1249 date of course completion. (0)
- 1250 6. Name (+1) (R/S), address (+1) (R/S), and telephone number of the training
1251 provider. (+1) (R/S)
- 1252 7. Name (+1) (R/D) and signature (+1) (R/D) of the training manager (+1) (R/D)
1253 and principal instructor. (+1) (R/D)

1254 **B. INCORPORATE GUIDANCE RE TRAINING MANAGER SIGNATURES**
1255 **SAME PERSON.**

1256 **Statutory Authority**

1257 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

Commented [JH56]: Is this necessary?

Would this be better in a guidance document?

Commented [TP57R56]: Suggest striking.

Commented [LB58R56]: Struck per 12/7/23 committee.

Commented [JH59]: Is this necessary?

Commented [TP60R59]: No.

Commented [LB61R59]: Struck per 12/7/23 committee.

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1258 **Historical Notes**

1259 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1260 19, Issue 24, eff. October 1, 2003; Volume 31, Issue 15, eff. May 1, 2015.

1261 **18VAC15-30-410. Quality control plan. +7**

1262

1263 The training manager ~~shall~~will develop (+1) (R/S) and implement a quality control
1264 plan. (+1) (R/S) The plan ~~shall~~will be used to maintain (+1) (R/S) and improve the
1265 quality of the accredited lead training program over time. (+1) (R/S) ~~This~~The plan
1266 ~~shall~~must contain at least the following elements:

- 1267 1. Procedures for periodic revision of training materials (+1) (R/S) and course test
1268 to reflect innovations in the field. (+1) (R/S)
- 1269 2. Procedures for the training manager's annual review of principal instructor
1270 competency. (+1) (R/S)

1271 **Statutory Authority**

1272 § 54.1-501 of the Code of Virginia.

1273 **Historical Notes**

1274 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1275 19, Issue 24, eff. October 1, 2003.

1276 **18VAC15-30-420. Recordkeeping and provision of records to the board. +69**

1277

1278 A. Each accredited lead training program ~~shall~~will maintain and make available upon
1279 request from the board the following records: (+1) (R/S)

- 1280 1. All documents specified in 18VAC15-30-360 that demonstrate the qualifications
1281 listed in 18VAC15-30-340 of the training manager and principal instructors. (+1)
1282 (R/S)
- 1283 2. Current curriculum ~~or~~course materials (+1) (R/S) and documents reflecting any
1284 changes made to these materials. (+1) (R/S)
- 1285 3. Course examination. (+1) (R/S)
- 1286 4. Information on how the hands-on assessment is conducted including, ~~but not~~
1287 ~~limited to~~, who conducts the assessment, (+1) (R/S) how the skills are graded, (+1)
1288 (R/S) what facilities are used, (+1) (R/S) and the pass/fail rate. (+1) (R/S)

- 1289 5. The quality control plan described in 18VAC15-30-410. (+1) (R/S)
- 1290 6. Results of ~~the each~~ student's hands-on skills assessments (+1) (R/S) and course
1291 examination (+1) (R/S) and a copy of each student's course completion certificate.
1292 (+1) (R/S)
- 1293 7. Any other material not listed in this chapter that was submitted to the board as
1294 part of the application for accreditation. (+1) (R/S)
- 1295 The accredited lead training provider ~~shall~~must retain these records at the location
1296 specified on the training program application (+1) (R/S) for a minimum of three years
1297 and six months. (+1) (R/S)
- 1298 B. The training manager ~~shall~~must notify the board (+1) (R/S) at least 48 hours prior
1299 to the start date of any accredited lead training program. (+1) (R/S)
- 1300 C. The training manager ~~shall~~must provide an updated notification when an
1301 accredited lead training program will begin on a date other than the start date specified
1302 in the original notification as follows:
- 1303 1. For accredited lead training programs beginning prior to the start date provided to
1304 the board, an updated notification must be received by the board (+1) (R/S) at least
1305 48 hours before the new start date. (+1) (R/S)
- 1306 2. For accredited lead training programs beginning after the start date provided to
1307 the board, an updated notification must be received by the board (+1) (R/S) at least
1308 48 hours before the start date provided to the board. (+1) (R/S)
- 1309 D. The training manager ~~shall~~must update the board of any change in location of an
1310 accredited lead training program (+1) (R/S) at least seven business days prior to the
1311 start date provided to the board. (+1) (R/S)
- 1312 E. The training manager ~~shall~~must update the board regarding any accredited lead
1313 training program cancellations or any other change to the original notification (+1)
1314 (R/S) at least two business days prior to the start date provided to the board. (+1)
1315 (R/S) This requirement ~~shall~~will not apply to situations or circumstances beyond the
1316 control of the training provider. (0)
- 1317 F. Each notification, ~~including updates,~~ ~~shall~~must include the following:
- 1318 1. Notification type (original, update, cancellation). (+1) (R/S)
- 1319 2. Training program name (+1) (R/S), Virginia accreditation number (+1) (R/S),
1320 address (+1) (R/S), and telephone number. (+1) (R/S)

- 1321 3. Course discipline (+1) (R/S), type (initial/refresher) (+1) (R/S), and the language
1322 in which the instruction will be given. (+1) (R/S)
- 1323 4. Dates (+1) (R/S) and times of training. (+1) (R/S)
- 1324 5. Training locations (+1) (R/S), telephone number (+1) (R/S), and address. (+1)
1325 (R/S)
- 1326 6. Principal instructor's name. (+1) (R/S)
- 1327 7. Training manager's name (+1) (R/S) and signature. (+1) (R/S)
- 1328 G. The training program participant list ~~shall~~must be completed by the training
1329 provider (+1) (R/D) and training program participants daily. (+1) (R/D)
- 1330 H. The training program participant list ~~shall~~must be retained by the training provider
1331 (+1) (R/D) for three years following the date of completion of the training program.
1332 (+1) (R/D)
- 1333 I. The training manager ~~shall~~must provide to the board the accredited lead training
1334 program participant list (+1) (R/S) no later than 10 business days following the
1335 training program completion. (+1) (R/S) ~~For the purposes of this section, a business~~
1336 ~~day shall mean Monday through Friday with the exception of federal holidays. (0)~~
- 1337 J. The training program participant list ~~shall~~must include the following:
- 1338 1. Training program name (+1) (R/S), Virginia accreditation number (+1) (R/S),
1339 address (+1) (R/S), and telephone number. (+1) (R/S)
- 1340 2. Course discipline (+1) (R/S) and type (initial/refresher). (+1) (R/S)
- 1341 3. Dates of training. (+1) (R/S)
- 1342 4. Each participant's name (+1) (R/S), address (+1) (R/S), social security number
1343 (+1) (R/D), course completion certificate number (+1) (R/S), and course test score.
1344 (+1) (R/S)
- 1345 5. Training manager's name (+1) (R/S) and signature. (+1) (R/S)
- 1346 K. Notifications (+1) (R/D) and training program participant lists ~~shall~~must be
1347 submitted electronically in the manner ~~established by~~acceptable to the board.
1348 ~~specifically to receive this documentation using a sample form designed by and~~
1349 ~~available from the board. (+1) (R/D) Any variation upon this procedure shall must be~~
1350 ~~approved by the board prior to submission. (+1) (R/D)~~
- 1351 L. The training provider ~~shall~~must retain all examinations completed by training
1352 program participants (+1) (R/D) for a period of three years. (+1) (R/D)

Commented [LB62]: Add to Forms section per 12/7/23 committee discussion.

1353 M. The department ~~shall~~will not recognize training certificates from approved
1354 training providers that fail to ~~notify to comply with the notification requirements of~~
1355 this section or fail to provide a training program participant list as required by this
1356 section. (+1) (G/D) (+1) (R/D)

1357 **Statutory Authority**

1358 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1359 **Historical Notes**

1360 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1361 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December
1362 1, 2006.

1363

1364 **18VAC15-30-430. Change of address. +2**

1365

1366 The accredited lead training provider shall notify the board (+1) (R/S) within 30 days
1367 ~~prior to~~ of relocating its business or transferring the records. (+1) (R/S)

1368 **Statutory Authority**

1369 § 54.1-501 of the Code of Virginia.

1370 **Historical Notes**

1371 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1372 19, Issue 24, eff. October 1, 2003.

1373 **18VAC15-30-435. Access by the department.**

1374

1375 Accredited training providers must permit department representatives to attend,
1376 evaluate, and monitor any accredited training program. Prior notice of attendance
1377 by department representatives is not required. The department will be given access
1378 to all course materials, principal instructor and training manager rosters, participant
1379 rosters, and other records as stipulated by this chapter.

1380

1381 **18VAC15-30-437. Suspension or revocation of approval of an accredited lead**
1382 **training provider. +11**

1383

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Commented [JH63]: Relocated from section -820.

Commented [HJ(64)]: Many of the requirements here are in 40 CFR 745.225(g).

- 1384 The board may suspend, revoke, or modify an accredited lead training program's
 1385 approval if an accredited lead training provider, training manager, or other person
 1386 with supervisory authority over the training program has:
- 1387 1. Misrepresented the contents of a training course to the board or the student
 1388 population. (+1) (R/S)
 - 1389 2. Failed to submit required information or notification in a timely manner. (+1)
 1390 (R/S)
 - 1391 3. Failed to submit training program notifications as required (+1) (R/D) and in the
 1392 manner described in 18VAC15-30-420. (+1) (R/D)
 - 1393 4. Failed to submit training program participant lists as required (+1) (R/D) and in
 1394 the manner described in 18VAC15-30-420. (+1) (R/D)
 - 1395 5. Failed to maintain required records. (+1) (R/S)
 - 1396 6. Falsified accreditation records, qualifications of the training manager and
 1397 principal instructors, or other accreditation information. (+1) (R/S)
 - 1398 7. Failed to comply with the federal, state, or local lead-based paint statutes or
 1399 regulations. (+1) (R/S)
 - 1400 8. Acted as an ostensible licensee for undisclosed persons who do or will control or
 1401 direct, directly or indirectly, the operations of the accredited lead training provider's
 1402 business. (+1) (R/D)

1403

1404 Part VII. Training Course Curricula Requirements

1405

1406 18VAC15-30-440. General. +2

1407

1408 Training programs shall will ensure that their courses of study for various lead-based
 1409 paint activities disciplines cover the mandatory subject areas. (+1) (R/D)
 1410 Requirements listed in this part ending in an asterisk (*) indicate areas that require
 1411 hands-on training as an integral component of the course. (0) All training courses shall
 1412 must be discipline specific. (+1) (R/D)

Commented [LB65]: Struck per 12/7/23 committee.

1413 Statutory Authority

1414 § 54.1-501 of the Code of Virginia.

1415 Historical Notes

1416 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1417 19, Issue 24, eff. October 1, 2003.

1418 **18VAC15-30-450. Initial training criteria for lead abatement worker. +11**
1419

1420 A. The lead abatement workers course ~~shall~~must last a minimum of 16 hours (+1)
1421 (R/S) with a minimum of eight hours devoted to hands-on training. (+1) (R/S) The
1422 training course ~~shall~~must address the following topics:

- 1423 1. Role and responsibilities of an abatement worker. (+1) (R/S)
- 1424 2. Background information and health effects of lead. (+1) (R/S)
- 1425 3. Background information on federal, state and local regulations and guidance that
1426 pertains to lead-based paint activities. (+1) (R/S)
- 1427 4. Lead-based paint hazard recognition and control methods.* (+1) (R/S)
- 1428 5. Lead-based paint abatement and lead hazard reduction methods, including
1429 restricted work practices.* (+1) (R/S)
- 1430 6. Interior dust abatement methods/clean-up or lead hazard reduction.* (+1) (R/S)
- 1431 7. Soil and exterior dust abatement methods or lead hazard reduction.* (+1) (R/S)

1432 ~~8. Course review. (+1) (R/D)~~

1433 ~~9. Examination. (+1) (R/S)~~

1434 B. The topics in subdivisions A 4, A 6, and A 7 must include hands-on training.

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1435 **Statutory Authority**

1436 § 54.1-501 of the Code of Virginia.

1437 **Historical Notes**

1438 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1439 19, Issue 24, eff. October 1, 2003.

1440 **18VAC15-30-460. Initial training criteria for lead abatement supervisor. +18**
1441

1442 A. The lead abatement supervisor course ~~shall~~must last a minimum of 32 hours (+1)
1443 (R/S) with a minimum of eight hours devoted to hands-on training. (+1) (R/S) The
1444 training course ~~shall~~must address the following topics:

- 1445 1. Role and responsibilities of an abatement supervisor. (+1) (R/S)
- 1446 2. Background information on lead and the adverse health effects. (+1) (R/S)
- 1447 3. Background information on federal, state and local regulations (+1) (R/S) and
1448 guidance that pertains to lead-based paint activities including distribution and
1449 thorough review of the Virginia Lead-Based Paint Activities Regulations. (+1)
1450 (R/D)
- 1451 4. Liability and insurance issues relating to lead-based paint abatement. (+1) (R/S)
- 1452 5. Risk assessment and inspection report interpretation.* (+1) (R/S)
- 1453 6. Development and implementation of an occupant protection plan and abatement
1454 report. (+1) (R/S)
- 1455 7. Lead-based paint hazard recognition and control methods.* (+1) (R/S)
- 1456 8. Lead-based paint abatement or lead hazard reduction methods, including
1457 restricted work practices.* (+1) (R/S)
- 1458 9. Interior dust abatement/clean-up or lead hazard reduction.* (+1) (R/S)
- 1459 10. Soil and exterior dust abatement or lead hazard reduction.* (+1) (R/S)
- 1460 11. Clearance standards and testing. (+1) (R/S)
- 1461 12. Clean-up and waste disposal. (+1) (R/S)
- 1462 13. Recordkeeping. (+1) (R/S)
- 1463 ~~14. Course review. (+1) (R/D)~~
- 1464 ~~15~~14. Examination. (+1) (R/S)
- 1465 B. The topics in subdivisions A 5, A 7, A 8, A 9, and A 10 must include hands-on
1466 training.

1467 **Statutory Authority**

1468 § 54.1-501 of the Code of Virginia.

1469 **Historical Notes**

1470 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1471 19, Issue 24, eff. October 1, 2003.

1472 **18VAC15-30-470. Initial training criteria for lead inspector. +13**

1473

1474 A. The lead inspector course ~~shall~~must last a minimum of 24 hours (+1) (R/S) with a
1475 minimum of eight hours devoted to hands-on training. (+1) (R/S) The training course
1476 ~~shall~~must address the following topics:

- 1477 1. Background information on lead. (+1) (R/S)
- 1478 2. Health effects of lead. (+1) (R/S)
- 1479 3. ~~Regulatory review. (+1) (R/D) This entails a discussion of applicable federal,~~
1480 ~~state and local regulations that pertains to lead-based paint, including distribution~~
1481 ~~and thorough review of this chapter. (0) Background information on federal, state~~
1482 ~~and local regulations and guidance that pertains to lead-based paint activities~~
1483 ~~including distribution and thorough review of the Virginia Lead-Based Paint~~
1484 ~~Activities Regulations.~~
- 1485 4. Roles and responsibilities of the lead-based paint inspector. (+1) (R/S)
- 1486 5. Lead-based paint inspection methods, including selection of rooms and
1487 components for sampling or testing.* (+1) (R/S)
- 1488 6. Paint, dust, and soil sampling methodologies.* (+1) (R/S)
- 1489 7. Preparation of the final inspection report.* (+1) (R/S)
- 1490 8. Clearance standards and testing, including random sampling.* (+1) (R/S)
- 1491 9. Recordkeeping. (+1) (R/S)
- 1492 ~~10. Course review. (+1) (R/D)~~
- 1493 ~~11. Examination. (+1) (R/S)~~

1494 B. The topics in subdivisions A 5, A 6, A 7, and A 8 must include hands-on
1495 training.

1496 **Statutory Authority**

1497 § 54.1-501 of the Code of Virginia.

1498 **Historical Notes**

1499 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1500 19, Issue 24, eff. October 1, 2003.

1501 **18VAC15-30-480. Initial training criteria for lead risk assessors. +14**

1502

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1503 A. The lead risk assessor course ~~shall~~must last a minimum of 16 hours (+1) (R/S) and
1504 ~~shall~~must address the following topics with a minimum of four hours devoted to
1505 hands-on training (+1) (R/S), which includes site visits:

- 1506 1. Role and responsibilities of a risk assessor. (+1) (R/S)
- 1507 2. ~~Regulatory review. (+1) (R/D) This entails a discussion of applicable federal,~~
1508 ~~state and local regulations that pertain to lead-based paint, including distribution~~
1509 ~~and thorough review of this chapter. (0) Background information on federal, state~~
1510 ~~and local regulations and guidance that pertains to lead-based paint activities~~
1511 ~~including distribution and thorough review of the Virginia Lead-Based Paint~~
1512 ~~Activities Regulations.~~
- 1513 3. Collection of background information to perform risk assessment. (+1) (R/S)
- 1514 4. Visual inspection for the purpose of identifying potential sources of lead-based
1515 hazards.* (+1) (R/S)
- 1516 5. Sources of environmental lead contamination such as paint, surface dust, water,
1517 air, packaging, and food. (+1) (R/S)
- 1518 6. Lead hazard screen protocol. (+1) (R/S)
- 1519 7. Sampling for other sources of lead exposure.* (+1) (R/S)
- 1520 8. Interpretation of lead-based paint and other sampling results. (+1) (R/S)
- 1521 9. Development of hazard control options, the role of interim controls, and
1522 operations and maintenance activities to reduce lead-based paint hazards. (+1) (R/S)
- 1523 10. Preparation of a final risk assessment report. (+1) (R/S)
- 1524 ~~11. Course review. (+1) (R/D)~~
- 1525 ~~12. Examination. (+1) (R/S)~~
- 1526 B. The topics in subdivisions A 4 and A 7 must include hands-on training.

1527 **Statutory Authority**

1528 § 54.1-501 of the Code of Virginia.

1529 **Historical Notes**

1530 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1531 19, Issue 24, eff. October 1, 2003.

1532 **18VAC15-30-490. Initial training criteria for lead project designer. +9**

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1533

1534 The lead project designer course ~~shall~~must last a minimum of eight hours (+1) (R/S)
1535 and ~~shall~~must address the following topics:

- 1536 1. Role and responsibilities of a project designer. (+1) (R/S)
- 1537 2. Development and implementation of an occupant protection plan for large scale
1538 abatement projects. (+1) (R/S)
- 1539 3. Lead-based paint abatement and lead-based paint hazard reduction methods for
1540 large scale abatement projects. (+1) (R/S)
- 1541 4. Interior dust abatement/clean-up or lead hazard control and reduction methods for
1542 large scale abatement projects. (+1) (R/S)
- 1543 5. Clearance standards and testing for large scale abatement projects. (+1) (R/S)
- 1544 6. Integration of lead-based paint abatement methods with modernization and
1545 rehabilitation projects for large scale abatement projects. (+1) (R/S)

1546 ~~7. Course review.~~ (+1) (R/D)

1547 ~~8. Examination.~~ (+1) (R/S)

1548 **Statutory Authority**

1549 § 54.1-501 of the Code of Virginia.

1550 **Historical Notes**

1551 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1552 19, Issue 24, eff. October 1, 2003.

1553

1554 **18VAC15-30-500. Refresher training criteria. +6**

1555

1556 A. All lead refresher courses must be a minimum of eight training hours, except for
1557 the project designer refresher course, which must be a minimum of four training
1558 hours.

Commented [JH66]: Relocated from section -380.

1559 B. The refresher course for all disciplines ~~shall~~must address the following topics:

- 1560 1. An overview of current safety practices relating to lead-based paint activities in
1561 general (+1) (R/S), as well as specific information pertaining to the appropriate
1562 discipline. (+1) (R/S)

1563 2. Current federal, state, and local laws and regulations relating to lead-based paint
1564 activities in general **(+1) (R/S)**, as well as specific information pertaining to the
1565 appropriate discipline including distribution and thorough review of the Virginia
1566 Lead-Based Paint Activities Regulations. **(+1) (R/D)**

1567 3. Current technologies relating to lead-based paint in general **(+1) (R/S)**, as well as
1568 specific information pertaining to the appropriate discipline. **(+1) (R/S)**

1569 **C. Refresher courses for all disciplines except project designer must include a**
1570 **hands-on component.**

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Commented [JH67]: Reflects current requirement in federal regulation.

1571 **Statutory Authority**

1572 § 54.1-501 of the Code of Virginia.

1573 **Historical Notes**

1574 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1575 19, Issue 24, eff. October 1, 2003.

1576 **Part VIII. Standards for Conducting Lead-Based Paint Activities**

1577 **18VAC15-30-510. General requirements. +17**
1578

1580 A. This part establishes work practice standards for conducting lead-based paint
1581 activities in target housing and child-occupied facilities. **(0)**

1582 B. Notification shall be sent by the licensed lead abatement contractor to the Virginia
1583 Department of Labor and Industry prior to the commencement of any lead-based paint
1584 abatement activities. **(+1) (R/D)** The notification shall be sent in a manner prescribed
1585 by the Virginia Department of Labor and Industry. **(+1) (R/D)**

Commented [JH68]: This notification requirement may be found in 16VAC25-35.

1586 C. No licensed lead abatement contractor shall enter into a contract to perform a lead
1587 abatement project if the lead inspection or project design is to be performed by
1588 individuals with an employer/employee relationship with, or financial interest in, the
1589 lead abatement contractor unless the contractor provides the building owner with a
1590 "Virginia Lead Consumer Information and Disclosure Sheet," which is available from
1591 the board. **(+1) (R/D)** Persons licensed to perform post-abatement clearance
1592 procedures shall be independent of and have no financial interest in or an
1593 employer/employee relationship with the licensed lead abatement contractor. **(+1)**
1594 **(R/D)**

Consider whether the requirement needs to be in this regulation.

1595 D. The relationships described in subsection C of this section must be disclosed **(+1)**
1596 **(R/D)** and the disclosure form must be signed **(+1) (R/D)** and dated by the building

1597 owner, or his agent, **(+1) (R/D)** and the contracting entity prior to the signing of any
1598 contract to conduct lead-based paint activities. **(+1) (R/D)** The contractor must
1599 provide the disclosure form to all parties involved in the lead abatement project. **(+1)**
1600 **(R/D)** The disclosure form shall be kept on the lead abatement project site **(+1) (R/D)**
1601 and available for review. **(+1) (R/D)**

1602 E. When performing a lead-based paint inspection, lead-hazard screen, risk
1603 assessment or abatement, a licensed individual must perform that activity in
1604 compliance with documented methodologies. **(+1) (R/S)** Documented methodologies
1605 that are appropriate for this chapter include the following: **(0)**

1606 1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the
1607 Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995
1608 edition, including the 1997 Revision to Chapter 7: Lead-Based Paint Inspection.

Commented [HJ(69)]: Refer to 40 CFR § 745.227(a)(3).

1609 2. 40 CFR Part 745, Subpart D.

1610 3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and
1611 Lead-Contaminated Soil (60 FR 47248-47257).

Commented [HJ(70)]: Refer to 40 CFR § 745.227(a)(3).

1612 4. EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final
1613 Report (EPA 747-R-95-001, March 1995).

Commented [HJ(71)]: Refer to 40 CFR § 745.227(a)(3).

1614 5. Any future EPA or HUD guidance that may replace the above methodologies.

1615 6. Regulations, guidance, methods or protocols authorized by the board.

1616 F. Individuals conducting lead-based paint activities shall comply with the work
1617 practice standards enumerated in this chapter. **(+1) (R/D)**

1618 G. Any lead-based paint activities, as described in this chapter, shall be performed
1619 only by individuals licensed by the board to perform such activities. **(+1) (R/S)**

1620 H. All reports and plans required by 18VAC15-30-520 through 18VAC15-30-651
1621 shall be maintained by the licensed firm or individual who prepared the report **(+1)**
1622 **(R/S)** for at least three years. **(+1) (R/S)** The licensed firm or individual also shall
1623 provide copies of these reports to the building owner or person who contracted for its
1624 services. **(+1) (R/S)**

Commented [HJ(72)]: Refer to 40 CFR 745.227(i).

1625 **Statutory Authority**

1626 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1627 **Historical Notes**

1628 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1629 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006.

1630 **18VAC15-30-511. Determination of the presence of lead-based paint, a paint-lead**
1631 **hazard, a dust-lead hazard, and a soil-lead hazard. (0)**
1632

1633 A. Lead-based paint is present: **(0)**

1634 1. On any surface that is tested and found to contain lead equal to or in excess of 1.0
1635 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and

1636 2. On any surface like a surface tested in the same room equivalent that has a
1637 similar painting history and that is found to be lead-based paint.

1638 B. A paint-lead hazard is present: **(0)**

1639 1. On any friction surface that is subject to abrasion and where the lead dust levels
1640 on the nearest horizontal surface underneath the friction surface (e.g., the window
1641 sill or floor) are equal to or greater than the dust hazard levels identified by EPA,
1642 pursuant to 15 USC § 2683;

1643 2. On any chewable lead-based paint surface on which there is evidence of teeth
1644 marks;

1645 3. Where there is any damaged or otherwise deteriorated lead-based paint on an
1646 impact surface that is caused by impact from a related building component (such as
1647 a door knob that knocks into a wall or a door that knocks against its door frame);
1648 and

1649 4. If there is any other deteriorated lead-based paint in any residential building or
1650 child-occupied facility or on the exterior of any residential building or child-
1651 occupied facility.

1652 C. A dust-lead hazard is present in a residential dwelling or child-occupied facility:
1653 **(0)**

1654 1. In a residential dwelling on floors and interior window sills when the weighted
1655 arithmetic mean lead loading for all single surface or composite samples of floors
1656 and interior window sills are equal to or greater than identified by EPA, pursuant to
1657 15 USC § 2683 for floors and interior window sills;

1658 2. On floors or interior window sills in an unsampled residential dwelling in a
1659 multi-family dwelling, if a dust-lead hazard is present on floors or interior window
1660 sills, respectively, in at least one sampled residential unit on the property; and

1661 3. On floors or interior window sills in an unsampled common area in a multi-
1662 family dwelling, if a dust-lead hazard is present on floors or interior window sills,

Commented [HJ(73): Refer to 40 CFR 745.227(h) for federal standards to determine the presence of lead-based paint and hazards.

Commented [HJ(74): Consider whether to refer to the specific section of federal regulation that provides for the requisite concentration level.

Commented [HJ(75): Consider whether to refer to the specific section of federal regulation that provides for the requisite concentration level.

1663 respectively, in at least one sampled common area in the same common area group
1664 on the property.

1665 D. A soil-lead hazard is present: **(0)**

1666 1. In a play area when the soil-lead concentration from a composite play area
1667 sample of bare soil is equal to or greater than identified by EPA pursuant to 15 USC
1668 § 2683; or

Commented [HJ(76)]: Consider whether to refer to the specific section of federal regulation that provides for the requisite concentration level.

1669 2. In the rest of the yard when the arithmetic mean lead concentration from a
1670 composite sample (or arithmetic mean of composite samples) of bare soil from the
1671 rest of the yard (i.e., nonplay areas) for each residential building on a property is
1672 equal to or greater than identified by EPA pursuant to 15 USC § 2683.

Commented [HJ(77)]: Consider whether to refer to the specific section of federal regulation that provides for the requisite concentration level.

1673 **Statutory Authority**

1674 § 54.1-501 of the Code of Virginia.

1675 **Historical Notes**

1676 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Errata 19:26 V.A.R. 2926 September 8,
1677 2003.

1678 **18VAC15-30-520. Inspections.** +7

Commented [HJ(78)]: Refer to 40 CFR 745.227(b) for inspection requirements in federal regulation.

1680 A. Inspections shall be conducted only by persons licensed by the board as an
1681 inspector or risk assessor. **(+1) (R/S)**

1682 B. When conducting an inspection, the following locations shall be selected according
1683 to documented methodologies **(+1) (R/S)** and tested for the presence of lead-based
1684 paint:

1685 1. In a residential dwelling or child-occupied facility, each testing combination with
1686 a distinct painting history **(+1) (R/S)** and each exterior testing combination with a
1687 distinct painting history shall be tested for lead-based paint, except those testing
1688 combinations that the inspector or risk assessor determines to have been replaced
1689 after 1978, or do not contain lead-based paint. **(+1) (R/S)**

1690 2. In a multi-family dwelling or child-occupied facility, each testing combination
1691 with a distinct painting history in every common area, except those testing
1692 combinations that the inspector or risk assessor determines to have been replaced
1693 after 1978, or do not contain lead-based paint. **(+1) (R/S)**

1694 C. Paint shall be sampled in the following manner:

1695 1. The analysis of paint to determine the presence of lead shall be conducted using
1696 documented methodologies that incorporate adequate quality control procedures;
1697 and/or (+1) (R/S)

1698 2. Collected paint chips shall be sent to a laboratory recognized by EPA as being
1699 capable of performing the analysis. (+1) (R/S)

1700 **Statutory Authority**

1701 § 54.1-501 of the Code of Virginia.

1702 **Historical Notes**

1703 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1704 19, Issue 24, eff. October 1, 2003.

1705 **18VAC15-30-530. (Repealed.)**

1706 **Historical Notes**

1707 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1708 19, Issue 24, eff. October 1, 2003.

1710 **18VAC15-30-540. Written inspection report. +18**

1711

1712 The licensed inspector or risk assessor shall prepare an inspection report that shall
1713 include the following information:

1714 1. Date of each inspection. (+1) (R/S)

1715 2. Address of buildings. (+1) (R/S)

1716 3. Date of construction. (+1) (R/S)

1717 4. Apartment numbers (if applicable). (+1) (R/S)

1718 5. Name (+1) (R/S), address (+1) (R/S), and telephone number of the owner or
1719 owners of each residential dwelling or child-occupied facility. (+1) (R/S)

1720 6. Name (+1) (R/S), signature (+1) (R/S), and license number of each licensed
1721 inspector or risk assessor conducting testing. (+1) (R/S)

1722 7. Name (+1) (R/S), address (+1) (R/S), and telephone number of the firm
1723 employing each inspector or risk assessor. (+1) (R/S)

1724 8. Each testing method (+1) (R/S) and device and/or sampling procedure employed
1725 for paint analysis, including quality control data, (+1) (R/S) and, if used, the serial
1726 number of any X-Ray Fluorescence Spectroscopy (XRF) device. (+1) (R/S)

Commented [HJ(79)]: Refer to 40 CFR 745.227(b)(4).

1727 9. Specific locations of each painted testing combination tested for the presence of
1728 lead-based paint. **(+1) (R/S)**

1729 10. The results of the inspection expressed in terms appropriate to the sampling
1730 methods used. **(+1) (R/S)**

1731 **Statutory Authority**

1732 § 54.1-501 of the Code of Virginia.

1733 **Historical Notes**

1734 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1735 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8, 2003.

1736 **18VAC15-30-541. Lead hazard screen. +10**

Commented [HJ(80): Refer to 40 CFR 745.227(c).

1737

1738 A. A lead hazard screen shall only be conducted by individuals licensed by the board
1739 as a risk assessor. **(+1) (R/S)**

1740 B. If conducted, a lead hazard screen shall be conducted as follows:

1741 1. Background information regarding the physical characteristics of the residential
1742 dwelling or child-occupied facility **(+1) (R/S)** and occupant use patterns that may
1743 cause lead-based paint exposure to one or more children age six years and under
1744 shall be collected. **(+1) (R/S)**

1745 2. A visual inspection of the residential dwelling or child-occupied facility shall be
1746 conducted to: **(+1) (R/S)**

1747 a. Determine if any deteriorated paint is present; and

1748 b. Locate at least two dust sampling locations.

1749 3. If deteriorated paint is present, each surface with deteriorated paint, which is
1750 determined to be in poor condition by using documented methodologies and to have
1751 a distinct painting history, shall be tested for the presence of lead. **(+1) (R/S)**

1752 4. In residential dwellings, two composite dust samples shall be collected, one from
1753 the floors **(+1) (R/S)** and the other from the windows, in rooms, hallways, or
1754 stairwells where one or more children, age six and under, are likely to come in
1755 contact with dust. **(+1) (R/S)**

1756 5. In multi-family dwellings and child-occupied facilities, in addition to the floor
1757 and window samples required in 18VAC15-30-550 B 4, the risk assessor shall also

1758 collect composite dust samples from common areas where children, age six and
1759 under, are most likely to come into contact with dust. (+1) (R/S)

1760 C. Dust samples shall be collected in the following manner:

1761 1. All dust samples shall be taken using documented methodologies that incorporate
1762 adequate quality control procedures. (+1) (R/S)

1763 2. All dust samples shall be sent to a laboratory recognized by EPA as being
1764 capable of performing the analysis to determine if they contain detectable levels of
1765 lead that can be quantified numerically. (+1) (R/S)

1766 **Statutory Authority**

1767 § 54.1-501 of the Code of Virginia.

1768 **Historical Notes**

1769 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

1770 **18VAC15-30-542. Written lead hazard screen report. +30**

1771

1772 After a lead hazard screen has been conducted, a written hazard screen report shall be
1773 prepared by the risk assessor. (+1) (R/S) A lead hazard screen report shall contain the
1774 following minimum information:

1775 1. The information identified in a risk assessment report as specified in 18VAC15-
1776 30-610, including 18VAC15-30-610 1 through 18VAC15-30-610 14. (+26) (R/S)
1777 Additionally, any background information collected pursuant to 18VAC15-30-541
1778 B 1 of this chapter shall be included in the report. (+2) (R/S)

1779 2. Recommendations, if warranted, for a follow-up risk assessment, and as
1780 appropriate, any further actions. (+1) (R/S)

1781 **Statutory Authority**

1782 § 54.1-501 of the Code of Virginia.

1783 **Historical Notes**

1784 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

1785 **18VAC15-30-550. Risk assessment. +28**

1786

1787 A. A risk assessment shall only be conducted by individuals licensed by the board as
1788 risk assessors. (+1) (R/S)

Commented [HJ(81)]: Refer to 40 CFR 745.227(c)(5).

Commented [HJ(82)]: Refer to 40 CFR 745.227(d).

- 1789 B. If conducted, a risk assessment shall be conducted as follows:
- 1790 1. A visual inspection for risk assessment of the residential dwelling or child-
1791 occupied facility shall be undertaken to locate the existence of deteriorated paint,
1792 assess the extent and causes of deterioration, and other potential lead-based paint
1793 hazards. **(+1) (R/S)**
- 1794 2. Background information regarding the physical characteristics of the residential
1795 dwelling or child-occupied facility and occupant use patterns that may cause lead-
1796 based paint exposure to one or more children age six years and under shall be
1797 collected. **(+1) (R/S)**
- 1798 3. The following surfaces that are determined, using documented methodologies, to
1799 have a distinct painting history, shall be tested for the presence of lead:
- 1800 a. Each friction surface or impact surface with visibly deteriorated paint; and **(+1)**
1801 **(R/S)**
- 1802 b. All other surfaces with visibly deteriorated paint. **(+1) (R/S)**
- 1803 4. In residential dwellings, dust samples (either composite or single-surface
1804 samples) from the interior window sill(s) **(+1) (R/S)** and floor **(+1) (R/S)** shall be
1805 collected **(+1) (R/S)** and analyzed for lead concentration in living areas where one
1806 or more children, age six and under, are most likely to come into contact with dust.
1807 **(+1) (R/S)**
- 1808 5. For multi-family dwellings and child-occupied facilities, the samples required in
1809 18VAC15-30-550 B (3) shall be taken. **(+1) (R/S)** In addition, interior window sill
1810 **(+1) (R/S)** and floor dust samples (either composite or single-surface samples) **(+1)**
1811 **(R/S)** shall be collected **(+1) (R/S)** and analyzed for lead concentration in the
1812 following locations:
- 1813 a. Common areas adjacent to the sampled residential dwelling or child-occupied
1814 facility; and **(+1) (R/S)**
- 1815 b. Other common areas in the building where the risk assessor determines that one or
1816 more children, age six and under, are likely to come into contact with dust. **(+1) (R/S)**
- 1817 6. For child-occupied facilities, interior window sill **(+1) (R/S)** and floor dust
1818 samples (either composite or single-surface samples) **(+1) (R/S)** shall be collected
1819 **(+1) (R/S)** and analyzed for lead concentration in each room, hallway or stairwell
1820 utilized by one or more children, age six and under, **(+1) (R/S)** and in other
1821 common areas in the child-occupied facility where one or more children, age six
1822 and under, are likely to come into contact with dust. **(+1) (R/S)**

1823 7. Soil samples shall be collected and analyzed for lead concentrations in the
1824 following locations:

1825 a. Exterior play areas where bare soil is present; **(+2) (R/S)**

1826 b. The rest of the yard (i.e., nonplay areas) where bare soil is present; and **(+2)**
1827 **(R/S)**

1828 c. Dripline/foundation areas where bare soil is present. **(+2) (R/S)**

1829 8. Any paint, dust, or soil sampling or testing shall be conducted using documented
1830 methodologies that incorporate adequate quality control procedures. **(+1) (R/S)**

1831 9. Any collected paint chip, dust, or soil sample shall be sent for analysis to a
1832 laboratory recognized by EPA as being capable of performing these activities. **(+1)**
1833 **(R/S)**

1834 **Statutory Authority**

1835 § 54.1-501 of the Code of Virginia.

1836 **Historical Notes**

1837 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1838 19, Issue 24, eff. October 1, 2003.

1839 **18VAC15-30-560. (Repealed.)**

1840 **Historical Notes**

1841 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1842 19, Issue 24, eff. October 1, 2003.
1843
1844

1845 **18VAC15-30-610. Written risk assessment report. +38**
1846

Commented [HJ(83)]: Refer to 40 CFR 745.227(d)(11).

1847 After an assessment has been conducted, a written assessment report shall be
1848 completed. **(+1) (R/S)** A risk assessment report shall contain the following minimum
1849 information:

- 1850 1. Date of assessment. **(+1) (R/S)**
- 1851 2. Address of each building. **(+1) (R/S)**
- 1852 3. Date of construction of each building. **(+1) (R/S)**
- 1853 4. Apartment numbers (if applicable). **(+1) (R/S)**
- 1854 5. Name **(+1) (R/S)**, address **(+1) (R/S)**, and telephone number of each owner of
1855 each building. **(+1) (R/S)**
- 1856 6. Name **(+1) (R/S)**, signature **(+1) (R/S)**, and license number of the licensed risk
1857 assessor conducting the assessment. **(+1) (R/S)**
- 1858 7. Name **(+1) (R/S)**, address **(+1) (R/S)**, and telephone number of the firm
1859 employing each risk assessor. **(+1) (R/S)**
- 1860 8. Name **(+1) (R/S)**, address **(+1) (R/S)**, and telephone number of each recognized
1861 laboratory conducting analysis of collected samples. **(+1) (R/S)**
- 1862 9. Results of the visual inspection. **(+1) (R/S)**
- 1863 10. Testing method **(+1) (R/S)** and sampling procedures for paint analysis
1864 employed. **(+1) (R/S)**
- 1865 11. Specific locations of each painted testing combination tested for the presence of
1866 lead-based paint. **(+1) (R/S)**
- 1867 12. All data collected from on-site testing, including quality control **(+1) (R/S)** and,
1868 if used, the serial number of any XRF device. **(+1) (R/S)**
- 1869 13. All results of laboratory analysis on collected paint **(+1) (R/S)**, soil **(+1) (R/S)**,
1870 and dust samples. **(+1) (R/S)**
- 1871 14. Any other sampling results. **(+1) (R/S)**
- 1872 15. Any background information collected pursuant to 18VAC15-30-550 B 2. **(+2)**
1873 **(R/S)**
- 1874 16. To the extent that they are used as part of the lead-based paint hazard
1875 determination, the results of any previous inspections or analyses for the presence

1876 of lead-based paint, or other assessments of lead-based paint related hazards. (+1)
1877 (R/S)

1878 17. A description of the location (+1) (R/S), type (+1) (R/S), and severity of
1879 identified lead-based paint hazards (+1) (R/S) and any other potential lead hazard.
1880 (+1) (R/S)

1881 18. A description of interim controls or abatement options, or both, for each
1882 identified lead-based paint hazard (+1) (R/S) and a suggested prioritization for
1883 addressing each hazard. (+1) (R/S) If the use of an encapsulant or enclosure is
1884 recommended, the report shall recommend a maintenance (+1) (R/S) and
1885 monitoring schedule for the encapsulant or enclosure. (+1) (R/S)

1886 **Statutory Authority**

1887 § 54.1-501 of the Code of Virginia.

1888 **Historical Notes**

1889 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1890 19, Issue 24, eff. October 1, 2003.

1891 **18VAC15-30-620. Abatement. +37**

1892

1893 A. Abatement shall be conducted only by individuals licensed by the board as
1894 supervisors or workers (+1) (R/S) and employed by a licensed lead abatement
1895 contractor. (+1) (R/S)

1896 B. A licensed lead abatement supervisor is required for each abatement project (+1)
1897 (R/S) and shall be on-site during all work site preparation (+1) (R/S) and during the
1898 post-abatement cleanup of work areas. (+1) (R/S) At all other times when abatement
1899 activities are being conducted, the licensed supervisor shall be on-site or available by
1900 telephone, pager or answering service (+1) (R/S), and able to be present at the work
1901 site in no more than two hours. (+1) (R/S)

1902 C. The licensed lead abatement supervisor and the licensed lead abatement contractor
1903 employing the supervisor shall ensure that all abatement activities are conducted
1904 according to the requirements of this chapter and all other federal, state and local
1905 regulations. (+2) (R/S)

1906 D. A written occupant protection plan shall be developed for all abatement projects
1907 and shall be prepared according to the following procedures:

1908 1. The occupant protection plan shall be unique to each residential dwelling or
1909 child-occupied facility (+1) (R/S) and be developed prior to the abatement. (+1)

Commented [HJ(84): Refer to 40 CFR 745.227(e).

Commented [HJ(85): Discrete requirements in subsection C:

+1 R/S - Supervisor ensure abatement conducted according to laws and regulations.
+1 R/S - Contractor ensure abatement conducted according to laws and regulations.

1910 (R/S) The occupant plan shall describe the measures (+1) (R/S) and management
1911 procedures that will be taken during the abatement to protect the building occupants
1912 from exposure to any lead-based paint hazard. (+1) (R/S)

1913 2. A licensed lead abatement supervisor or lead project designer shall prepare the
1914 occupant protection plan.(+1) (R/S)

1915 E. The following work practices shall be restricted during an abatement:

1916 1. Open-flame burning or torching of lead-based paint is prohibited. (+1) (R/S)

1917 2. Machine sanding or grinding or abrasive blasting of lead-based paint is
1918 prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control
1919 that removes particles of 0.3 microns or larger from the air at 99.97 percent or
1920 greater efficiency. (+1) (R/S)

1921 3. Dry scraping of lead-based paint is permitted only in conjunction with heat guns
1922 or around electrical outlets or when treating defective paint spots totaling no more
1923 than two square feet in any one room, hallway, or stairwell or totaling no more than
1924 20 square feet on exterior surfaces. (+1) (R/S)

1925 4. Operating a heat gun on lead-based paint is permitted only at temperatures below
1926 1100 degrees Fahrenheit.(+1) (R/S)

1927 F. If the soil is removed:

1928 1. The soil shall be replaced by soil with a lead concentration as close to local
1929 background as practicable, but no greater than 400 ppm. (+1) (R/S)

1930 2. The soil that is removed shall not be used as top soil at another residential
1931 property or child-occupied facility. (+1) (R/S)

1932 3. If soil is not removed, the soil shall be permanently covered as defined in
1933 18VAC15-30-20.(+1) (R/S)

1934 G. An abatement report shall be prepared by a licensed lead abatement supervisor or
1935 lead project designer. (+1) (R/S) The abatement report shall include the following
1936 information:

1937 1. Start (+1) (R/S) and completion dates of abatement. (+1) (R/S)

1938 2. The name (+1) (R/S) and address of each licensed lead abatement contractor
1939 conducting the abatements, (+1) (R/S) and the name of each licensed lead
1940 abatement supervisor assigned to the abatement project. (+1) (R/S)

1941 3. The occupant protection plan prepared pursuant to subsection D of this section.
1942 (+1) (R/S)

- 1943 4. The name **(+1) (R/S)**, address **(+1) (R/S)**, and signature of each licensed risk
 1944 assessor or inspector conducting clearance sampling **(+1) (R/S)** and the date of
 1945 clearance testing. **(+1) (R/S)**
- 1946 5. The results of clearance testing **(+1) (R/S)**, the name of each recognized
 1947 laboratory that conducted the analysis **(+1) (R/S)**, and the name **(+1) (R/S)** and
 1948 signature of the person conducting the analysis. **(+1) (R/S)**
- 1949 6. A detailed written description of the abatement, including abatement methods
 1950 used, locations of rooms and components where abatement occurred, and reason for
 1951 selecting particular abatement methods for each component and any suggested
 1952 monitoring of encapsulants or enclosures. **(+1) (R/S)**

1953 **Statutory Authority**

1954 § 54.1-501 of the Code of Virginia.

1955 **Historical Notes**

1956 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
 1957 19, Issue 24, eff. October 1, 2003.

1958 **18VAC15-30-630. (Repealed.)**

1959 **Historical Notes**

1960 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
 1961 19, Issue 24, eff. October 1, 2003.

1962 **18VAC15-30-650. Post-abatement clearance procedures. +24**

Commented [HJ(86): Refer to 40 CFR 745.227(e)(8) and 40 CFR 745.227(e)(9).

1965 The following post-abatement clearance procedures shall be performed by a licensed
 1966 inspector or licensed risk assessor:

- 1967 1. Following an abatement, a visual inspection shall be performed by the licensed
 1968 inspector or licensed risk assessor to determine if there are any deteriorated painted
 1969 surfaces or visible amounts of dust, debris, or residue still present. **(+1) (R/S)** If
 1970 deteriorated painted surfaces or visible amounts of dust, debris, or residue are
 1971 present, these conditions must be eliminated prior to the continuation of the
 1972 clearance procedures. **(+1) (R/S)**
- 1973 2. Following a successful visual inspection for clearance, but no sooner than one
 1974 hour after completion of final post abatement clean-up, clearance sampling shall be
 1975 conducted. **(+1) (R/S)**

1976 3. Clearance sampling may be conducted by employing single-surface or composite
1977 sampling techniques, and shall be taken using documented methodologies that
1978 incorporate adequate quality control procedures. **(+1) (R/S)**

1979 4. The following post-abatement clearance activities shall be conducted, as
1980 appropriate, based upon the extent or manner of abatement activities conducted in
1981 or to the residential dwelling or child-occupied facility. **(+1) (R/S)**

1982 a. After conducting an abatement with containment between abated and unabated
1983 areas, one dust sample shall be taken from one interior window sill **(+1) (R/S)** and
1984 from one window trough (if present) **(+1) (R/S)** and one dust sample shall be taken
1985 from the floors of each of no less than four rooms, hallways, or stairwells within the
1986 containment area. **(+1) (R/S)** In addition, one dust sample shall be taken from the
1987 floor outside the containment area. **(+1) (R/S)** If there are less than four rooms,
1988 hallways, or stairwells within the containment area, then all rooms, hallways or
1989 stairwells shall be sampled. **(+1) (R/S)**

1990 b. After conducting an abatement with no containment, two dust samples shall be
1991 taken from each of no less than four rooms, hallways, or stairwells in the residential
1992 dwelling or child-occupied facility. **(+1) (R/S)** One dust sample shall be taken from
1993 one interior window sill **(+1) (R/S)** and window trough (if present) **(+1) (R/S)** and
1994 one dust sample shall be taken from the floor of each room, hallway, or stairwell
1995 selected. **(+1) (R/S)** If there are less than four rooms, hallways, or stairwells within
1996 the residential dwelling or child-occupied facility, then all rooms, hallways, or
1997 stairwells shall be sampled. **(+1) (R/S)**

1998 c. Following an exterior paint abatement, a visual inspection shall be conducted.
1999 **(+1) (R/S)** All horizontal surfaces in the outdoor living area closest to the abated
2000 surfaces shall be found to be cleaned of visible dust and debris. **(+1) (R/S)** In
2001 addition, a visual inspection shall be conducted to determine the presence of paint
2002 chips on the dripline or next to the foundation below any exterior surface abated.
2003 **(+1) (R/S)** If paint chips are present, they must be removed from the site **(+1) (R/S)**
2004 and properly disposed of, according to all applicable federal, state, and local
2005 requirements. **(+1) (R/S)**

2006 5. The rooms, hallways, or stairwells selected for sampling shall be selected
2007 according to documented methodologies. **(+1) (R/S)**

2008 6. The licensed inspector or licensed risk assessor shall compare the residual lead
2009 level (as determined by the laboratory analysis) from each single surface dust
2010 sample with the clearance levels, as established in 40 CFR Part 745 Subpart D, for
2011 lead in dust on floors, interior window sills, and window troughs or from each
2012 composite dust sample with the applicable clearance levels for lead in dust on
2013 floors, interior window sills, and window troughs divided by half the number of

Commented [HJ(87)]: Consider referring to specific section of federal regulation.

2014 subsamples in the composite sample. **(+1) (R/S)** If the residual lead level in a single
2015 surface dust sample equals or exceeds the applicable clearance level or if the
2016 residual lead level in a composite dust sample equals or exceeds the applicable
2017 clearance level divided by half the number of subsamples in the composite sample,
2018 the components represented by the failed sample shall be recleaned **(+1) (R/S)** and
2019 retested. **(+1) (R/S)**

2020 7. In multi-family dwellings with similarly constructed and maintained residential
2021 dwellings, random sampling for the purpose of clearance may be conducted
2022 provided: **(0)**

2023 a. The licensed individuals who abate or clean the residential dwellings do not
2024 know which residential dwelling will be selected for the random sample.

2025 b. A sufficient number of residential dwellings are selected for dust sampling to
2026 provide a 95% level of confidence that no more than 5.0% or 50 dwellings
2027 (whichever is less) in the randomly sampled population exceed the appropriate
2028 clearance levels.

2029 c. The randomly selected residential dwellings shall be sampled and evaluated for
2030 clearance according to the procedures found in this chapter.

2031 **Statutory Authority**

2032 § 54.1-501 of the Code of Virginia.

2033 **Historical Notes**

2034 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2035 19, Issue 24, eff. October 1, 2003.

2036 **18VAC15-30-651. Composite dust sampling.** **+3**

Commented [HJ(88)]: Refer to 40 CFR 745.227(g).

2038 Composite dust sampling may be used in situations specified in 18VAC15-30-520
2039 through 18VAC15-30-610. **(0)** If such sampling is conducted, the following
2040 conditions shall apply:

2041 1. Composite dust samples shall consist of at least two aliquots; **(+1) (R/S)**

2042 2. Every component that is being tested shall be included in the sampling; and **(+1)**
2043 **(R/S)**

2044 3. Composite dust samples shall not consist of aliquots taken from more than one
2045 type of component. **(+1) (R/S)**

2046 **Statutory Authority**

2047 § 54.1-501 of the Code of Virginia.

2048 **Historical Notes**

2049 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

2050 **18VAC15-30-660. (Repealed.)**

2051 **Historical Notes**

2052 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
2053 19, Issue 24, eff. October 1, 2003.

2054

2055 **Part IX. General Standards of Practice and Conduct**

2056

2057 **18VAC15-30-760. Responsibility to the public.** +4

2058

2059 The primary obligation of the licensee is to the public. (+1) (R/D) If the licensee's
2060 judgment is overruled ~~under circumstances and not adhered to~~ when ~~advising~~
2061 ~~appropriate parties of circumstances of a substantial threat to the public health,~~ safety,
2062 ~~health, property, and or~~ welfare ~~of the public are endangered,~~ the licensee ~~shall will~~
2063 inform the employer or client, ~~as applicable,~~ of the possible consequences (+1) (R/D)
2064 and notify appropriate authorities ~~if the situation is not resolved.~~ (+1) (R/D) ~~The~~
2065 ~~licensee shall take such action only when his authority to correct a problem has been~~
2066 ~~ignored or overruled.~~ (+1) (R/D)

2067 **Statutory Authority**

2068 § 54.1-501 of the Code of Virginia.

2069 **Historical Notes**

2070 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2071 19, Issue 24, eff. October 1, 2003.

2072 **18VAC15-30-770. Public statements.** +5

2073

2074 A. The licensee shall be truthful in all matters relating to the performance of lead
2075 abatement or lead consulting services. (+1) (R/D)

2076 B. When serving as an expert or technical witness, the licensee shall express an
2077 opinion only when it is based on an adequate knowledge of the facts in issue (+1)
2078 (R/D) and on a background of technical competence in the subject matter. (+1) (R/D)
2079 Except when appearing as an expert witness in court or an administrative proceeding
2080 when the parties are represented by counsel, the licensee shall issue no statements,

Commented [JH89]: Revised to be consistent with proposed ASB Regulations.

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Commented [HJ(90): Consider whether all of the requirements in this section are necessary, or even applicable, to conducting lead-based paint activities.

These requirements are not included in the proposed ASB regulations.

2081 reports, criticisms, or arguments on matters relating to practices which are inspired or
2082 paid for by an interested party or parties, unless one has prefaced the comment by
2083 disclosing the identities of the party or parties on whose behalf the licensee is
2084 speaking, and by revealing any self-interest. **(+1) (R/D)**

2085 C. Licensees or applicants shall not knowingly make a materially false statement,
2086 submit falsified documents, or fail to disclose a material fact requested in connection
2087 with an application submitted to the board by any individual or business entity for
2088 licensure or renewal. **(+1) (R/D)**

2089 **Statutory Authority**

2090 § 54.1-501 of the Code of Virginia.

2091 **Historical Notes**

2092 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2093 19, Issue 24, eff. October 1, 2003.

2094 **18VAC15-30-780. Solicitation of work. +5**

2095

2096 In the course of soliciting work:

2097 1. The licensee shall not bribe. **(+1) (R/D)**

2098 2. The licensee shall not falsify or permit misrepresentation of the licensee's work
2099 or an associate's academic or professional qualifications **(+1) (R/D)**, nor shall the
2100 licensee misrepresent the degree of responsibility for prior assignments. **(+1) (R/D)**

2101 3. Materials used in the solicitation of employment shall not misrepresent facts
2102 concerning employers, employees, associate joint ventures, or past
2103 accomplishments of any kind. **(+1) (R/D)**

2104 4. Materials used in the solicitation of services shall not misrepresent facts of
2105 approval, federal, or state requirements. **(+1) (R/D)**

2106 **Statutory Authority**

2107 § 54.1-501 of the Code of Virginia.

2108 **Historical Notes**

2109 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2110 19, Issue 24, eff. October 1, 2003.

2111

Commented [HJ(91): Consider whether all of the requirements in this section are necessary, or even applicable, to lead-based paint activities.

These requirements are not included in the proposed ASB regulations.

2112 **18VAC15-30-790. Professional responsibility. +7**

2113

2114 ~~A. The licensee or accredited lead training provider shall, upon request or demand,~~
2115 ~~produce to the board, or any of its representatives, any plan, document, book, record~~
2116 ~~or copy thereof in his possession concerning a transaction covered by this chapter (+1)~~
2117 ~~(R/D), and shall cooperate in the investigation of a complaint filed with the board~~
2118 ~~against a licensee or accredited lead training provider. (+1) (R/D)~~

Commented [JH92]: Response and record production requirements moved to new section -795 and revised to be consistent with proposed ASB regulations.

2119 ~~B. A licensee shall not use the design, plans, or work of another licensee with the~~
2120 ~~same type of license without the original's knowledge and consent (+1) (R/D), and~~
2121 ~~after consent, a thorough review to the extent that full responsibility shall be assumed~~
2122 ~~by the user. (+1) (R/D)~~

Commented [JH93]: Requirement removed. Same requirement is removed from proposed ASB regulations.

2123 ~~C. Accredited lead training providers shall admit board representatives for the purpose~~
2124 ~~of conducting an on-site audit, or any other purpose necessary to evaluate compliance~~
2125 ~~with this chapter and other applicable laws and regulations. (+1) (R/S)~~

Commented [JH94]: Moved to new section -435 under Standards for Training Programs.

2126 ~~D. Each licensee shall keep his board-approved training (+1) (R/D) and license~~
2127 ~~current. (+1) (R/D)~~

Commented [JH95]: Requirement is not necessary.

2128 **Statutory Authority**

2129 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

2130 **Historical Notes**

2131 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2132 19, Issue 24, eff. October 1, 2003; Volume 31, Issue 20, eff. August 1, 2015.

2133 **18VAC15-30-795. Response to inquiry and provision of records.**

2134
2135 ~~A. A licensee must respond within 10 days to a request by the board or any of its~~
2136 ~~agents regarding any complaint filed with the department.~~

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2137
2138 ~~B. Unless otherwise specified by the board, a licensee of the board shall produce to~~
2139 ~~the board or any of its agents within 10 days of the request any document, book, or~~
2140 ~~record concerning any transaction pertaining to a complaint filed in which the licensee~~
2141 ~~was involved, or for which the licensee is required to maintain records. The board~~
2142 ~~may extend such timeframe upon a showing of extenuating circumstances prohibiting~~
2143 ~~delivery within such 10-day period.~~

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2144
2145 ~~C. A licensee will not provide a false, misleading, or incomplete response to the board~~
2146 ~~or any of its agents seeking information in the investigation of a complaint filed with~~
2147 ~~the board.~~

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2148 D. With the exception of the requirements of subsection A or B of this section, a
2149 licensee must respond to an inquiry by the board or its agent within 21 days.

2150
2151 **18VAC15-30-800. ~~Good standing in other jurisdictions~~ Notice of adverse action.**
2152 **+4**

Commented [HJ(96): Comparable to current requirement in HI regulations.

2153
2154 ~~A. Licensees, accredited lead training providers, training managers, or principal~~
2155 ~~instructors who perform lead project designs, lead inspections, lead risk assessments,~~
2156 ~~lead-based paint abatement training, lead contracting or lead abatement supervisor~~
2157 ~~work in other jurisdictions shall be in good standing in every jurisdiction where~~
2158 ~~licensed, certified, or approved (+1) (R/D) and shall not have had a license,~~
2159 ~~certification, or approval suspended, revoked, or surrendered in connection with a~~
2160 ~~disciplinary action. (+1) (R/D)~~

2161 ~~B. Licensees~~A licensee, accredited lead training ~~providers~~ provider, training ~~managers~~
2162 manager, or principal ~~instructors~~ instructor shall ~~must~~ notify the board in writing (+1)
2163 (R/D) no later than 10 days after the final disciplinary action taken by another
2164 jurisdiction against their license or approval to conduct lead-based paint activities.
2165 (+1) (R/D) of the following:

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2166 1. Any disciplinary action taken by any jurisdiction, board, or administrative
2167 body, including any (i) reprimand; (ii) license or certificate revocation,
2168 suspension, or denial; (iii) monetary penalty; (iv) requirement for remedial
2169 education; or (v) other corrective action, against their license or approval to
2170 conduct lead-based paint activities.

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2171 2. Any voluntary surrendering of a related license, certificate, or registration
2172 done in connection with a disciplinary action in another jurisdiction, against
2173 their license or approval to conduct lead-based paint activities.

Commented [HJ(97): Keep reporting requirement limited to this?

2174 3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication
2175 or deferred adjudication, in any jurisdiction of the United States of any (i)
2176 felony; (ii) any misdemeanor conviction related to environmental remediation
2177 activity; and (iii) any misdemeanor conviction, excluding marijuana
2178 convictions, there being no appeal pending therefrom or the time for appeal
2179 having lapsed.

2180 B. The notice must be made to the board in writing within 30 days of the
2181 action. A copy of the order or other supporting documentation must accompany
2182 the notice.

Commented [HJ(98): Increased from current 10 day requirement.

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2184 C. Licensees, accredited lead training providers, training managers, or principal
2185 instructors may be subject to disciplinary action or removal of a lead training program
2186 accreditation for disciplinary actions taken by another jurisdiction. **(0)**

2187 **Statutory Authority**

2188 § 54.1-501 of the Code of Virginia.

2189 **Historical Notes**

2190 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2191 19, Issue 24, eff. October 1, 2003.

2192 **18VAC15-30-810. Grounds for denial of application, denial of renewal, or**
2193 **discipline disciplinary action.** +25
2194

Commented [HJ(99)]: Revised to reflect change in ASB regulation. Prohibited acts will be in a new section.

2195 A. The board ~~shall have~~ has the ~~authority power~~ to reprimand, fine, suspend, or
2196 revoke any licensee or accredited lead training provider, training manager or principal
2197 instructor, and to deny renewal, to suspend, to revoke or to deny application for any
2198 license or approval as an accredited lead training program, accredited lead training
2199 provider, training manager or principal instructor provided for under Chapter 5 of
2200 Title 54.1 of the Code of Virginia for: the license or training program approval of any
2201 licensee or training provider in accordance with § 54.1-516 of Title 54.1 of the Code
2202 of Virginia or this chapter when the licensee or training provider has been found to
2203 have violated or cooperated with others in violating any provision of Chapters 1, 2, 3,
2204 or 5 of Title 54.1 of the Code of Virginia or this chapter.

2205
2206 1. Violating or inducing another person to violate any of the provisions of Chapter
2207 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this
2208 chapter. (+1) (R/D)

2209 2. Obtaining a license, approval as an accredited lead training program, approval as
2210 an accredited lead training provider or approval as a training manager or principal
2211 instructor through fraudulent means. (+1) (R/D)

2212 3. Altering, falsifying or issuing a fraudulent Virginia lead license or a training
2213 certificate issued by an accredited lead training provider. (+1) (R/D)

2214 4. Violating any provision of any federal or state regulation pertinent to lead-based
2215 paint activities. (+1) (R/D)

- 2216 ~~5. Having been found guilty by the board, another regulatory authority, or by a~~
2217 ~~court, of any misrepresentation in the course of performing his operating duties.~~
2218 ~~(+1) (R/D)~~
- 2219 ~~6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been~~
2220 ~~convicted or found guilty, regardless of adjudication in any jurisdiction of the~~
2221 ~~United States, of any felony or of any misdemeanor involving lying, cheating, or~~
2222 ~~stealing, or of any violation while engaged in environmental remediation activity~~
2223 ~~that resulted in the significant harm or the imminent and substantial threat of~~
2224 ~~significant harm to human health or the environment, there being no appeal pending~~
2225 ~~therefrom or the time for appeal having elapsed. (+1) (R/D) Any plea of nolo~~
2226 ~~contendere shall be considered a conviction for the purposes of this chapter. (+1)~~
2227 ~~(G/D) (+1) (R/D) A certified copy of the final order, decree or case decision by a~~
2228 ~~court or regulatory agency with lawful authority to issue such order, decree or case~~
2229 ~~decision shall be admissible as prima facie evidence of such conviction or~~
2230 ~~discipline. (+1) (G/D)~~
- 2231 ~~7. Failing to notify the board in writing within 30 days of pleading guilty or nolo~~
2232 ~~contendere or being convicted or found guilty of any felony or of any misdemeanor~~
2233 ~~involving lying, cheating, or stealing or of any violation while engaged in~~
2234 ~~environmental remediation activity that resulted in the significant harm or the~~
2235 ~~imminent threat of significant harm to human health or the environment. (+1) (R/D)~~
- 2236 ~~8. Negligence, or a continued pattern of incompetence, in the practice of the~~
2237 ~~discipline in which a lead license is held. (+1) (R/D)~~
- 2238 ~~9. Failing or neglecting to send any information or documentation that was~~
2239 ~~requested by the board or its representatives. (+1) (R/D)~~
- 2240 ~~10. Refusing to allow state or federal representatives access to any area of an~~
2241 ~~abatement site for the purpose of lawful compliance inspections. (+1) (R/D)~~
- 2242 ~~11. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the~~
2243 ~~Code of Virginia or of the regulations of the board by any lead abatement~~
2244 ~~supervisor or lead abatement worker may be cause for disciplinary action against~~
2245 ~~the lead abatement contractor for whom he works if it appears to the satisfaction of~~
2246 ~~the board that the lead abatement contractor knew or should have known of the~~
2247 ~~unlawful act or violation. (+1) (R/D)~~
- 2248 ~~12. Failing to notify the board in writing within 30 days after any change in address~~
2249 ~~or name. (+1) (R/D)~~

2250 ~~13. Acting as or being an ostensible licensee for undisclosed persons who do or will~~
2251 ~~control or direct, directly or indirectly, the operations of the licensee's business. (+1)~~
2252 ~~(R/D)~~

2253 ~~14. Failing to keep board approved training and license current. (+1) (R/D)~~

2254 B. Any individual or firm whose license, ~~or approval as an accredited lead~~ training
2255 program, ~~approval as an accredited lead training provider or approval as a training~~
2256 ~~manager or principal instructor~~ is revoked under this section ~~shall~~ will not be eligible
2257 to reapply for a period of ~~one year~~ 12 months from the effective date of the ~~final~~ order
2258 of revocation. (+1) (R/D) (+1) (G/D) ~~The individual or firm shall meet all education~~
2259 ~~(+1) (R/D), experience (+1) (R/D), and training requirements (+1) (R/D), complete~~
2260 ~~the application (+1) (R/D), and submit the required fee for consideration as a new~~
2261 ~~applicant. (+1) (R/D)~~

2262 C. ~~The board shall conduct disciplinary procedures in accordance with §§ 2.2 4019~~
2263 ~~and 2.2 4021 of the Administrative Process Act. (+1) (G/S) Any unlawful act or~~
2264 ~~violation of any provision of Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code~~
2265 ~~of Virginia, or of the regulations of the board by any lead supervisor or lead worker~~
2266 ~~may be cause for disciplinary action against the lead contractor for whom the~~
2267 ~~individual works if it appears to the satisfaction of the board that the lead contractor~~
2268 ~~knew or should have known of the unlawful act or violation.~~

2269 **Statutory Authority**

2270 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

2271 **Historical Notes**

2272 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2273 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006; Volume 31, Issue 20, eff. August 1,
2274 2015.

2275 **18VAC15-30-815. Prohibited acts.**

2276
2277 The following acts are prohibited and any violation may result in disciplinary action
2278 by the board:

2279
2280 1. Violating, including inducing another to violate, cooperating with another to
2281 violate, or combining or conspiring with or acting as agent, partner, or associate for
2282 another to violate any of the provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-
2283 200 et seq.), 3 (§ 54.1-300 et seq.) or 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code
2284 of Virginia or any of the regulations of the board.
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2286 2. Obtaining or attempting to obtain a license or training program approval by false or
2287 fraudulent representation, or maintaining, renewing, or reinstating a license or training
2288 program approval by false or fraudulent representation.

2289
2290 3. Failing to notify the board in writing within 30 days after any change in address or
2291 name.

2292
2293 4. Having been convicted, found guilty, or disciplined in any jurisdiction of any
2294 offense or violation enumerated in 18VAC15-30-800. Review of convictions will be
2295 subject to the requirements of § 54.1-204 of the Code of Virginia.

2296
2297 5. Failing to notify the board in writing within 30 days of being convicted, found
2298 guilty, or disciplined in any jurisdiction of any offense or violation enumerated in
2299 18VAC15-30-800.

2300
2301 6. Violating any provision of any federal or state regulation pertinent to lead-based
2302 paint activities.

2303
2304 7. Actions constituting negligence, misconduct, or incompetence in the practice of the
2305 profession, including:

2306
2307 a. Having undertaken to perform or performed a professional assignment that
2308 the licensee is not qualified to perform by education, experience, training, or
2309 appropriate licensure.

2310
2311 b. Not demonstrating reasonable care, judgment, or application of the required
2312 knowledge, skill, and ability in the performance of the licensee's duties.

2313
2314 c. Failing to act in providing professional services in a manner that safeguards
2315 the interests of the public.

2316
2317 8. Actions constituting engaging in improper, fraudulent, or dishonest conduct,
2318 including:

2319
2320 a. Making any misrepresentation or engaging in acts of fraud or deceit in
2321 advertising, soliciting, or in providing professional services.

2322
2323 b. Allowing a license issued by the board to be used by another.

2324
2325 c. Altering, falsifying, or issuing a fraudulent Virginia lead license or a training
2326 certificate.

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9. Acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business.

10. Failing or neglecting to submit information or documentation requested by the board or its representatives.

11. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of lawful compliance inspections.

~~18VAC15-30-820. Suspension or revocation of approval of an accredited lead training provider. +11~~

~~A. The board may suspend, revoke, or modify an accredited lead training program's approval if an accredited lead training provider, training manager, or other person with supervisory authority over the training program has:~~

~~1. Misrepresented the contents of a training course to the board or the student population. (+1) (R/S)~~

~~2. Failed to submit required information or notification in a timely manner. (+1) (R/S)~~

~~3. Failed to submit training program notifications as required (+1) (R/D) and in the manner described in 18VAC15-30-420. (+1) (R/D)~~

~~4. Failed to submit training program participant lists as required (+1) (R/D) and in the manner described in 18VAC15-30-420. (+1) (R/D)~~

~~5. Failed to maintain required records. (+1) (R/S)~~

~~6. Falsified accreditation records, qualifications of the training manager and principal instructors, or other accreditation information. (+1) (R/S)~~

~~7. Failed to comply with the federal, state, or local lead-based paint statutes or regulations. (+1) (R/S)~~

~~8. Acted as an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the accredited lead training provider's business. (+1) (R/D)~~

~~B. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-4021 of the Administrative Process Act. (+1) (G/S)~~

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Commented [JH100]: Relocated to new section -437 under standards of practice and conduct for training programs.

2361 **Statutory Authority**

2362 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

2363 **Historical Notes**

2364 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2365 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December
2366 1, 2006.

2367 **18VAC15-30-830. (Repealed.)**

2368 **Historical Notes**

2369 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Volume 13, Issue 10, eff.
2370 April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; repealed, Virginia Register Volume 19, Issue 24, eff. October
2371 1, 2003.

2372 **DOCUMENTS INCORPORATED BY REFERENCE (18VAC15-30).**

2374

2375 Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,
2376 June 1995, including the 1997 revision to Chapter 7: Lead-Based Paint Inspection,
2377 U.S. Department of Housing and Urban Development.

2378 EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-
2379 Contaminated Soil (60 FR 47248-47257).

2380 Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report
2381 (EPA 747-R-95-001, March 1995).

Commented [HJ(101): These will be scored as R/S requirements since the federal regulation requires these methodologies be followed.

OTHER BUSINESS

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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