



## Final Regulation Agency Background Document

<b>Agency name</b>	Board for Asbestos, Lead, and Home Inspectors
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 15-20
<b>Regulation title</b>	Asbestos Licensing Regulations
<b>Action title</b>	Regulatory Review
<b>Date this document prepared</b>	May 2, 2014

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

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

This regulatory action will amend 18VAC15-20-70.H to allow a licensee or an accredited asbestos training provider to renew a license or accredited asbestos training program up to 12 months after the expiration of the license or accreditation without penalty of reapplying as a new applicant. This regulatory action will also amend 18VAC15-20-470.I to allow more than 24 hours for accredited asbestos training providers to submit course participant lists. And finally, this regulatory action will delete 18VAC15-20-520.B requiring two instructors for all initial accredited asbestos training programs except for worker. There are no changes to the regulations since the publication of the proposed regulations.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency or board taking the action, and (3) the title of the regulation.*

The Board for Asbestos, Lead, and Home Inspectors adopted final Asbestos Licensing Regulations at its May 1, 2014 board meeting.

## Legal basis

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

§ 54.1-201.5 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201>) states that the Board has the power and duty "To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board."

§ 54.1-501 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-501>) provides the authority for the Board to promulgate regulations for the licensure of asbestos professionals and firms, approval of accredited asbestos training programs, and approval of criteria for accredited asbestos training programs. The content of the regulations is pursuant to the Board's discretion, but shall not be in conflict with the purposes of the statutory authority.

## Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

In response to the Governor's Regulatory Reform initiative, the Board for Asbestos, Lead, and Home Inspectors reviewed its current regulations to identify, amend or repeal any regulations that are unnecessary or no longer in use and reduce unnecessary regulatory burdens on regulated groups.

## Substance

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

Currently, any licensee or accredited asbestos training provider who fails to renew his license or accredited asbestos training program approval within six months after the expiration must apply as a new applicant. The proposed amendment will amend 18VAC15-20-70.H to extend this grace period to 12 months. The second amendment will amend 18VAC15-20-470.I to increase the time period from 24 hours to 10 business days for accredited asbestos training providers to submit course participant lists. The third amendment eliminates the requirement to have a minimum of two instructors for all initial accredited asbestos training programs except for initial worker by deleting 18VAC15-20-520.B.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*  
 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*  
 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*  
 3) *other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

- 1) The primary advantage to businesses is eliminating the burden on training providers to submit participant lists within 24 hour, which may prove difficult if a training course ends at 5:00 PM on a Friday. Also, since initial training courses have fewer participants, except for initial worker, it will lessen the burden for training providers by not requiring two instructors per initial program. There are no disadvantages to the public since these individuals cannot work with an expired license and training providers cannot offer or conduct training programs with expired approvals.
- 2) This action poses no advantages or disadvantages to the Commonwealth.
- 3) The primary advantage to those individuals and training providers whose license or approval have expired, is having an additional six months to renew before having to apply as a new applicant.

**Changes made since the proposed stage**

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

There have been no changes to the regulations since the publication of the proposed regulations.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

No public comment was received.

**All changes made in this regulatory action**

*Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.*

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

18VAC15-20-70.H	N/A	Any licensee or accredited asbestos training provider who fails to renew his license or accredited asbestos training program approval within six months after the expiration date on the license or approval cannot renew and must apply as a new applicant.	<p>The proposed amendment increases this grace period to renew from six months to 12 months after the expiration date.</p> <p>The amendment lessens the burden to submit the documentation required for initial licensure and approval while still ensuring protection of the public since these individuals cannot work with an expired license and training providers cannot offer or conduct training programs with expired approvals.</p>
18VAC15-20-470.I	N/A	Asbestos training program participant lists shall be submitted by the training manager no later than 24 hours following the training program completion.	<p>The proposed amendment increases the time period for training providers to submit training course participant lists from 24 hours to 10 business days following the training program completion.</p> <p>Training providers have expressed that this rather short time period is overly burdensome, especially when a training program concludes at 5:00 PM on a Friday. Also, accredited lead training providers, who are also regulated by the Board, are provided 10 business days following the training program completion to submit participant lists. This amendment will mirror the Asbestos Licensing Regulations to the related requirement in the Lead-Based Paint Activities Regulations.</p>
18VAC15-20-520.B	N/A	At least two instructors shall be used for each supervisor, inspector, management planner, project designer, and project monitor initial accredited asbestos training program.	<p>The proposed amendment eliminates the requirement to have two instructors for all initial accredited asbestos training programs except for initial worker by deleting this subsection.</p> <p>Since many of these training programs contain a smaller number of participants than initial worker, requiring two instructors for each of these programs can be overly burdensome or impossible for some training providers.</p>