

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

Tentative **AGENDA THURSDAY, APRIL 23, 2024**

10:00 A.M. 2nd FLOOR, BOARD ROOM 4

DPOR, Perimeter Center

9960 Mayland Drive

Richmond VA 23233

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**
 - a. Committee Agenda, April 23, 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 Part VIII
 - b. Review Part II
 - c. Review and summarize previous parts
- VIII. OTHER BUSINESS**
 - a. Discuss Topics for Next Meeting
 - b. Set Next Meeting Date(s)
- IX. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS**
- X. ADJOURN**

* 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.

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.

DRAFT

Lead-Based Paint Activities Regulations

Regulatory Review Committee Members

Committee Member	Representation
Stacy J. Armentrout, CHAIR	ALHI Board Member
Michael Baum	ALHI Board Member
Jeffrey Brown	DHCD
Ron Graham	DOLI
James Haltigan	Lead Contractor
Patrick Studley	ALHI Board Member
Paul D. Thomas	ALHI Board Member
Board Staff	
Steven Kirschner	Deputy Director, LRPD
Marjorie King	Executive Director
Tanya Pettus	Deputy Executive Director
Joseph Haughwout	Regulatory Affairs Manager
Cameron Parris	Regulatory Operations Administrator
Rachel Harris	Administrative Coordinator

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

OTHER BUSINESS

DRAFT

REVIEW PART
VIII

DRAFT

REVIEW PART

II

DRAFT

REVIEW AND
SUMMARIZE
PREVIOUS PARTS

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-contaminated dust"](#)

32 ["Lead-contaminated soil"](#)

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

Per committee on 2/12/24, staff review discrepancies b/w statutory definitions and regulatory definitions.

Commented [HJ(2)]: 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 [“Lead contractor”](#)

34 [“Lead project design”](#)

35 [“Lead risk assessment”](#)

36 [“Person”](#)

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

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

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

42 a. The removal of [lead-based paint](#), and [lead-contaminated](#) dust, the permanent
43 enclosure or encapsulation of lead-based paint, the replacement of painted surfaces
44 or fixtures, or the removal or permanent covering of [lead-contaminated](#) soil, when
45 lead-based paint hazards are present in such paint, dust or soil; and

Commented [JH3]: Revise to track with definition in federal regulation per committee on 2/12/24.

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

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

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

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

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

Commented [JH4]: Delete per committee on 2/12/24.

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

58 ~~e~~b. Lead-based paint activities resulting in the permanent elimination of lead-based
59 paint hazards, unless such projects are covered by subdivision 3 of this definition;
60 or

Commented [JH5]: Revised per committee on 2/12/24.

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

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

Commented [JH6]: Removed per committee on 2/12/24.
Consider making Board guidance.

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

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

Commented [JH7]: Removed per committee on 2/12/24.

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

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

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

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

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

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

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

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

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

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

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

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

Commented [TP9]: Suggest striking. In federal reg definitions, but does not appear to be used.

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

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

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

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

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

137 "Elevated blood-lead level (EBL)" means an excessive absorption of lead that is a
138 confirmed concentration of lead in whole blood of 20 ⁽⁵⁰⁸⁾ %e2g/dl (micrograms of lead
139 per deciliter of whole blood) for a single venous test or of 15-19 ⁽⁵⁰⁸⁾ %e2g/dl in two
140 consecutive tests taken three to four months apart.

Commented [TP10]: Consider anticipated rule change.
Pending federal proposed rulemaking.

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

145 "Encapsulation" means the application of an encapsulant.

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

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

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

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

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

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

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

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

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

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

Commented [JH11]: Does not appear necessary. Dictionary definition should be sufficient.

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

Commented [JH12]: Definition not necessary. Term is only used in the definitions section.

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

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

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

Commented [JH13]: Removed per committee on 2/12/24.

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

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

196 "Lead-based paint hazard" means any condition that causes exposure to lead from
197 lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is
198 deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that

199 would result in adverse human health effects as identified by EPA, ~~pursuant to 15~~
200 ~~USC § 2683.~~

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

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

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

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

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

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

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

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

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

231 "Multi-family dwelling" means target housing that contains more than one separate
232 residential dwelling unit, in which one or more units is used or occupied, or intended

Commented [JH14]: Discuss whether statutory definition is sufficient.

Per committee on 2/12/24, review with federal regulation definition.

Commented [JH15]: Definition does not match statute or federal regulation.

Commented [JH16]: Conflict between statutory definition and regulatory definition re: abatement clearance testing.

233 to be used or occupied, in whole or in part, as the home or residence of one or more
234 persons.

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

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

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

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

Commented [JH17]: This definition of person appears to be inapplicable to how the term is used in the regulation.

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

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

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

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

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

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

Commented [JH19]: Removed per committee on 2/12/24.

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

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

Commented [JH20]: Statutory definition appears to be the same.

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

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

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

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

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

Commented [TP21]: Term not used in regulation.

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

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

291 **Statutory Authority**

292 § 54.1-501 of the Code of Virginia.

293 **Historical Notes**

294 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
295 19, Issue 24, eff. October 1, 2003.

296 **18VAC15-30-25. Applicability.**

297
298 **A. A licensed lead abatement supervisor may perform the duties of a licensed lead**
299 **abatement worker. (0)**

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

Commented [JH22]: Pulled from definition of "abatement."

304
305

306 **18VAC15-30-30. (Repealed.)**

307 **Historical Notes**

308 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
309 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

311 **18VAC15-30-41. Waiver of the requirements of this chapter. +1**

Commented [HJ(23): On what basis does the Board have the authority to waive its regulations?

312

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

Consider repealing this section.

320 **Statutory Authority**

321 § 54.1-501 of the Code of Virginia.

322 **Historical Notes**

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

324 **18VAC15-30-50. (Repealed.)**

325 **Historical Notes**

326 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
327 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

328

329

330 Part III. Entry

331

332 **18VAC15-30-51. Application procedures. +7**

333

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

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

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

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

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

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

352 **Statutory Authority**

353 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

354 **Historical Notes**

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

356 **18VAC15-30-52. General requirements for licensure: individuals.**

357

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

360

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

362

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

364

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

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

369 a. All felony convictions.

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

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

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

378 The board, at its discretion, may deny licensure to any applicant in accordance with §
379 54.1-204 of the Code of Virginia.

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

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

391 **18VAC15-30-52. Qualifications for licensure - individuals. +56**

400 A. Each applicant for individual licensure must meet the requirements provided in this
401 section.

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

Commented [HJ(24): 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)~~

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

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

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

452

453

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

Commented [HJ(25)]: Make consistent with renewal.

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

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

466 2. Project designer.

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

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

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

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

476 3. Supervisor.

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

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

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

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

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

495 4. Inspector.

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

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

508 5. Risk assessor.

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

Commented [LB26]: Incorporated Board guidance from 12/7/23 meeting.

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

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

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

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

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

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

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

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

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

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

545

Commented [JH27]: Provision clarified and moved to subsection H.

Commented [HJ(28)]: Expand to include submission of transcript.

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

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

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

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

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

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

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

569 ~~K. Standards of conduct and practice. Applicants shall be in compliance with the~~
570 ~~standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) of~~
571 ~~this chapter at the time of application to the board (+1) (R/D), while the application is~~
572 ~~under review by the board (+1) (R/D), and at all times when the license is in effect.~~
573 ~~(+1) (R/D)~~

574 ~~L. Standing. The applicant shall be in good standing in every jurisdiction where~~
575 ~~licensed (+1) (R/D), and the applicant shall not have had a license that was~~
576 ~~suspended, revoked, or surrendered in connection with any disciplinary action in any~~
577 ~~jurisdiction prior to applying for licensure in Virginia. (+1) (R/D) The board, at its~~
578 ~~discretion, may deny licensure or approval to any applicant based on disciplinary~~
579 ~~action by any jurisdiction. (0)~~

Commented [HJ(29)]: Match ASB Regs action.

580 Statutory Authority

581 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

582 **Historical Notes**

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

585 **18VAC15-30-53. Qualifications for ~~licensee business entities~~ lead contractors.**
586 **+32**

Commented [HJ(30)]: Match ASB Regs action.

587
588 A. Each firm applying for a license must meet the requirements of this section.

589
590 B. The applicant must disclose the name under which the firm conducts business and
591 holds itself out to the public. In accordance with Chapter 5 (§ 59.1-69 et seq.) of Title
592 59.1 of the Code of Virginia, the firm must register any trade or fictitious names,
593 when applicable, with the State Corporation Commission before submitting an
594 application to the board.

595
596 C. The applicant must disclose the firm's mailing address and the firm's physical
597 address.

598
599 D. In accordance with § 54.1-204 of the Code of Virginia, the applicant must disclose
600 the following information about the firm and its owners, officers, managers, members,
601 directors, as applicable:

602
603 1. All felony convictions;

604
605 2. All misdemeanor convictions, except marijuana convictions, within the last three
606 years; and

607
608 3. Any conviction involving environmental remediation activity that resulted in the
609 significant harm or the imminent and substantial threat of significant harm to human
610 health or the environment.

611
612 E. The board, at its discretion, may deny licensure to any applicant in accordance with
613 § 54.1-204 of the Code of Virginia. The applicant has the right to request further
614 review of any such action by the board under the Administrative Process Act (§ 2.2-
615 4000 et seq. of the Code of Virginia).

616
617 F. The applicant must report any disciplinary action taken by any board or
618 administrative body in any jurisdiction against a professional or occupational license,
619 certification, or registration issued to the firm, its owners, officers, managers,
620 members, directors, and, as applicable, any reprimand, suspension, revocation, or
621 surrender of a license, certification, or registration, imposition of a monetary penalty
622 or requirement to take remedial education or other corrective action. The board, in its
623 discretion, may deny licensure to any applicant based on disciplinary action taken by
624 any board or administrative body in any jurisdiction.

625
626 G. The board may deny the application of an applicant who is shown to have a
627 substantial identity of interest with a person whose license or certificate has been
628 revoked or not renewed by the board. A substantial identity of interest includes (i) a
629 controlling financial interest by the individual or corporate principals of the person
630 whose license or certificate has been revoked or has not been renewed or (ii)
631 substantially identical owners, officers, managers, members, or directors, as
632 applicable.

633
634
635 ~~A. General. Every business entity shall secure a license before transacting business.~~
636 ~~(+1) (R/D)~~

637 ~~B. Name. The business name shall be disclosed on the application. (+1) (R/D) The~~
638 ~~name under which the entity conducts business and holds itself out to the public (i.e.,~~
639 ~~the trade or fictitious name) shall also be disclosed on the application. (+1) (R/D)~~
640 ~~Business entities shall register their trade or fictitious names with the State~~
641 ~~Corporation Commission in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title~~
642 ~~59.1 of the Code of Virginia before submitting their applications to the board. (+1)~~
643 ~~(R/D)~~

644 ~~C. Address. The applicant shall disclose the firm's mailing address (+1) (R/D) and the~~
645 ~~firm's physical address. (+1) (R/D) A post office box is only acceptable as a mailing~~
646 ~~address when a physical address is also provided. (0)~~

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

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

655 ~~2. Limited liability companies. All applicants shall have obtained a certificate of~~
656 ~~organization in the Commonwealth of Virginia or, if a foreign limited liability~~
657 ~~company, shall have obtained a certificate of registration to do business in Virginia~~
658 ~~from the State Corporation Commission in accordance with § 13.1-1105 of the~~
659 ~~Code of Virginia. (+1) (R/D) The company shall be in good standing with the State~~
660 ~~Corporation Commission at the time of application to the board and at all times~~
661 ~~when the license is in effect. (+1) (R/D)~~

662 ~~3. Partnerships. All applicants shall have a written partnership agreement. (+1)~~
663 ~~(R/D) The partnership agreement shall state that all professional services of the~~
664 ~~partnership shall be under the direction and control of a licensed or certified~~
665 ~~professional. (+1) (R/D)~~

666 ~~4. Sole proprietorships. Sole proprietorships desiring to use an assumed or fictitious~~
667 ~~name, that is a name other than the individual's full name, shall have their assumed~~
668 ~~or fictitious name recorded by the clerk of the court of the county or jurisdiction~~
669 ~~wherein the business is to be conducted. (+1) (R/D)~~

670 E. Qualifications. **PARKING LOT**

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

672 a. Hold a valid Virginia contractor license with a lead specialty issued by the
673 Virginia Board for Contractors (+1) (R/D) and comply with the provisions of
674 Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the
675 regulation of contractors. (+1) (R/D)

676 b. Certify that:

677 (1) Only properly licensed lead abatement supervisors and workers will be
678 employed to conduct lead-based paint activities; (+1) (R/S)

Commented [HJ(31): 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(32): Address 36 month training
certificate cycle.

679 (2) A licensed lead abatement supervisor is present at each job site during all work
680 site preparation and during post-abatement cleanup, and shall be on site or available
681 by telephone, pager, or answering service and able to be present at the work site in
682 no more than two hours when abatement activities are being conducted; (+1) (R/S)

683 (3) The standards for conducting lead-based paint activities established in this
684 chapter and standards established by EPA and OSHA shall be followed at all times
685 during the conduct of lead-based paint activities; and (+1) (R/S)

686 ~~(4) The company is in compliance with all other occupational and professional~~
687 ~~licenses and standards as required by Virginia statute (+1) (R/D) and local~~
688 ~~ordinance to transact the business of a lead abatement contractor. (+1) (R/D)~~

689 ~~F. Conviction or guilt. Neither the firm nor the owners, officers, or directors shall~~
690 ~~have been convicted or found guilty, regardless of adjudication, in any jurisdiction of~~
691 ~~any felony (+1) (R/D) or of any misdemeanor involving lying, cheating, or stealing or~~
692 ~~of any violation while engaged in environmental remediation activity that resulted in~~
693 ~~the significant harm or the imminent and substantial threat of significant harm to~~
694 ~~human health or the environment, there being no appeal pending therefrom or the time~~
695 ~~of appeal having lapsed. (+1) (R/D) Any plea of nolo contendere shall be considered a~~
696 ~~conviction for the purposes of this section. (+1) (G/D) (+1) (R/D) A certified copy of~~
697 ~~the final order, decree, or case decision by a court or regulatory agency with lawful~~
698 ~~authority to issue such order, decree, or case decision shall be admissible as prima~~
699 ~~facie evidence of such conviction or discipline. (+1) (G/D) The board, at its~~
700 ~~discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the~~
701 ~~Code of Virginia. (+1) (G/S)~~

702 ~~G. Standards of conduct and practice. Applicants shall be in compliance with the~~
703 ~~standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) and~~
704 ~~Part IX (18VAC15-30-760 et seq.) of this chapter at the time of application to the~~
705 ~~board (+1) (R/D), while the application is under review by the board (+1) (R/D), and~~
706 ~~at all times when the license is in effect. (+1) (R/D)~~

707 ~~H. Standing. Both the firm (+1) (R/D) and the owners, officers, and directors shall be~~
708 ~~in good standing in every jurisdiction where licensed (+1) (R/D), and the applicant~~
709 ~~shall not have had a license that was suspended, revoked, or surrendered in connection~~
710 ~~with any disciplinary action in any jurisdiction prior to applying for licensure in~~
711 ~~Virginia. (+1) (R/D) The board, at its discretion, may deny licensure to any applicant~~
712 ~~based on disciplinary action by any jurisdiction. (0)~~

713 ~~I. Denial of license. The board may refuse to issue a license to any lead contractor~~
714 ~~applicant if the applicant or its owners, officers, or directors have a financial interest~~
715 ~~in a lead contractor whose lead license has been revoked, suspended, or denied~~
716 ~~renewal in any jurisdiction. (0)~~

717 **Statutory Authority**

718 §54.1-501 of the Code of Virginia.

719 **Historical Notes**

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

721 Issue 15, eff. May 1, 2020.

722

723 **18VAC15-30-54. Qualifications for accredited lead training program approval.**

724 +40

725

726 A. For a training program to obtain accreditation from the board to teach lead-based
727 paint activities, the program ~~shall~~ must demonstrate through its application material
728 that it meets the minimum requirements for principal instructor qualifications (+1)
729 (R/S), required topic review (+1) (R/S), length of training (+1) (R/S), and
730 recordkeeping for each discipline for which the program is seeking accreditation. (+1)
731 (R/S) Training programs ~~shall~~ must offer courses that teach the standards for
732 conducting lead-based paint activities contained in this chapter and other such
733 standards adopted by the EPA. (+1) (R/S)

734 B. Each applicant for approval as an accredited lead training provider ~~shall~~ must meet
735 the requirements established by this chapter ~~before being granted approval to offer an~~
736 ~~accredited lead training program.~~ (+1) (R/D) Applicants ~~requesting approval of a lead~~
737 ~~training program to prepare participants for licensure shall~~ must apply on a form
738 provided by the board. (+1) (R/D) The application ~~form shall~~ must be completed in
739 accordance with the instructions supplied (+1) (R/D) and ~~shall~~ must include the
740 following:

741 1. The course for which ~~it~~ the training provider is applying for accreditation. (+1)
742 (R/S)

743 2. A statement signed by the training program manager, which certifies that the
744 training program meets the minimum requirements established in this chapter. (+1)
745 (R/S)

746 3. The names (+1) (R/S) and qualifications, including education and experience, of
747 each principal instructor. (+1) (R/S)

748 4. A copy of the student manuals (+1) (R/S) and instructor manuals or other
749 materials to be used. (+1) (R/S)

Commented [HJ(33): Add in Board guidance re: virtual training.

Commented [HJ(34): 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.

- 750 5. A copy of the course agenda that includes the time allocation for each course
751 topic. **(+1) (R/S)**
- 752 6. A copy of the test **(+1) (R/S)** and answer sheet. **(+1) (R/S)**
- 753 7. A description of the facilities and equipment to be used for lecture and hands-on
754 training. **(+1) (R/S)**
- 755 8. A description of the activities **(+1) (R/S)** and procedures that will be used for
756 conducting the assessment of hands-on skills. **(+1) (R/S)**
- 757 9. A copy of the quality control plan as described in this chapter. **(+1) (R/S)**
- 758 10. ~~An example~~ A sample of a certificate that will be issued to students who
759 successfully complete the course. **(+1) (R/D)**
- 760 11. A proposed course date for auditing purposes. **(+1) (R/D)**
- 761 12. The application fee required by 18VAC15-30-162. **(+1) (R/D)**
- 762 C. The ~~completed~~ application ~~form with attachments and fee shall~~ must be received by
763 the board no later than 45 days before the desired audit date. **(+1) (R/D)**
- 764 D. An applicant may seek approval for as many initial and refresher courses as it
765 chooses, but ~~shall~~ must submit a separate application **(+1) (R/D)** ~~and fee~~ for each
766 program. **(+1) (R/D)**
- 767 E. Applicants may seek accreditation to offer lead-based paint activities initial or
768 refresher courses in any of the following disciplines: lead abatement worker, lead
769 project designer, lead abatement supervisor, lead inspector, and lead risk assessor. **(0)**
- 770 ~~F. Each training program shall be conducted in compliance with this chapter to qualify
771 for and maintain approval as an accredited lead training program. **(+1) (R/D)**~~
- 772
- 773 F. Upon receipt of an application, a preliminary review will be conducted to ensure
774 compliance with this chapter. The applicant will be notified if the application is
775 incomplete or is deficient. All deficiencies must be corrected prior to the on-site audit.
- 776
- 777 G. Upon completion of the preliminary review, the board will conduct an on-site
778 audit. The applicant will be notified of any deficiencies identified during the audit. All
779 deficiencies must be corrected prior to approval of the application.
- 780

781 ~~G. Upon receipt of an application, the board shall conduct a preliminary review (+1)~~
782 ~~(G/D) and shall notify the applicant in writing of any deficiencies in the submittal~~
783 ~~packages. (+1) (G/D) Applicants will have one year from the board's receipt of the~~
784 ~~application to correct any problems noted in the review. (+1) (R/D)~~

785 ~~H. After the application has been found to be complete and in compliance with this~~
786 ~~chapter, an on-site audit of the training program shall be conducted. (+1) (G/D) The~~
787 ~~board shall conduct an additional on-site audit, grant approval or deny approval based~~
788 ~~on the board's evaluation of the level of compliance with this chapter found during the~~
789 ~~initial on-site audit. (+1) (G/D)~~

790 ~~I. Applicants denied approval shall have one year (+1) (R/D) from the date of receipt~~
791 ~~of the application by the board to correct any deficiencies (+1) (R/D) and notify the~~
792 ~~board in writing. (+1) (R/D)~~

793 J. ~~An accredited~~ A training provider program shall have been ~~must be~~ approved by the
794 board before ~~its~~ the training program's training certificates shall will be accepted by
795 the board as evidence that an individual has completed an accredited lead training
796 program. (+1) (R/D)

797 K. Each accredited lead training program that is granted approval shall will be sent a
798 ~~form letter~~ indicating the discipline approved (+1) (G/D) and an expiration date (+1)
799 ~~(G/D) that shall be maintained at the business address listed on the application. (+1)~~
800 ~~(R/D)~~

Commented [HJ35]: Training location and business address.

Commented [JH36]: Move to record keeping section for training programs in standards of practice.

801 **Statutory Authority**

802 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

803 **Historical Notes**

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

805 **18VAC15-30-60. (Repealed.)**

806 **Historical Notes**

807 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
808 19, Issue 24, eff. October 1, 2003.

809 **18VAC15-30-100. (Repealed.)**

810 **Historical Notes**

811 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
812 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; Volume 19, Issue 24, eff. October 1, 2003;
813 repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

814
815

816 Part IV. Fees

817

818 **18VAC15-30-161. General fee requirements. +7**

819

820 A. All fees are nonrefundable (+1) (G/D) and ~~shall~~will not be prorated. (+1) (G/D)
821 The date on which the fee is received by the department or its agent will determine
822 whether the fee is on time. (+1) (G/D) (+1) (R/D) Checks or money orders ~~shall~~must
823 be made payable to the Treasurer of Virginia. (+1) (R/D)

824 B. Fees for approval and renewal of an accredited lead training program and an
825 accredited lead refresher training program shall not be imposed on any state, local
826 government, or nonprofit training program. (+1) (G/D)

827

828 C. The fee for examination or reexamination is subject to charges to the department
829 by an outside vendor based on a contract entered into in compliance with the Virginia
830 Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be
831 adjusted and charged to the candidate in accordance with this contract.

832 ~~C. The examination fee is subject to contracted charges to the department by an~~
833 ~~outside vendor. (+1) (R/D) These contracts are competitively negotiated and~~
834 ~~bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et~~
835 ~~seq. of the Code of Virginia). (0) Fees will be adjusted and charged to the candidate in~~
836 ~~accordance with this contract. (0)~~

837 **Statutory Authority**

838 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

839 **Historical Notes**

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

842 **18VAC15-30-162. Application fees. +0**

843

844 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

845 **Statutory Authority**

846 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

847 **Historical Notes**

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

849 Issue 20, eff. August 1, 2015.

850

851 **18VAC15-30-163. Renewal and late renewal fees. +0**

852

853 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
---	-------	-----------------------------

855 ~~B. For licenses expiring after February 1, 2021, and before February 1, 2023, the renewal~~
856 ~~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

857 ~~For late renewals received after March 1, 2021, and on or before February 28, 2023, the~~
858 ~~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

859 ~~C.B.~~ For licenses expiring after February 1, 2023, and before February 1, 2025, the
860 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

861 For late renewals received after March 1, 2023, and on or before February 28, 2025, the
862 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

864 Statutory Authority

865 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

866 **Historical Notes**

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

870 **Part V. Renewal**

871

872 **18VAC15-30-164. Renewal required. +2**

873

874 ~~A. Interim licenses shall expire six months from the last day of the month during~~
875 ~~which the individual completed the board approved initial or refresher accredited lead~~
876 ~~training program required by 18VAC15-30-52 regardless of the date on which the~~
877 ~~board received the application for initial licensure or the date the board issued the~~
878 ~~license. (0)~~

879 ~~B. Interim licenses shall not be renewed or extended. (+1) (R/D) (+1) (G/D)~~

880 C. Individual licenses shall will expire 12 months from the last day of the month
881 wherein issued. (0)

882 1. Interim licenses issued to individuals will expire six months from the last day
883 of the month the individual completed the board-approved initial or refresher
884 accredited lead training program required by 18VAC15-30-52. Interim licenses
885 ~~cannot~~ will not be renewed.

886 D. Contractor licenses shall will expire 12 months from the last day of the month
887 wherein issued. (0)

888 E. Accredited lead training programs approval shall will expire 24 months from the
889 last day of the month in which the board granted approval. (0)

890 **Statutory Authority**

891 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

892 **Historical Notes**

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

895 **18VAC15-30-165. Procedures for renewal. +12**

896

Commented [JH37]: Discuss 36 month term for individual licensees.

Commented [JH38]: Discuss whether to tether to Board for Contractors license.

Commented [JH39]: 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.

897 A. The board ~~shall mail~~will send a renewal notice to the licensee or accredited lead
898 training provider at the ~~last known~~address of record. (+1) (G/D) ~~The notice shall~~
899 ~~outline the procedures for renewal and the renewal fee amount. (+1) (G/D) Failure to~~
900 ~~receive the notice shall not relieve the licensee or accredited lead training provider of~~
901 ~~the obligation to renew. (+1) (R/D)~~

902 B. ~~Prior to the expiration date shown on the license or approval, each licensee or~~
903 ~~accredited lead training provider desiring to renew the license or approval shall return~~
904 ~~to the board the renewal notice (+1) (R/D) and the renewal fee. (+1) (R/D)~~
905 ~~Documentation of refresher training programs for individuals (+1) (R/S) and of the~~
906 ~~requirements in 18VAC15-30-166 C for accredited lead training programs shall be~~
907 ~~sent to the board. (+1) (R/S) Prior to the license expiration date, each licensee desiring~~
908 ~~to renew a license must return to the board the appropriate fee specified in 18VAC15-~~
909 ~~30-163. Individual licensees must provide evidence of meeting the annual refresher~~
910 ~~training requirement for license renewal and meet the requirements of 18VAC15-30-~~
911 ~~166 A.~~

912 C. Prior to the expiration date on the approval letter, each accredited lead training
913 program desiring to renew the approval must return to the board the appropriate fee
914 specified in 18VAC15-30-163 and the documentation required by 18VAC15-30-166
915 B.

916 D. By making application for renewal, the licensee or accredited lead training
917 program is certifying continued compliance with the requirements of this chapter.

918
919 ~~C. Should the licensee or accredited lead training provider fail to receive the renewal~~
920 ~~notice, a photocopy of the current lead license or accredited lead training program~~
921 ~~approval may be substituted for the renewal notice and mailed with the required fee to~~
922 ~~the board. (0)~~

923 ~~D. Interim licensure shall not be renewed or extended. (+1) (R/D) (+1) (G/D) Each~~
924 ~~applicant who wishes a second interim license must provide to the board evidence of~~
925 ~~having retaken (+1) (R/D) and satisfactorily completed the initial training~~
926 ~~requirements (+1) (R/D) and make a new application to the board. (+1) (R/D)~~

927 **Statutory Authority**

928 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

929 **Historical Notes**

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

931 **18VAC15-30-166. Qualifications for renewal. +24**

932

933 A. Individuals.

934 1. Licensees desiring to maintain an individual license shall must ~~satisfactorily~~
935 successfully complete ~~the required~~ board-approved refresher training course (+1)
936 (R/S) within 36 months after the date that the initial or most recent refresher
937 training course was completed (+1) (R/S) and at least once every 36 months
938 thereafter. (+1) (R/S) In the case of a proficiency-based course completion,
939 refresher training is required every 60 months instead of 36 months. (+1) (R/S)

940 ~~2. Licensees are responsible for ensuring that the board receives proof of~~
941 ~~completion of the required board-approved training. (+1) (R/D) Prior to the~~
942 ~~expiration date shown on the individual's current license (+1) (R/D), the individual~~
943 ~~desiring to renew that license shall provide evidence of meeting the board-approved~~
944 ~~refresher training requirement for license renewal. (+1) (R/D)~~

Commented [HJ(40)]: These appear to be duplicative of requirements in -165.

945 ~~3~~2. Refresher training shall must be specific to the discipline of the license being
946 renewed. (+1) (R/S)

947
948 ~~4. The board shall renew an individual license for an additional 12 months upon~~
949 ~~receipt of a renewal application and fee in compliance with 18VAC15-30-163 and~~
950 ~~18VAC15-30-165, provided that the licensee has complied with subdivisions 1~~
951 ~~through 3 of this subsection. (+1) (G/D)~~

Commented [JH41]: Discuss whether this is necessary.

952 ~~B. Contractors. The board shall renew a contractor license for an additional 12 months~~
953 ~~upon receipt of a renewal application and the renewal fee in compliance with~~
954 ~~18VAC15-30-163 and 18VAC15-30-165. (+1) (G/D) Return of the renewal~~
955 ~~application and renewal fee to the board shall constitute a certification that the~~
956 ~~licensee is in full compliance with the board's regulations. (+1) (R/D)~~

Commented [JH42]: Discuss whether this is necessary.

957 ~~C~~B. Accredited training programs.

958 1. Accredited lead training providers desiring to ~~maintain~~ renew approval of ~~their a~~
959 accredited lead training program shall ~~cause the board to receive the following no~~
960 ~~later than 24 months after the date of initial approval (+1) (R/D) and not less often~~
961 ~~than once each 24 months thereafter~~ must provide the following: (+1) (R/D)

962 a. The training provider's name (+1) (R/S), address (+1) (R/S), and telephone
963 number. (+1) (R/S)

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

965 (1) The course materials for each course meet the requirements of Part VII
966 (18VAC15-30-440 et seq.) of this chapter. (+1) (R/S)

- 967 (2) The training manager **(+1) (R/S)** and principal instructors meet the
968 qualifications listed in 18VAC15-30-340. **(+1) (R/S)**
- 969 (3) The training program manager complies at all times with all requirements of
970 this chapter. **(+1) (R/S)**
- 971 (4) The quality control program meets the requirements noted in 18VAC15-30-410.
972 **(+1) (R/S)**
- 973 (5) The recordkeeping requirements of this chapter will be followed. **(+1) (R/S)**
- 974 ~~2. Return of the renewal application and renewal fee to the board shall constitute a
975 certification that the accredited lead training provider is in full compliance with the
976 board's regulations. **(+1) (R/D)**~~
- 977 3. An audit by a board representative may be performed to verify the certified
978 statements and the contents of the application before relicensure is granted. **(0)**
- 979 4. Accredited lead training programs determined by the board to have met the
980 renewal requirements ~~shall~~ will be issued an approval for an additional 24 months.
981 **(+1) (G/D)**

982 **Statutory Authority**

983 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

984 **Historical Notes**

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

987 **18VAC15-30-167. Late renewal. +3**

988

989 A. Each license and each accredited lead training program approval that is not
990 renewed within 30 days of the expiration date on the license or approval letter will be
991 subject to late renewal fees as established in 18VAC15-30-162. ~~If the renewal fee is~~
992 ~~not received by the board within 30 days after the expiration date printed on the~~
993 ~~license or accredited lead training program approval, a late renewal fee shall be~~
994 ~~required in addition to the renewal fee. **(+1) (R/D)**~~

995 B. Each license and each approved accredited lead training program that is not
996 renewed within 12 months after the expiration date will not be renewed. The
997 individual or firm must apply for a new license or approval and meet entry
998 requirements current at the time the new application is submitted. ~~Any licensee or~~
999 ~~accredited lead training provider who fails to renew his license or accredited lead~~

1000 ~~training program approval within 12 months after the expiration date on the license or~~
1001 ~~approval shall not be permitted to renew (+1) (R/D) and shall apply as a new~~
1002 ~~applicant. (+1) (R/D)~~

1003 **Statutory Authority**

1004 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1005 **Historical Notes**

1006 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,
1007 Issue 15, eff. May 1, 2015.

1008 **18VAC15-30-170. (Repealed.)**

1009 **Historical Notes**

1010 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1011 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1012 **18VAC15-30-190. (Repealed.)**

1013 **Historical Notes**

1014 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1015 19, Issue 24, eff. October 1, 2003.

1016 **18VAC15-30-205. (Repealed.)**

1017 **Historical Notes**

1018 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23,
1019 Issue 3, eff. December 1, 2006.

1020 **18VAC15-30-210. (Repealed.)**

1021 **Historical Notes**

1022 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1023 19, Issue 24, eff. October 1, 2003.

1024 **18VAC15-30-225. (Repealed.)**

1025 **Historical Notes**

1026 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23,
1027 Issue 3, eff. December 1, 2006.

1028 **18VAC15-30-230. (Repealed.)**

1029 **Historical Notes**

1030 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1031 19, Issue 24, eff. October 1, 2003.

1037
1038 **18VAC15-30-245. (Repealed.)**
1039 **Historical Notes**
1040 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; derived from or amended, Virginia
1041 Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December
1042 1, 2006.

1043
1044 **18VAC15-30-310. (Repealed.)**
1045 **Historical Notes**
1046 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1047 19, Issue 24, eff. October 1, 2003.

1048
1049 **18VAC15-30-330. (Repealed.)**
1050 **Historical Notes**
1051 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1052 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1053
1054 **Part VI. Standards of Practice and Conduct for Accredited Lead Training**
1055 **Programs**

1056
1057 **18VAC15-30-332. Changes to an approved course. +2**
1058

1059 **A.** Once a training course has been approved, substantial changes in any of the
1060 approved items must be submitted to the board for review and approval prior to the
1061 continuation of the training course. **(+1) (R/S)** These items include, ~~but are not limited~~
1062 ~~to:~~ **(0)**

- 1063 1. Course curriculum.
- 1064 2. Course examination.
- 1065 3. Course materials.
- 1066 4. Training manager and principal instructor or instructors.
- 1067 5. Certificate of completion.

1068 **6. Change in permanent training location.**

1069 **B. INSERT EPA APPROVAL LANGUAGE**

Commented [HJ(43): 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 [JH44]: Any others?

Commented [TP45R44]: 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.

1070 ~~The board shall will communicate its approval or disapproval in the same manner as~~
1071 ~~for initial applications for accreditation approval. (+1) (C/D)~~

1072

1073 **Statutory Authority**

1074 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1075 **Historical Notes**

1076 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1077 **18VAC15-30-334. Change of ownership. +1 [PARKING LOT]**

1078

1079 When an accredited lead training provider offering an accredited lead training
1080 program has a change of ownership, the new owner shall apply anew. (+1) (R/D)

1081 **Statutory Authority**

1082 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1083 **Historical Notes**

1084 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1085 **18VAC15-30-340. Qualifications of training managers and principal instructors.**

1086 +6

1087

1088 A. The training program ~~shall~~ will employ a training manager who:

1089 1. Has at least two ~~years'~~ years of experience, education, or training in teaching
1090 workers or adults; has a bachelor's or graduate level degree in building
1091 construction technology, engineering, industrial hygiene, safety, public health,
1092 education, business administration, program management, or a related field; or has
1093 two ~~years'~~ years of experience in managing a training program that specialized in
1094 environmental hazards; and (+1) (R/S)

1095 2. Has demonstrated experience, education, or training in the construction industry
1096 including: lead or asbestos abatement, painting, carpentry, renovation, remodeling,
1097 occupational safety and health, or industrial hygiene. (+1) (R/S)

1098 B. The training program ~~shall~~ will employ a qualified principal instructor, designated
1099 by the training manager, for each course who:

Commented [JH46]: Is this requirement necessary?

Commented [TP47R46]: 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 [LB48R46]: PER 12/7/23 COMMITTEE PARKING LOT THIS

1100 1. Demonstrates experience, education or training in teaching workers or adults;
1101 (+1) (R/S)

1102 2. Successfully completed a minimum of 16 hours of any EPA-accredited or board-
1103 approved lead-specific training; and (+1) (R/S)

1104 3. ~~Demonstrated~~ Has demonstrated experience, education or training in lead or
1105 asbestos abatement, painting, carpentry, renovation, remodeling, occupational
1106 safety and health, or industrial hygiene. (+1) (R/S)

1107 C. Documentation of all principal instructor qualifications ~~shall~~will be reviewed and
1108 approved by the board prior to the principal instructor teaching in an accredited lead
1109 training program. (+1) (R/D)

1110 **Statutory Authority**

1111 § 54.1-501 of the Code of Virginia.

1112 **Historical Notes**

1113 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1114 19, Issue 24, eff. October 1, 2003.

1115 **18VAC15-30-350. Responsibilities of the training manager. +7**

1116

1117 A. The training program ~~shall~~will employ a training manager who ~~shall~~will be
1118 responsible for ensuring that the training program complies at all times with the
1119 requirements of this chapter (+1) (R/S) and who is responsible for maintaining:

1120 1. The validity and integrity of the hands-on skills assessment or proficiency test to
1121 ensure that ~~it~~the assessment or test accurately evaluates ~~the~~ trainees' performance of
1122 the work practices and procedures associated with the course topics. (+1) (R/S)

1123 2. The validity and integrity of the course test to ensure that ~~it~~the test accurately
1124 evaluates the trainees' knowledge and retention of the course topics. (+1) (R/S)

1125 B. The training manager ~~shall~~will, for each course offered, designate a principal
1126 instructor. (+1) (R/S) Principal instructors are responsible for the organization of the
1127 course and oversight of the teaching of all course material. (+1) (R/S)

1128 C. Guest instructors may be designated by the training manager as needed to provide
1129 instruction specific to the lecture, hand-on activities, or work practice components of a
1130 course. (0)

1131 D. Any training manager who intends to also serve as a principal instructor ~~shall~~ must
1132 meet the requirements of subsection B of 18VAC15-30-340 (+1) (R/D) ~~and provide~~
1133 ~~documentation to the board prior to instructing. (+1) (R/D)~~

Commented [JH49]: Would application and reporting requirements be sufficient to establish this?

Commented [TP50R49]: Yes.

1134 **Statutory Authority**

1135 § 54.1-501 of the Code of Virginia.

1136 **Historical Notes**

1137 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1138 19, Issue 24, eff. October 1, 2003.

1139

1140 **18VAC15-30-360. Training manager and principal instructor documentation. +3**

1141

1142 The following documents ~~shall~~ will be recognized by the board as proof that training
1143 managers and principal instructors meet the ~~relevant~~ applicable educational, work
1144 experience, and training requirements specifically listed in 18VAC15-30-340:

1145 1. Official academic transcripts or diplomas as proof of meeting the educational
1146 requirements. (+1) (R/S)

1147 2. Resumes, letters of reference, or documentation of work experience as proof of
1148 meeting the work experience requirements. (+1) (R/S)

1149 3. Certificates from lead-specific training courses as proof of meeting the training
1150 requirements. (+1) (R/S)

Commented [TP51]: Guidance document

1151 **Statutory Authority**

1152 § 54.1-501 of the Code of Virginia.

1153 **Historical Notes**

1154 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1155 19, Issue 24, eff. October 1, 2003.

1156 **18VAC15-30-370. Training facilities. +5**

1157

1158 The training program ~~shall~~ will provide adequate facilities for the delivery of the
1159 lecture (+1) (R/S), course test (+1) (R/S), hands-on training (+1) (R/S), and
1160 assessment activities. (+1) (R/S) This includes providing training equipment that
1161 reflects current work practices, and maintaining or updating the equipment and
1162 facilities as needed. (+1) (R/S)

1163 Statutory Authority
1164 § 54.1-501 of the Code of Virginia.

1165 Historical Notes
1166 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1167 19, Issue 24, eff. October 1, 2003.

1168 **18VAC15-30-380. Length of training courses. +14**

1170 **A. The length of training courses are will be as follows:**

1171 1. The training course for lead inspector shall must last a minimum of 24 training
1172 hours **(+1) (R/S)**, with a minimum of eight hours devoted to hands-on training
1173 activities. **(+1) (R/S)**

1174 2. The training course for lead risk assessor shall must last a minimum of 16
1175 training hours **(+1) (R/S)** with a minimum of four hours devoted to hands-on
1176 training activities. **(+1) (R/S)** As a prerequisite, the 24 training hours provided for in
1177 subdivision 1 of this subsection for lead inspector shall beis required. **(+1) (R/S)**

1178 3. The training course for lead project designer shall must last a minimum of eight
1179 training hours. **(+1) (R/S)** As a prerequisite, the 32 training hours provided for in
1180 subdivision 4 of this subsection for lead abatement supervisor shall beis required.
1181 **(+1) (R/S)**

1182 4. The training course for lead abatement supervisor shall must last a minimum of
1183 32 training hours **(+1) (R/S)**, with a minimum of eight hours devoted to hands-on
1184 activities. **(+1) (R/S)**

1185 5. The training course for lead abatement worker shall must last a minimum of 16
1186 training hours **(+1) (R/S)**, with a minimum of eight hours devoted to hands-on
1187 activities. **(+1) (R/S)**

1188 6. All lead refresher courses shall must last a minimum of eight training hours **(+1)**
1189 **(R/S)**, except the project designer refresher course which shall must last a minimum
1190 of four training hours. **(+1) (R/S)**

1191 **B. In no case shall will** actual training exceed eight hours during any single 24-hour
1192 period, exceed four hours when conducted during evening hours (after 5 p.m. and
1193 before 8 a.m.) except training that is conducted during the student's normal second or
1194 third shift working hours, or exceed 16 hours during any weekend (Friday after 5 p.m.
1195 to Monday 8 a.m.). **(+1) (R/D)**

Commented [JH52]: Discuss whether this is necessary.

Commented [LB53R52]: Struck per committee on 12/7/23.

Commented [LB54]: Rolled into 450 per 12/7/23 committee.

1196 **Statutory Authority**

1197 § 54.1-501 of the Code of Virginia.

1198 **Historical Notes**

1199 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1200 19, Issue 24, eff. October 1, 2003.

1201 **18VAC15-30-390. Course examination. +10**

1202

1203 A. For each course, the accredited lead training program ~~shall~~will conduct a
1204 monitored, written course test at the completion of the course (+1) (R/S) and a hands-
1205 on skills assessment, or as an alternative, a proficiency test. (+1) (R/S) Each
1206 individual must successfully complete the hands-on skills assessment (+1) (R/S) and
1207 receive a passing score on the course test to pass any course, or successfully complete
1208 a proficiency test. (+1) (R/S) ~~Refresher training programs are not required to conduct~~
1209 ~~a hands-on skills assessment. (0)~~

1210 B. The course test is an evaluation of the overall effectiveness of the training which
1211 ~~shall~~must test the trainee's knowledge and retention of the topics covered during the
1212 course. (+1) (R/S) ~~An oral course test may be administered in lieu of a written course~~
1213 ~~test for lead abatement worker only. (0)~~

1214 1. For a lead abatement worker training program, an oral course test may be
1215 administered in lieu of a written course test.

1216 C. Seventy percent ~~shall~~will be the passing score on the course test. (+1) (R/D)

1217 D. The hands-on skills assessment is an evaluation of the effectiveness of the hands-
1218 on training which ~~shall~~will test the ability of the trainees to demonstrate satisfactory
1219 performance of work practices and procedures specified in Part VIII (18VAC15-30-
1220 440 et seq.) of this chapter, as well as any other skills demonstrated in the course. (+1)
1221 (R/S)

1222 E. ~~The use of a proficiency test in lieu of a hands-on assessment and course test may~~
1223 ~~be considered by the training provider. (0)~~ An accredited lead training program that
1224 offers a proficiency test ~~shall~~must assure that the test consists primarily of an
1225 evaluation of the effectiveness and reliability of a student's ability to conduct a
1226 particular lead-based paint activity. (+1) (R/D) The proficiency test must also cover
1227 all of the topics and skills addressed in a particular course. (+1) (R/D) ~~For instance, a~~
1228 ~~proficiency-based course in inspection could involve a mix of lecture material with~~
1229 ~~students conducting a mock inspection in a residential dwelling with known lead-~~
1230 ~~based paint concentrations. (0) The student would be evaluated on the accuracy of the~~

Commented [HJ(55)]: 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 [LB56R55]: Struck per committee on 12/7/23.

Commented [JH57]: Should this remain 70%. Not clear this is tied to a federal standard.

Commented [LB58R57]: Keep as is per 12/7/23 committee.

1231 ~~results of their inspection. (0) For a training program to make use of a proficiency-~~
1232 ~~based course, that course must be approved by the board in the same manner as~~
1233 ~~approval for any other course, including fees. (+1) (R/D)~~

Commented [JH59]: Is this necessary?

Would this be better in a guidance document?

Commented [TP60R59]: Suggest striking.

Commented [LB61R59]: Struck per 12/7/23 committee.

Commented [JH62]: Is this necessary?

Commented [TP63R62]: No.

Commented [LB64R62]: Struck per 12/7/23 committee.

1234 **Statutory Authority**

1235 § 54.1-501 of the Code of Virginia.

1236 **Historical Notes**

1237 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1238 19, Issue 24, eff. October 1, 2003.

1239

1240 **18VAC15-30-400. Certificates of completion. +14**

1241

1242 A. Accredited lead training programs ~~shall~~will issue unique course completion
1243 certificates to each individual who successfully completes the course requirements.

1244 (+1) (R/S) The course completion certificate ~~shall~~must include:

1245 1. A unique certificate number. (+1) (R/S)

1246 2. The name (+1) (R/S) and address of the individual. (+1) (R/S)

1247 3. The name of the particular course that the individual completed. (+1) (R/S)

1248 4. Dates of course completion/test passage. (+1) (R/S)

1249 5. Expiration date. (+1) (R/S) Training certificates ~~shall~~will expire three years from
1250 the date of course completion. (0) If the accredited lead training program offers a
1251 proficiency test, ~~the~~such training certificates ~~shall~~will expire five years from the
1252 date of course completion. (0)

1253 6. Name (+1) (R/S), address (+1) (R/S), and telephone number of the training
1254 provider. (+1) (R/S)

1255 7. Name (+1) (R/D) and signature (+1) (R/D) of the training manager (+1) (R/D)
1256 and principal instructor. (+1) (R/D)

1257 **B. INCORPORATE GUIDANCE RE TRAINING MANAGER SIGNATURES**
1258 **SAME PERSON.**

1259 **Statutory Authority**

1260 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1261 **Historical Notes**

1262 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1263 19, Issue 24, eff. October 1, 2003; Volume 31, Issue 15, eff. May 1, 2015.

1264 **18VAC15-30-410. Quality control plan. +7**

1265

1266 The training manager ~~shall~~will develop (+1) (R/S) and implement a quality control
1267 plan. (+1) (R/S) The plan ~~shall~~will be used to maintain (+1) (R/S) and improve the
1268 quality of the accredited lead training program over time. (+1) (R/S) ~~This~~The plan
1269 ~~shall~~must contain at least the following elements:

1270 1. Procedures for periodic revision of training materials (+1) (R/S) and course test
1271 to reflect innovations in the field. (+1) (R/S)

1272 2. Procedures for the training manager's annual review of principal instructor
1273 competency. (+1) (R/S)

1274 **Statutory Authority**

1275 § 54.1-501 of the Code of Virginia.

1276 **Historical Notes**

1277 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1278 19, Issue 24, eff. October 1, 2003.

1279 **18VAC15-30-420. Recordkeeping and provision of records to the board. +69**

1280

1281 A. Each accredited lead training program ~~shall~~will maintain and make available upon
1282 request from the board the following records: (+1) (R/S)

1283 1. All documents specified in 18VAC15-30-360 that demonstrate the qualifications
1284 listed in 18VAC15-30-340 of the training manager and principal instructors. (+1)
1285 (R/S)

1286 2. Current curriculum ~~or~~and course materials (+1) (R/S) and documents reflecting any
1287 changes made to these materials. (+1) (R/S)

1288 3. Course examination. (+1) (R/S)

1289 4. Information on how the hands-on assessment is conducted including, ~~but not~~
1290 ~~limited to~~, who conducts the assessment, (+1) (R/S) how the skills are graded, (+1)
1291 (R/S) what facilities are used, (+1) (R/S) and the pass/fail rate. (+1) (R/S)

- 1292 5. The quality control plan described in 18VAC15-30-410. (+1) (R/S)
- 1293 6. Results of ~~the each~~ student's hands-on skills assessments (+1) (R/S) and course
1294 examination (+1) (R/S) and a copy of each student's course completion certificate.
1295 (+1) (R/S)
- 1296 7. Any other material not listed in this chapter that was submitted to the board as
1297 part of the application for accreditation. (+1) (R/S)
- 1298 The accredited lead training provider ~~shall~~ must retain these records at the location
1299 specified on the training program application (+1) (R/S) for a minimum of three years
1300 and six months. (+1) (R/S)
- 1301 B. The training manager ~~shall~~ must notify the board (+1) (R/S) at least 48 hours prior
1302 to the start date of any accredited lead training program. (+1) (R/S)
- 1303 C. The training manager ~~shall~~ must provide an updated notification when an
1304 accredited lead training program will begin on a date other than the start date specified
1305 in the original notification as follows:
- 1306 1. For accredited lead training programs beginning prior to 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 new start date. (+1) (R/S)
- 1309 2. For accredited lead training programs beginning after the start date provided to
1310 the board, an updated notification must be received by the board (+1) (R/S) at least
1311 48 hours before the start date provided to the board. (+1) (R/S)
- 1312 D. The training manager ~~shall~~ must update the board of any change in location of an
1313 accredited lead training program (+1) (R/S) at least seven business days prior to the
1314 start date provided to the board. (+1) (R/S)
- 1315 E. The training manager ~~shall~~ must update the board regarding any accredited lead
1316 training program cancellations or any other change to the original notification (+1)
1317 (R/S) at least two business days prior to the start date provided to the board. (+1)
1318 (R/S) This requirement ~~shall~~ will not apply to situations or circumstances beyond the
1319 control of the training provider. (0)
- 1320 F. Each notification, ~~including updates,~~ ~~shall~~ must include the following:
- 1321 1. Notification type (original, update, cancellation). (+1) (R/S)
- 1322 2. Training program name (+1) (R/S), Virginia accreditation number (+1) (R/S),
1323 address (+1) (R/S), and telephone number. (+1) (R/S)

1324 3. Course discipline (+1) (R/S), type (initial/refresher) (+1) (R/S), and the language
1325 in which the instruction will be given. (+1) (R/S)

1326 4. Dates (+1) (R/S) and times of training. (+1) (R/S)

1327 5. Training locations (+1) (R/S), telephone number (+1) (R/S), and address. (+1)
1328 (R/S)

1329 6. Principal instructor's name. (+1) (R/S)

1330 7. Training manager's name (+1) (R/S) and signature. (+1) (R/S)

1331 G. The training program participant list ~~shall~~must be completed by the training
1332 provider (+1) (R/D) and training program participants daily. (+1) (R/D)

1333 H. The training program participant list ~~shall~~must be retained by the training provider
1334 (+1) (R/D) for three years following the date of completion of the training program.
1335 (+1) (R/D)

1336 I. The training manager ~~shall~~must provide to the board the accredited lead training
1337 program participant list (+1) (R/S) no later than 10 business days following the
1338 training program completion. (+1) (R/S) ~~For the purposes of this section, a business~~
1339 ~~day shall mean Monday through Friday with the exception of federal holidays. (0)~~

1340 J. The training program participant list ~~shall~~must include the following:

1341 1. Training program name (+1) (R/S), Virginia accreditation number (+1) (R/S),
1342 address (+1) (R/S), and telephone number. (+1) (R/S)

1343 2. Course discipline (+1) (R/S) and type (initial/refresher). (+1) (R/S)

1344 3. Dates of training. (+1) (R/S)

1345 4. Each participant's name (+1) (R/S), address (+1) (R/S), social security number
1346 (+1) (R/D), course completion certificate number (+1) (R/S), and course test score.
1347 (+1) (R/S)

1348 5. Training manager's name (+1) (R/S) and signature. (+1) (R/S)

1349 K. Notifications (+1) (R/D) and training program participant lists ~~shall~~must be
1350 submitted electronically in the manner ~~established by~~acceptable to the board.
1351 ~~specifically to receive this documentation using a sample form designed by and~~
1352 ~~available from the board. (+1) (R/D) Any variation upon this procedure shall must be~~
1353 ~~approved by the board prior to submission. (+1) (R/D)~~

1354 L. The training provider ~~shall~~must retain all examinations completed by training
1355 program participants (+1) (R/D) for a period of three years. (+1) (R/D)

Commented [LB65]: Add to Forms section per 12/7/23 committee discussion.

1356 M. The department ~~shall~~will not recognize training certificates from approved
1357 training providers that fail to ~~notify~~to comply with the notification requirements of
1358 this section or fail to provide a training program participant list as required by this
1359 section. (+1) (G/D) (+1) (R/D)

1360 **Statutory Authority**

1361 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1362 **Historical Notes**

1363 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1364 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December
1365 1, 2006.

1366

1367 **18VAC15-30-430. Change of address. +2**

1368

1369 The accredited lead training provider shall notify the board (+1) (R/S) within 30 days
1370 ~~prior to~~of relocating its business or transferring the records. (+1) (R/S)

1371 **Statutory Authority**

1372 § 54.1-501 of the Code of Virginia.

1373 **Historical Notes**

1374 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1375 19, Issue 24, eff. October 1, 2003.

1376 **18VAC15-30-435. Access by the department.**

1377

1378 Accredited training providers must permit department representatives to attend,
1379 evaluate, and monitor any accredited training program. Prior notice of attendance
1380 by department representatives is not required. The department will be given access
1381 to all course materials, principal instructor and training manager rosters, participant
1382 rosters, and other records as stipulated by this chapter.

1383

1384 **18VAC15-30-437. Suspension or revocation of approval of an accredited lead**
1385 **training provider. +11**

1386

Commented [JH66]: Relocated from section -820.

Commented [HJ(67)]: Many of the requirements here are in 40 CFR 745.225(g).

1387 The board may suspend, revoke, or modify an accredited lead training program's
1388 approval if an accredited lead training provider, training manager, or other person
1389 with supervisory authority over the training program has:

1390 1. Misrepresented the contents of a training course to the board or the student
1391 population. (+1) (R/S)

1392 2. Failed to submit required information or notification in a timely manner. (+1)
1393 (R/S)

1394 3. Failed to submit training program notifications as required (+1) (R/D) and in the
1395 manner described in 18VAC15-30-420. (+1) (R/D)

1396 4. Failed to submit training program participant lists as required (+1) (R/D) and in
1397 the manner described in 18VAC15-30-420. (+1) (R/D)

1398 5. Failed to maintain required records. (+1) (R/S)

1399 6. Falsified accreditation records, qualifications of the training manager and
1400 principal instructors, or other accreditation information. (+1) (R/S)

1401 7. Failed to comply with the federal, state, or local lead-based paint statutes or
1402 regulations. (+1) (R/S)

1403 8. Acted as an ostensible licensee for undisclosed persons who do or will control or
1404 direct, directly or indirectly, the operations of the accredited lead training provider's
1405 business. (+1) (R/D)

1406

1407 Part VII. Training Course Curricula Requirements

1408

1409 ~~18VAC15-30-440. General. +2~~

1410

1411 ~~Training programs shall will ensure that their courses of study for various lead-based~~
1412 ~~paint activities disciplines cover the mandatory subject areas. (+1) (R/D)~~

1413 ~~Requirements listed in this part ending in an asterisk (*) indicate areas that require~~
1414 ~~hands-on training as an integral component of the course. (0) All training courses shall~~
1415 ~~must be discipline specific. (+1) (R/D)~~

1416 Statutory Authority

1417 § 54.1-501 of the Code of Virginia.

1418 Historical Notes

Commented [LB68]: Struck per 12/7/23 committee.

1419 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1420 19, Issue 24, eff. October 1, 2003.

1421 **18VAC15-30-450. Initial training criteria for lead abatement worker. +11**
1422

1423 A. The lead abatement workers course ~~shall~~must last a minimum of 16 hours (+1)
1424 (R/S) with a minimum of eight hours devoted to hands-on training. (+1) (R/S) The
1425 training course ~~shall~~must address the following topics:

- 1426 1. Role and responsibilities of an abatement worker. (+1) (R/S)
- 1427 2. Background information and health effects of lead. (+1) (R/S)
- 1428 3. Background information on federal, state and local regulations and guidance that
1429 pertains to lead-based paint activities. (+1) (R/S)
- 1430 4. Lead-based paint hazard recognition and control methods.* (+1) (R/S)
- 1431 5. Lead-based paint abatement and lead hazard reduction methods, including
1432 restricted work practices.* (+1) (R/S)
- 1433 6. Interior dust abatement methods/clean-up or lead hazard reduction.* (+1) (R/S)
- 1434 7. Soil and exterior dust abatement methods or lead hazard reduction.* (+1) (R/S)
- 1435 ~~8. Course review. (+1) (R/D)~~
- 1436 ~~9.~~ Examination. (+1) (R/S)

1437 B. The topics in subdivisions A 4, A 6, and A 7 must include hands-on training.

1438 **Statutory Authority**

1439 § 54.1-501 of the Code of Virginia.

1440 **Historical Notes**

1441 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1442 19, Issue 24, eff. October 1, 2003.

1443 **18VAC15-30-460. Initial training criteria for lead abatement supervisor. +18**
1444

1445 A. The lead abatement supervisor course ~~shall~~must last a minimum of 32 hours (+1)
1446 (R/S) with a minimum of eight hours devoted to hands-on training. (+1) (R/S) The
1447 training course ~~shall~~must address the following topics:

- 1448 1. Role and responsibilities of an abatement supervisor. (+1) (R/S)
- 1449 2. Background information on lead and the adverse health effects. (+1) (R/S)
- 1450 3. Background information on federal, state and local regulations (+1) (R/S) and
1451 guidance that pertains to lead-based paint activities including distribution and
1452 thorough review of the Virginia Lead-Based Paint Activities Regulations. (+1)
1453 (R/D)
- 1454 4. Liability and insurance issues relating to lead-based paint abatement. (+1) (R/S)
- 1455 5. Risk assessment and inspection report interpretation.* (+1) (R/S)
- 1456 6. Development and implementation of an occupant protection plan and abatement
1457 report. (+1) (R/S)
- 1458 7. Lead-based paint hazard recognition and control methods.* (+1) (R/S)
- 1459 8. Lead-based paint abatement or lead hazard reduction methods, including
1460 restricted work practices.* (+1) (R/S)
- 1461 9. Interior dust abatement/clean-up or lead hazard reduction.* (+1) (R/S)
- 1462 10. Soil and exterior dust abatement or lead hazard reduction.* (+1) (R/S)
- 1463 11. Clearance standards and testing. (+1) (R/S)
- 1464 12. Clean-up and waste disposal. (+1) (R/S)
- 1465 13. Recordkeeping. (+1) (R/S)
- 1466 ~~14. Course review. (+1) (R/D)~~
- 1467 ~~15~~14. Examination. (+1) (R/S)
- 1468 B. The topics in subdivisions A 5, A 7, A 8, A 9, and A 10 must include hands-on
1469 training.

1470 **Statutory Authority**

1471 § 54.1-501 of the Code of Virginia.

1472 **Historical Notes**

1473 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1474 19, Issue 24, eff. October 1, 2003.

1475 **18VAC15-30-470. Initial training criteria for lead inspector. +13**

1476

1477 A. The lead inspector course ~~shall~~must last a minimum of 24 hours (+1) (R/S) with a
1478 minimum of eight hours devoted to hands-on training. (+1) (R/S) The training course
1479 ~~shall~~must address the following topics:

- 1480 1. Background information on lead. (+1) (R/S)
- 1481 2. Health effects of lead. (+1) (R/S)
- 1482 3. ~~Regulatory review. (+1) (R/D) This entails a discussion of applicable federal,~~
1483 ~~state and local regulations that pertains to lead-based paint, including distribution~~
1484 ~~and thorough review of this chapter. (0) Background information on federal, state~~
1485 ~~and local regulations and guidance that pertains to lead-based paint activities~~
1486 ~~including distribution and thorough review of the Virginia Lead-Based Paint~~
1487 ~~Activities Regulations.~~
- 1488 4. Roles and responsibilities of the lead-based paint inspector. (+1) (R/S)
- 1489 5. Lead-based paint inspection methods, including selection of rooms and
1490 components for sampling or testing.* (+1) (R/S)
- 1491 6. Paint, dust, and soil sampling methodologies.* (+1) (R/S)
- 1492 7. Preparation of the final inspection report.* (+1) (R/S)
- 1493 8. Clearance standards and testing, including random sampling.* (+1) (R/S)
- 1494 9. Recordkeeping. (+1) (R/S)
- 1495 ~~10. Course review. (+1) (R/D)~~
- 1496 ~~11~~10. Examination. (+1) (R/S)

1497 B. The topics in subdivisions A 5, A 6, A 7, and A 8 must include hands-on
1498 training.

1499 **Statutory Authority**
1500 § 54.1-501 of the Code of Virginia.

1501 **Historical Notes**
1502 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1503 19, Issue 24, eff. October 1, 2003.

1504 **18VAC15-30-480. Initial training criteria for lead risk assessors. +14**
1505

1506 A. The lead risk assessor course ~~shall~~must last a minimum of 16 hours (+1) (R/S) and
1507 ~~shall~~must address the following topics with a minimum of four hours devoted to
1508 hands-on training (+1) (R/S), which includes site visits:

- 1509 1. Role and responsibilities of a risk assessor. (+1) (R/S)
- 1510 2. ~~Regulatory review. (+1) (R/D) This entails a discussion of applicable federal,~~
1511 ~~state and local regulations that pertain to lead-based paint, including distribution~~
1512 ~~and thorough review of this chapter. (0) Background information on federal, state~~
1513 ~~and local regulations and guidance that pertains to lead-based paint activities~~
1514 ~~including distribution and thorough review of the Virginia Lead-Based Paint~~
1515 ~~Activities Regulations.~~
- 1516 3. Collection of background information to perform risk assessment. (+1) (R/S)
- 1517 4. Visual inspection for the purpose of identifying potential sources of lead-based
1518 hazards.* (+1) (R/S)
- 1519 5. Sources of environmental lead contamination such as paint, surface dust, water,
1520 air, packaging, and food. (+1) (R/S)
- 1521 6. Lead hazard screen protocol. (+1) (R/S)
- 1522 7. Sampling for other sources of lead exposure.* (+1) (R/S)
- 1523 8. Interpretation of lead-based paint and other sampling results. (+1) (R/S)
- 1524 9. Development of hazard control options, the role of interim controls, and
1525 operations and maintenance activities to reduce lead-based paint hazards. (+1) (R/S)
- 1526 10. Preparation of a final risk assessment report. (+1) (R/S)
- 1527 ~~11. Course review. (+1) (R/D)~~
- 1528 ~~12~~11. Examination. (+1) (R/S)
- 1529 B. The topics in subdivisions A 4 and A 7 must include hands-on training.

1530 **Statutory Authority**

1531 § 54.1-501 of the Code of Virginia.

1532 **Historical Notes**

1533 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1534 19, Issue 24, eff. October 1, 2003.

1535 **18VAC15-30-490. Initial training criteria for lead project designer. +9**

1536

1537 The lead project designer course ~~shall~~must last a minimum of eight hours (+1) (R/S)
1538 and ~~shall~~must address the following topics:

- 1539 1. Role and responsibilities of a project designer. (+1) (R/S)
- 1540 2. Development and implementation of an occupant protection plan for large scale
1541 abatement projects. (+1) (R/S)
- 1542 3. Lead-based paint abatement and lead-based paint hazard reduction methods for
1543 large scale abatement projects. (+1) (R/S)
- 1544 4. Interior dust abatement/clean-up or lead hazard control and reduction methods for
1545 large scale abatement projects. (+1) (R/S)
- 1546 5. Clearance standards and testing for large scale abatement projects. (+1) (R/S)
- 1547 6. Integration of lead-based paint abatement methods with modernization and
1548 rehabilitation projects for large scale abatement projects. (+1) (R/S)

1549 ~~7. Course review. (+1) (R/D)~~

1550 ~~8. Examination. (+1) (R/S)~~

1551 **Statutory Authority**

1552 § 54.1-501 of the Code of Virginia.

1553 **Historical Notes**

1554 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1555 19, Issue 24, eff. October 1, 2003.

1556

1557 **18VAC15-30-500. Refresher training criteria. +6**

1558

1559 A. All lead refresher courses must be a minimum of eight training hours, except for
1560 the project designer refresher course, which must be a minimum of four training
1561 hours.

1562 B. The refresher course for all disciplines ~~shall~~must address the following topics:

- 1563 1. An overview of current safety practices relating to lead-based paint activities in
1564 general (+1) (R/S), as well as specific information pertaining to the appropriate
1565 discipline. (+1) (R/S)

Commented [JH69]: Relocated from section -380.

1566 2. Current federal, state, and local laws and regulations relating to lead-based paint
1567 activities in general **(+1) (R/S)**, as well as specific information pertaining to the
1568 appropriate discipline including distribution and thorough review of the Virginia
1569 Lead-Based Paint Activities Regulations. **(+1) (R/D)**

1570 3. Current technologies relating to lead-based paint in general **(+1) (R/S)**, as well as
1571 specific information pertaining to the appropriate discipline. **(+1) (R/S)**

1572 C. Refresher courses for all disciplines except project designer must include a
1573 hands-on component.

Commented [JH70]: Reflects current requirement in federal regulation.

1574 **Statutory Authority**

1575 § 54.1-501 of the Code of Virginia.

1576 **Historical Notes**

1577 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1578 19, Issue 24, eff. October 1, 2003.

1579 **Part VIII. Standards for Conducting Lead-Based Paint Activities**

1580

1581

1582 **18VAC15-30-510. General requirements. +17**

1583

1584 A. This part establishes work practice standards for conducting lead-based paint
1585 activities in target housing and child-occupied facilities. **(0)**

1586 ~~B. Notification shall be sent by the licensed lead abatement contractor to the Virginia~~
1587 ~~Department of Labor and Industry prior to the commencement of any lead-based paint~~
1588 ~~abatement activities. **(+1) (R/D)** The notification shall be sent in a manner prescribed~~
1589 ~~by the Virginia Department of Labor and Industry. **(+1) (R/D)**~~

Commented [HJ(71): This notification requirement may be found in 16VAC25-35.

Consider whether the requirement needs to be in this regulation.

1590 BC. No ~~licensed~~ lead ~~abatement~~ contractor shall enter into a contract to perform a lead
1591 abatement project if the lead inspection or project design is to be performed by
1592 individuals with an employer/employee relationship with, or financial interest in, the
1593 lead-~~abatement~~ contractor unless the contractor provides the building owner with a
1594 "Virginia Lead Consumer Information and Disclosure Sheet," which is available from
1595 the board. **(+1) (R/D)** Persons licensed to perform post-abatement clearance
1596 procedures shall be independent of and have no financial interest in or an
1597 employer/employee relationship with the ~~licensed~~ lead ~~abatement~~ contractor. **(+1)**
1598 **(R/D)**

Commented [TP72R71]: DOLI regs already require this. Covered under prohibited acts if failure to comply

1599 D. The relationships described in subsection C of this section must be disclosed (+1)
1600 (R/D) and the disclosure form must be signed (+1) (R/D) and dated by the building
1601 owner, or his agent, (+1) (R/D) and the contracting entity prior to the signing of any
1602 contract to conduct lead-based paint activities. (+1) (R/D) The contractor must
1603 provide the disclosure form to all parties involved in the lead abatement project. (+1)
1604 (R/D) The disclosure form shall be kept on the lead abatement project site (+1) (R/D)
1605 and available for review. (+1) (R/D)

Commented [TP73]: Suggest striking C & D. Discuss necessity.

1606 E. When performing a lead-based paint inspection, lead-hazard screen, risk
1607 assessment or abatement, a licensed individual must perform that activity in
1608 compliance with documented methodologies. (+1) (R/S) Documented methodologies
1609 that are appropriate for this chapter include the following: (0)

1610 1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the
1611 Evaluation and Control of Lead-Based Paint Hazards in Housing, Second Edition,
1612 July 2012.

Commented [TP74]: Refer to 40 CFR 745.227(a)(3)
Updated to reflect change effective 9/1/2023

1613 2. 40 CFR Part 745, Subpart D (January 6, 2020, update).

Commented [TP75]: Updated to reflect change effective 9/1/2023

1614 3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and
1615 Lead-Contaminated Soil (60 FR 47248-47257, September 11, 1995).

Commented [TP76]: Refer to 40 CFR 745.227(a)(3)
Updated to reflect change effective 9/1/2023

1616 4. EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final
1617 Report (EPA 747-R-95-001, March 1995).

Commented [TP77]: Refer to 40 CFR 745.227(a)(3)

1618 ~~1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the~~
1619 ~~Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995~~
1620 ~~edition, including the 1997 Revision to Chapter 7: Lead Based Paint Inspection.~~

1621 ~~2. 40 CFR Part 745, Subpart D.~~

1622 ~~3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and~~
1623 ~~Lead-Contaminated Soil (60 FR 47248-47257).~~

1624 ~~4. EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final~~
1625 ~~Report (EPA 747-R-95-001, March 1995).~~

1626 ~~5. Any future EPA or HUD guidance that may replace the above methodologies.~~

Commented [TP78]: Removed per change effective 9/1/2023

1627 ~~6. Regulations, guidance, methods or protocols authorized by the board.~~

Commented [TP79]: Removed per change effective 9/1/2023

1628 ~~F. Individuals conducting lead-based paint activities shall comply with the work~~
1629 ~~practice standards enumerated in this chapter. (+1) (R/D)~~

Commented [TP80]: Suggest striking.

1630 G. Any lead-based paint activities, as described in this chapter, shall be performed
1631 only by individuals licensed by the board to perform such activities. (+1) (R/S)

1632 H. All reports and plans required by 18VAC15-30-520 through 18VAC15-30-651
1633 shall be maintained by the licensed firm or individual who prepared the report (+1)
1634 (R/S) for at least three years. (+1) (R/S) The licensed firm or individual also shall
1635 provide copies of these reports to the building owner or person who contracted for its
1636 services. (+1) (R/S)

Commented [HJ(81)]: Refer to 40 CFR 745.227(i).

1637 **Statutory Authority**

1638 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1639 **Historical Notes**

1640 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1641 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006.

1642 **18VAC15-30-511. Determination of the presence of lead-based paint, a paint-lead**
1643 **hazard, a dust-lead hazard, and a soil-lead hazard. (0)**
1644

Commented [HJ(82)]: Refer to 40 CFR 745.227(h) for federal standards to determine the presence of lead-based paint and hazards.

1645 A. Lead-based paint is present: (0)

- 1646 1. On any surface that is tested and found to contain lead equal to or in excess of 1.0
1647 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and
- 1648 2. On any surface like a surface tested in the same room equivalent that has a
1649 similar painting history and that is found to be lead-based paint.

1650 B. A paint-lead hazard is present: (0)

- 1651 1. On any friction surface that is subject to abrasion and where the lead dust levels
1652 on the nearest horizontal surface underneath the friction surface (e.g., the window
1653 sill or floor) are equal to or greater than the dust hazard levels identified ~~by EPA,~~
1654 ~~pursuant to 15 USC § 2683;~~ [in 40 CFR §745.227\(b\);](#)
- 1655 2. On any chewable lead-based paint surface on which there is evidence of teeth
1656 marks;
- 1657 3. Where there is any damaged or otherwise deteriorated lead-based paint on an
1658 impact surface that is caused by impact from a related building component (such as
1659 a door knob that knocks into a wall or a door that knocks against its door frame);
1660 and

1661 4. If there is any other deteriorated lead-based paint in any residential building or
1662 child-occupied facility or on the exterior of any residential building or child-
1663 occupied facility.

1664 C. A dust-lead hazard is present in a residential dwelling or child-occupied facility:
1665 (0)

1666 1. In a residential dwelling on floors and interior window sills when the weighted
1667 arithmetic mean lead loading for all single surface or composite samples of floors
1668 and interior window sills are equal to or greater than the amount identified ~~by EPA,~~
1669 ~~pursuant to 15 USC § 2683~~ in 40 CFR §745.227(h)(3) for floors and interior window
1670 sills;

1671 2. On floors or interior window sills in an unsampled residential dwelling in a
1672 multi-family dwelling, if a dust-lead hazard is present on floors or interior window
1673 sills, respectively, in at least one sampled residential unit on the property; and

1674 3. On floors or interior window sills in an unsampled common area in a multi-
1675 family dwelling, if a dust-lead hazard is present on floors or interior window sills,
1676 respectively, in at least one sampled common area in the same common area group
1677 on the property.

1678 D. A soil-lead hazard is present: (0)

1679 1. In a play area when the soil-lead concentration from a composite play area
1680 sample of bare soil is equal to or greater than the amount identified ~~by EPA~~
1681 ~~pursuant to 15 USC § 2683; or~~ in 40 CFR §745.227(h)(4);

1682 2. In the rest of the yard when the arithmetic mean lead concentration from a
1683 composite sample (or arithmetic mean of composite samples) of bare soil from the
1684 rest of the yard (i.e., nonplay areas) for each residential building on a property is
1685 equal to or greater than the amount identified ~~by EPA pursuant to 15 USC § 2683~~ in
1686 40 CFR §745.227(h)(4).

1687 **Statutory Authority**

1688 § 54.1-501 of the Code of Virginia.

1689 **Historical Notes**

1690 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8,
1691 2003.

1692 **18VAC15-30-520. Inspections.** +7

1693

Commented [HJ(83): Refer to 40 CFR 745.227(b) for inspection requirements in federal regulation.

1694 A. Inspections shall be conducted only by persons licensed by the board as an
1695 inspector or risk assessor. **(+1) (R/S)**

1696 B. When conducting an inspection, the following locations shall be selected according
1697 to documented methodologies **(+1) (R/S)** and tested for the presence of lead-based
1698 paint:

1699 1. In a residential dwelling or child-occupied facility, each testing combination with
1700 a distinct painting history **(+1) (R/S)** and each exterior testing combination with a
1701 distinct painting history shall be tested for lead-based paint, except those testing
1702 combinations that the inspector or risk assessor determines to have been replaced
1703 after 1978, or do not contain lead-based paint. **(+1) (R/S)**

1704 2. In a multi-family dwelling or child-occupied facility, each testing combination
1705 with a distinct painting history in every common area, except those testing
1706 combinations that the inspector or risk assessor determines to have been replaced
1707 after 1978, or do not contain lead-based paint. **(+1) (R/S)**

1708 C. Paint shall be sampled in the following manner:

1709 1. The analysis of paint to determine the presence of lead shall be conducted using
1710 documented methodologies that incorporate adequate quality control procedures;
1711 and/or **(+1) (R/S)**

1712 2. Collected paint chips shall be sent to a laboratory recognized by EPA as being
1713 capable of performing the analysis. **(+1) (R/S)**

1714 **Statutory Authority**

1715 § 54.1-501 of the Code of Virginia.

1716 **Historical Notes**

1717 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1718 19, Issue 24, eff. October 1, 2003.

1719 **18VAC15-30-530. (Repealed.)**

1720 **Historical Notes**

1721 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1722 19, Issue 24, eff. October 1, 2003.

1724 **18VAC15-30-540. Written inspection report. +18**

1725

1726 The licensed inspector or risk assessor shall prepare an inspection report that shall
1727 include the following information:

Commented [HJ(84): Refer to 40 CFR 745.227(b)(4).

- 1728 1. Date of each inspection. (+1) (R/S)
- 1729 2. Address of buildings. (+1) (R/S)
- 1730 3. Date of construction. (+1) (R/S)
- 1731 4. Apartment numbers (if applicable). (+1) (R/S)
- 1732 5. Name (+1) (R/S), address (+1) (R/S), and telephone number of the owner or
1733 owners of each residential dwelling or child-occupied facility. (+1) (R/S)
- 1734 6. Name (+1) (R/S), signature (+1) (R/S), and license number of each licensed
1735 inspector or risk assessor conducting testing. (+1) (R/S)
- 1736 7. Name (+1) (R/S), address (+1) (R/S), and telephone number of the firm
1737 employing each inspector or risk assessor. (+1) (R/S)
- 1738 8. Each testing method (+1) (R/S) and device and/or sampling procedure employed
1739 for paint analysis, including quality control data, (+1) (R/S) and, if used, the serial
1740 number of any ~~x-Ray~~ ~~Fluorescence Spectroscopy~~ (XRF) device. (+1) (R/S)
- 1741 9. Specific locations of each painted testing combination tested for the presence of
1742 lead-based paint. (+1) (R/S)
- 1743 10. The results of the inspection expressed in terms appropriate to the sampling
1744 methods used. (+1) (R/S)

Commented [TP85]: To comport with 745.227(b)(4)

1745 **Statutory Authority**

1746 § 54.1-501 of the Code of Virginia.

1747 **Historical Notes**

1748 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1749 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8, 2003.

1750 **18VAC15-30-541. Lead hazard screen. +10**

Commented [HJ(86)]: Refer to 40 CFR 745.227(c).

1752 A. A lead hazard screen shall only be conducted by individuals licensed by the board
1753 as a risk assessor. (+1) (R/S)

1754 B. If conducted, a lead hazard screen shall be conducted as follows:

1755 1. Background information regarding the physical characteristics of the residential
1756 dwelling or child-occupied facility (+1) (R/S) and occupant use patterns that may
1757 cause lead-based paint exposure to one or more children age six years and under
1758 shall be collected. (+1) (R/S)

1759 2. A visual inspection of the residential dwelling or child-occupied facility shall be
1760 conducted to: **(+1) (R/S)**

1761 a. Determine if any deteriorated paint is present; and

1762 b. Locate at least two dust sampling locations.

1763 3. If deteriorated paint is present, each surface with deteriorated paint, which is
1764 determined to be in poor condition by using documented methodologies and to have
1765 a distinct painting history, shall be tested for the presence of lead. **(+1) (R/S)**

1766 4. In residential dwellings, two composite dust samples shall be collected, one from
1767 the floors **(+1) (R/S)** and the other from the windows, in rooms, hallways, or
1768 stairwells where one or more children, age six and under, are likely to come in
1769 contact with dust. **(+1) (R/S)**

1770 5. In multi-family dwellings and child-occupied facilities, in addition to the floor
1771 and window samples required in 18VAC15-30-550 B 4, the risk assessor shall also
1772 collect composite dust samples from common areas where children, age six and
1773 under, are most likely to come into contact with dust. **(+1) (R/S)**

1774 C. Dust samples shall be collected in the following manner:

1775 1. All dust samples shall be taken using documented methodologies that incorporate
1776 adequate quality control procedures. **(+1) (R/S)**

1777 2. All dust samples shall be sent to a laboratory recognized by EPA as being
1778 capable of performing the analysis to determine if they contain detectable levels of
1779 lead that can be quantified numerically. **(+1) (R/S)**

1780 **Statutory Authority**

1781 § 54.1-501 of the Code of Virginia.

1782 **Historical Notes**

1783 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

1784 **18VAC15-30-542. Written lead hazard screen report. +30**

1785

1786 After a lead hazard screen has been conducted, a written hazard screen report shall be
1787 prepared by the risk assessor. **(+1) (R/S)** A lead hazard screen report shall contain the
1788 following minimum information:

1789 1. The information identified in a risk assessment report as specified in 18VAC15-
1790 30-610, ~~including 18VAC15-30-610 1 through 18VAC15-30-610 14.~~ **(+26) (R/S)**

Commented [HJ(87): Refer to 40 CFR 745.227(c)(5).

1791 Additionally, any background information collected pursuant to 18VAC15-30-541
1792 B 1 of this chapter shall be included in the report. **(+2) (R/S)**

1793 2. Recommendations, if warranted, for a follow-up risk assessment, and as
1794 appropriate, any further actions. **(+1) (R/S)**

1795 **Statutory Authority**

1796 § 54.1-501 of the Code of Virginia.

1797 **Historical Notes**

1798 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

1799 **18VAC15-30-550. Risk assessment.** **+28**

Commented [HJ(88): Refer to 40 CFR 745.227(d).

1800

1801 A. A risk assessment shall only be conducted by individuals licensed by the board as
1802 risk assessors. **(+1) (R/S)**

1803 B. If conducted, a risk assessment shall be conducted as follows:

1804 1. A visual inspection for risk assessment of the residential dwelling or child-
1805 occupied facility shall be undertaken to locate the existence of deteriorated paint,
1806 assess the extent and causes of deterioration, and other potential lead-based paint
1807 hazards. **(+1) (R/S)**

1808 2. Background information regarding the physical characteristics of the residential
1809 dwelling or child-occupied facility and occupant use patterns that may cause lead-
1810 based paint exposure to one or more children age six years and under shall be
1811 collected. **(+1) (R/S)**

1812 3. The following surfaces that are determined, using documented methodologies, to
1813 have a distinct painting history, shall be tested for the presence of lead:

1814 a. Each friction surface or impact surface with visibly deteriorated paint; and **(+1)**
1815 **(R/S)**

1816 b. All other surfaces with visibly deteriorated paint. **(+1) (R/S)**

1817 4. In residential dwellings, dust samples (either composite or single-surface
1818 samples) from the interior window sill(s) **(+1) (R/S)** and floor **(+1) (R/S)** shall be
1819 collected **(+1) (R/S)** and analyzed for lead concentration in living areas where one
1820 or more children, age six and under, are most likely to come into contact with dust.
1821 **(+1) (R/S)**

1822 5. For multi-family dwellings and child-occupied facilities, the samples required in
1823 18VAC15-30-550 B ~~(3)~~ shall be taken. **(+1) (R/S)** In addition, interior window sill
1824 **(+1) (R/S)** and floor dust samples (either composite or single-surface samples) **(+1)**
1825 **(R/S)** shall be collected **(+1) (R/S)** and analyzed for lead concentration in the
1826 following locations:

1827 a. Common areas adjacent to the sampled residential dwelling or child-occupied
1828 facility; and **(+1) (R/S)**

1829 b. Other common areas in the building where the risk assessor determines that one or
1830 more children, age six and under, are likely to come into contact with dust. **(+1) (R/S)**

1831 6. For child-occupied facilities, interior window sill **(+1) (R/S)** and floor dust
1832 samples (either composite or single-surface samples) **(+1) (R/S)** shall be collected
1833 **(+1) (R/S)** and analyzed for lead concentration in each room, hallway or stairwell
1834 utilized by one or more children, age six and under, **(+1) (R/S)** and in other
1835 common areas in the child-occupied facility where one or more children, age six
1836 and under, are likely to come into contact with dust. **(+1) (R/S)**

1837 7. Soil samples shall be collected and analyzed for lead concentrations in the
1838 following locations:

1839 a. Exterior play areas where bare soil is present; **(+2) (R/S)**

1840 b. The rest of the yard (i.e., nonplay areas) where bare soil is present; and **(+2)**
1841 **(R/S)**

1842 c. Dripline/foundation areas where bare soil is present. **(+2) (R/S)**

1843 8. Any paint, dust, or soil sampling or testing shall be conducted using documented
1844 methodologies that incorporate adequate quality control procedures. **(+1) (R/S)**

1845 9. Any collected paint chip, dust, or soil sample shall be sent for analysis to a
1846 laboratory recognized by EPA as being capable of performing these activities. **(+1)**
1847 **(R/S)**

1848 **Statutory Authority**

1849 § 54.1-501 of the Code of Virginia.

1850 **Historical Notes**

1851 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1852 19, Issue 24, eff. October 1, 2003.

1853 **18VAC15-30-560. (Repealed.)**

1854 **Historical Notes**

1855 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1856 19, Issue 24, eff. October 1, 2003.
1857
1858

DRAFT

1859 **18VAC15-30-610. Written risk assessment report. +38**
1860

Commented [HJ(89): Refer to 40 CFR 745.227(d)(11).

1861 After an assessment has been conducted, a written assessment report shall be
1862 completed. **(+1) (R/S)** A risk assessment report shall contain the following minimum
1863 information:

- 1864 1. Date of assessment. **(+1) (R/S)**
- 1865 2. Address of each building. **(+1) (R/S)**
- 1866 3. Date of construction of each building. **(+1) (R/S)**
- 1867 4. Apartment numbers (if applicable). **(+1) (R/S)**
- 1868 5. Name **(+1) (R/S)**, address **(+1) (R/S)**, and telephone number of each owner of
1869 each building. **(+1) (R/S)**
- 1870 6. Name **(+1) (R/S)**, signature **(+1) (R/S)**, and license number of the licensed risk
1871 assessor conducting the assessment. **(+1) (R/S)**
- 1872 7. Name **(+1) (R/S)**, address **(+1) (R/S)**, and telephone number of the firm
1873 employing each risk assessor. **(+1) (R/S)**
- 1874 8. Name **(+1) (R/S)**, address **(+1) (R/S)**, and telephone number of each recognized
1875 laboratory conducting analysis of collected samples. **(+1) (R/S)**
- 1876 9. Results of the visual inspection. **(+1) (R/S)**
- 1877 10. Testing method **(+1) (R/S)** and sampling procedures for paint analysis
1878 employed. **(+1) (R/S)**
- 1879 11. Specific locations of each painted testing combination tested for the presence of
1880 lead-based paint. **(+1) (R/S)**
- 1881 12. All data collected from on-site testing, including quality control **(+1) (R/S)** and,
1882 if used, the serial number of any XRF device. **(+1) (R/S)**
- 1883 13. All results of laboratory analysis on collected paint **(+1) (R/S)**, soil **(+1) (R/S)**,
1884 and dust samples. **(+1) (R/S)**
- 1885 14. Any other sampling results. **(+1) (R/S)**
- 1886 15. Any background information collected pursuant to 18VAC15-30-550 B 2. **(+2)**
1887 **(R/S)**
- 1888 16. To the extent that they are used as part of the lead-based paint hazard
1889 determination, the results of any previous inspections or analyses for the presence

1890 of lead-based paint, or other assessments of lead-based paint related hazards. (+1)
1891 (R/S)

1892 17. A description of the location (+1) (R/S), type (+1) (R/S), and severity of
1893 identified lead-based paint hazards (+1) (R/S) and any other potential lead hazard.
1894 (+1) (R/S)

1895 18. A description of interim controls or abatement options, or both, for each
1896 identified lead-based paint hazard (+1) (R/S) and a suggested prioritization for
1897 addressing each hazard. (+1) (R/S) If the use of an encapsulant or enclosure is
1898 recommended, the report shall recommend a maintenance (+1) (R/S) and
1899 monitoring schedule for the encapsulant or enclosure. (+1) (R/S)

1900 **Statutory Authority**

1901 § 54.1-501 of the Code of Virginia.

1902 **Historical Notes**

1903 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1904 19, Issue 24, eff. October 1, 2003.

1905 **18VAC15-30-620. Abatement. +37**

Commented [HJ(90): Refer to 40 CFR 745.227(e).

1907 A. Abatement shall be conducted only by individuals licensed by the board as
1908 supervisors or workers (+1) (R/S) and employed by a ~~licensed lead abatement~~
1909 contractor. (+1) (R/S)

1910 B. A licensed lead abatement supervisor is required for each abatement project (+1)
1911 (R/S) and shall be on-site during all work site preparation (+1) (R/S) and during the
1912 post-abatement cleanup of work areas. (+1) (R/S) At all other times when abatement
1913 activities are being conducted, the licensed supervisor shall be on-site or available by
1914 telephone, pager or answering service (+1) (R/S), and able to be present at the work
1915 site in no more than two hours. (+1) (R/S)

1916 C. The licensed lead abatement supervisor and the ~~licensed lead abatement~~ contractor
1917 employing the supervisor shall ensure that all abatement activities are conducted
1918 according to the requirements of this chapter and all other federal, state and local
1919 regulations. (+2) (R/S)

Commented [HJ(91): 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.

1920 D. A written occupant protection plan shall be developed for all abatement projects
1921 and shall be prepared according to the following procedures:

1922 1. The occupant protection plan shall be unique to each residential dwelling or
1923 child-occupied facility (+1) (R/S) and be developed prior to the abatement. (+1)

1924 (R/S) The occupant plan shall describe the measures (+1) (R/S) and management
1925 procedures that will be taken during the abatement to protect the building occupants
1926 from exposure to any lead-based paint hazard. (+1) (R/S)

1927 2. A licensed lead abatement supervisor or lead project designer shall prepare the
1928 occupant protection plan.(+1) (R/S)

1929 E. The following work practices shall be restricted during an abatement:

1930 1. Open-flame burning or torching of lead-based paint is prohibited. (+1) (R/S)

1931 2. Machine sanding or grinding or abrasive blasting of lead-based paint is
1932 prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control
1933 that removes particles of 0.3 microns or larger from the air at 99.97 percent or
1934 greater efficiency. (+1) (R/S)

1935 3. Dry scraping of lead-based paint is permitted only in conjunction with heat guns
1936 or around electrical outlets or when treating defective paint spots totaling no more
1937 than two square feet in any one room, hallway, or stairwell or totaling no more than
1938 20 square feet on exterior surfaces. (+1) (R/S)

1939 4. Operating a heat gun on lead-based paint is permitted only at temperatures below
1940 1100 degrees Fahrenheit.(+1) (R/S)

1941 F. If the soil is removed:

1942 1. The soil shall be replaced by soil with a lead concentration as close to local
1943 background as practicable, but no greater than 400 ppm. (+1) (R/S)

1944 2. The soil that is removed shall not be used as top soil at another residential
1945 property or child-occupied facility. (+1) (R/S)

1946 3. If soil is not removed, the soil shall be permanently covered as defined in
1947 18VAC15-30-20.(+1) (R/S)

1948 G. An abatement report shall be prepared by a licensed lead abatement supervisor or
1949 lead project designer. (+1) (R/S) The abatement report shall include the following
1950 information:

1951 1. Start (+1) (R/S) and completion dates of abatement. (+1) (R/S)

1952 2. The name (+1) (R/S) and address of each licensed lead abatement contractor
1953 conducting the abatements, (+1) (R/S) and the name of each licensed lead
1954 abatement supervisor assigned to the abatement project. (+1) (R/S)

1955 3. The occupant protection plan prepared pursuant to subsection D of this section.
1956 (+1) (R/S)

1957 4. The name **(+1) (R/S)**, address **(+1) (R/S)**, and signature of each licensed risk
1958 assessor or inspector conducting clearance sampling **(+1) (R/S)** and the date of
1959 clearance testing. **(+1) (R/S)**

1960 5. The results of clearance testing **(+1) (R/S)**, the name of each recognized
1961 laboratory that conducted the analysis **(+1) (R/S)**, and the name **(+1) (R/S)** and
1962 signature of the person conducting the analysis. **(+1) (R/S)**

1963 6. A detailed written description of the abatement, including abatement methods
1964 used, locations of rooms and components where abatement occurred, and reason for
1965 selecting particular abatement methods for each component and any suggested
1966 monitoring of encapsulants or enclosures. **(+1) (R/S)**

1967 **Statutory Authority**

1968 § 54.1-501 of the Code of Virginia.

1969 **Historical Notes**

1970 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1971 19, Issue 24, eff. October 1, 2003.

1972 **18VAC15-30-630. (Repealed.)**

1973 **Historical Notes**

1974 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1975 19, Issue 24, eff. October 1, 2003.

1976 **18VAC15-30-650. Post-abatement clearance procedures. +24**

1978

1979 The following post-abatement clearance procedures shall be performed by a licensed
1980 inspector or licensed risk assessor:

1981 1. Following an abatement, a visual inspection shall be performed by the licensed
1982 inspector or licensed risk assessor to determine if there are any deteriorated painted
1983 surfaces or visible amounts of dust, debris, or residue still present. **(+1) (R/S)** If
1984 deteriorated painted surfaces or visible amounts of dust, debris, or residue are
1985 present, these conditions must be eliminated prior to the continuation of the
1986 clearance procedures. **(+1) (R/S)**

1987 2. Following a successful visual inspection for clearance, but no sooner than one
1988 hour after completion of final post abatement clean-up, clearance sampling shall be
1989 conducted. **(+1) (R/S)**

Commented [HJ(92): Refer to 40 CFR 745.227(e)(8) and 40 CFR 745.227(e)(9).

1990 3. Clearance sampling may be conducted by employing single-surface or composite
1991 sampling techniques, and shall be taken using documented methodologies that
1992 incorporate adequate quality control procedures. (+1) (R/S)

1993 4. The following post-abatement clearance activities shall be conducted, as
1994 appropriate, based upon the extent or manner of abatement activities conducted in
1995 or to the residential dwelling or child-occupied facility. (+1) (R/S)

1996 a. After conducting an abatement with containment between abated and unabated
1997 areas, one dust sample shall be taken from one interior window sill (+1) (R/S) and
1998 from one window trough (if present) (+1) (R/S) and one dust sample shall be taken
1999 from the floors of each of no less than four rooms, hallways, or stairwells within the
2000 containment area. (+1) (R/S) In addition, one dust sample shall be taken from the
2001 floor outside the containment area. (+1) (R/S) If there are less than four rooms,
2002 hallways, or stairwells within the containment area, then all rooms, hallways or
2003 stairwells shall be sampled. (+1) (R/S)

Commented [HJ(93)]: Compare against HUD guidelines.

Commented [TP94R93]: HUD guidelines more general.
EPA reg more specific. Ch 15 Hud

2004 b. After conducting an abatement with no containment, two dust samples shall be
2005 taken from each of no less than four rooms, hallways, or stairwells in the residential
2006 dwelling or child-occupied facility. (+1) (R/S) One dust sample shall be taken from
2007 one interior window sill (+1) (R/S) and window trough (if present) (+1) (R/S) and
2008 one dust sample shall be taken from the floor of each room, hallway, or stairwell
2009 selected. (+1) (R/S) If there are less than four rooms, hallways, or stairwells within
2010 the residential dwelling or child-occupied facility, then all rooms, hallways, or
2011 stairwells shall be sampled. (+1) (R/S)

Commented [HJ(95)]: Compare with HUD guidelines.

Commented [TP96R95]: Appear to comport with EPA

Commented [TP97R95]: Ch 15 HUD guidelines

2012 c. Following an exterior paint abatement, a visual inspection shall be conducted.
2013 (+1) (R/S) All horizontal surfaces in the outdoor living area closest to the abated
2014 surfaces shall be found to be cleaned of visible dust and debris. (+1) (R/S) In
2015 addition, a visual inspection shall be conducted to determine the presence of paint
2016 chips on the dripline or next to the foundation below any exterior surface abated.
2017 (+1) (R/S) If paint chips are present, they must be removed from the site (+1) (R/S)
2018 and properly disposed of, according to all applicable federal, state, and local
2019 requirements. (+1) (R/S)

2020 5. The rooms, hallways, or stairwells selected for sampling shall be selected
2021 according to documented methodologies. (+1) (R/S)

2022 6. The licensed inspector or licensed risk assessor shall compare the residual lead
2023 level (as determined by the laboratory analysis) from each single surface dust
2024 sample with the clearance levels, as established in 40 CFR ~~§ Part~~ 745
2025 ~~.227(c)(8) Subpart D~~, for lead in dust on floors, interior window sills, and window
2026 troughs or from each composite dust sample with the applicable clearance levels for
2027 lead in dust on floors, interior window sills, and window troughs divided by half the

2028 number of subsamples in the composite sample. **(+1) (R/S)** If the residual lead level
2029 in a single surface dust sample equals or exceeds the applicable clearance level or if
2030 the residual lead level in a composite dust sample equals or exceeds the applicable
2031 clearance level divided by half the number of subsamples in the composite sample,
2032 the components represented by the failed sample shall be recleaned **(+1) (R/S)** and
2033 retested. **(+1) (R/S)**

2034 7. In multi-family dwellings with similarly constructed and maintained residential
2035 dwellings, random sampling for the purpose of clearance may be conducted
2036 provided: **(0)**

2037 a. The licensed individuals who abate or clean the residential dwellings do not
2038 know which residential dwelling will be selected for the random sample.

2039 b. A sufficient number of residential dwellings are selected for dust sampling to
2040 provide a 95% level of confidence that no more than 5.0% or 50 dwellings
2041 (whichever is less) in the randomly sampled population exceed the appropriate
2042 clearance levels.

2043 c. The randomly selected residential dwellings shall be sampled and evaluated for
2044 clearance according to the procedures found in this chapter.

2045 **Statutory Authority**

2046 § 54.1-501 of the Code of Virginia.

2047 **Historical Notes**

2048 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2049 19, Issue 24, eff. October 1, 2003.

2050 **18VAC15-30-651. Composite dust sampling.** **+3**

Commented [HJ(98)]: Refer to 40 CFR 745.227(g).

2051

2052 Composite dust sampling may be used in situations specified in 18VAC15-30-520
2053 through 18VAC15-30-610. **(0)** If such sampling is conducted, the following
2054 conditions shall apply:

2055 1. Composite dust samples shall consist of at least two ~~aliquots~~ subsamples; **(+1)**
2056 **(R/S)**

2057 2. Every component that is being tested shall be included in the sampling; and **(+1)**
2058 **(R/S)**

2059 3. Composite dust samples shall not consist of ~~aliquots~~ subsamples taken from more
2060 than one type of component. **(+1) (R/S)**

2061 **Statutory Authority**
2062 § 54.1-501 of the Code of Virginia.

2063 **Historical Notes**
2064 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

2065 **18VAC15-30-660. (Repealed.)**

2066 **Historical Notes**
2067 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
2068 19, Issue 24, eff. October 1, 2003.

2069
2070 **Part IX. General Standards of Practice and Conduct**

2071
2072 **18VAC15-30-760. Responsibility to the public. +4**

2074 The primary obligation of the licensee is to the public. (+1) (R/D) If the licensee's
2075 judgment is overruled ~~under circumstances and not adhered to~~ when advising
2076 appropriate parties of circumstances of a substantial threat to the public health, safety,
2077 ~~health, property, and or~~ welfare ~~of the public are endangered~~, the licensee ~~shall~~ will
2078 inform the employer or client, as applicable, of the possible consequences (+1) (R/D)
2079 and notify appropriate authorities ~~if the situation is not resolved~~. (+1) (R/D) ~~The~~
2080 ~~licensee shall take such action only when his authority to correct a problem has been~~
2081 ~~ignored or overruled. (+1) (R/D)~~

Commented [JH99]: Revised to be consistent with proposed ASB Regulations.

2082 **Statutory Authority**
2083 § 54.1-501 of the Code of Virginia.

2084 **Historical Notes**
2085 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2086 19, Issue 24, eff. October 1, 2003.

2087 **~~18VAC15-30-770. Public statements. +5~~**

2088
2089 ~~A. The licensee shall be truthful in all matters relating to the performance of lead~~
2090 ~~abatement or lead consulting services. (+1) (R/D)~~
2091 ~~B. When serving as an expert or technical witness, the licensee shall express an~~
2092 ~~opinion only when it is based on an adequate knowledge of the facts in issue (+1)~~
2093 ~~(R/D) and on a background of technical competence in the subject matter. (+1) (R/D)~~
2094 ~~Except when appearing as an expert witness in court or an administrative proceeding~~

Commented [HJ(100): Removed per committee on 2/12/24.

2095 ~~when the parties are represented by counsel, the licensee shall issue no statements,~~
2096 ~~reports, criticisms, or arguments on matters relating to practices which are inspired or~~
2097 ~~paid for by an interested party or parties, unless one has prefaced the comment by~~
2098 ~~disclosing the identities of the party or parties on whose behalf the licensee is~~
2099 ~~speaking, and by revealing any self-interest. (+1) (R/D)~~

2100 ~~C. Licensees or applicants shall not knowingly make a materially false statement,~~
2101 ~~submit falsified documents, or fail to disclose a material fact requested in connection~~
2102 ~~with an application submitted to the board by any individual or business entity for~~
2103 ~~licensure or renewal. (+1) (R/D)~~

2104 **Statutory Authority**

2105 § 54.1-501 of the Code of Virginia.

2106 **Historical Notes**

2107 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2108 19, Issue 24, eff. October 1, 2003.

2109 ~~18VAC15-30-780. Solicitation of work. +5~~

Commented [HJ(101)]: Removed per committee on 2/12/24.

2110

2111 ~~In the course of soliciting work:~~

- 2112 ~~1. The licensee shall not bribe. (+1) (R/D)~~
- 2113 ~~2. The licensee shall not falsify or permit misrepresentation of the licensee's work~~
2114 ~~or an associate's academic or professional qualifications (+1) (R/D), nor shall the~~
2115 ~~licensee misrepresent the degree of responsibility for prior assignments. (+1) (R/D)~~
- 2116 ~~3. Materials used in the solicitation of employment shall not misrepresent facts~~
2117 ~~concerning employers, employees, associate joint ventures, or past~~
2118 ~~accomplishments of any kind. (+1) (R/D)~~
- 2119 ~~4. Materials used in the solicitation of services shall not misrepresent facts of~~
2120 ~~approval, federal, or state requirements. (+1) (R/D)~~

2121 **Statutory Authority**

2122 § 54.1-501 of the Code of Virginia.

2123 **Historical Notes**

2124 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2125 19, Issue 24, eff. October 1, 2003.

2126

2127 **18VAC15-30-790. Professional responsibility. +7**

2128

2129 ~~A. The licensee or accredited lead training provider shall, upon request or demand,~~
2130 ~~produce to the board, or any of its representatives, any plan, document, book, record~~
2131 ~~or copy thereof in his possession concerning a transaction covered by this chapter (+1)~~
2132 ~~(R/D), and shall cooperate in the investigation of a complaint filed with the board~~
2133 ~~against a licensee or accredited lead training provider. (+1) (R/D)~~

Commented [JH102]: Response and record production requirements moved to new section -795 and revised to be consistent with proposed ASB regulations.

2134 ~~B. A licensee shall not use the design, plans, or work of another licensee with the~~
2135 ~~same type of license without the original's knowledge and consent (+1) (R/D), and~~
2136 ~~after consent, a thorough review to the extent that full responsibility shall be assumed~~
2137 ~~by the user. (+1) (R/D)~~

Commented [JH103]: Requirement removed. Same requirement is removed from proposed ASB regulations.

2138 ~~C. Accredited lead training providers shall admit board representatives for the purpose~~
2139 ~~of conducting an on-site audit, or any other purpose necessary to evaluate compliance~~
2140 ~~with this chapter and other applicable laws and regulations. (+1) (R/S)~~

Commented [JH104]: Moved to new section -435 under Standards for Training Programs.

2141 ~~D. Each licensee shall keep his board-approved training (+1) (R/D) and license~~
2142 ~~current. (+1) (R/D)~~

Commented [JH105]: Requirement is not necessary.

2143 **Statutory Authority**

2144 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

2145 **Historical Notes**

2146 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2147 19, Issue 24, eff. October 1, 2003; Volume 31, Issue 20, eff. August 1, 2015.

2148 **18VAC15-30-795. Response to inquiry and provision of records.**

2149 A. A licensee must respond within 10 days to a request by the board or any of its
2150 agents regarding any complaint filed with the department.

2151 B. Unless otherwise specified by the board, a licensee of the board shall produce to
2152 the board or any of its agents within 10 days of the request any document, book, or
2153 record concerning any transaction pertaining to a complaint filed in which the licensee
2154 was involved, or for which the licensee is required to maintain records. The board
2155 may extend such timeframe upon a showing of extenuating circumstances prohibiting
2156 delivery within such 10-day period.

2157 C. A licensee will not provide a false, misleading, or incomplete response to the board
2158 or any of its agents seeking information in the investigation of a complaint filed with
2159 the board.

2163 D. With the exception of the requirements of subsection A or B of this section, a
2164 licensee must respond to an inquiry by the board or its agent within 21 days.

2165
2166 **18VAC15-30-800. ~~Good standing in other jurisdictions~~ Notice of adverse action.**
2167 **+4**
2168

Commented [HJ(106): Comparable to current requirement in HI regulations.

2169 ~~A. Licensees, accredited lead training providers, training managers, or principal~~
2170 ~~instructors who perform lead project designs, lead inspections, lead risk assessments,~~
2171 ~~lead-based paint abatement training, lead contracting or lead abatement supervisor~~
2172 ~~work in other jurisdictions shall be in good standing in every jurisdiction where~~
2173 ~~licensed, certified, or approved (+1) (R/D) and shall not have had a license,~~
2174 ~~certification, or approval suspended, revoked, or surrendered in connection with a~~
2175 ~~disciplinary action. (+1) (R/D)~~

2176 ~~B. Licensees~~ A licensee, accredited lead training ~~providers~~ provider, training ~~managers~~
2177 manager, or principal ~~instructors-instructor~~ shall must notify the board ~~in writing (+1)~~
2178 ~~(R/D) no later than 10 days after the final disciplinary action taken by another~~
2179 ~~jurisdiction against their license or approval to conduct lead-based paint activities.~~
2180 ~~(+1) (R/D) of the following:~~

2181 1. Any disciplinary action taken by any jurisdiction, board, or administrative
2182 body, including any (i) reprimand; (ii) license or certificate revocation,
2183 suspension, or denial; (iii) monetary penalty; (iv) requirement for remedial
2184 education; or (v) other corrective action, against their license or approval to
2185 conduct lead-based paint activities.

Commented [HJ(107): Keep per committee on 2/12/24.
Have full Board discuss the issue.

2186 2. Any voluntary surrendering of a related license, certificate, or registration
2187 done in connection with a disciplinary action in another jurisdiction, against
2188 their license or approval to conduct lead-based paint activities.

2189 3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication
2190 or deferred adjudication, in any jurisdiction of the United States of any (i)
2191 felony; (ii) any misdemeanor conviction related to environmental remediation
2192 activity; and (iii) any misdemeanor conviction, excluding marijuana
2193 convictions, there being no appeal pending therefrom or the time for appeal
2194 having lapsed.

Commented [HJ(108): Make consistent with proposed ASB regulations.

2195 B. The notice must be made to the board in writing within 30 days of the
2196 action. A copy of the order or other supporting documentation must accompany
2197 the notice.

Commented [HJ(109): Increased from current 10 day requirement.

2199 C. Licensees, accredited lead training providers, training managers, or principal
2200 instructors may be subject to disciplinary action or removal of a lead training program
2201 accreditation for disciplinary actions taken by another jurisdiction. **(0)**

2202 **Statutory Authority**

2203 § 54.1-501 of the Code of Virginia.

2204 **Historical Notes**

2205 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2206 19, Issue 24, eff. October 1, 2003.

2207 **18VAC15-30-810. Grounds for denial of application, denial of renewal, or**
2208 **discipline disciplinary action.** +25
2209

Commented [HJ(110): Revised to reflect change in ASB regulation. Prohibited acts will be in a new section.

2210 A. The board ~~shall have~~ has the ~~authority~~ power to ~~reprimand, fine, suspend, or~~
2211 ~~revoke any licensee or accredited lead training provider, training manager or principal~~
2212 ~~instructor, and to deny renewal, to suspend, to revoke or to deny application for any~~
2213 ~~license or approval as an accredited lead training program, accredited lead training~~
2214 ~~provider, training manager or principal instructor provided for under Chapter 5 of~~
2215 ~~Title 54.1 of the Code of Virginia for:~~ the license or training program approval of any
2216 licensee or training provider in accordance with § 54.1-516 of Title 54.1 of the Code
2217 of Virginia or this chapter when the licensee or training provider has been found to
2218 have violated or cooperated with others in violating any provision of Chapters 1, 2, 3,
2219 or 5 of Title 54.1 of the Code of Virginia or this chapter.

2220
2221 ~~1. Violating or inducing another person to violate any of the provisions of Chapter~~
2222 ~~1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this~~
2223 ~~chapter. (+1) (R/D)~~

2224 ~~2. Obtaining a license, approval as an accredited lead training program, approval as~~
2225 ~~an accredited lead training provider or approval as a training manager or principal~~
2226 ~~instructor through fraudulent means. (+1) (R/D)~~

2227 ~~3. Altering, falsifying or issuing a fraudulent Virginia lead license or a training~~
2228 ~~certificate issued by an accredited lead training provider. (+1) (R/D)~~

2229 ~~4. Violating any provision of any federal or state regulation pertinent to lead-based~~
2230 ~~paint activities. (+1) (R/D)~~

- 2231 5. Having been found guilty by the board, another regulatory authority, or by a
2232 court, of any misrepresentation in the course of performing his operating duties.
2233 ~~(+1) (R/D)~~
- 2234 6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been
2235 convicted or found guilty, regardless of adjudication in any jurisdiction of the
2236 United States, of any felony or of any misdemeanor involving lying, cheating, or
2237 stealing, or of any violation while engaged in environmental remediation activity
2238 that resulted in the significant harm or the imminent and substantial threat of
2239 significant harm to human health or the environment, there being no appeal pending
2240 therefrom or the time for appeal having elapsed. ~~(+1) (R/D)~~ Any plea of nolo
2241 contendere shall be considered a conviction for the purposes of this chapter. ~~(+1)~~
2242 ~~(G/D) (+1) (R/D)~~ A certified copy of the final order, decree or case decision by a
2243 court or regulatory agency with lawful authority to issue such order, decree or case
2244 decision shall be admissible as prima facie evidence of such conviction or
2245 discipline. ~~(+1) (G/D)~~
- 2246 7. Failing to notify the board in writing within 30 days of pleading guilty or nolo
2247 contendere or being convicted or found guilty of any felony or of any misdemeanor
2248 involving lying, cheating, or stealing or of any violation while engaged in
2249 environmental remediation activity that resulted in the significant harm or the
2250 imminent threat of significant harm to human health or the environment. ~~(+1) (R/D)~~
- 2251 8. Negligence, or a continued pattern of incompetence, in the practice of the
2252 discipline in which a lead license is held. ~~(+1) (R/D)~~
- 2253 9. Failing or neglecting to send any information or documentation that was
2254 requested by the board or its representatives. ~~(+1) (R/D)~~
- 2255 10. Refusing to allow state or federal representatives access to any area of an
2256 abatement site for the purpose of lawful compliance inspections. ~~(+1) (R/D)~~
- 2257 11. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the
2258 Code of Virginia or of the regulations of the board by any lead abatement
2259 supervisor or lead abatement worker may be cause for disciplinary action against
2260 the lead abatement contractor for whom he works if it appears to the satisfaction of
2261 the board that the lead abatement contractor knew or should have known of the
2262 unlawful act or violation. ~~(+1) (R/D)~~
- 2263 12. Failing to notify the board in writing within 30 days after any change in address
2264 or name. ~~(+1) (R/D)~~

2265 ~~13. Acting as or being an ostensible licensee for undisclosed persons who do or will~~
2266 ~~control or direct, directly or indirectly, the operations of the licensee's business. (+1)~~
2267 ~~(R/D)~~

2268 ~~14. Failing to keep board-approved training and license current. (+1) (R/D)~~

2269 B. Any individual or firm whose license, ~~or approval as an accredited lead~~ training
2270 program, ~~approval as an accredited lead training provider or approval as a training~~
2271 ~~manager or principal instructor~~ is revoked under this section shall ~~shall~~ will not be eligible
2272 to reapply for a period of ~~one year~~ 12 months from the effective date of the ~~final~~ order
2273 of revocation. (+1) (R/D) (+1) (G/D) ~~The individual or firm shall meet all education~~
2274 ~~(+1) (R/D), experience (+1) (R/D), and training requirements (+1) (R/D), complete~~
2275 ~~the application (+1) (R/D), and submit the required fee for consideration as a new~~
2276 ~~applicant. (+1) (R/D)~~

2277 C. ~~The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019~~
2278 ~~and 2.2-4021 of the Administrative Process Act. (+1) (G/S) Any unlawful act or~~
2279 ~~violation of any provision of Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code~~
2280 ~~of Virginia, or of the regulations of the board by any lead supervisor or lead worker~~
2281 ~~may be cause for disciplinary action against the lead contractor for whom the~~
2282 ~~individual works if it appears to the satisfaction of the board that the lead contractor~~
2283 ~~knew or should have known of the unlawful act or violation.~~

2284 **Statutory Authority**

2285 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

2286 **Historical Notes**

2287 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2288 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006; Volume 31, Issue 20, eff. August 1,
2289 2015.

2290 **18VAC15-30-815. Prohibited acts.**

2291
2292 The following acts are prohibited and any violation may result in disciplinary action
2293 by the board:

2294
2295 1. Violating, including inducing another to violate, cooperating with another to
2296 violate, or combining or conspiring with or acting as agent, partner, or associate for
2297 another to violate any of the provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-
2298 200 et seq.), 3 (§ 54.1-300 et seq.) or 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code
2299 of Virginia or any of the regulations of the board.
2300

2301 2. Obtaining or attempting to obtain a license or training program approval by false or
2302 fraudulent representation, or maintaining, renewing, or reinstating a license or training
2303 program approval by false or fraudulent representation.

2304
2305 3. Failing to notify the board in writing within 30 days after any change in address or
2306 name.

2307
2308 4. Having been convicted, found guilty, or disciplined in any jurisdiction of any
2309 offense or violation enumerated in 18VAC15-30-800. Review of convictions will be
2310 subject to the requirements of § 54.1-204 of the Code of Virginia.

2311
2312 5. Failing to notify the board in writing within 30 days of being convicted, found
2313 guilty, or disciplined in any jurisdiction of any offense or violation enumerated in
2314 18VAC15-30-800.

2315
2316 6. Violating any provision of any federal or state regulation pertinent to lead-based
2317 paint activities.

2318
2319 7. Actions constituting negligence, misconduct, or incompetence in the practice of the
2320 profession, including:

2321
2322 a. Having undertaken to perform or performed a professional assignment that
2323 the licensee is not qualified to perform by education, experience, training, or
2324 appropriate licensure.

2325
2326 b. Not demonstrating reasonable care, judgment, or application of the required
2327 knowledge, skill, and ability in the performance of the licensee's duties.

2328
2329 c. Failing to act in providing professional services in a manner that safeguards
2330 the interests of the public.

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2332 8. Actions constituting engaging in improper, fraudulent, or dishonest conduct,
2333 including:

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2335 a. Making any misrepresentation or engaging in acts of fraud or deceit in
2336 advertising, soliciting, or in providing professional services.

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2338 b. Allowing a license issued by the board to be used by another.

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2340 c. Altering, falsifying, or issuing a fraudulent Virginia lead license or a training
2341 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. (+1)~~

~~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)~~

Commented [JH111]: Relocated to new section -437 under standards of practice and conduct for training programs.

2376 **Statutory Authority**

2377 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

2378 **Historical Notes**

2379 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2380 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December
2381 1, 2006.

2382 **18VAC15-30-830. (Repealed.)**

2383 **Historical Notes**

2384 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Volume 13, Issue 10, eff.
2385 April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; repealed, Virginia Register Volume 19, Issue 24, eff. October
2386 1, 2003.

2387 **DOCUMENTS INCORPORATED BY REFERENCE (18VAC15-30).**

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2390 Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,
2391 June 1995, including the 1997 revision to Chapter 7: Lead-Based Paint Inspection,
2392 U.S. Department of Housing and Urban Development.

2393 EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-
2394 Contaminated Soil (60 FR 47248-47257).

2395 Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report
2396 (EPA 747-R-95-001, March 1995).

Commented [HJ(112): These will be scored as R/S requirements since the federal regulation requires these methodologies be followed.

COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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