



Board for Asbestos, Lead, and Home Inspectors

PROPOSED Guidance Document:

Asbestos Initial Training Courses – Hybrid Delivery Procedures during COVID-19 Emergency

Adopted February 4, 2021

Effective upon conclusion of the public comment period required pursuant to § 2.2-4002.1 of the Code of Virginia

I. Background

On March 12, 2020, Governor Ralph Northam declared a state of emergency due to novel coronavirus (COVID-19). On May 26, 2020, the Governor proclaimed that the state of emergency continues to exist. In the Declaration of State of Emergency Due to Novel Coronavirus, Amended Executive Order 51, the Governor directed state agencies to render appropriate assistance to prepare for and mitigate the effects of the outbreak. In doing so, he ordered authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation.

Pursuant to this authority, on March 13, 2020 (amended May 27, 2020) Department of Professional and Occupational Regulation (DPOR) Director Mary Broz Vaughan issued a waiver of any regulations of regulatory boards under DPOR that prohibit or limit online, electronic, or distance theoretical instruction—in order to prevent and mitigate the spread of the coronavirus (COVID-19)—until the 30th day after the date by which the state of emergency is lifted.

This waiver does not waive statutory requirements or limitations, nor does it waive practical (hands-on) instruction required by a board's regulations. This waiver shall take effect on March 13, 2020, and shall remain in full force and in effect until amended or rescinded by further executive order.

II. Issue

Chapter 5 of Title 54.1 of the Code of Virginia provides the Board's authority to approve the criteria for accredited asbestos training programs. Section 18VAC15-20-610 of the Board for Asbestos, Lead, and Home Inspectors (Board) Virginia Asbestos Licensing Regulations states: "All Virginia-approved accredited asbestos training programs shall be in compliance with all training and recordkeeping requirements established by the EPA Model Accreditation Plan, 40 CFR Part 763, Subpart E." The Board's regulations are silent as to the method of training course delivery; however, there are various provisions that provide for hands-on training for initial asbestos training courses as follows:

License Type	Total Required Hours	Hands-On Training Hours
Worker	32	14
Supervisor	40	14
Inspector	24	4
Management Planner	16	N/A
Project Designer	24	Field Trip
Project Monitor	40	6

In 2007, the U.S. Environmental Protection Agency (EPA) revised the guidelines for online Asbestos Model Accreditation Plan (MAP) annual refresher training (attached). The revision did not include initial training courses as such courses typically include a hands-on component. In light of the current waiver and in order to help mitigate the spread of COVID-19, staff has been contacted by accredited training providers seeking to offer a hybrid course delivery wherein the theoretical part of the course instruction is via online delivery methods and the hands-on portion is provided via in-person training.

III. Applicable Regulations

In addition to 18VAC15-20-610 above, the following regulations are applicable to this issue.

18VAC15-20-463. Access by the department.

Accredited asbestos training providers shall permit department representatives to attend, evaluate, and monitor any accredited asbestos training program. Prior notice of attendance by agency representatives is not required. All records are required to be available for review by department representatives. Records required to be maintained by the training provider shall be maintained at the physical location of the accredited asbestos training provider.

18VAC15-20-550. Completion of training.

The total hours of actual training for an initial training program, including examinations, shall be completed within a single two-week time frame, from start to finish.

III. Board Guidance

Based on the waiver referenced above and in light of the challenging and unique circumstances associated with continuing services in the midst of a pandemic, the Board adopts staff recommendation to accept hybrid training for initial asbestos training courses wherein the theoretical instruction is provided via online or distance delivery and the hands-on instruction is provided in-person. The following procedures will be applicable and must be followed by any approved training providers seeking to offer hybrid delivery of initial training courses during the course of the public health emergency. The Board will revisit continuation of this policy after the emergency declaration is lifted by the Governor.

1. All aspects of the training course must follow the requirements contained in the regulations and as associated with the application submitted for approval of the training course, as amended if applicable. The only exception is the class schedule, which may deviate from the schedule submitted in that the theoretical instruction may be completed separately from the hands-on portion, so long as the entirety of the course is completed within a single, two-week timeframe in accordance with 18VAC15-20-550.
2. Online systems should authenticate the identity of the students taking the course. Appropriate protections should be implemented to prevent fraud.
3. The course instructor must be an instructor approved by the Board for the course. In addition, the course instructor must be available to answer student questions while the course is being taken, in real time.
4. The notice must include the two methods of delivery listed as separate courses with the online portion followed by "ONLINE" and the in-person portion followed by "HANDS-ON". The participant list must also include these descriptors, as applicable, for each training course submitted. The certificate of training should indicate that a portion of the training was completed via online delivery methods.
5. Providers must provide Board staff with a dedicated, unique logon and password for monitoring and auditing purposes. The physical location, date, and time of the hands-on delivery must also be provided to Board staff.
6. The examination should be delivered in a method that ensures the security of the examination. It should be proctored, taken at a testing center, or administered in accordance with the regulations at the conclusion of the in-person hands-on training.

7. Board staff is authorized to request additional information to ensure that the training course is in compliance with the regulations and Board approval, and to ensure the security and integrity of the course offering. Should information submitted by the training provider not be sufficient for Board staff to make such determination, Board staff is authorized to refuse acceptance of hybrid initial training as described in the memorandum/guidance.

The Virginia Board for Asbestos, Lead, and Home Inspectors will be taking public comment on this proposed guidance document. A 30-day comment period will begin on March 1, 2021.

If you wish to comment on the proposed guidance document, you may do so via the Town Hall website or you may submit written comments so that they are received no later than March 31, 2021 to:

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