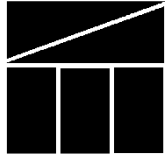


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

18 VAC 145-30 Board for Professional Scientists, Wetland Professionals, and Geologists
Department of Professional and Occupational Regulation
Town Hall Action/Stage: 4957/8135
January 9, 2018

Summary of the Proposed Amendments to Regulation

The Board for Professional Scientists, Wetland Professionals, and Geologists (Board) proposes to clarify that a Virginia certified professional wetland delineator is prohibited from using the work of another without written consent.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The current standards of practice and conduct already prohibit certified wetland delineators from signing work they do not themselves prepare, review, or approve.¹ The Board proposes to make explicit in the regulation that a wetland delineator is prohibited from using the work of another without written consent. The proposed change will allow the Board to take a disciplinary action against certificate holders who use the work of another without permission and strengthen the copyright protections afforded to the owners of original work.

Businesses and Entities Affected

There are 109 individuals certified as wetland delineators.

¹ See 18 VAC 145-30-140(3).

Localities Particularly Affected

There are no localities particularly affected.

Projected Impact on Employment

No significant impact on employment is expected.

Effects on the Use and Value of Private Property

No significant impact on the use and value of private property is expected.

Real Estate Development Costs

No impact on real estate development costs is expected.

Small Businesses:**Definition**

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Costs and Other Effects

Most, if not all, of the wetland delineators in the private sector are believed to be working for small businesses.

Alternative Method that Minimizes Adverse Impact

No net adverse impact on small businesses is expected.

Adverse Impacts:**Businesses:**

The proposed amendments do not have an adverse impact on businesses.

Localities:

The proposed amendments will not adversely affect localities.

Other Entities:

The proposed amendments will not adversely affect other entities.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-

4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.