Virginia Board for Asbestos, Lead and Home Inspectors

Guidance Document:
Electronic Delivery of Asbestos and Lead Refresher Courses

Adopted May 12, 2022
Effective Date: July 7, 2022

I.   Background

During the State of Emergency declared due to COVID-19, Former Governor Northam's Amended Executive Order 51 authorized the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, to temporarily waive any state requirement or regulation in order to assist in mitigating the effects of the pandemic. Pursuant to this authority, a waiver of any regulations of regulatory boards under DPOR that prohibit or limit online, electronic, or distance theoretical instruction was issued. During this time, asbestos and lead courses that do not require a hands-on component of training were permitted to be conducted in a virtual format.

II.   Issue

Since the expiration of this waiver on July 31, 2021, and as the Board's regulations are silent on electronic methods of course delivery, staff has received multiple inquiries regarding allowable methods of delivery for asbestos and lead training courses.

III.   Board Guidance

In order to remain in alignment with the Code of Federal Regulations, and in compliance with Chapter 5 of Title 54.1 of the Code of Virginia, Board staff provides the following guidance:

Electronic delivery of asbestos and lead refresher training courses is permitted so long as the below requirements are met:

1. Training providers must have a system in place to authenticate each student's identity and their eligibility to enroll in the course.

2. A unique identifier must be assigned to each student to be used to launch and re-launch the course. This identifier may also be used throughout the course if deemed necessary by the instructor.

3. Each student must be logged in to the course and participating for the full length of time required for each course discipline. The training provider must track each student's course log-ins, launches, progress, and completion, and maintain a record of such pursuant to statutory and regulatory record-keeping requirements.

4. The course must include knowledge checks throughout the entirety of the course. The knowledge checks must be successfully completed before the student moves on to the next module.

5. Course instructors must be available to answer questions or offer technical assistance via online discussion or message boards, or a telephone number during the training period.

6. There must be a test of at least 20 questions at the end of the course, of which 80% must be answered correctly for successful completion of the course. The test must be designed so that the student does not receive feedback on answers until after the test has been submitted.

7. Each student will be provided with a completion certificate that may be saved and printed. The completion certificate will specifically mention the course was taken online. The certificate must not be susceptible to editing. The certificate will contain all information necessary to meet all other statutory and regulatory requirements.

This policy applies to asbestos and lead refresher courses only.

A pre-existing approval for an in-person, classroom-based refresher course does not extend to approval of the electronic course. Each electronic course must be separately approved.

Refresher course notifications and participant lists provided to Board staff must indicate whether the course is conducted electronically.

For auditing purposes, Board staff will have unrestricted access to the electronic course at any time during which the course is conducted.

Electronic courses must meet all other statutory and regulatory refresher course requirements as outlined in the Board's regulations.

For the purposes of this guidance, electronic delivery includes real-time virtual training and asynchronous delivery of training courses