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Proposed Regulation Agency Background Document

Agency name	Virginia Board for Asbestos, Lead, and Home Inspectors
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC15-20
VAC Chapter title(s)	Virginia Asbestos Licensing Regulations
Action title	2023 General Review
Date this document prepared	November 20, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Virginia Board for Asbestos, Lead, and Home Inspectors (“the Board”) has undertaken a general regulatory review of the Virginia Asbestos Licensing Regulations. The regulation establishes (i) the entry requirements for licensure of individuals as asbestos workers, supervisors, inspectors, management planners, project designers, and project monitors; (ii) the entry requirements for licensure of firms as asbestos contractors and analytical laboratories; (iii) requirements for maintaining and renewing licenses; (iv) requirements for approval of accredited asbestos training programs; and (v) standards of practice and conduct for licensees and accredited training programs.

This action proposes to (i) repeal the existing regulation (18VAC15-20) and replace it with a new chapter (18VAC15-21); (ii) make revisions to ensure the regulation complements current Virginia law and meets applicable federal requirements; (iii) make the regulation more organized, clear, and understandable; (iv) ensure the regulation provides minimal burdens on regulants while still protecting the public; and (v) reduce regulatory requirements.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"AAR" means the Asbestos Analysts Registry program offered by the AIHA Registry Programs.

"AAT" means Asbestos Analyst Testing.

"ACM" means asbestos containing material.

"ASHERA" means The Asbestos Hazard Emergency Response Act (15 USC § 2641-2656).

"AIHA" means American Industrial Hygiene Association.

"ASHARA" means the Asbestos School Hazard Abatement Reauthorization Act of 1990.

"DEQ" means Department of Environmental Quality.

"DOLI" means Department of Labor and Industry.

"DPOR" means Department of Professional and Occupational Regulation.

"EPA" means the U.S. Environmental Protection Agency.

"IHLAP" means the Industrial Hygiene Laboratory Accreditation Program of the AIHA Laboratory Accreditation Programs, LLC.

"IHPAT" means the Industrial Hygiene Proficiency Analytical Testing Program of the AIHA Proficiency Analytical Testing Programs, LLC

"MAP" means Model Accreditation Plan (Appendix C to Subpart E of 40 CFR Part 763).

"NESHAP" means National Emission Standards for Hazardous Air Pollutants (40 CFR, Part 61).

"NIOSH" means National Institute of Occupational Safety and Health.

"NVLAP" means the Asbestos Fiber Analysis Program of the National Institute of Standards and Technology National Voluntary Laboratory Accreditation Program.

"OSHA" means the U.S. Department of Labor Occupational Safety and Health Administration.

"PCM" means phase contrast microscopy.

"PLM" means polarized light microscopy.

"SCC" means the State Corporation Commission.

"TEM" means transmission electron microscopy.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This regulatory change is not the result of a mandate.

The primary impetus for this regulatory change is the Board's determination that repeal and replacement of the regulation is necessary to ensure that the regulation is (i) organized, clear, and understandable to regulants and the public; (ii) complements current Virginia law and meets applicable federal requirements; and (iii) provides minimal burdens on regulants, while still protecting the public. Repealing, revising, and replacing the regulation is the most effective way to ensure that the regulation is achieving its intended purpose, allowing properly qualified individuals to engage in the profession while reducing or mitigating unnecessary regulatory burdens placed on applicants and regulants.

The agency has also received feedback from members of the public, including individuals in the asbestos remediation and abatement industry. Sources of feedback have included comments made during meetings of the Board or committees of the Board, comments made to agency staff during public outreach events, and comments received by agency staff from licensees and applicants for licensure.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency is the Virginia Board for Asbestos, Lead, and Home Inspectors. Chapter 5 of Title 54.1 of the Code of Virginia enumerates the legal authority for the Board to administer the licensure program for those who engage in asbestos remediation or abatement, and to approve accredited asbestos training programs.

Section 54.1-501 of the Code of Virginia states, in part:

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos and lead licenses, and governing conflicts of interest among various categories of asbestos and lead licenses;
2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, training managers, and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, examinations and the grading system for testing applicants for asbestos and lead licensure;
4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;

5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;

Section 54.-201 of the Code of Virginia states, in part:

A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.

In addition, 15 USC § 2646 of AHERA, as amended by ASHARA, requires states to "...adopt a contractor accreditation plan at least as stringent as the model plan..." established by the EPA for asbestos abatement projects for all schools, and public and commercial buildings. This section of federal statute also requires that those who (i) inspect for asbestos-containing material in schools or in public or commercial buildings; (ii) design or conduct response actions with respect to friable asbestos-containing material in schools or public or commercial buildings; and (iii) who prepare management plans for schools, must be state accredited to perform such activities.

The MAP establishes the standards for accreditation of the following asbestos disciplines:

- Worker;
- Contractor/Supervisor
- Inspector;
- Management planner;
- Project designer; and
- Project monitor.

The MAP also establishes the standards for approval of asbestos training courses.

Further, 40 CFR § 61.145 of NESHAP prescribes standards for the demolition and renovation in facilities containing asbestos-containing material; and 40 CFR Part 763, Subpart E, prescribes standards for (i) identification of asbestos-containing materials; (ii) creation and implementation of management plans; (iii) conducting of response actions; and (iv) related recordkeeping.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The regulation is necessary to comply with the applicable requirements of AHERA, ASHARA, NESHAP, and 40 CFR Part 763, Subpart E.

The Board has determined that repeal and replacement of the regulation is necessary to ensure that the regulation is (i) organized, clear, and understandable to regulants and the public; (ii) complements current

Virginia law and meets applicable federal requirements; and (iii) provides minimal burdens on regulants, while still protecting the public.

The Board has been charged with administering the licensure program for those who engage in asbestos remediation or abatement, and to approve accredited asbestos training programs. By establishing regulations in a clear and organized manner, the Board is better able to ensure the regulations are understandable and presented in a way that aligns with Virginia law, federal requirements, and agency policy. Holding licensees to regulatory standards also provides for the continued protection of the health, safety, and welfare of the public.

The goal of repealing, revising, and replacing the regulation is the most effective way to ensure that the regulation is achieving its intended purpose, allowing properly qualified individuals to engage in the profession while reducing or mitigating unnecessary regulatory burdens placed on applicants and regulants all while protecting public welfare.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

This action repeals the current regulation (18VAC15-20) and replaces it with a new chapter (18VAC15-21). The new chapter incorporates revisions and corrections to ensure the chapter is well organized, clear to understand, and reduces unnecessary regulatory burdens while remaining consistent with Virginia Code and applicable federal regulations. Additionally, several new sections are added to reorganize and clarify existing provisions.

Details specific to the regulatory change are included in the “Detail of Changes” section at the end of this document. A brief summary of substantive changes is listed below:

Part I: Definitions

- Definitions from § 54.1-500 of the Code of Virginia are incorporated in the regulation; terms used within the regulation, but not currently defined, are added; existing definitions are amended for clarity; definitions for terms that are not used within the regulation or that are incorporated by reference are removed.
- The monetary amount constituting financial interest is adjusted from \$1,000 to \$2,000.

Part II: Entry

- Provisions contained in various sections throughout Part II are revised to provide clarity. Additionally, provisions are relocated to better organize the regulation.
- New sections have been created for each specific individual asbestos license type in order to provide clarity and organization within the regulation.
- New sections are created to better organize and enumerate provisions specific to: acceptable degree programs, experience used to qualify for licensure, individuals certified or licensed in other jurisdictions, and qualifications for asbestos contractor and asbestos analytical laboratory licenses.
- Provisions pertaining to application procedures are revised to (i) require that applications be completed in accordance with instruction contained in the regulation; (ii) require that an applicant immediately report any changes to information supplied with the application; and (iii) provide that applications are not considered completed until all required documents are received by the Board.
- Criminal history disclosure requirements for initial licensure of individuals are revised to (i) reduce the “look back” period for most reportable misdemeanor offenses; and (ii) expand the scope of

reportable misdemeanor convictions to include all misdemeanor convictions other than marijuana convictions.

- Prior disciplinary history disclosure requirements for initial licensure of individuals are revised to require disclosure of any disciplinary action taken against a professional or occupational license issued to the applicant.
- Education and experience qualifications have been amended for the following individual asbestos licenses: asbestos supervisor license; asbestos inspector license; asbestos management planner license; asbestos project designer license; and asbestos project monitor license.
 - Qualifications for asbestos supervisor licenses are revised to add a minimum education and experience qualifications.
 - Qualifications for asbestos inspector, management planner, and project designer licenses are revised to mostly reduce experience qualifications.
 - Qualifications for asbestos project monitor licenses are revised to (i) add a minimum education qualification; and (ii) reduce overall experience qualifications.
 - Provisions that more clearly provide for the criteria for acceptable degree programs are added. These provisions incorporate existing Board guidance regarding acceptable degree programs for individuals to qualify for asbestos inspector, management planner, and project designer licenses.
- Provisions for initial licensure of management planner licenses are revised to clearly specify that management planners must complete both asbestos management planner training and asbestos inspector training to qualify for initial licensure.
- Provisions that more clearly provide for the criteria for acceptable experience to qualify for licensure are added.
- The requirements for licensure as an asbestos contractor are changed to tie qualifications for an asbestos contractor license to the requirements and qualifications for a contractor license issued by the Board for Contractors. Under this change, a contractor that meets the requirements of the Board for Contractors to engage in asbestos contracting would be deemed qualified for an asbestos contractor license from the Board and would be issued a license for a term that coincides with the term of license issued by the Board for Contractors. This change will also remove the requirements for an asbestos contractor to pay fees to the Board for obtaining and renewing a license.
- The requirements for licensure as an asbestos analytical laboratory are revised to (i) remove unnecessary provisions that impose requirements specific to an applicant firm's form of organization; (ii) reduce the "look back" period for most reportable misdemeanor offenses; (iii) expand the scope of reportable misdemeanor convictions to include all misdemeanor convictions other than marijuana convictions; and (iv) to require disclosure of any disciplinary action taken against a professional or occupational license issued to the applicant and its principals.

Part III: Fees

- Language related to some temporarily reduced renewal fees and late renewal fees is removed as it is no longer applicable.

Part IV: Renewal

- Provisions regarding the expiration and renewal of asbestos contractor licenses are revised to (i) tie the expiration date of the license to the expiration date of the corresponding contractor license issued by the Board for Contractors; and (ii) require documentation that the license issued by the Board for Contractors to the contractor is current and valid in order for an asbestos contractor license to be renewed.
- Provisions for renewal of asbestos analytical laboratory licenses are revised to require that a laboratory submit documentation that the laboratory continues to meet the requirements for the type of laboratory analysis it is licensed to perform.

- Provisions for renewal of management planner licenses are revised to clearly specify that management planners must complete both management planner refresher training and asbestos inspector refresher training to renew licensure.
- Provisions regarding renewal of training program approvals are revised to remove unnecessary requirements for submission of documentation.
- Provisions regarding renewal of asbestos worker licenses are revised to allow for the acceptance of asbestos supervisor refresher training to meet renewal requirements for a worker license.
- Provisions regarding renewal of licenses and training program approvals are revised to (i) allow for email or electronic delivery of renewal notices to regulants; and (ii) remove the requirement that regulants submit a copy of the renewal notice to the Board.

Part V: Approval of Training Programs and Courses

- Application procedures are revised to more clearly outline the documentation and information an applicant for an accredited asbestos training program must provide to the Board, including information on the program training manager and principal instructor.
- Current Board guidance exempting out-of-state asbestos courses that are currently approved in a MAP state from an on-site audit for application approval is incorporated into the regulation.
- The requirement that state-of-the-art work practices be included as a review topic in refresher training for asbestos workers and asbestos supervisors is removed.
- The requirement that budgeting and cost estimation be included as a topic in refresher training for asbestos project designers is removed.
- Provisions in the current regulation that provide for the suggested use of training exercises for training programs are removed.
- Overall, the part is better organized with the relocation of various provisions, allowing for clarity.

Part VI: General Standards of Practice and Conduct

- Changes throughout this part are largely for organizational and clarity purposes.
- Prohibited acts are significantly revised. Prohibited acts are reorganized to group similar types of offenses together. Several prohibited acts are also revised, including:
 - The prohibited act regarding obtaining a license or training program approval by fraudulent representation is revised to (i) apply to attempting to obtain a license or training program approval by false or fraudulent representation; and (ii) include maintaining, renewing, or reinstating a license by false or fraudulent representation.
 - A revised prohibited act that proscribes negligence, misconduct, and incompetence in the practice of the profession, and specifies actions that would constitute a violation.
 - A new prohibited act that proscribes improper, fraudulent, and dishonest conduct, and specifies actions that would constitute a violation.
 - A revised prohibited act addressing refusal to allow state or federal representatives access to an abatement site, analytical laboratory, or training facility for purpose of compliance inspections or audits.
- Sections in the current chapter relating to responsibility to the public, public statements, and solicitation of work are removed. Certain provisions within these sections are incorporated into language contained under the prohibited acts.
- Provisions regarding conflicts of interest are revised to provide that the requirements do not apply to a contractor-subcontractor relationship between an asbestos contractor and an asbestos project monitor.
- The timeframe for an asbestos analytical laboratory to report changes of status, such as changes in (i) laboratory location; (ii) responsible person; and (iii) accreditation or proficiency rating, is increased from 10 days to 30 days.
- Provisions regarding responses to complaints and production of records are revised to (i) provide required timeframes for responses to inquiries and production of requested records; and (ii) a prohibition on providing false, misleading, or incomplete responses to inquiries.

Part VII: Standard of Practice and Conduct for Individuals

- Changes throughout this part are largely for organizational and clarity purposes.
- Provisions in the current regulation regarding standards for individuals are streamlined to remove requirements that are unnecessary or duplicative of federal regulation. These include requirements for asbestos inspections and asbestos management plans.
- Provisions for standards for asbestos project designs are revised to clarify that a project design include air sampling procedures.
- Provisions for asbestos project monitoring are revised to (i) clarify when a project monitor is required on a project; and (ii) remove an unnecessary signature requirement for an air sample report.
- Provisions regarding onsite analysis by project monitors are revised to permit a project monitor to be affiliated, rather than employed, by a laboratory.

Part VIII: Standards of Practice and Conduct for Firms

- Changes throughout this part are largely for organizational and clarity purposes.
- Standards for asbestos contractors are revised to remove provisions that are advisory in nature.
- Standards for asbestos analytical laboratories are revised to incorporate by reference certain documents that prescribe mandatory procedures for performing analysis of ACM or suspected ACM.

Part IX: Standards of Practice and Conduct for Accredited Training Programs and Board-approved Training Courses

- Changes throughout this part are largely for organizational and clarity purposes.
- Provisions allowing for the electronic delivery of asbestos refresher training courses are added.
- Standards for asbestos training programs are revised to remove provisions that are advisory in nature.
- Requirements mandating a minimum student-to-instructor ratio and a limit on the number of students for hands-on exercises are removed.
- Provisions mandating training providers keep a list of equipment used for training are removed.
- Provisions regarding reporting of changes to an approved training program are revised to provide that all changes to a program be reported to the Board prior to implementation of the change.
- Provisions regarding notification of training dates and times and reporting of program participant lists are revised to streamline these requirements.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantages to the public and the regulated community are that the amendments to the regulation will:

1. Provide needed updating and clarification by reorganizing the regulation;
2. Reduce regulatory burdens while still protecting the public health, safety, and welfare.
3. Remove requirements in the regulation that are not necessary to protect the public welfare;

4. Enhance standards of conduct and practice that will better serve to protect members of the public.

There are no identifiable disadvantages to the public. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

The primary advantage of the regulatory change to the Commonwealth is that it will allow the agency to administer the licensure program more ably.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

The current and proposed regulations provide for the licensure of asbestos project monitors. Under the MAP, it is recommended states adopt training and accreditation requirements for project monitors; however, federal statute and regulation do not require accreditation of project monitors. However, state statute requires the licensure of asbestos project monitors and mandates the Board make appropriate regulations.

License qualifications for asbestos supervisors in the proposed regulation will exceed federal requirements. The MAP requires training and examination for asbestos supervisors. It does not require education or experience qualifications beyond these requirements. However, the proposed regulation will require that asbestos supervisors meet minimum education and experience requirements. The Board determined that the additional qualifications are necessary to protect the health, safety, and welfare of the public and ensure competency.

License qualifications for asbestos inspectors, management planners, and project designers in both the current and proposed regulation exceed federal requirements. The MAP requires training and examination for asbestos inspectors, management planners, and project designers. It does not require education or experience qualifications beyond these requirements. However, the regulation requires that inspector, management planner, and project designer applicants meet an education and experience requirement. The Board has determined that these additional requirements are necessary to protect the health, safety, and welfare of the public and ensure competency.

The requirements for initial asbestos supervisor training programs in both the current and proposed regulation exceed federal requirements. Under the current and proposed regulations, initial supervisor training programs are required to address the topic of the role of the supervisor in the asbestos abatement process. The MAP does not require this topic for initial asbestos supervisor training programs. The Board has determined that this additional requirement is necessary to protect the health, safety, and welfare of the public and ensure competency.

The requirements for initial asbestos inspector training programs in both the current and proposed regulation exceed federal requirements. Under the current and proposed regulations, initial inspector training programs are required to include a training program overview topic, which includes subtopics on the role of the inspector in the asbestos abatement industry, and a discussion of inspection requirements and criteria for AHERA, NESHAP, and state agencies. The MAP does not require this topic for initial asbestos inspector training programs. In addition, the MAP requires 50 questions for the program final examination; whereas the current and proposed regulations require the examination have 100 questions. The Board has determined that these additional requirements are necessary to protect the health, safety, and welfare of the public and ensure competency.

The requirements for initial asbestos management planner training programs in both the current and proposed regulation exceed federal requirements. Under the current and proposed regulations, the final examination of a training program must have 100 questions. However, the MAP requires that final examinations for training program have 50 questions. The Board has determined that this expanded requirement is necessary to protect the health, safety, and welfare of the public and ensure competency.

The requirements for initial asbestos project designer training programs in both the current and proposed regulation exceed federal requirements. Under the current and proposed regulations, initial project designer training programs are required to include a training program overview topic, which includes subtopics on the role of the project designer in the asbestos abatement industry, and a discussion of what a project design is. The MAP does not require this topic for initial asbestos project designer training programs.

The requirements for refresher training programs in both the current and proposed regulation exceed federal requirements. Under the current and proposed regulations, refresher training programs must have a final examination. However, MAP permits, but does not require, that refresher training programs have a final examination. The Board has determined that these additional requirements are necessary to protect the health, safety, and welfare of the public and ensure competency.

The requirements for training program certificates of completion in both the current and proposed regulation exceed federal requirements. The regulation requires additional information for completion certificates that are not required under MAP. These additional requirements are necessary to effectively administer the licensure program.

The requirements for training program participant lists that must be kept by training providers in both the current and proposed regulation exceed federal requirements. The regulation requires additional information for participant lists that are not required under MAP. These additional requirements are necessary to effectively administer the licensure program.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No other state agencies are particularly affected by the regulatory change.

Localities Particularly Affected

No other localities are particularly affected by the regulatory change.

Other Entities Particularly Affected

No other entities are particularly affected by the regulatory change.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Summary:

The Board seeks to repeal the current regulation (18VAC15-20) and replace it with a new chapter (18VAC15-21). This action proposes to (i) repeal the existing regulation (18VAC15-20) and replace it with a new chapter (18VAC15-21); (ii) make revisions to ensure the regulation complements current Virginia law and meets applicable federal requirements; (iii) make the regulation more organized, clear, and understandable; (iv) ensure the regulation provides minimal burdens on regulants while still protecting the public; and (v) reduce regulatory requirements. There is no direct economic or fiscal impact to other state agencies.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources. 	<p>With less restrictive entry requirements for obtaining individual asbestos related licenses, the Board may see an increase in applicants, resulting in increased revenue and, possibly, an increased regulant population. It is difficult to predict the number by which applications might increase, thus making it difficult to estimate additional revenue.</p> <p>As a result of the changes to the licensure and license renewal process for asbestos contractors, the Board will no longer require an application and renewal fee. This change will reduce fee revenue received by the Board.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no anticipated costs or fees of other state agencies resulting from this regulatory change.</p> <p>There are no anticipated changes to revenue or expenditures of other state agencies because of this regulatory change.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The regulatory change proposes to reduce regulatory requirements. Particularly, the amendment to the regulation reduces education and experience requirements for various individual asbestos licenses, allowing more individuals to enter the profession sooner. Since there could be more individuals entering the profession, it has the potential to produce more revenue.</p> <p><i>The amendment reduces regulatory requirements in accordance with Executive Directive Number One (2022).</i></p>

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees, or revenues resulting from the regulatory change.	There are no anticipated costs to localities because of the regulatory changes. There are no additional requirements.
There are no anticipated costs to localities because of the regulatory changes.	There are no anticipated benefits to localities because of the regulatory changes.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	<p>This regulatory change will affect any individual or firm (regulant) holding an asbestos-related license to include: asbestos workers, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos contractors, asbestos project monitors, asbestos laboratories, and asbestos laboratory branch offices. The regulatory change will affect training providers of approved asbestos training courses.</p> <p>This regulatory change will also affect non-regulants, specifically individuals or firms seeking an asbestos-related license, and training providers seeking approval of an asbestos training course.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:</p> <p>a) is independently owned and operated, and;</p> <p>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>As of November 1, 2024, there are 1,250 licensed asbestos workers, 1,371 licensed asbestos supervisors, 672 licensed asbestos inspectors, 112 licensed asbestos management planners, 135 licensed asbestos project designers, and 299 licensed asbestos project monitors. These licenses are issued to individuals and not to businesses or entities; however, many individuals likely own or work for a "small business" as that term is defined in the APA.</p> <p>As of November 1, 2024, there are 167 licensed asbestos contractors, 56 licensed asbestos laboratories and 16 licensed asbestos laboratory branch offices. Many of the firms that hold contractor or laboratory licenses likely fall within the meaning of "small business" as that term is defined in the APA.</p> <p>There are at least 31 providers of approved asbestos training courses. Many of these</p>

	<p>providers are likely to fall within the meaning of "small business" as that term is defined in the APA.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements. 	<p>The regulatory change will require that individuals seeking an asbestos supervisor or asbestos project monitor license meet a minimum education requirement of a high school diploma or equivalent. Individuals seeking these licenses who do not already have the minimum education would likely assume the cost to meet this requirement, such as by completing a GED.</p> <p>Otherwise, the regulatory change is not anticipated to impose additional costs to affected entities or individuals. Overall, the action is expected to reduce regulatory requirements and burdens. These include:</p> <ul style="list-style-type: none"> • Streamlining the licensure and license renewal processes for asbestos contractors, which will result in a cost savings. • Making reporting requirements easier through electronic submission. • Increasing the timeframe for asbestos analytical laboratories to report certain changes to the Board.
<p>Benefits the regulatory change is designed to produce.</p>	<ul style="list-style-type: none"> • Create a regulation that is organized, clear, understandable and complements current Virginia law and meets applicable federal requirements. • Reduce burden on regulants. • Reduce regulatory requirements. <i>**The amendment reduces regulatory requirements in accordance with Executive Directive Number One (2022).**</i> • Streamline licensure process for asbestos contractors.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Asbestos contractor and analytical laboratory licenses are issued to firms. Some of these firms would likely qualify as small businesses as defined in § 2.2-4007.1 of the Code of Virginia. In addition, many firms that are approved by the Board to provide accredited training programs would likely qualify as small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Asbestos worker, supervisor, project monitor, project designer, management planner, and inspector licenses are issued to individuals. However, many licensed individuals may be owners or employees of business entities that fall within the meaning of small business as defined in § 2.2-4007.1 of the Code of Virginia. No less intrusive or less costly alternatives to achieve the purpose of the regulatory change were identified.

The regulation is necessary to comply with the applicable requirements of AHERA, ASHARA, NESHAP, and 40 CFR Part 763, Subpart E.

An alternative to the regulatory change would be to keep the regulation in its current form. However, this is not seen as a viable alternative. Replacing the existing regulation would better ensure the regulation is (i) organized, clear, and understandable to regulants and the public; (ii) complements current Virginia law and meets applicable federal requirements; and (iii) provides minimal burdens on regulants, while still protecting the public.

Prior to undertaking this regulatory action, the Board has attempted to address some concerns brought to its attention through issuing interpretive guidance. However, these efforts are insufficient to adequately address these concerns on a long-term basis, as interpretive guidance cannot be a substitute for amending a regulation. No other viable alternatives to a regulatory change have been identified.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

Asbestos contractor and analytical laboratory licenses are issued to firms. Some of these firms would likely qualify as small businesses as defined in § 2.2-4007.1 of the Code of Virginia. In addition, many firms that are approved by the Board to provide accredited training programs would likely qualify as small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Asbestos worker, supervisor, project monitor, project designer, management planner, and inspector licenses are issued to individuals. However, many licensed individuals may be owners or employees of business entities that fall within the meaning of small business as defined in § 2.2-4007.1 of the Code of Virginia.

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession, minimum standards to assure continued competency, minimum standards for conduct, and rules to effectively administer the regulatory system.

As proposed, the regulatory change seeks to reduce or mitigate unnecessary regulatory burdens placed on applicants and licensees. The regulation is necessary to comply with Virginia law and applicable requirements of AHERA, ASHARA, NESHAP, and 40 CFR Part 763, Subpart E. As a result, the agency

did not consider any alternative regulatory methods. The enabling statute does not provide for the exemption of small businesses from the regulatory requirements. Therefore, there are no such exemptions contained in the proposed change.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

**Periodic Review and
Small Business Impact Review Report of Findings**

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This action is not being used to conduct a periodic review or small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

No comments were received during the NOIRA public comment period.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to:

Cameron Parris
 Regulatory Operations Administrator
 9960 Mayland Drive, Suite 400
 Richmond, VA 23233
ALHI@dpor.virginia.gov
 Fax: (866) 350-5354

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
N/A	N/A	The title of the regulation is "Virginia Asbestos Licensing Regulations."	The title of the new regulation will be "Asbestos Licensing Regulations."
20-10	N/A	Section -10 of the current chapter includes Part I and identifies the requirement for licensure for various types of asbestos-related licenses.	The provisions in the existing section will not carry over to the new regulation. The requirements to obtain licenses for certain asbestos-related work are enumerated in Chapter 5 of Title 54.1 of the Code of Virginia.
20-20	21-10	Section -20 of the current chapter provides for definitions that are necessary to make the regulation clear and understandable. The section includes definitions	"Definitions." Most terms that are defined in the current regulation will carry over to the new regulation. However, the definitions of some terms will be incorporated by reference from statute.

		<p>for some terms that are defined in statute.</p>	<p>The section is organized into subsections.</p> <p>Subsection A incorporates definitions included in § 54.1-500 of the Code of Virginia.</p> <p>These definitions include the terms: “accredited asbestos training program,” “asbestos,” “asbestos analytical laboratory license,” “asbestos-containing material” or “ACM,” “asbestos management plan,” “asbestos project” or “asbestos abatement project,” “asbestos supervisor,” “board,” “friable,” “person,” “principal instructor,” and “training manager.”</p> <p>The meanings for these terms in the current regulation are essentially the same as their meanings in statute.</p> <p>Subsection B provides definitions for additional words and terms used throughout the regulation. Some new terms have been added while others have been amended.</p> <p>The following terms will be added to the regulation:</p> <ul style="list-style-type: none"> • “Accredited training program” which means a profession-specific asbestos training program or course that is approved by the Board and designated as initial or refresher and is required under the MAP; or an approved training course approved by the EPA or another state with an EPA-approved MAP program. • “Address of record” which means the mailing address designated by the regulant to receive notices and correspondence from the Board. • “Applicant” which means a person who has submitted an application to the Board, but has not been granted a license or accreditation by the Board. • “Application” which means a completed Board-prescribed form submitted with the appropriate fee and other required documentation.
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			<ul style="list-style-type: none"> • “Asbestos inspection” which means an onsite investigation to determine the potential presence or exposure of ACM. • “Board-approved training program” which means a training course that has been approved by the Board to provide training for individuals who act as a project monitor. • “Final work product” which means the management plan, project monitor report, project design, inspection report, or other document prepared by an individual performing work in the applicable license discipline. • “Hands-on training” which means the physical participation of students in an accredited asbestos training program. Physical participation includes mock activities specific to the license discipline. This term replaces the term “hands-on experience.” • “MAP” which means the EPA Asbestos Model Accreditation Plan. • “Monitor” which means observing and reviewing the activities of an asbestos contractor on an asbestos abatement project to determine proper work practices are used and compliance with all asbestos laws and regulations is maintained. • “Regulant” refers to an individual or firm that has been issued a license by the Board or an asbestos training program that has been accredited by the Board. <p>The following terms in the existing regulation will be amended:</p> <ul style="list-style-type: none"> • “Asbestos contractor” which means a person who contracts with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. • “Asbestos project design” which means any work plan describing the construction of an asbestos abatement area, response action, or work practices to be utilized on an asbestos abatement project. • “Asbestos project designer” which means an individual who designs or
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			<p>develops a design for an asbestos abatement project.</p> <ul style="list-style-type: none"> • “Asbestos project monitor” which means an individual that monitors or acts as a monitor of an asbestos abatement project. • “Direct supervision” which means exercising oversight, direction of, and control over the work of another. • “Employee” which means an individual who has an employment relationship acknowledged by both the individual and the firm and is treated as an employee for the purposes of compliance with federal income tax laws. • “Firm” which means a sole proprietorship, association, partnership, corporation, limited liability company, limited liability partnership, or any other form of business organization recognized under the laws of Virginia. <p>In addition, the term “financial interest” is revised to increase from \$1,000 to \$2,000 the threshold of value required to establish financial interest. This change is made to reduce to the regulatory burden placed on regulants.</p> <p>The following defined terms and words will not carry over to the new regulation as they are either not used in the regulation, are defined in statute, or are not necessary: “accredited asbestos training provider”, “asbestos”, “asbestos analytical laboratory license”, “asbestos-containing material”, “asbestos contractor’s license”, “asbestos inspector’s license”, “asbestos management plan”, “asbestos management planner’s license”, “asbestos project”/“asbestos abatement project”, “asbestos project designer’s license”, “asbestos project monitor’s license”, “asbestos supervisor”, “asbestos supervisor’s license”, “asbestos worker’s license”, “director”, “hands-on experience”, “licensee”, “OSHA Class III Work”, “PAT”, “person”, “preliminary review”, “principal instructor”, and “training manger”.</p> <p>Changes related to terms and definitions assist in presenting the regulation in a</p>
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			clear and organized manner while incorporating statutory definitions and removing terms that are not used within the regulation.
20-21	N/A	<p>Section -21 of the current chapter sets forth the Board’s ability to waive requirements of the chapter given certain circumstances.</p> <p>The section provides that the Board, in its reasonable discretion, may waive any requirements of the regulation when it finds that the waiver does not lessen the protection to the public health, safety, and welfare as provided in the regulation and in the Board’s enabling statute.</p> <p>The section further provides that the party requesting the waiver has the burden of proof to show continued public protection.</p>	<p>These provisions will not carry over to the proposed regulation.</p> <p>Section 54.1-512(A) of the Code of Virginia provides a limited authority to waive the requirement for asbestos contractor, asbestos supervisor, and asbestos worker licenses in an emergency.</p> <p>The Board otherwise does not have the discretionary authority to waive licensure requirements.</p>
20-31	21-20	<p>Section -31 of the current chapter addresses general application procedures.</p> <p>The section provides that all applicants must submit an application on a DPOR-provided form and submit an application fee.</p> <p>By signing the application or submitting it electronically to DPOR, the applicant certifies that the applicant has read and understands the Board’s statutes and regulations.</p> <p>The receipt of an application and deposit of fees by the Board does not indicate approval by the Board.</p> <p>The section provides that the Board may make further inquiries and investigations with respect to an applicant’s</p>	<p>“Application procedures.”</p> <p>In the new section, the current application procedures remain substantially the same. The section is organized into subsections.</p> <p>The section includes additional provisions regarding application procedures.</p> <p>The section provides that applications must be completed in accordance with the instructions contained in the regulation and on the application.</p> <p>The section provides that applications will not be considered complete until all required documents are received by the Board.</p> <p>The section provides that an applicant must immediately report any changes in information supplied with the application prior to issuance of the license or expiration of the application.</p>

		<p>qualifications to confirm or amplify information supplied.</p> <p>The section further provides that applicants will be notified if their application is incomplete. Applicants that fail to complete the application process with 12 months after DPOR receives the application must submit a new application and fee.</p>	<p>These revisions better organize the section and provide clarity. The revisions also make the provisions of this section consistent with other DPOR regulations.</p>
<p>20-32</p>	<p>21-30</p>	<p>Section -32 of the current chapter contains qualifications for licensure of individuals.</p> <p>The section provides general requirements applicable to all applicants for individual licensure. These include:</p> <ul style="list-style-type: none"> • That the applicant disclose the applicant's full legal name; • That the applicant be at least 18 years old; and • That the applicant disclose a physical address. A post office box address is acceptable only when a physical address is also provided. <p>The section also prohibits an applicant from having been convicted or found guilty of (i) any felony; (ii) any misdemeanor involving lying, cheating, or stealing; or (iii) any violation involving environmental remediation activity that resulted in significant harm or the imminent and substantial threat of significant harm to human health or the environment.</p> <p>The section provides that any plea of <i>nolo contendere</i> will be considered a conviction; and that the record of conviction, finding or case</p>	<p>"General requirements for licensure: individuals."</p> <p>This new section provides for general licensure requirements for individuals only. Qualifications for each type of license are placed in new sections specific to that license type. In addition, provisions regarding verification of education and experience are moved to stand alone sections.</p> <p>Like the current section, the new section includes subsections A, B, C, and D, which address general requirements for entry and disclosure of information related to an applicant's name, age, and address. No substantive changes are made to these provisions.</p> <p>Subsections E, F, and G incorporate provisions contained in subsections G, H, and I of the current section and pertain to an applicant's criminal history, disciplinary history, and compliance with standards of practice and conduct.</p> <p>Subsection E addresses criminal history disclosure requirements of an applicant in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Rather than establishing a prohibition on having been convicted or found guilty, the revised provisions require disclosure of prior criminal history.</p> <p>Applicants are required to disclose all felony convictions. This requirement is unchanged from the current regulation.</p> <p>Applicants are required to disclose the following misdemeanor convictions:</p>

	<p>decision will be considered prima facie evidence of a conviction or finding of guilt.</p> <p>The Board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.</p> <p>The section requires an applicant be in good standing in every jurisdiction where licensed and not have had a license that was suspended, revoked, or surrendered in connection with any disciplinary action prior to applying for licensure in Virginia.</p> <p>The Board, at its discretion, may deny licensure to any applicant based on disciplinary action by any jurisdiction.</p> <p>The section requires that an applicant be in compliance with the standards of practice and conduct enumerated throughout the regulation at the time an application is made, while the application is under review, and while the license is in effect.</p> <p>The section also provides for specific training and experience requirements for individuals to qualify for each license type.</p> <p>For licenses requiring an experience qualification, the section provides how experience may be obtained.</p> <p>The section further provides requirements for the verification of education and experience.</p>	<ul style="list-style-type: none"> • All misdemeanor convictions related to environmental remediation activity; and • All misdemeanor convictions, excluding marijuana convictions, that occurred within three (3) years of the date of application. <p>The section provides that the Board may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia. This provision is unchanged from the current regulation.</p> <p>The change reduces the “look back” period for most reportable misdemeanor offenses. The exclusion of misdemeanor convictions related to marijuana aligns the regulation with statute. This change should allow individuals with older criminal histories and excluded convictions to qualify for licensure without their applications requiring review and consideration by the Board.</p> <p>The change does expand the scope of reportable misdemeanor convictions beyond those involving lying, cheating, or stealing. This will enhance the Board’s protection of the public welfare to address an applicant’s fitness for licensure, as applicants with a more recent criminal history may not be fit for licensure.</p> <p>Provisions in the current regulation that (i) provided that a plea of <i>nolo contendere</i> is considered a conviction; and (ii) a record of conviction is <i>prima facie</i> evidence of guilt of a criminal conviction will not carry over into the new regulation.</p> <p>Provisions regarding <i>nolo contendere</i> pleas and record of conviction as being prima facie evidence of guilt appear to be contrary to the provisions of § 54.1-204 of the Code of Virginia. Under the regulation, any conviction must be considered in accordance with § 54.1-204 of the Code of Virginia.</p> <p>This change reduces regulatory burdens for applicants and presents the regulation in an organized manner.</p>
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			<p>Subsection F revises the current provisions regarding prior discipline. Rather than establishing a standard that an applicant must be “in good standing,” the revised provisions require disclosure of prior disciplinary history.</p> <p>Applicants must report any action taken by a board or administrative body against a professional or occupational license, certificate, or registration issued to the applicant, and specify that disciplinary action includes (i) suspension; (ii) revocation; (iii) surrender; (iv) imposition of monetary penalty; (v) requirement for remedial education; or (vi) requirement for other remedial action.</p> <p>The section provides that the Board has the discretion to deny licensure to any applicant for any prior action taken by any board or administrative body in any jurisdiction.</p> <p>The revisions make the regulation clearer as to what disciplinary matters an applicant is required to report to the Board and make clearer the scope of the Board’s authority to deny an application based on prior disciplinary action taken against a professional or occupational license issued to an applicant.</p> <p>Subsection G contains the requirement for an applicant to be in compliance with the standards of practice and conduct enumerated throughout the regulation at the time an application is made, while the application is under review, and while the license is in effect. This requirement is unchanged from the current regulation.</p> <p>There are no new general licensure requirements established in this section. The section has been reorganized to provide clarity and to include elements related to general requirements for (individual) licenses.</p>
N/A	21-40	N/A	<p>“Application denial.”</p> <p>This new section enumerates the Board’s authority to refuse initial licensure or accreditation due to an</p>

			<p>applicant’s failure to comply with entry requirements or for any reason for which the Board may discipline a regulant.</p> <p>The section also enumerates an applicant’s right to request further review of any such action by the Board pursuant the APA.</p> <p>These provisions do not impose any new or additional regulatory requirements. The section is created to provide clarity and organization to the regulation and to ensure applicants are aware of actions that may be taken in the event an application is denied. This change makes the regulation consistent with other DPOR regulations.</p> <p>This change is not likely to have any impact.</p>
20-32	21-50	<p>Subsection E of section -32 in the current chapter covers entry requirements specific to asbestos worker licenses.</p> <p>An individual applying for an initial asbestos worker license must provide proof of having completed:</p> <ul style="list-style-type: none"> • An EPA/AHERA or Board-approved initial accredited asbestos worker training program and all subsequent EPA/AHERA or Board-approved accredited asbestos worker refresher training programs; or • An EPA/AHERA or Board-approved initial accredited supervisor training program and all subsequent EPA/AHERA or Board-approved accredited asbestos supervisor refresher training programs. <p>Worker training must have been completed within 12 months preceding the date</p>	<p>“Qualifications for asbestos worker license.”</p> <p>There are no changes to the qualifications for an asbestos worker license.</p> <p>A new section was created in order to provide requirements specific to an asbestos worker license and to promote clarity and organization within the regulation.</p>

		DPOR receives the application.	
20-32	21-60	<p>Subsection E of section -32 in the current chapter covers entry requirements specific to asbestos supervisor licenses.</p> <p>An individual applying for an initial asbestos supervisor license must provide proof of having completed an EPA/AHERA or Board-approved initial accredited supervisor training program and all subsequent EPA/AHERA or Board-approved accredited asbestos supervisor refresher training programs.</p> <p>Supervisor training must have been completed within 12 months preceding the date DPOR receives the application.</p>	<p>“Qualifications for asbestos supervisor license.”</p> <p>The qualifications for obtaining an asbestos supervisor license are amended to add an education and experience qualification. Applicants must have a high school diploma (or its equivalent) and provide documentation of having three months of experience in asbestos abatement work.</p> <p>The requirement for proof of having completed an EPA or Board-approved initial accredited supervisor training program and all subsequent EPA or Board-approved accredited asbestos supervisor refresher training programs remains the same.</p> <p>The Board determined that the current qualifications for an asbestos supervisor license are not sufficient to ensure protection of the public health, safety, and welfare and that minimum education and experience qualifications were necessary to ensure competence.</p> <p>This section requires that experience submitted must meet requirements contained in -120 of the proposed regulation.</p> <p>A new section was created in order to provide requirements specific to an asbestos supervisor license and to promote clarity and organization within the regulation.</p>
20-32	21-70	<p>Subsection E of section -32 in the current chapter covers entry requirements specific to asbestos inspector licenses.</p> <p>An individual applying for an initial asbestos inspector license must provide proof of having completed an EPA/AHERA or Board-approved initial accredited inspector training program and all subsequent</p>	<p>“Qualifications for asbestos inspector license.”</p> <p>The requirement for proof of having completed an EPA or Board-approved initial accredited inspector training program and all subsequent EPA or Board-approved accredited asbestos inspector refresher training programs remains the same.</p> <p>The education and experience requirements for obtaining an asbestos</p>

		<p>EPA/AHERA or Board-approved accredited asbestos inspector refresher training programs.</p> <p>An applicant for an inspector license must also provide evidence of experience in performing asbestos inspections in buildings or industrial facilities, including collecting bulk samples, categorizing ACM, assessing ACM and preparing inspection reports.</p> <p>The amount of required experience depends upon the applicant's level of completed formal education.</p> <ul style="list-style-type: none"> • Bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field plus six (6) months of experience or five (5) completed inspections; • Associate's degree (two year) in engineering, architecture, industrial hygiene, physical science or a related field plus 12 months of experience or 10 completed inspections; or • High school diploma plus 24 months of experience or 15 completed inspections. 	<p>inspector license are amended as follows:</p> <ul style="list-style-type: none"> • For applicants with a master's or bachelor's degree, the experience requirement is reduced from six (6) months to three (3) months. An applicant may also provide evidence of performing a minimum of seven (7) inspections, an increase from the current qualification of five (5) inspections, to meet the experience requirement. • For applicants with an associates' degree, the experience requirement is reduced from 12 months to six (6) months. An applicant may also provide evidence of performing 10 inspections. This qualification remains the same from the current regulation. • For applicants with a high school diploma or equivalent, the experience requirement is reduced from 24 months to 12 months. An applicant may also provide evidence of performing 15 inspections. This qualification remains the same from the current regulation. <p>Changes to qualifications for inspectors have been made in order to reduce requirements for licensure that the Board has deemed overly burdensome.</p> <p>This section requires that education submitted must meet requirements contained in -110 and experience submitted must meet requirements contained in -120 of the proposed regulation.</p> <p>A new section was created in order to provide requirements specific to an asbestos inspector license and to promote clarity and organization within the regulation.</p>
20-32	21-80	<p>Subsection E of section -32 in the current chapter covers entry requirements specific to asbestos management planner licenses.</p>	<p>"Qualifications for asbestos management planner license."</p>

		<p>An individual applying for an initial asbestos management planner license must provide proof of having completed an EPA/AHERA or Board-approved initial accredited management planner training program and all subsequent EPA/AHERA or Board-approved accredited asbestos management planner refresher training programs.</p> <p>An applicant for a management planner license must also provide evidence of experience in evaluating inspection reports, selecting response actions, analyzing the cost of response actions, ranking response actions, preparing operations and maintenance plans and preparing management plans.</p> <p>The amount of required experience depends upon the applicant's level of completed formal education.</p> <ul style="list-style-type: none"> • Bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field plus six (6) months of experience or five (5) completed management plans; • Associate's degree (two year) in engineering, architecture, industrial hygiene, physical science or a related field plus 12 months of experience or 10 completed management plans; or • High school diploma plus 24 months of experience or 15 completed management plans. 	<p>The training requirements are revised to provide that an applicant provide proof of successful completion of:</p> <ul style="list-style-type: none"> • EPA or Board-approved initial management planner training (and all subsequent refresher training); and • EPA or Board-approved initial inspector training (and all subsequent refresher training). <p>Section -800 in the current chapter provides that management planners must complete both an inspector training program and a management planner training program, which is required under MAP for the accreditation of management planners. However, the entry qualifications for management planners in section -32 of the current chapter do not address the requirement for inspector training for management planners.</p> <p>This change will ensure that the regulation correctly reflects the training requirements for management planners as specified under MAP.</p> <p>The education and experience requirements for obtaining an asbestos management planner license are amended as follows:</p> <ul style="list-style-type: none"> • For applicants with a master's or bachelor's degree, the experience requirement is reduced from six (6) months to three (3) months. An applicant may also submit evidence of preparing three (3) management plans. This is a reduction from the current qualification of five (5) management plans. • For applicants with an associate's degree, the experience requirement is reduced from 12 months to six (6) months. An applicant may also submit evidence of preparing five (5) management plans. This is a reduction from the current qualification of 10 management plans.
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			<ul style="list-style-type: none"> For applicants with a high school diploma or equivalent, the experience requirement is reduced from 24 months to 12 months. An applicant may also submit evidence of preparing seven (7) management plans. This is a reduction from the current qualification of 15 management plans. <p>Changes to qualifications for management planners have been made in order to reduce requirements for licensure that the Board has deemed overly burdensome.</p> <p>This section requires that education submitted must meet requirements contained in -110 and experience submitted must meet requirements contained in -120 of the proposed regulation.</p> <p>A new section was created in order to provide requirements specific to an asbestos management planner license and to promote clarity and organization in the regulation.</p>
20-32	21-90	<p>Subsection E of section -32 in the current chapter covers entry requirements specific to asbestos project designer licenses.</p> <p>An individual applying for an initial asbestos project designer license must provide proof of having completed an EPA/AHERA or Board-approved initial accredited project designer training program and all subsequent EPA/AHERA or Board-approved accredited asbestos project designer refresher training programs.</p> <p>An applicant for a project designer license must also provide evidence of experience in the preparation of project designs or project specifications.</p>	<p>“Qualifications for asbestos project designer license.”</p> <p>The requirement for proof of having completed an EPA or Board-approved initial accredited project designer training program and all subsequent EPA or Board-approved accredited asbestos project designer refresher training programs remains the same.</p> <p>The education and experience requirements for obtaining an asbestos project designer license are amended as follows:</p> <ul style="list-style-type: none"> For applicants with a master’s or bachelor’s degree the experience requirement is reduced from six (6) months to three (3) months. An applicant may also submit evidence of completing five (5) project designs. This qualification remains the same from the current regulation.

		<p>The amount of required experience depends upon the applicant's level of completed formal education.</p> <ul style="list-style-type: none"> • Bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field plus six (6) months of experience or five (5) completed project designs; • Associate's degree (two year) in engineering, architecture, industrial hygiene, physical science or related field plus 12 months of experience or 10 completed project designs; or • High school diploma plus 24 months of experience or 15 completed project designs. 	<ul style="list-style-type: none"> • For applicants with an associate's degree the experience requirement is reduced from 12 months to six (6) months. An applicant may also submit evidence of completing seven (7) project designs. This is a reduction from the current qualification of 10 project designs. • For applicants with a high school diploma or equivalent, the experience requirement is reduced from 24 months to 12 months. An applicant may also submit evidence of completing 10 project designs. This is a reduction from the current qualification of 15 project designs. <p>Changes to qualifications for project designers have been made in order to reduce requirements for licensure that the Board has deemed overly burdensome.</p> <p>This section requires that education submitted must meet requirements contained in -110 and experience submitted must meet requirements contained in -120 of the proposed regulation.</p> <p>A new section was created in order to provide requirements specific to an asbestos project designer license and to promote clarity and organization in the regulation.</p>
20-32	21-100	<p>Subsection E of section -32 in the current chapter covers entry requirements specific to asbestos project monitor licenses.</p> <p>An individual applying for an initial asbestos project monitor license must provide proof of:</p> <ul style="list-style-type: none"> • Current certification from EPA as an asbestos project designer or supervisor, and completion of 16-hour 	<p>"Qualifications for asbestos project monitor license."</p> <p>The requirement for proof of (i) current certification from EPA as an asbestos project designer or supervisor, and completion of 16-hour Board-approved asbestos project monitor training program; or (ii) completion of a Board-approved asbestos project monitor training program of 40 hours remains the same.</p> <p>The qualifications for obtaining an asbestos project monitor license are amended to add an education</p>

		<p>Board-approved asbestos project monitor training program, including examination; or</p> <ul style="list-style-type: none"> • Completion of a Board-approved asbestos project monitor training program of 40 hours, including examination. <p>An applicant for a project monitor license must also provide evidence of 160 hours of experience in the performing of asbestos project monitoring through field work on project sites.</p>	<p>requirement. Applicants must have a high school diploma (or its equivalent).</p> <p>The experience requirements for obtaining an asbestos project monitor license are amended as follows:</p> <ul style="list-style-type: none"> • The number of hours of experience required is reduced from 160 to 80. • At least 40 hours of experience must be obtained from OSHA Class I asbestos activities and at least 40 hours of experience must be obtained from OSHA Class II asbestos activities. <p>The Board determined that the current qualifications for an asbestos project monitor license are not sufficient to ensure protection of the public health, safety, and welfare and a minimum education qualification was necessary to ensure competence.</p> <p>Changes to experience qualifications for project monitors have been made in order to reduce requirements for licensure that the Board has deemed overly burdensome while still ensuring applicants are minimally competent.</p> <p>The section requires experience submitted must meet requirements contained in -120 of the proposed regulation.</p> <p>A new section was created in order to provide requirements specific to an asbestos project monitor license and to promote clarity and organization in the regulation.</p>
20-32	21-110	<p>Subsection E of section -32 in the current chapter provides for acceptable degrees for the following asbestos licenses:</p> <ol style="list-style-type: none"> 1. Inspector; 2. Management planner; and 3. Project designer. <p>Applicants for these licenses may qualify with either a</p>	<p>“Acceptable degree programs.”</p> <p>This section consolidates the various provisions in section -32 of the current regulation regarding acceptable degrees to meet education requirements and expands on the types of acceptable degrees that may allow an individual to meet the education requirements for inspector, management planner, and project designer licenses. The section also provides for verification of degrees.</p>

		<p>bachelor’s degree or associate’s degree in engineering, architecture, industrial hygiene, physical science, or a related field.</p> <p>Subsection F of section -32 of the current chapter addresses the requirements for verification of education.</p> <p>If verification of a degree is required, an Education Verification Form must be sent directly from the school to DPOR.</p>	<p>Subsection A outlines the requirement that an applicant submit an official transcript from the school where the degree was obtained. The Board will only consider degrees from an accredited college or university that is approved or accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, a regional or national accreditation agency, or an accrediting agency that is recognized by the U.S. Secretary of Education. These provisions are similar to education verification provisions for other DPOR regulations.</p> <p>Subsection B identifies types of degrees that will be considered as qualifying degrees in accordance with sections -70, -80, and -90 of the proposed regulation.</p> <p>The following degrees are considered qualifying degrees:</p> <ul style="list-style-type: none"> • Bachelor’s or master’s degree in engineering, architecture, industrial hygiene, environmental science or studies, or physical science; • Bachelor’s degree in a related field that includes a minimum of 40 semester hours in any combination of science, technology, engineering, and math; • Master’s degree in a related field, and a bachelor’s degree in any major such that the combined degrees include a minimum of 40 semester credit hours in any combination of science, technology, engineering, or math; or • Associate degree in engineering, architecture, industrial hygiene, environmental science or studies, physical science, or a related field that includes a minimum of 20 credit hours in any combination of science, technology, engineering, and math. <p>The revisions, in part, incorporate previous guidance adopted by the Board regarding acceptable degrees to qualify for inspector, management planner, and project designer licenses (Guidance Document 6018: Clarification of Acceptable Degree Programs for Asbestos & Lead Licensing.)</p>
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<p>20-32</p>	<p>21-120</p>	<p>Subsection E of section -32 in the current chapter provides for acceptable experience specific to the following asbestos licenses:</p> <ol style="list-style-type: none"> 1. Inspector; 2. Management planner; 3. Project designer; and 4. Project monitor. <p>Experience may be obtained by:</p> <p>(i) Conducting asbestos inspections, preparing asbestos management plans, preparing asbestos project designs, or acting as an asbestos project monitor (as applicable to the license sought) under the direct supervision of an individual with the appropriate asbestos license, or EPA-accreditation (when no license is required); or</p> <p>(ii) conducting inspections, preparing management plans, preparing project designs, or monitoring projects outside of Virginia in accordance with applicable federal, state, and local statutes.</p> <p>Inspection reports, management plans, project designs, and monitor reports must be signed by the licensed or accredited person. Such person assumes responsibility for all sampling, reports, and</p>	<p>“Experience used to qualify for licensure.”</p> <p>This section consolidates the various provisions in section -32 of the current regulation regarding acceptable experience that may allow an individual to meet the experience requirements for inspector, management planner, and project designer licenses. The section also addresses acceptable experience to meet the experience requirement for asbestos supervisors. The section also provides for verification of experience.</p> <p>Subsection A outlines how experience may be obtained when used to qualify for licensure in accordance with sections -60, -70, -80, -90, and -100.</p> <p>Experience may be obtained by:</p> <ul style="list-style-type: none"> • Working in the applicable profession in another state so long as such work complied with all federal, state, and local statutes; • Working in the applicable profession under the direct supervision of a properly licensed or EPA-certified individual where no license is required. <p>All reports prepared by the unlicensed individual must be signed by the licensed or EPA-certified individual. The licensed or EPA-certified individual assumes responsibility for all work conducted and reports prepared, as applicable, by the unlicensed individual.</p> <p>Subsection B provides requirements for applicants submitting verified experience documentation as well as requirements for self-employed applicants.</p> <p>Experience must be verified by a supervisor on a Board-approved experience verification form signed by a</p>

		<p>documents (as applicable to the discipline) prepared by the unlicensed individual.</p> <p>Subsection F of section -32 of the current chapter addresses the requirements verification of experience.</p> <p>Experience may be verified through submission of a completed Experience Verification Form signed by a supervisor verifying the applicant's experience or by a letter from the supervisor verifying the experience. An applicant that is self-employed may submit a copy of three (3) completed inspections, management plans, project designs, or project monitor reports (as applicable to the license sought).</p>	<p>supervisor verifying the applicant's experience.</p> <p>An applicant that is self-employed or is otherwise unable to obtain a verifying signature for experience must submit five copies of the completed inspections, management plans, project designs, or project monitor reports as applicable to the license sought.</p> <p>The section was created to better organize the regulation, relocating requirements into one, identifiable section. This promotes clarity and allows for easier comprehension of already established requirements.</p>
N/A	21-130	N/A	<p>"Individuals certified or licensed in another jurisdiction."</p> <p>Subsection A outlines the Board's authority to issue a license to an applicant if the applicant is determined to hold a substantially equivalent and valid license in another jurisdiction (another state, the District of Columbia, or other territory or possession of the U.S.) and that license was obtained under requirements and standards deemed substantially equivalent to those established in the regulation. Such applicants are required to provide the most recent, current asbestos training program for the applicable license.</p> <p>Subsection B further provides that the applicant must submit proof of the valid license or certificate issued in another state acceptable to the Board and must be in good standing with the issuing authority.</p> <p>This section does not impose new requirements, nor does it establish additional restrictions on applicants seeking licensure that are currently</p>

			<p>licensed in another state. This section was created to better organize the regulation and promote clarity, allowing for easier comprehension of already established requirements.</p>
<p>20-33.1</p>	<p>21-140</p>	<p>Section -33.1 of the current chapter contains qualifications for an asbestos contractor license, which includes the requirement that the applicant (i) hold a valid Virginia contractor license issued by the Board for Contractors with an asbestos contracting specialty; (ii) be in compliance with all requirements pertaining to the licensure of contractors (Chapter 11 of Title 54.1 of the Code of Virginia); and (iii) meet all other general requirements enumerated in section -33.</p>	<p>“Qualifications for asbestos contractor license.”</p> <p>The proposed section provides that a firm that holds a valid contractor license issued by the Board for Contractors with an asbestos contracting specialty service designation in accordance with Chapter 11 of Title 54.1 of the Code of Virginia and the regulations of the Board for Contractors is deemed qualified for an asbestos contractor license pursuant to Chapter 5 of Title 54.1 of the Code of Virginia.</p> <p>The proposed section significantly changes the requirements for licensure as an asbestos contractor by tying qualifications for an asbestos contractor license to the requirements and qualifications for a contractor license issued by the Board for Contractors.</p> <p>Under the contractor licensure scheme created by the General Assembly, a firm must qualify and hold a contractor license issued by the Board for Contractors in accordance with requirements established in the Code of Virginia and the regulations of the Board for Contractors in order to engage in the practice of contracting. However, to contract to carry out an asbestos abatement project, a firm must also possess a licensed issued by the Virginia Board for Asbestos, Lead, and Home Inspectors.</p> <p>The regulations of the Board for Contractors establish requirements for licensure of contractors designed to ensure the firm seeking licensure is qualified to engage in the practice of contracting. These include (i) disclosure of prior criminal history; (ii) disclosure of prior disciplinary history; (iii) disclosure of adverse financial information (e.g. outstanding judgments and past-due debts, past bankruptcies); (iv) providing evidence of financial responsibility; (v) a</p>

			<p>pre-license education requirement; and (vi) a required business license examination.</p> <p>The Board for Contractors also requires that a member of the firm’s responsible management or a full-time employee be licensed as an asbestos supervisor by the Virginia Board for Asbestos, Lead, and Home Inspectors in order for the firm to receive an asbestos contracting specialty service.</p> <p>The current regulation requires an applicant firm to meet the requirements of the Board for Contractors, but then imposes upon applicant for an asbestos contractor license requirements that are essentially duplicative, such as disclosing prior criminal history and prior regulatory discipline.</p> <p>The proposed section provides that upon verification of the firm’s licensure with the Board for Contractors, the Board will issue an asbestos contractor license to such firm for a license term that coincides with the license issued by the Board for Contractors.</p> <p>This change is intended to address concerns regarding the scheme of dual licensure of asbestos contractors by both the Board for Contractors and the Virginia Board for Asbestos, Lead, and Home Inspectors.</p> <p>Under the Board for Contractors, contractor licenses are issued for a license term of two (2) years. However, asbestos contractor licenses issued by the Virginia Board for Asbestos, Lead, and Home Inspectors are issued for a license term of one (1) year. In addition, because each board is a separate agency, licensing processes for each board are administratively separated. In some cases, this results in licenses having different expiration dates (e.g. one license expires in May, but the other expires in July.) This has resulted in confusion for asbestos contractors.</p> <p>The change is intended to ensure that once a contractor has met the minimum qualifications to both engage in</p>
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<p>20-33</p>	<p>21- 150</p>	<p>Section -33 of the current chapter contains general qualifications for licensure of firms.</p> <p>Subsection A notifies firm applicants that all requirements in the section must be met.</p> <p>Subsection B provides that the applicant must disclose the name under which the business entity conducts business and holds itself out to the public. This section also identifies requirements under which a firm must register trade or fictitious names with the State Corporation Commission, in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia.</p> <p>Subsection C outlines the requirements that applicants provide mailing and physical addresses for the firm. A post office box is acceptable as a mailing address when a physical address is also provided.</p> <p>Subsection D outlines additional requirements that applicants must meet specific to the firm’s form or organization.</p> <p>Corporations and limited liability companies must be</p>	<p>“General qualifications for an asbestos analytical laboratory license.”</p> <p>The new section provides for general qualifications for a firm to be licensed as an asbestos analytical laboratory. The new section maintains the same format as the current section and includes subsections A-G. However, unlike the current regulation, these requirements only apply to applicants for a laboratory license.</p> <p>Subsection A provides for the general requirement for applicants to meet the requirements of the section.</p> <p>Subsection B provides for the requirement for an applicant to disclose the name under which it conducts business and to register trade or fictitious names with the SCC.</p> <p>Subsections A and B do not include substantive changes from requirements in the current regulation.</p> <p>Subsection C provides for the requirement for an applicant to provide both a mailing address and a physical address. These requirements are unchanged from the current regulation. However, subsection C is revised to remove language related to a post office box being provided as an address, as this provision is no longer applicable.</p> <p>Provisions imposing requirements specific to the firm’s form of organization will not carry over into the new regulation. These requirements are not necessary.</p>

	<p>incorporated or organized in Virginia or have received authorization from the SCC to conduct business in Virginia. Corporations and limited liability companies must be in good standing with the SCC at the time of application and at all times while licensed.</p> <p>Partnership applicants must have a written partnership agreement. The agreement must state that the asbestos abatement services of the partnership will be under the direction and control of the appropriate asbestos abatement licensee.</p> <p>Subsection E provides for the disclosure of prior criminal history for the firm and its owners, officers, managers, members, and directors.</p> <p>Applicants must disclose:</p> <ul style="list-style-type: none"> • All felony convictions; • All misdemeanor convictions involving lying, cheating, or stealing; and • All convictions resulting from engaging in environmental remediation activity that resulted in significant harm or the imminent and substantial threat of significant harm to human health or the environment. <p>This subsection also requires an applicant to disclose pleas of <i>nolo contendere</i> or findings of guilt, regardless of adjudication or deferred adjudication.</p> <p>The subsection further enumerates the Board's authority to deny the issuance of a license in</p>	<p>Subsection D contains requirements enumerated in subsection E of the current section regarding disclosure of prior criminal history.</p> <p>Requirements for disclosure of felony convictions and convictions involving environmental remediation activity are unchanged from the current regulation.</p> <p>Provisions for disclosure of misdemeanor convictions are amended to require that all misdemeanor convictions that occurred within the last three years, except marijuana convictions, be disclosed.</p> <p>Changing the regulation to only require disclosure of misdemeanor convictions within three years of the application will help reduce barriers to licensure for individuals with a prior criminal history.</p> <p>An applicant would be required to disclose all misdemeanor convictions, excluding marijuana convictions, during the three-year period prior to application, instead of specified types of offenses. This makes the regulation easier to understand and removes the burden on an applicant with misdemeanor convictions to make a determination as to which criminal convictions should or should not be disclosed. It will also enhance the Board's protection of the public welfare to address an applicant's fitness for licensure, as applicants with a more recent criminal history may not be fit for licensure.</p> <p>As a result of recent changes to statute and to comply with statute, misdemeanor marijuana convictions are no longer required to be disclosed during application.</p> <p>Subsection E provides the Board's authority to deny the issuance of a license in accordance with § 54.1-204 of the Code of Virginia and the applicant's right to request further review pursuant to the APA.</p> <p>Criminal history disclosure provisions are further revised to remove the provision</p>
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		<p>accordance with § 54.1-204 of the Code of Virginia and the applicant’s right to request further review pursuant to the APA.</p> <p>Subsection F provides for the disclosure of prior regulatory discipline. An applicant must report (i) the suspension, revocation, or surrender of a license in connection with a disciplinary action taken by any jurisdiction; and (ii) whether the firm or its owners, officers, managers, members, or directors have been subject to disciplinary action in any jurisdiction. The subsection further provides that the Board at its discretion may deny licensure to an application based on disciplinary action by any jurisdiction.</p> <p>Subsection G identifies the meaning of substantial identity of interest and enumerates the Board’s authority to deny an application where the applicant has shown to have a substantial identity of interest with a person whose license has been revoked or not renewed by the Board.</p> <p>Subsection H provides that an applicant not knowingly make a materially false statement, submit falsified documents, or fail to disclose a material fact in connection with an application to the Board.</p>	<p>that treats guilty pleas and pleas of <i>nolo contendere</i> as a conviction. This provision appears contrary to § 54.1-204 of the Code of Virginia. Under the regulation, any conviction must be considered in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Subsection F provides for the disclosure of prior disciplinary action. an applicant must disclose any action taken by a board or administrative body in any against a professional or occupational license, certificate, or registration issued to the firm, its owners, officers, managers, members, directors, and, as applicable, (i) any reprimand, suspension, revocation, or surrender of a license, certification, or registration; (ii) imposition of a monetary penalty; or (iii) requirement to take remedial education or other corrective action.</p> <p>Subsection F also provides the Board may deny licensure based on any prior disciplinary action taken by any board or administrative body.</p> <p>The revisions to the disciplinary action disclosure provisions make the regulation clearer as to what disciplinary matters an applicant is required to report to the Board, and make clearer the scope of the Board’s authority to deny an application based on prior disciplinary action taken against a professional or occupational license issued to an applicant.</p> <p>Subsection G provides for the Board’s authority to deny licensure based on a substantial identity of interest and does not contain substantiative changes from the provisions of the current regulation.</p> <p>The prohibition on knowingly providing false statements, submission of false documents, or failing to disclose material facts in connection with an application contained in subsection H of the current section will not carry over to the proposed regulation. This prohibited conduct is addressed under Part VI of the proposed regulation and is not necessary in this section.</p>
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<p>20-33.2</p>	<p>21-160</p>	<p>Section -33.2 of the current chapter contains qualifications for obtaining an asbestos analytical laboratory license.</p> <p>Subsection A requires applicants to meet the general requirements for firms outlined in section -33.</p> <p>Subsection A outlines the requirement that applicants submit evidence of meeting the standards to perform one or more of PLM, PCM, or TEM analysis.</p> <p>For PLM analysis evidence must include one of the following:</p> <ul style="list-style-type: none"> • Current NVLAP accreditation demonstrated by submittal of a copy of the Certificate of Accreditation, Scope of Accreditation, and documentation of proficiency; • The laboratory is rated “proficient” in the BAPAT Program and maintains the training and quality control document such as is necessary to demonstrate competency in performing analysis; or • The laboratory is accredited under the IHLAP and maintains the training and quality control documentation such as is necessary to demonstrate competency. <p>For PCM analysis, each analyst must have completed the NIOSH 582 or NIOSH</p>	<p>“Qualifications for asbestos analytical laboratory analysis type.”</p> <p>The requirements in the current section carry over to the new regulation and do not include any substantive changes.</p>

	<p>582 Equivalency course and satisfy one of the following at each fixed laboratory site:</p> <ul style="list-style-type: none"> • The laboratory is accredited under the IHLAP and maintains the training and quality control documentation such as is necessary to demonstrate competency; • The laboratory is rated “proficient” in the IHPAT Program and maintains the training and quality control document such as is necessary to demonstrate competency in performing analysis; or • Each analyst is listed in the AAR and has a performance rating of “acceptable” for the most recent AAT round. <p>For onsite PCM analysis, one of the following qualifications must be met:</p> <ul style="list-style-type: none"> • The laboratory is rated “proficient” in the IHPAT Program and maintains the training and quality control document such as is necessary to demonstrate competency in performing onsite analysis for each onsite analyst; • The laboratory is accredited under the IHLAP and maintains compliance with the requirements of its accreditation, as well as the training and quality control document such as is necessary to demonstrate competency in performing onsite analysis for each onsite analyst; or • Each analyst is listed in the AAR and has a performance rating of 	
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		<p>“acceptable” for the most recent AAT round.</p> <p>For TEM analysis, a current accreditation by NVLAP to analyze asbestos airborne fibers using TEM. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation, and documentation of NVLAP proficiency must be submitted with the application.</p> <p>Subsection B requires the applicant name a responsible individual for the laboratory license.</p> <p>Subsection C requires any branch office to complete a branch office application from the Board. Each branch office must also name a resident responsible individual at each branch office.</p> <p>Subsection D requires that the branch office application provide the information regarding analysis type contained in subsection A of this section for the applicable branch office.</p> <p>Subsection E provides that any of the training and quality control documentation required to be maintained must be provided to the Board upon request.</p>	
20-51	21-170	<p>Section -51 of the current chapter addresses general fee requirements.</p> <p>The section provides that fees are nonrefundable and will not be prorated. Checks and money order must be made payable to the Treasurer of Virginia.</p>	<p>“General fee requirements.”</p> <p>The provisions of the current section carry over to the new regulation. There are no changes made in the new section.</p>

		<p>The section further provides that the date on which a fee is received by DPOR or its agent will determine whether the fee is on time.</p>	
20-52	21-180	<p>Section -52 of the current chapter sets forth application fees for the following:</p> <ul style="list-style-type: none"> • Initial individual licenses (worker, supervisor, inspector, management planner, project designer, and project monitor); • Initial firm licenses (asbestos analytical laboratory asbestos analytical laboratory branch office and asbestos contractor); and • Initial accredited asbestos training program approval. 	<p>“Application fees.”</p> <p>The fee schedule in the current regulation will carry over to the new regulation, with the exception of application fees for an asbestos contractor license. The application fee for an asbestos contractor license will be eliminated.</p> <p>As described in the entry for new section -140, an asbestos contractor firm that meets the qualifications for licensure by the Board for Contractors will be deemed qualified for an asbestos contractor license and will be issued an asbestos contractor license upon verification of the firm’s licensure by the Board for Contractors. No fee would be necessary to process these transactions.</p>
20-53	21-190	<p>Section -53 of the current chapter sets forth renewal and late renewal fees for the following:</p> <ul style="list-style-type: none"> • Individual licenses (worker, supervisor, inspector, management planner, project designer, and project monitor); • Firm licenses (asbestos analytical laboratory asbestos analytical laboratory branch office and asbestos contractor); and • Accredited asbestos training program approval. <p>The section also includes provisions for temporary reduction of renewal and late renewal fees for licenses and training program approvals. This includes (i) a fee schedule of temporary fees effective until 2023; and (ii) a</p>	<p>“Renewal and late renewal fees.”</p> <p>The renewal and late renewal fee schedule in the current regulation will carry over to the new regulation, with the exception of renewal and late renewal fees for an asbestos contractor license. The renewal and late renewal fees for an asbestos contractor license will be eliminated.</p> <p>As described in the entry for new section -210, an asbestos contractor firm that seeking renewal of the asbestos contractor license must provide documentation that the corresponding contractor license issued by the Board for Contractors is current and valid. Upon verification of the firm’s licensure by the Board for Contractors, the asbestos contractor license will be renewed. No fee is necessary to process this transaction.</p> <p>Provisions for the temporary fees effective until 2025 will carry over to the new section. Provisions for temporary fees that expired in 2023 will not carry over to the new section. These</p>

		fee schedule of temporary fees effective until 2025.	provisions are outdated and no longer applicable.
20-60	21-200	<p>Section -60 of the current chapter contains the requirement for renewal.</p> <p>Subsection A identifies that each individual asbestos license will expire one year from the last day of the month in which it was issued.</p> <p>Subsection B identifies that each asbestos contractor and each asbestos analytical laboratory license will expire one year from the last day of the month in which it was issued.</p> <p>Subsection C identifies that each accredited asbestos training program approval will expire 24 months from the last day of the month in which it was approved.</p> <p>Subsection D establishes the requirement for a fee associated with a renewal.</p>	<p>“Renewal required.”</p> <p>Most provisions of the current section will carry over to the new regulation.</p> <p>The new section will provide that an asbestos contractor license will expire on the expiration date of the corresponding contractor licensed issued by the Board for Contractors.</p> <p>As described in the entry for new section -140, an asbestos contractor firm that meets the qualifications for licensure by the Board for Contractors will be deemed qualified for an asbestos contractor license and will be issued an asbestos contractor license for a license term that coincides with the license issued by the Board for Contractors.</p> <p>The new section includes revisions to expiration terms associated with various license types.</p> <p>Subsection A is revised to provide that each individual asbestos license issued under this chapter will expire 12 months from the last day of the month in which it was issued. A similar change is made to the language in subsection B regarding the expiration of asbestos analytical laboratory licenses.</p> <p>Subsection C applies to accredited asbestos training programs and identifies that such programs will expire 24 months from the last day of the month in which a program was approved.</p> <p>The provision in the current section establishing the requirement for a fee associated with a renewal is removed as it is included in section -190 of the proposed regulation.</p>
20-70	21-210	Section -70 of the current chapter addresses procedures for renewal of licenses and training program approvals.	<p>“Procedures for renewal.”</p> <p>The provisions in the current section largely carry over to the new regulation with some changes.</p>

	<p>Subsection A identifies the agency’s responsibility in mailing a renewal notice to each licensee and each approved accredited training program at the last known address. The notice must include procedures for renewal as well as the renewal fee amount. Failure to receive the notice does not relieve the regulant of any obligation to renew in a timely fashion.</p> <p>Subsection B enumerates that each licensed asbestos contractor and each licensed asbestos analytical laboratory desiring to renew a license must return the renewal notice, with the applicable fee, prior to expiration of the license. If the renewal notice is not received, the regulant may submit a copy of the current license along with the required fee.</p> <p>Subsection C provides that, prior to the expiration date shown on the license, the individual desiring to renew that license must provide evidence of meeting the annual refresher training requirement for license renewal and the appropriate fee. The Board will accept any asbestos training programs that are approved by EPA/AHERA or the Board. A copy of the training certificate documenting the successful completion of the refresher training for the license discipline being renewed must accompany the renewal notice and fee.</p> <p>Subsection D requires that accredited asbestos training programs desiring renewal must return the renewal notice, prior to the expiration</p>	<p>The provisions regarding delivery of the renewal notice are revised to provide that the Board will send, instead of mail, a renewal notice to each regulant at the regulant’s address of record. This change is made to allow for other forms of delivery of renewal notice, including by email.</p> <p>Requirements in the current section that a regulant return a renewal notice to the Board are removed. Instead, regulants will be required to submit the appropriate renewal fee, when required, along with any required documentation. This change is intended to reduce the burden of the renewal requirements.</p> <p>The new section provides that an asbestos analytical laboratory must also submit documentation that the laboratory continues to meet the requirements specified in section -160 of the proposed regulation for the type of analysis the laboratory is licensed to perform. This change is made to reflect current agency practice which requires submission of this documentation for license renewal.</p> <p>For asbestos worker license renewals, the new section provides that the Board will accept evidence of completion of asbestos supervisor refresher training to satisfy the refresher training requirement. This change incorporates previous Board guidance regarding renewal of asbestos worker licenses (Guidance Document 6374: Renewing Asbestos Workers License with Asbestos Supervisor Refresher Training.)</p> <p>For asbestos management planner license renewals, the new section provides that management planners must complete both management planner refresher training and inspector refresher training.</p> <p>Section -820 in the current chapter provides that management planners must complete both an inspector refresher training program and a management planner refresher training program, which is required under MAP for the renewal of accreditation of management planners.</p>
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	<p>date shown on the approval letter, with the following:</p> <ul style="list-style-type: none"> • The appropriate fee; • Any changes made to the training program; • Dates on which the training material was last updated; and • A statement indicating that the training program continues to meet the regulation requirements established in the regulation. <p>Should an approved accredited asbestos training program fail to receive the renewal notice, a letter indicating the desire to renew may be substituted.</p> <p>Subsection E applies to project monitors and stipulates that project monitors who also hold a valid Virginia asbestos supervisor or project designer license may meet the renewal training requirements by completing the supervisor refresher or project designer refresher, whichever is applicable. However, project monitors who only hold a project monitor license must complete an accredited asbestos project monitor refresher training program to meet the renewal training requirements.</p> <p>Subsection F stipulates that annual refresher training certificates will only be used once to renew an individual license.</p> <p>Subsection G establishes that each license and each accredited asbestos training program approval that is not renewed within 30 days of the expiration date on the</p>	<p>This change will ensure that the regulation correctly reflects the renewal training requirements for management planners as specified under MAP.</p> <p>Provisions in the current regulation that require the provider of an accredited asbestos training program to submit (i) changes made to the training program; (ii) dates on which training material was last updated; and (iii) a statement indicating the training program continues to meet the regulation requirements established in the regulation will not carry over to the new regulation. These requirements are not necessary to protect the health, safety, and welfare of the public or effectively administer the regulatory program.</p> <p>The new section will require an asbestos contractor to provide documentation that the corresponding contractor license issued by the Board for Contractors is current and valid. Upon verification of the firm's licensure with the Board for Contractors, the asbestos contractor license will be renewed for a license term that coincides with the license issued by the Board for Contractors.</p> <p>This change is intended to complement the the proposed changes described in the entry for new section -140 which significantly changes the requirements for licensure as an asbestos contractor by tying qualifications for an asbestos contractor license to the requirements and qualifications for a contractor license issued by the Board for Contractors.</p> <p>The change significantly streamlines the licensure process and is anticipated to reduce the regulatory burden on contracting firms in renewing an asbestos contractor license with the Virginia Board for Asbestos, Lead, and Home Inspectors.</p> <p>Throughout the section, revisions are made to promote clarity and remove unnecessary and redundant language.</p>
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		<p>license or approval will be subject to late fees.</p> <p>Subsection H stipulates that each license and each approved accredited asbestos training program that is not renewed within 12 months after the expiration date will not be renewed and the licensee or approved accredited asbestos training program must apply for a new license or new approval.</p>	
<p>20-34</p>	<p>21-220</p>	<p>Section -34 of the current chapter contains qualifications for accredited asbestos training program approval.</p> <p>The section provides that training programs must meet the minimum requirements established in the chapter.</p> <p>Persons requesting approval as an accredited asbestos training program must submit a Training Program Review and Audit Application and application fee. Receipt of an application and deposit of fees by DPOR does not indicate approval of the training program.</p> <p>The application must contain the following:</p> <ul style="list-style-type: none"> • Training provider business name, physical address, mailing address, and phone number. • Copies of approval letters issued by EPA or other states granting approval of asbestos training program presented by the provider. • Training program curriculum. • A narrative explanation that states how the training program meets 	<p>“Application procedures for accredited asbestos training program approval.”</p> <p>Most provisions of the current section will carry over to the new section without any substantive changes.</p> <p>The new section provides that the application include the name and documentation of qualifications of the training manager and that the training manager employed by the applicant meet the requirements established in section -230 of the new chapter. The current regulation requires that a training program have a training manager that meets certain qualifications. This new provision makes clear that an application must include information regarding the training manager.</p> <p>The new section provides that the application include the name and documentation of qualifications of each principal instructor and the subject areas each principal instructor will teach. Principal instructors must meet the requirements established in section -240 of the new chapter. The current regulation requires that a training program have principal instructors that meet certain qualifications. This new provision makes clear that an application must include information regarding principal instructors.</p> <p>The new section includes provisions regarding out-of-state asbestos courses. On-site audits are not required for final approval of asbestos courses with a primary location that is out-of-state, to be</p>

		<p>the requirement for approval in the following areas:</p> <ul style="list-style-type: none"> ○ Length of training in hours; ○ Amount and type of hands-on training; ○ Examinations (length, format, and passing score) ○ Topics covered in the training program; and ○ Assurances of test security and how examinations are administered. <ul style="list-style-type: none"> ● A copy of examinations used and applicable answer sheets. ● The names and qualifications of each instructor, including education and experience, and the subject areas each instructor will teach. ● A description of and sample of a certificate that will be issued to students who successfully complete the program. <ul style="list-style-type: none"> ○ The certificate must include the information required by the regulation. ● A proposed training program date for auditing purposes. <p>The section provides a complete submission must consist of all the information required by the section; and must be submitted to DPOR no less than 45 days prior to the requested audit date.</p> <p>The section further provides for the application review process.</p> <p>Upon receipt of a completed application, a preliminary review will be conducted to</p>	<p>conducted out-of-state, provided the course is currently approved by a MAP state. Proof of MAP state approval must be submitted with the application.</p> <p>These new provisions incorporate previous guidance adopted by the Board regarding applications for asbestos courses that are out-of-state.</p> <p>The section is reorganized to promote clarity.</p> <p>Subsection G of the current chapter is relocated to section -580 of the proposed regulation.</p>
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		<p>ensure all written material and other documentation is accurate and up to date. A letter will be sent to application indicating any deficiencies and needed corrective steps if deficiencies are noted. Deficiencies must be corrected prior the on-site audit.</p> <p>An on-site audit will be conducted following completion of the preliminary review. The training provider will be informed of any deficiencies noted during the audit and offered an opportunity to correct them.</p> <p>A letter of approval will be sent to the training program once the audit is complete and any deficiencies corrected.</p> <p>Training programs approved by the Board must have a monitored, final written examination.</p> <ul style="list-style-type: none"> • Oral examinations for asbestos workers are excluded from the requirement. • The Board recommends the examination include a practical component to test skill in asbestos abatement techniques. • Students must obtain a minimum examination grade of 70% correct. • Records of the participant’s examination must be maintained in accordance with the regulation. <p>The section also requires that letters of approval be maintained at the business address listed on the approval letter and made accessible to the public.</p>	
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		Each training program provider must maintain all records at the business address. Records must be available for review upon demand by the Board or its representatives.	
20-511	21-230	<p>Section -511 of the current chapter establishes instructor qualifications.</p> <p>The section provides that an approved accredited asbestos training program must employ a training manager who has either (i) a minimum of two (2) years of experience in teaching adults; or (ii) a minimum of three (3) years in the asbestos abatement industry.</p>	<p>“Training manager qualifications.”</p> <p>No substantive changes are made to the provisions included in the proposed regulation.</p>
20-511	21-240	<p>Section -511 of the current chapter establishes instructor qualifications.</p> <p>The section provides that an approved accredited asbestos training program use principal instructors who have (i) a minimum of 24 hours of asbestos specific training; and (ii) a minimum of either two (2) years of experience in the asbestos abatement industry or two (2) years of experience in teaching adults.</p> <p>The section also provides that guest instructors are exempt from instructor qualifications and are limited to no more than two hours of training per day.</p>	<p>“Principal instructor qualifications.”</p> <p>The provisions in the current section will carry over to the new regulation. No substantive changes are made to the provisions included in the proposed regulation.</p>
20-700	21-250	Section -700 of the current chapter establishes that in all of the accredited asbestos training program requirements, one day is equal to eight hours, inclusive of lunch and breaks.	<p>“Accredited asbestos training program requirements.”</p> <p>This section incorporates language contained in section -700 of the current chapter.</p>

<p>20-710</p>	<p>21-260</p>	<p>Section -710 of the current chapter establishes requirements for initial worker training programs.</p> <p>Asbestos abatement workers must complete at a four-day (32 hours) training program.</p> <p>The training program must include:</p> <ul style="list-style-type: none"> • Lectures; • Demonstrations; • A minimum 14 hours of hands-on training; • A training program review; and • An examination. <p>The training program must address the following topics:</p> <ul style="list-style-type: none"> • Physical characteristics of asbestos; • Potential health effects related to asbestos; • Employee personal protective equipment; • State-of-the-art work practices; • Personal hygiene; • Additional safety hazards; • Medical monitoring; • Air monitoring; • Establishment of respiratory protection programs; • Relevant federal, state, and local regulatory requirements, procedures, and standards; and • Training program review. <p>The MAP establishes the curriculum topics for worker training programs, including subtopics that must be covered in the training. These content requirements are reflected in this section of the regulation.</p>	<p>“Initial worker training.”</p> <p>The provisions in the current section will carry over to the new regulation. No substantive changes are made to the provisions included in the proposed regulation.</p> <p>The section incorporates language contained in section -720 of the current chapter. The new section provides that upon completion of the worker training program, the training program must administer a closed-book examination that covers the topics required by the section. Each examination must have 50 multiple choice questions. The passing score on the examination must be 70%.</p>
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<p>20-720</p>	<p>N/A</p>	<p>Section -720 of the current chapter addresses required examinations for asbestos abatement workers.</p> <p>The section provides that upon completion of the initial asbestos worker training program, the training program must administer a closed-book examination that covers the topics included in the training program. Demonstration testing is permitted as part of the examination.</p> <p>Each examination must have 50 multiple choice questions. The passing score on the examination must be 70%.</p> <p>Persons who pass the examination and fulfill the training program requirements will receive a completion certificate.</p>	<p>Most requirements in the current section are relocated to section -260 of the proposed regulation.</p> <p>The requirement that the training program issue a certificate of completion is addressed in new section -550.</p>
<p>20-730</p>	<p>21-270</p>	<p>Section -730 of the current chapter establishes requirements for refresher training programs applicable to asbestos workers.</p> <p>Asbestos abatement worker refresher training must be a one-day program.</p> <p>The training program must review federal and state regulations, discuss changes to the regulations (if applicable) and developments in state-of-the-art procedures.</p> <p>The training program must also review the following topics from the initial worker training program:</p> <ul style="list-style-type: none"> • Potential health effects related to asbestos exposure; • Employee personal protective equipment; 	<p>“Worker refresher training program.”</p> <p>Most of the provisions in the current section will carry over to the new regulation.</p> <p>The requirement that state-of-the-art work practices be included as a review topic in worker refresher training programs is removed as it is not necessary.</p> <p>Otherwise, no substantive changes have been made to the provisions of the proposed regulation.</p>

		<ul style="list-style-type: none"> • State-of-the-art work practices; • Personal hygiene; and • Additional safety hazards. <p>The section further requires that the training program include a written, closed-book examination. The examination must have a minimum of 50 questions. The passing score will be 70% correct. Persons passing the examination and fulfilling training program requirements will receive a certificate of completion.</p>	
20-740	21-280	<p>Section -740 of the current chapter establishes requirements for initial supervisor training programs.</p> <p>Asbestos abatement supervisors must complete at a five-day (40 hours) training program.</p> <p>The training program must include:</p> <ul style="list-style-type: none"> • Lectures; • Demonstrations; • A minimum 14 hours of hands-on training which allows supervisors the experience of performing actual tasks associated with asbestos abatement; • A training program review; and • An examination. <p>The training program must address the following topics:</p> <ul style="list-style-type: none"> • The role of the supervisor in the asbestos abatement process; • Physical characteristics of asbestos and ACM; • Potential health effects related to asbestos exposure; 	<p>“Initial supervisor training.”</p> <p>The provisions in the current section will carry over to the new regulation. No substantive changes are made to the provisions included in the proposed regulation.</p> <p>The new section incorporates language contained in section -750 of the current chapter.</p> <p>The new section provides that upon completion of the supervisor training program, the training program must administer a closed-book examination that covers the topics required by the section. Each examination must have 100 multiple choice questions. The passing score on the examination must be 70%.</p>

		<ul style="list-style-type: none"> • Employee personal protective equipment; • State-of-the-art work practices; • Personal hygiene; • Additional safety hazards; • Medical monitoring; • Air monitoring; • Respiratory protection programs and medical surveillance programs; • Relevant federal, state, and local regulatory requirements, procedures, and standards; • A review of NESHAP guidance documents; • Insurance and liability issues; • Recordkeeping for asbestos abatement projects; • Supervisory techniques for asbestos abatement activities; • Contract specifications; and • Training program review. <p>The MAP establishes the curriculum topics for supervisor training programs, including subtopics that must be covered in the training. These content requirements are reflected in this section of the regulation.</p>	
20-750	N/A	<p>Section -750 of the current chapter addresses required examinations for asbestos abatement supervisors.</p> <p>The section provides that upon completion of the initial asbestos supervisor training program, the training program must administer a closed-book examination that covers the topics included in the training program. Demonstration testing is permitted as part of the examination.</p>	<p>Most requirements in the current section are relocated to section -280 of the proposed regulation.</p> <p>The requirement that the training program issue a certificate of completion is addressed in new section -550.</p>

		<p>Each examination must have 100 multiple choice questions. The passing score on the examination must be 70%.</p> <p>Persons who pass the examination and fulfill the training program requirements will receive a completion certificate.</p>	
20-760	21-290	<p>Section -760 of the current chapter establishes requirements for refresher training programs applicable to asbestos supervisors.</p> <p>Asbestos abatement supervisor refresher training must be a one-day program.</p> <p>The training program must review federal and state regulations, discuss changes to the regulations (if applicable) and developments in state-of-the-art procedures.</p> <p>The training program must also review the following topics from the initial supervisor training program:</p> <ul style="list-style-type: none"> • Potential health effects related to asbestos exposure; • Employee personal protective equipment; • State-of-the-art work practices; • Additional safety hazards and medical monitoring; • Review of asbestos NESHAP, OSHA, and DOT requirements; and • Review of Virginia regulations concerning asbestos licensing, removal, and disposal. <p>The section further requires that the training program</p>	<p>“Supervisor refresher training program.”</p> <p>Most of the provisions in the current section will carry over to the new regulation.</p> <p>The requirement that state-of-the-art work practices be included as a review topic in supervisor refresher training programs is removed as it is not necessary.</p> <p>Otherwise, no substantive changes have been made to the provisions of the proposed regulation.</p>

		include a written, closed-book examination. The examination must have a minimum of 50 questions. The passing score will be 70% correct. Persons passing the examination and fulfilling training program requirements will receive a certificate of completion.	
20-770	21-300	<p>Section -770 of the current chapter establishes requirements for initial inspector training programs.</p> <p>Asbestos abatement inspectors must complete at a three-day (24 hours) training program.</p> <p>The training program must include:</p> <ul style="list-style-type: none"> • Lectures; • Demonstrations; • A minimum four (4) hours of hands-on training; • Training program review; and • A written examination. <p>The training program must address the following topics:</p> <ul style="list-style-type: none"> • Training program overview; • Background information on asbestos; • Potential health effects related to asbestos exposure; • Functions and qualifications for inspectors; • Legal liabilities and defenses; • Understanding building systems; • Public/employee/building occupant relations; • Pre-inspection planning and review of previous inspection records; 	<p>“Initial inspector training.”</p> <p>The provisions in the current section will carry over to the new regulation. No substantive changes are made to the provisions included in the proposed regulation.</p> <p>The section incorporates language contained in section -780 of the current chapter. The new section provides that upon completion of the inspector training program, the training program must administer a closed-book examination that covers the topics required by the section. Each examination must have 100 multiple choice questions. The passing score on the examination must be 70%.</p>

		<ul style="list-style-type: none"> • Inspection for friable and nonfriable ACM and assessment of the condition of friable ACM; • Bulk sampling and documentation of asbestos in schools; • Inspector respiratory protection and equipment; • Recordkeeping and writing the inspection report; • Regulatory review; • Field trip; and • Training program review. <p>The MAP establishes the curriculum topics for inspector training programs, including subtopics that must be covered in the training. These content requirements are reflected in this section of the regulation.</p>	
20-780	N/A	<p>Section -780 of the current chapter addresses required examinations for asbestos inspectors.</p> <p>The section provides that upon completion of the initial asbestos inspector training program, the training program must administer a closed-book examination that covers the topics included in the training program. Demonstration testing is permitted as part of the examination.</p> <p>Each examination must have 100 multiple choice questions. The passing score on the examination must be 70%.</p> <p>Persons who pass the examination and fulfill the training program requirements will receive a completion certificate.</p>	<p>Most requirements in the current section are relocated to section -300 of the proposed regulation.</p> <p>The requirement that the training program issue a certificate of completion is addressed in new section -550.</p>

<p>20-790</p>	<p>21-310</p>	<p>Section -790 of the current chapter establishes requirements for refresher training programs applicable to asbestos inspectors.</p> <p>Asbestos abatement inspector refresher training must be a one-half day program.</p> <p>The training program must review federal and state regulations, discuss changes to the regulations (if applicable) and developments in state-of-the-art procedures.</p> <p>The training program must also review the following topics from the initial inspector training program:</p> <ul style="list-style-type: none"> • Inspection for friable and nonfriable ACM and assessment of the condition of friable ACM • Bulk sampling and documentation of asbestos in schools; and • Re-inspection and re-assessment techniques. <p>The section provides that the use of exercises to encourage interactive learning and participation is suggested. Exercises may take the form of reviewing building plans, inspection reports, a video or photo walk-through of an area to be inspected and written interviews with maintenance personnel to draw upon items covered in the initial asbestos inspector training program.</p> <p>The section further requires that the training program include a written, closed-book examination. The examination must have a minimum of 50 questions. The passing score will be</p>	<p>“Inspector refresher training program.”</p> <p>Most of the provisions in the current section will carry over to the new regulation.</p> <p>Language contained in subsection B of section -790 of the current chapter regarding the suggested use of exercises will not carry over to the new section as it is a recommended practice, not a requirement, and is not necessary to be in regulation.</p> <p>No other changes are made to the provisions included in the proposed regulation.</p>
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		<p>70% correct. Persons passing the examination and fulfilling training program requirements will receive a certificate of completion.</p>	
<p>20-800</p>	<p>21-320</p>	<p>Section -800 of the current chapter establishes requirements for initial management planner training programs.</p> <p>Asbestos management planners must complete (i) an initial asbestos inspector training program; and (ii) a two-day (16 hours) asbestos management planner training program.</p> <p>The management planner training program must include:</p> <ul style="list-style-type: none"> • Lectures; • Demonstrations; • Training program review; and • A written examination. <p>The training program must address the following topics:</p> <ul style="list-style-type: none"> • Training program overview; • Evaluation and interpretation of survey results; • Hazard assessment; • Legal implications; • Evaluation and selection of control options; • Role of other professionals; • Developing an operations and maintenance plan; • Recordkeeping for the management planner; • Assembling and submitting the management plan; • Financing abatement actions; and • Training program review. 	<p>“Initial management planner training.”</p> <p>Most provisions in the current section will carry over to the new regulation.</p> <p>The provision in the current section requiring completion of an initial asbestos inspector training program will not carry over to the new section. This requirement is provided for in section -80 of the new chapter.</p> <p>Otherwise, no substantive changes are made to the provisions included in the proposed regulation.</p> <p>The section incorporates language contained in section -810 of the current chapter. The new section provides that upon completion of the management planner training program, the training program must administer a closed-book examination that covers the topics required by the section. Each examination must have 100 multiple choice questions. The passing score on the examination must be 70%.</p>

		<p>The MAP establishes the curriculum topics for inspector training programs, including subtopics that must be covered in the training. These content requirements are reflected in this section of the regulation.</p>	
20-810	N/A	<p>Section -810 of the current chapter addresses required examinations for asbestos management planners.</p> <p>The section provides that upon completion of the initial asbestos management planner training program, the training program must administer a closed-book examination that covers the topics included in the training program.</p> <p>Each examination must have 100 multiple choice questions. The passing score on the examination must be 70%.</p> <p>Persons who pass the examination and fulfill the training program requirements will receive a completion certificate.</p>	<p>Most requirements in the current section have been relocated to section -320 of the proposed regulation.</p> <p>The requirement that the training program issue a certificate of completion is addressed in new section -550.</p>
20-820	21-330	<p>Section -820 of the current chapter establishes requirements for refresher training programs applicable to asbestos management planners.</p> <p>The section requires that management planners attend both an inspector refresher training program and a management planner training program.</p> <p>Asbestos management planner refresher training must be a one-half day program.</p>	<p>“Management planner refresher training program.”</p> <p>Most of the provisions in the current section will carry over to the new regulation.</p> <p>The requirement that a management planner attend one-half day of the inspector refresher training program has been removed. This requirement is provided for in section -210 of the new chapter.</p> <p>Language contained in subsection B of section -820 of the current chapter regarding the use of suggested exercises will not carry over to the new section as it is a recommended practice,</p>

		<p>The training program must review federal and state regulations, discuss changes to the regulations (if applicable) and developments in state-of-the-art procedures.</p> <p>The training program must also review the following topics from the initial management planner training program:</p> <ul style="list-style-type: none"> • Evaluation and interpretation of survey results; • Hazard assessment; • Evaluation and selection of control options; and • Developing an operations and maintenance plan. <p>The section provides that the use of exercises to encourage interactive learning and participation is suggested. Exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to have a management plan prepared for, and a review of re-inspection or abatement report to update or prepare a management plan to draw upon items covered in the initial asbestos inspector and management planner training programs.</p> <p>The section further requires that the training program include a written, closed-book examination. The examination must have a minimum of 50 questions. The passing score will be 70% correct. Persons passing the examination and fulfilling training program requirements will receive a certificate of completion.</p>	<p>not a requirement, and is not necessary to be in regulation.</p>
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<p>20-830</p>	<p>21-340</p>	<p>Section -830 of the current chapter establishes requirements for initial asbestos project designer training programs.</p> <p>Asbestos project designers must complete at a three-day (24 hours) training program.</p> <p>The training program must include:</p> <ul style="list-style-type: none"> • Lectures; • Demonstrations; • A field trip; • Training program review; and • A written examination. <p>The training program must address the following topics:</p> <ul style="list-style-type: none"> • Training program overview; • Background information on asbestos; • Potential health effects related to asbestos exposure; • Overview of abatement construction projects; • Safety system design specifications; • Field trip; • Employee personal protective equipment • Additional safety hazards; • Fiber aerodynamics and control; • Designing abatement solutions; • Budgeting and cost estimation; • Writing abatement specifications; • Preparing abatement drawings; • Contract preparation and administration; • Legal liabilities and defense; • Replacement of asbestos with asbestos-free substitutes; 	<p>“Initial project designer training.”</p> <p>Most provisions in the current section will carry over to the new regulation. No substantive changes are made to the provisions included in the proposed regulation.</p> <p>The section incorporates language contained in section -840 of the current chapter. The new section provides that upon completion of the project designer training program, the training program must administer a closed-book examination that covers the topics required by the section. Each examination must have 100 multiple choice questions. The passing score on the examination must be 70%.</p>
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		<ul style="list-style-type: none"> • Role of other consultants; • Occupied buildings; • Relevant federal, state, and local regulatory requirements; and • Training program review. <p>The MAP establishes the curriculum topics for project designer training programs, including subtopics that must be covered in the training. These content requirements are reflected in this section of the regulation.</p>	
20-840	N/A	<p>Section -840 of the current chapter addresses required examinations for asbestos project designers.</p> <p>The section provides that upon completion of the initial asbestos project designer training program, the training program must administer a closed-book examination that covers the topics included in the training program.</p> <p>Each examination must have 100 multiple choice questions. The passing score on the examination must be 70%.</p> <p>Persons who pass the examination and fulfill the training program requirements will receive a completion certificate.</p>	<p>Most requirements in the current section have been relocated to -340 of the proposed regulation.</p> <p>The requirement that the training program issue a certificate of completion is addressed in new section -550.</p>
20-850	21-350	<p>Section -850 of the current chapter establishes requirements for refresher training programs applicable to asbestos project designers.</p> <p>Asbestos project designer refresher training must be a one day program.</p> <p>The training program must review federal and state</p>	<p>“Project designer refresher training program.”</p> <p>Most of the provisions in the current section will carry over to the new regulation.</p> <p>The requirement that budgeting and cost estimation be included as a topic in project designer refresher training programs will not carry over to the new regulation as it is not necessary.</p>

	<p>regulations, discuss changes to the regulations (if applicable) and review developments in state-of-the-art procedures.</p> <p>The training program must also review the following topics from the initial project designer training program:</p> <ul style="list-style-type: none"> • Safety system design specifications; • Writing abatement specifications; • Employee personal protective equipment; and • Budgeting and cost estimation. <p>The section provides that the use of exercises to encourage interactive learning and participation is suggested.</p> <p>Exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to prepare a response action, a review of a mock-up list of equipment and materials utilized for various response actions to be designed within certain budget constraints, recommending a response action based upon the cost, budget, and material condition restraints.</p> <p>The section further requires that the training program include a written, closed-book examination. The examination must have a minimum of 50 questions. The passing score will be 70% correct. Persons passing the examination and fulfilling training program requirements will receive a certificate of completion.</p>	<p>Language contained in subsection B of section -850 of the current chapter regarding the suggested use of exercises will not carry over to the new section as it is a recommended practice, not a requirement, and is not necessary to be in regulation.</p>
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<p>20-860</p>	<p>21-360</p>	<p>Section -860 of the current chapter establishes requirements for initial asbestos project monitor training programs.</p> <p>Asbestos project monitors must complete at a five-day (40 hours) training program. All training programs must be approved by the Board.</p> <p>The training program must include:</p> <ul style="list-style-type: none"> • Lectures; • Demonstrations; • Training program overview; • Examination; and • At least six (6) hours of hands-on training which allows project monitors the experience of performing actual tasks associated with asbestos project monitoring. <p>The training program must address the following topics:</p> <ul style="list-style-type: none"> • The physical characteristics of asbestos and ACM; • Potential health effects related to asbestos exposure; • Employee personal protective equipment; • State-of-the-art work practices; • Personal hygiene; • Additional safety hazards as covered under applicable OSHA regulation; • Medical monitoring, OSHA requirements for pulmonary function test, chest x-rays, and a medical history for each employee; • Respiratory protection programs and medical surveillance programs; 	<p>“Initial project monitor training.”</p> <p>The provisions in the current section will carry over to the new regulation. There are no substantive changes to the provisions included in this section. The section has been reorganized for clarity.</p> <p>The section incorporates language contained in section -870 of the current chapter. The new section provides that upon completion of the project monitor training program, the training program must administer a closed-book examination that covers the topics required by the section. Each examination must have 100 multiple choice questions. The passing score on the examination must be 70%.</p>
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	<ul style="list-style-type: none"> • Insurance and liability issues; • Relevant federal, state, and local regulatory requirements, procedures standards; • Air monitoring; • Overview of supervisory techniques for asbestos abatement activities; • Field trip; • Fiber dynamics and control; • Project specifications; • Conducting inspections; • Recordkeeping and documentation; • Role of project monitor; • Occupied buildings; • A review of NESHAP Guidance Documents; • A review of key aspects of the training program; and • Examination. <p>The section provides that applicants who hold a current asbestos supervisor or asbestos project designer accreditation are not required to complete the 40-hour training program, but may complete a shorter 16-hour training program and take an examination.</p> <p>The 16-hour training program must address the following topics:</p> <ul style="list-style-type: none"> • Air monitoring; • Overview of supervisory techniques for asbestos abatement activities; • Field trip; • Fiber dynamics and control; • Project specifications; • Conducting inspections; • Recordkeeping and documentation; • Role of project monitor; • Occupied buildings; 	
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		<ul style="list-style-type: none"> • A review of NESHAP Guidance Documents; • A review of key aspects of the training program; and • Examination. <p>The curriculum topics for project monitor training programs include subtopics that must be covered in the training. These content requirements are reflected in this section of the regulation.</p>	
20-870	N/A	<p>Section -870 of the current regulation addresses required examinations for asbestos project monitors.</p> <p>The section provides that upon completion of the initial asbestos project monitor training program, the training program must administer a closed-book examination that covers the topics included in the training program.</p> <p>Each examination must have 100 multiple choice questions. The passing score on the examination must be 70%.</p> <p>Persons who pass the examination and fulfill the training program requirements will receive a completion certificate.</p>	<p>Most requirements in the current section have been relocated to section-360 of the proposed regulation.</p> <p>The requirement that the training program issue a certificate of completion is addressed in new section -550.</p>
20-880	31-370	<p>Section -880 of the current chapter establishes requirements for refresher training applicable to asbestos project monitors.</p> <p>Asbestos project monitor refresher training must be a one-day program.</p> <p>The training program must review federal and state regulations, discuss changes to the regulations (if applicable) and review</p>	<p>“Project monitor refresher training program.”</p> <p>Most of the provisions in the current section will carry over to the new regulation. The requirement that state-of-the-art work practices be included as a review topic in project monitor refresher training programs is removed as it is not necessary.</p> <p>Language contained in subsection B of section -880 of the current chapter regarding the use of suggested exercises will not carry over to the new</p>

		<p>developments in state-of-the-art procedures.</p> <p>The training program must also review the following topics from the initial project designer training program:</p> <ul style="list-style-type: none"> • State-of-the-art work practices; • Occupied buildings; • Employee personal protective equipment; • Fiber aerodynamics and control; and • Recordkeeping and documentation. <p>The section provides that the use of exercises to encourage interactive learning and participation is suggested.</p> <p>Exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to determine a sampling strategy, a review of a mock-up abatement area to determine that containment is adequate, or a review of a mock-up abatement area where a visual inspection may be performed.</p> <p>The section further requires that the training program include a written, closed-book examination. The examination must have a minimum of 50 questions. The passing score will be 70% correct. Persons passing the examination and fulfilling training program requirements will receive a certificate of completion.</p>	<p>section as it is a recommended practice, not a requirement, and is not necessary to be in regulation.</p>
20-450	21-380	<p>Section -450 of the current chapter includes grounds for disciplinary action.</p>	<p>“Grounds for disciplinary action.”</p> <p>This new section provides for the Board’s authority to impose disciplinary action. However, specific prohibited acts</p>

		<p>Subsection A provides for the Board’s authority in fining, suspending, revoking, or denying renewal of a licensee or training program approval, or denying an application for a license or training program approval. Under subsection A, subdivisions 1 – 12 enumerate specific prohibited acts.</p> <p>This subsection also identifies the authority of the Board to take disciplinary action against an asbestos contractor when it appears the asbestos contractor knew or should have known of an unlawful act or violation committed by any asbestos supervisor or asbestos worker working for said asbestos contractor.</p> <p>Subsection B imposes a restriction on reapplication for licensure or training program approval, and provides that any individual or firm whose license, approval as an accredited asbestos training program, or approval as an accredited asbestos training provider is revoked is not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm must meet all education, experience, and training requirements, complete the application, and submit the required fee for consideration as a new applicant.</p>	<p>are relocated to a new separate section - 390.</p> <p>Subsection A is revised for clarity, to align the disciplinary powers in the regulation with those specified in § 54.1-516 of the Code of Virginia, and to make these provisions consistent with similar provisions of other DPOR regulations. As revised the subsection provides that the Board has the power to reprimand, fine, suspend, or revoke the license or training program approval of any regulant in accordance with the applicable code section or the regulation when regulant has been found to have violated or cooperated with others in violating any provision of Chapters 1, 2, 3, and 5 of Title 54.1 of the Code of Virginia, or the regulation.</p> <p>Subsection B does not include any substantive changes, but is revised for clarity, and removes unnecessary and redundant language.</p> <p>Subsection C provides for the Board’s authority to take disciplinary action against an asbestos contractor when it appears the asbestos contractor knew or should have known of an unlawful act or violation committed by any asbestos supervisor or asbestos worker working for said asbestos contractor.</p>
20-450	21-390	<p>Under subsection A in section -450 of the current chapter, subdivisions 1-12 enumerate specific prohibited actions that may allow the Board to invoke its disciplinary authority. The prohibited acts are:</p>	<p>“Prohibited acts.”</p> <p>The prohibited acts in the current section will carry over to the new regulation. However, the prohibited acts are reorganized to group similar offenses together and some prohibited acts are revised.</p>

		<ol style="list-style-type: none"> 1. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of the chapter. 2. Obtaining a license, approval as an accredited asbestos training program, approval as an accredited asbestos training provider or approval as an instructor through fraudulent means. 3. Altering or falsifying a Virginia Asbestos License or a training certificate from an accredited asbestos training program. 4. Violating any provision of AHERA or ASHARA, or any federal or state regulation pertinent to asbestos activity. 5. Having been found guilty by the board, an administrative body, or by a court of any misrepresentation in the course of performing his asbestos-related operating duties. 6. Having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity, which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment there being no appeal pending 	<p>Subdivision #1 largely mirrors the provision contained in subdivision A 1 of the current section. The prohibited act is revised to include cooperating with another, or combining or conspiring with or acting as an agent, partner, or associate for another to violate the applicable chapters of Title 54.1 of the Code of Virginia or any regulations of the Board. This change will allow the Board to address actions where a regulant may be involved with other parties in violating applicable statutes or regulations. This change also amends the prohibited acts to reflect similar provisions in other DPOR regulations.</p> <p>Subdivision #2 largely mirrors the provision contained in subdivision A 2 of the current section but adds language to specify that the prohibited act (i) extends beyond initial application to maintain, renewing, or reinstating a license or training program approval; and (ii) applies to attempting to obtain, a license or training program approval. The prohibited act also addresses the furnishing of substantially inaccurate or incomplete information to the Board in obtaining, renewing, reinstating, or maintain a license or training program approval. This change will allow the Board to better address instances where individuals may submit false or doctored documentation to the Board. The Board frequently receives applications in which individuals attempt to obtain a license by furnishing false or doctored identity documentation. This change aligns the prohibited act with similar provisions in other DPOR regulations.</p> <p>Subdivision #3 mirrors the provision contained in subdivision A 11 of the current section.</p> <p>Subdivision #4 is a revised version of provisions contained in subdivisions A 5 and A 6 of the current section. As revised, the prohibited act provides that having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in the Board's entry requirements in 18VAC15-21-30 or 18VAC15-21-150 is a cause for disciplinary action. Review of convictions</p>
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		<p>therefrom or the time for appeal having elapsed. Any plea of <i>nolo contendere</i> is considered a conviction for the purposes of this chapter. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision is admissible as prima facie evidence of such conviction or discipline. This prohibited act is subject to the provisions of § 54.1-204 of the Code of Virginia.</p> <p>7. Failing to notify the board in writing within 30 days of pleading guilty or <i>nolo contendere</i> or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.</p> <p>8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which the asbestos license is held.</p> <p>9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.</p> <p>10. Refusing to allow state or federal representatives access to any area of an abatement site for the</p>	<p>will be subject to the requirements of § 54.1-204 of the Code of Virginia.</p> <p>The prohibited act is also revised to eliminate provisions that (i) provide that a plea of <i>nolo contendere</i> is considered a conviction; and (ii) a certified record of conviction is <i>prima facie</i> evidence of guilt of a criminal conviction.</p> <p>Provisions regarding <i>nolo contendere</i> pleas and certified record of conviction as being prima facie evidence of guilt appear to be contrary to the provisions of § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of a regulant must be considered in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Subdivision #5 largely mirrors the provision contained in subdivision A 7 of the current section. However, the provision is revised to provide that failing to notify the Board of any felony or misdemeanor enumerated in the Board's entry requirements in 18VAC15-21-30 E or 18VAC15-21-150 D within 30 days is a cause for disciplinary action. Review of convictions will be subject to the requirements of § 54.1-204 of the Code of Virginia.</p> <p>Subdivision #6 provides for a requirement that a regulant notify the Board, in writing, no later than 30 days, after final disciplinary action against an asbestos abatement license or asbestos training program accreditation taken by another jurisdiction. While a similar requirement exists in the current chapter (section -440.B), this provision is relocated to ensure applicability to all licenses and approvals issued under this regulation.</p> <p>The change reduces the burden of the reporting requirement in section -440 of the current chapter, which stipulates a 10-day notification timeframe. This reduces the stringency of the current requirement by 200%.</p> <p>Subdivision #7 mirrors the provision contained in subdivision A 4 of the current section.</p>
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		<p>purpose of lawful compliance inspections.</p> <ol style="list-style-type: none"> 11. Failing to notify the Board in writing within 30 days after any change in address or name. 12. 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. 	<p>Subdivision #8 incorporates the provision contained in subdivision A 8 of the current section. The prohibited act is revised to proscribe actions constituting negligence, misconduct, and incompetence in the practice of the profession and provides several actions that would constitute negligence, misconduct, or incompetence in the practice of the profession. These include:</p> <ul style="list-style-type: none"> • Having undertaken to perform or performed a professional assignment for which the licensee is not qualified to perform by education, experience, training, or appropriate licensure. • Not demonstrating reasonable care, judgment, or application of the required knowledge, skill, and ability in the performance of the licensee's duties. • Failing to act in providing professional services in a manner that safeguards the interests of the public. <p>The prohibited act is revised to be similar to prohibited acts in other DPOR regulations.</p> <p>Subdivision #9 addresses actions constituting engaging in improper, fraudulent, or dishonest conduct. This new prohibited act provides for several actions that would constitute improper, fraudulent, and dishonest conduct, including:</p> <ul style="list-style-type: none"> • Making any misrepresentation or engaging in acts of fraud or deceit in advertising, soliciting, or in providing professional services. • Knowingly signing plans, reports, specifications, or other documents related to an asbestos project not prepared or reviewed and approved by the regulant. • Knowingly misrepresenting factual information in expressing a professional opinion. • Allowing a license issued by the Board to be used by another.
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20-400	N/A	<p>Section -400 of the current chapter provides for licensee responsibilities to the public.</p> <p>The section provides that the primary obligation of the licensee is to the public.</p> <p>The section also provides that if the licensee's judgment is overruled under circumstances when the safety, health, property, and welfare of the public are</p>	<p>The provisions of the current section will not carry over to the new regulation. The requirements of the current section are not necessary to protect the public health, safety, and welfare.</p>

		<p>endangered, the licensee must inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. However, the licensee must only take such action when the licensee's authority to correct a problem has been ignored or overruled.</p>	
20-410	N/A	<p>Section -410 of the current chapter provides standards for licensee public statements.</p> <p>The section provides that licensees must be truthful in all matters relating to the performance of asbestos abatement or asbestos consulting services.</p> <p>The section provides that when serving as an expert or technical witness, the licensee must express an opinion only when it is based on an adequate knowledge of the facts in issue and on a background of technical competence in the subject matter.</p> <p>A licensee is prohibited from issuing statements, reports, criticisms, or arguments on matters relating to practices which are inspired or paid for by an interested party unless disclosing the identity of the party on whose behalf the licensee is speaking and revealing any self-interest. This requirement does not apply if the licensee is appearing as an expert witness in court or in an administrative proceeding when the parties are represented by counsel.</p> <p>Licensees and applicants are prohibited from knowingly making a materially false</p>	<p>The provisions of the current section will not carry over to the new regulation. The requirements imposed by the provisions of the current section are not the least restrictive means to protect the health, safety, and welfare of the public. The conduct that is proscribed by the current section can be adequately addressed under the prohibited acts that are outlined in section -390 of the new chapter.</p>

		statement, submitting falsified documents, or failing to disclose a material fact requested in connection with an application submitted to the Board by any individual or business entity for licensure or renewal.	
20-420	N/A	<p>Section -420 of the current chapter provides for standards regarding a licensee soliciting work.</p> <p>The section provides that in course of soliciting work that a licensee is prohibited from:</p> <ul style="list-style-type: none"> • Bribery. • Falsifying or permitting misrepresentation of the licensee’s work or an associate’s academic or professional qualifications, or misrepresenting the degree of responsibility for prior assignments. • Misrepresenting facts concerning employers, employees, associates, joint ventures, or past accomplishments of any kind in materials used in the solicitation of employment. • Misrepresenting facts of approval, federal, or state requirements in materials used in the solicitation of services. 	<p>The provisions of the current section will not carry over to the new regulation. The requirements imposed by the provisions of the current section are not the least restrictive means to protect the health, safety, and welfare of the public. The conduct that is proscribed by the current section can be adequately addressed under the prohibited acts that are outlined in section -390 of the new chapter.</p>
20-453	21-400	<p>Section -453 of the current chapter outlines situations and relationships between license categories that are deemed to represent a conflict of interest and are prohibited.</p> <p>The section provides that it is a conflict of interest for an asbestos contractor to have an employer/employee relationship with, or financial</p>	<p>“Conflict of interest.”</p> <p>Most provisions in the current section will carry over to the new regulation. There are no substantive changes contained in the new section.</p> <p>A new subsection, subsection D, has been added and provides that requirements contained in this section do not apply to a contractor – subcontractor relationship between an asbestos contractor and an asbestos project</p>

	<p>interest in, a laboratory utilized by the contractor for asbestos sample analysis. However, this prohibition does not apply to laboratories owned by the building owner performing analysis on suspect asbestos samples taken from the building owners' property.</p> <p>The section also provides that it is a conflict of interest for an asbestos contractor to have an employer/employee relationship with an asbestos project monitor working on an asbestos project performed by that asbestos contractor. In addition, an asbestos contractor cannot have any financial interest in the firm in which a project monitor is an employee and provides project monitoring services for that contractor.</p> <p>The section further provides that it is a conflict of interest for an asbestos contractor to enter into a contract to perform an asbestos project if the asbestos inspection or project design was performed by individuals with an employer/employee relationship with, or financial interest in, the asbestos contractor unless the contractor provides the building owner with DPOR-prescribed (i) consumer information sheet; and (ii) disclosure form. The asbestos contractor must disclose the relationship with asbestos inspector or project designer on the project. The disclosure form must be signed and dated by the contractor and submitted as part of the bid. The disclosure form must be kept on the asbestos project site and available for review.</p>	<p>monitor. This change is made to reduce the stringency of the conflict of interest provisions.</p> <p>The provision requiring the disclosure form to be kept on the project site will be relocated to new section -500.</p>
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<p>20-459.4</p>	<p>21-410</p>	<p>Section -459.4 of the current chapter establishes requirements when a change of status occurs for an asbestos analytical laboratory.</p> <p>Per this section, an asbestos analytical laboratory must notify DPOR of the following changes:</p> <ul style="list-style-type: none"> • The resident responsible individual for any laboratory location; • The loss of accreditation or proficiency rating by NVLAP, IHLAP, or IHPAT by any laboratory location. The laboratory must also report if an employed analyst or project monitor performing laboratory analysis is removed from the AAR; • Any changes in the location of a laboratory; and • If the type of analysis the laboratory will undertake is different from the type of analysis for which the initial license was issued. The laboratory must submit a new application for the laboratory or branch office reflecting the changes and submit evidence of meeting the requirements established in the regulation to the perform the analysis. <p>Changes to the resident responsible individual and laboratory location must be reported within 10 days. Changes in laboratory accreditation or proficiency rating must be reported within 10 business days.</p> <p>A laboratory must apply for and receive approval from the Board for a change in</p>	<p>“Change of status for analytical laboratories.”</p> <p>The provisions in the current section will carry over to the new regulation. The timeframe for reporting changes to (i) resident responsible person; (ii) loss of accreditation or proficiency rating; (iii) removal of an employed analyst or project monitor from the AAR; and (iv) change in laboratory location is increased to 30 days. This change reduces the stringency of the current reporting requirements.</p> <p>Clarifying wordsmithing changes are made to the provisions of the new section.</p>
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		analysis type before performing the type of analysis.	
20-454 20-459.4	21-420	<p>Section -454 of the current chapter includes provisions related to the transfer of an asbestos contractor license.</p> <p>Specifically, the section provides that asbestos contractor licenses are issued to firms and are not transferable. When a firm is dissolved or altered to form a new firm, the original license becomes void and must be returned to the Board within 30 days of the change. The new firm must apply for a new license within 30 days of the change.</p> <p>Such changes include:</p> <ul style="list-style-type: none"> - death of a sole proprietor - death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership - termination or cancellation of a corporation or limited liability company - conversion, formation, or dissolution of a corporation, a limited liability company, or an association or any other firm recognized under the laws of Virginia. <p>Section -459.4 of the current chapter includes similar provisions related to the transfer of an asbestos analytical laboratory license.</p>	<p>“Transfer of license, firms.”</p> <p>The new section consolidates provisions regarding the transfer of asbestos contractor and asbestos analytical laboratory licenses into a single section and mirrors the current chapter, section - 454 There are otherwise no substantive changes to existing requirements contained in this section.</p>
20-32 20-440	21-440	<p>Section -32 of the current chapter, subsection I states in part, “[t]he applicant shall be in good standing in every jurisdiction where licensed and the applicant shall not have held a license that was suspended, revoked or surrendered in connection with any disciplinary action in</p>	<p>“Good standing in other jurisdictions.”</p> <p>Most provisions in the current regulation will carry over to the new section.</p> <p>Subsection A contains the provisions currently in subsection I of section -32.</p> <p>Subsection B contains the provisions regarding regulants being subject to</p>

		<p>any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure or certification to any applicant based on disciplinary action by any jurisdiction.”</p> <p>Section -440 of the current chapter establishes that regulants who perform regulated activities in other jurisdictions be in good standing in every jurisdiction where licensed, certified, or approved and not have had a license, certification, or approval suspended, revoked, or surrendered in connection with disciplinary action.</p> <p>The section requires regulants to notify the Board in writing no later than 10 days after initial disciplinary action taken by another jurisdiction.</p> <p>The section further provides that regulants are subject to disciplinary action by the Board for actions taken by other jurisdictions.</p>	<p>discipline as a result of disciplinary actions in other jurisdictions.</p> <p>Subsections A and B in the new regulation largely mirror the current provisions and do not contain any substantive changes.</p> <p>The notification requirement provided for in section -440 of the current chapter is provided for in subdivision #6 of the prohibited acts in section -390 of the new regulation.</p>
20-430	21-450	<p>Section -430 of the current chapter establishes requirements associated with professional responsibility.</p> <p>The section provides that a licensee or training provider must, upon request or demand, produce to the Board or its representatives any plan, document, book, record, or copy of the same in the possession of the licensee or training provider concerning a transaction covered by the regulation.</p> <p>A licensee or training provider must cooperate in the investigation of a</p>	<p>“Response to inquiry and provision of records.”</p> <p>The new section contains four subsections that outline each regulant’s responsibility in responding to the Board and supplying certain records.</p> <p>Subsection A requires a regulant to respond within 10 days when the Board or its agent makes contact regarding a complaint filed with DPOR.</p> <p>Subsection B provides that a regulant must provide any document, book, or record required to be maintained or concerning any transaction associated with a complaint in which the regulant was involved within 10 days of such request, unless otherwise specified by</p>

		<p>complaint filed with the Board against a licensee or training provider.</p> <p>The section prohibits a licensee or training provider from using the design, plans, or work of another licensee or training provider without the original professional's knowledge and consent, and after consent, a thorough review to the extent that the licensee or training provider assumes full responsibility.</p> <p>The section provides that training providers must admit Board representatives for the purpose of conducting an on-site audit, or any other purpose necessary to evaluate compliance with the regulation and other applicable laws and regulations.</p>	<p>the Board. The 10-day timeframe may be extended upon a showing of extenuating circumstances that would prohibit delivery of the requested document, book, or record.</p> <p>Subsection C prohibits a regulant from providing a false, misleading, or incomplete response to the Board or its agent when seeking information during an investigation of a complaint filed with the Board.</p> <p>Subsection D provides that with exception to the 10-day response timeframes in subsections A and B, a regulant must respond to any Board inquiry within 21 days</p> <p>This section is created to better organize requirements related to responding to the Board and providing requested documentation. The provisions of this section are intended to be consistent with those of other DPOR regulations.</p> <p>Otherwise, most provisions of the current section will not carry over to the new regulation. The requirements imposed by the provisions of the current section that will not carry over are not the least restrictive means to protect the health, safety, and welfare of the public. The conduct that is proscribed by these provisions can be adequately addressed under the prohibited acts that are outlined in section -390 of the new chapter.</p>
20-455	N/A	<p>Section -455 of the current chapter outlines the duties and functions of asbestos project monitors.</p> <p>Section -455 provides that the duties and functions include (i) observing and monitoring the activities of an asbestos abatement contractor on asbestos projects to determine that proper work practices are used and compliance with all asbestos laws and regulations is maintained; (ii) collecting environmental air</p>	<p>The provisions of the current section will not carry over to the new regulation. These provisions are not necessary.</p>

		<p>samples during the asbestos project; (iii) performing visual inspections of the work area; and (iv) granting final clearance upon completion of the asbestos project.</p>	
20-457	N/A	<p>Section -457 of the current chapter outlines the duties and functions of asbestos project designers.</p> <p>Section -457 provides that the duties and functions of a project designer include (i) preparing an asbestos abatement project design; (ii) specifications for asbestos abatement projects; and (iii) addenda to abatement specifications.</p>	<p>The provisions of the current section will not carry over to the new regulation. These provisions are not necessary.</p>
20-459	N/A	<p>Section -459 of the current chapter outlines the duties and functions of asbestos inspectors and asbestos management planners.</p> <p>Section -459 provides that the duties and functions of an asbestos inspector include (i) determining the presence and location of friable and nonfriable ACM; (ii) determining the condition of ACM; and (iii) sampling suspect ACM.</p> <p>Section -459 provides that the duties and functions of an asbestos management planner include preparing management plans to effectively manage ACM that will remain in the building.</p>	<p>The provisions of the current section will not carry over to the new regulation. These provisions are not necessary.</p>
20-459.1	N/A	<p>Section 459.1 of the current chapter outlines the responsibilities of asbestos inspectors and asbestos management planners.</p> <p>The section provides that asbestos inspectors must conduct all asbestos inspections in accordance</p>	<p>The provisions of the current section will not carry over to the new regulation. These provisions essentially duplicate federal regulation (40 CFR Part 763 Subpart E) which prescribes the standards for asbestos inspections and management plans.</p>

		<p>with applicable federal regulation.</p> <p>The section also provides that inspectors prepare a written report following an asbestos inspection. The report must contain:</p> <ul style="list-style-type: none"> • The inspector’s name and license number. • Location of all samples taken. • Location and type of all ACM and assumed ACM. • Assessment of all ACM and assumed ACM. • Copy of the laboratory report. <p>The section further provides that asbestos management planners must prepare all management plans in accordance with applicable federal regulation.</p>	
20-458	21-460	<p>Section -458 outlines the responsibilities of an asbestos project designer.</p> <p>Section -458 provides that the project design must include:</p> <ol style="list-style-type: none"> 1. Scope of work. 2. Sequence of work. 3. Work methods and practices to be used. 4. Number and type of air samples to be taken. 	<p>“Asbestos project designs.”</p> <p>The provisions of the new section largely mirror the provision contained in section -458 of the current chapter. However, the provisions pertaining to air samples are revised to reflect that a project design include air sampling procedures.</p>
20-455.1 20-456	21-470	<p>Section -455.1 of the current chapter addresses asbestos abatement projects that require a project monitor, which include:</p> <ol style="list-style-type: none"> 1. Projects performed in buildings that are occupied or intended to be occupied upon completion of the asbestos project 	<p>“Asbestos project monitoring.”</p> <p>The new section combines requirements established in sections -455.1 and -456 of the current chapter. Most provisions in the current regulation will carry over to the new section.</p> <p>Subsections A and B largely mirror provisions contained in section -455.1 of the current chapter.</p>

		<p>exceeding 260 linear feet or 160 square feet or 35 cubic feet of ACM; or</p> <p>2. Whenever the building or property owner deems it necessary to monitor asbestos projects.</p> <p>Section -456 of the current chapter covers the responsibilities of an asbestos project monitor over four subsections.</p> <p>Subsection A provides that asbestos project monitors must conduct inspections of the contractor's work practices and inspections of the containment.</p> <p>Subsection B requires an asbestos project monitor be present on the job site each day response actions are being conducted or in accordance with the owner-approved contractual agreement.</p> <p>A project monitor must maintain a daily log of all work performed. The log must include:</p> <ul style="list-style-type: none"> • Inspection reports; • Air sampling data; • Type of work performed by the contractor; and • Problems encountered and corrective action taken. <p>A project monitor must also perform the duties and functions established in section -455.</p> <p>Subsection C requires project monitors to take final air samples on all abatement projects, except for abatement projects in residential buildings.</p>	<p>The provisions regarding the requirement for project monitors when deemed necessary by the owner are revised to provide that a project monitor is required when the property owner deems it necessary, regardless of whether the scope of the project is less than 260 linear feet, 160 square feet, or 36 cubic feet of ACM. This change is intended to clarify when a project monitor is required and incorporates the provisions of Guidance Document 6834, which the Board adopted on February 6, 2020.</p> <p>Subsections C, D, E, and F largely mirror provisions contained in section -456 of the current chapter.</p> <p>The provisions regarding when a project monitor must be present are revised to provide that project monitors be present when response actions are being conducted, or more frequently if in accordance with the owner-approved contractual agreement with the project monitor. The change is intended to clarify when a project monitor must be present on a project.</p> <p>The provisions regarding the air sample report are revised to remove the requirement for the report to include the project monitor's signature.</p> <p>The provisions of subsection A of section -456 will not carry over to the new regulation. These provisions are not necessary.</p>
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		<p>Subsection D requires project monitors to provide an air sample report, prior to re-occupancy, in the final clearance report, with signature.</p>	
<p>20-456.1</p>	<p>21-480</p>	<p>Section 456.1 of the current chapter sets forth requirements for onsite analysis by project monitors.</p> <p>The section provides that project monitors who analyze PCM air samples on site must:</p> <ul style="list-style-type: none"> • Be employed by a licensed asbestos analytical laboratory; • Have completed the NIOSH 582 or NIOSH 582 Equivalency Course; and • Satisfy one the following: <ul style="list-style-type: none"> ○ Be listed in the AAR and rated “acceptable” for the most recent AAT round; ○ The employing laboratory must be rated as “proficient” in the IHPAT Program and maintain training and quality control documentation necessary to demonstrate competency in performing onsite analysis; or ○ The employing laboratory must be accredited under the ILHAP, remain in compliance with accreditation requirements, and maintain training and quality control documentation necessary to demonstrate 	<p>“Onsite analysis by project monitors.”</p> <p>The provisions of the current section will carry over to the new regulation.</p> <p>The requirement for a project monitor to be employed by an asbestos analytical laboratory is revised to permit a monitor to be affiliated with a laboratory.</p>

		<p>competency in performing onsite analysis.</p>	
<p>20-451</p>	<p>21-490</p>	<p>Section -451 of the current chapter sets forth general responsibilities for asbestos contractors.</p> <p>The section provides that asbestos contractors must comply with all requirements, procedures, standards, and regulations covering any part of an asbestos project established by:</p> <ul style="list-style-type: none"> • EPA; • OSHA; • DOLI; and • The Divisions of Air Pollution and Waste Management of DEQ. <p>The section provides that asbestos contractors must comply with applicable requirements in the Code of Virginia governing the regulation of general contractors.</p> <p>The also section provides that an asbestos contractor must (i) employ on licensed asbestos supervisors and asbestos workers to perform work on any asbestos project; and (ii) ensure that a licensed asbestos supervisor is present at each job site while an asbestos project is in process.</p> <p>The section further provides for notification requirements for asbestos projects.</p> <p>An asbestos contractor must, prior to the start of any asbestos project, must:</p> <ul style="list-style-type: none"> • Notify the building or property owner or agent that a licensed project 	<p>“Asbestos contractor.”</p> <p>Most provisions in the current section will carry over to the new regulation.</p> <p>The new section largely mirrors provisions contained in section -451 (subsections A, B, C, D, and E) of the current section. Language related to conflict of interest will not carry over to the new regulation. Those provisions are advisory and not required to be in a regulation.</p>

		<p>monitor is required in accordance with applicable provisions of the regulation to (i) determine that proper work practices are used and compliance with asbestos laws and regulations is maintained; (ii) collect environmental air samples during the project; (iii) perform visual inspections of the work area; and (iv) grant final clearance upon completion of the project.</p> <ul style="list-style-type: none"> • Obtain a written acknowledgement from the owner or agent that the owner or agent has been notified of the requirement to secure the services of an asbestos project monitor. The acknowledgment must include (i) the address of the building where the project is to take place; (ii) the name, address, and license number of the asbestos contractor performing the work; and (iii) evidence that the owner or agent has received the notification. For multiple-project service contracts, the initial notification and acknowledgment is sufficient. <p>The section also provides that conflict of interest situations and relationships between contractors and project monitors are set forth in the regulation.</p>	
20-452	21-500	<p>Section -452 of the current chapter sets forth requirements for the maintenance of licensing and training records at the asbestos project jobsite.</p>	<p>“Maintenance of licensing and training records at the asbestos project job site.”</p> <p>The provisions of the current section will carry over to the new regulation. The new section largely mirrors provisions contained in section -452 of the current chapter.</p>

		<p>The section provides that an asbestos contractor is responsible for maintaining at the job site:</p> <ul style="list-style-type: none"> • A list of each licensed worker and supervisor, which must include the current license numbers and license expiration dates for these individuals. A contractor may keep a copy of the licenses of each worker and supervisor to satisfy this requirement; and • A copy of the contractor’s Virginia asbestos contractor license. <p>The provisions of the section do not relieve a contractor of any specific AHERA and ASHARA requirements concerning training certificates.</p> <p>The section further provides that records maintained at the job site must be available for review by DOLI, DPOR, and all other agencies having authorization to inspect an asbestos job site.</p>	<p>Subsections A and B mirror the same subsections contained in section -452 of the current chapter.</p> <p>Subsection D mirrors language contained in subsection C of section -452 of the current chapter.</p> <p>Subsection C provides that any conflict-of-interest disclosure forms required by section -400 of the proposed regulation be maintained at each jobsite. This requirement is currently located in section -453 of the current chapter.</p>
20-459.2	N/A	<p>Section -459.2 of the current chapter provides that asbestos analytical laboratories comply with all requirements, procedures, standards and regulations covering all aspects of asbestos analytical services established in the regulation.</p>	<p>The provisions of this section will not carry over to the new regulation. These provisions are not necessary.</p>
20-459.3	21-510	<p>Section -459.3 of the current chapter establishes responsibilities associated with asbestos analytical laboratories.</p> <p>The section requires that laboratories using PLM to analyze bulk suspect material for the presence of asbestos must analyze the material in</p>	<p>“Asbestos analytical laboratories.”</p> <p>The provisions of the section -459.3 will carry over to the new regulation. Subsections A, B, and C largely mirror language contained in the same subsections in section -459.3 of the current chapter. However, the provisions are revised to provide that the EPA and NIOSH documents are incorporated by reference. This change is made to</p>

		<p>accordance either of the following procedures:</p> <ul style="list-style-type: none"> • EPA 600/R-93/116 Method of Determination of Bulk Asbestos; or • NIOSH method 9002. <p>The section requires that laboratories using PCM to analyze air samples for the presence of airborne fibers must use either of the following procedures:</p> <ul style="list-style-type: none"> • Appendix A of OSHA’s 1926.1101 regulation; or • The most recent version of NIOSH’s 7400 method. <p>The section requires that laboratories using TEM to analyze air samples for the presence of airborne asbestos fibers must use either of the following procedures:</p> <ul style="list-style-type: none"> • Appendix A to Subpart E of 40 CFR Part 763; or • The most recent version of NIOSH’s 7402 method. 	<p>comply with current Virginia Code Commission regulations regarding incorporating material by reference.</p>
20-459.5	21-510	<p>Section 459.5 of the current chapter provides for various standards applicable asbestos analytical laboratories.</p> <p>Subsection A of the section provides that transfer of a laboratory license is prohibited and that any change in the controlling interest of the licensed legal entity requires a new license.</p> <p>Subsection B of the section provides that a copy of the current laboratory license must be on site at all times where analysis is performed, including project sites. The license must be available for review by DPOR.</p>	<p>Most of the provisions of the section will not carry over to the new regulation.</p> <p>The provisions of subsection B of the current section will carry over to section - 510 of the new regulation.</p> <p>The provisions in the current section regarding transfer of license are duplicative of other provisions in the current regulation regarding transfer of license and are not necessary. Section - 420 of the new regulation addresses transfer of firm licenses.</p> <p>The provisions in the current section regarding Board access to facilities to conduct inspections are not necessary. Subdivision #12 of section -390 of the new regulation prohibits the refusal to allow state or federal representatives</p>

		<p>Subsection C provides that the Board will require laboratories that wish to become or remain licensed in Virginia to conform to any future additional standards or regulations set forth by EPA or accrediting entity.</p> <p>Subsection D provides that licensees must permit the Board to conduct periodic on-site inspections and evaluations of licensed laboratory facilities. Prior notice of inspection is not required. Inspections will include:</p> <ul style="list-style-type: none"> • Equipment; • Procedure and protocol records; • Training and accreditation documentation; and • Any other program evaluation results on file. 	<p>access to laboratories for the purpose of inspections or audits.</p> <p>The provisions in subsection C of the current section are not necessary.</p>
<p>20-540 20-570 20-610</p>	<p>21-520</p>	<p>Section -540 of the current chapter provides that all initial and refresher accredited asbestos training programs be discipline specific.</p> <p>Section -570 of the current chapter provides that all accredited asbestos training programs, except for asbestos worker training programs be taught in English.</p> <p>Section -610 addresses EPA and ASHARA compliance. The section provides that all Virginia-approved training programs must be in compliance with all training and recordkeeping requirements established under MAP.</p>	<p>“General requirements for training programs and courses.”</p> <p>The provisions of sections -540, -570, and -610 in the current chapter will carry over to the new regulation and are consolidated into new section -520.</p> <p>This new section does not include substantive changes or new requirements. The section includes existing requirements that have been reorganized for clarity.</p> <p>Subsection A incorporates language located in section -610 of the current chapter.</p> <p>Subsection B incorporates language located in section -540 of the current chapter.</p> <p>Subsection C incorporates language located in section -570 of the current chapter.</p>

N/A	21-525	N/A – No current requirements.	<p>This section provides for the electronic delivery of asbestos refresher training courses.</p> <p>The section incorporates into regulation the provisions of Guidance Document 7209, pertaining to electronic delivery of asbestos refresher training courses, which the Board adopted on May 12, 2022.</p> <p>The section provides that electronic delivery of refresher courses is permitted provided certain requirements are met.</p> <ul style="list-style-type: none"> • Courses delivered electronically must be approved by the Board in accordance with the requirements for approval of training programs and courses established in Part V of the new regulation. • The training provider must have a system in place to authenticate each participant's identity and eligibility to enroll in the course. • A unique identifier must be assigned to each participant to be used to launch and re-launch the course. The identifier may be used throughout the course if deemed necessary by the instructor. • Each participant must be logged into the course and participating for the full length of time required for each course discipline. The training provider must track each participant's log-ins, launches, progress, and completion. The provider must also maintain a record of the same in accordance with applicable record keeping requirements of MAP and the regulation. • The course must include knowledge checks throughout the entirety of the course. The knowledge checks must be successfully completed before the participant moves on to the next module. • Course instructors must be available to answer questions or offer technical discussion by way of online discussion or message boards, or a telephone number during the training period.
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			<ul style="list-style-type: none"> • There must be a test of at least 20 questions at the end of the course, of which 80% must be answered correctly for successful completion of the course. The test must be designed so that the student does not receive feedback on answers until after the test has been submitted. • Each participant must be provided with a completion certificate that may be saved and printed. The certificate must specifically mention the course was taken online. The certificate cannot be susceptible to editing and must contain all information required by MAP and the regulation. • Course notifications and participant lists provided to the Board must indicate whether the course is conducted electronically. <p>Electronic delivery of courses includes both real-time virtual training and asynchronous delivery.</p> <p>The section also provides that electronic courses must meet all other requirements for refresher courses established in the regulation.</p> <p>The section further provides that for auditing purposes, the Board must have unrestricted electronic access to the electronic course at any time during which the course is conducted.</p> <p>The intent of the Board’s guidance and these new provisions is to provide flexibility to regulants in meeting refresher training requirements.</p>
<p>20-550 20-560</p>	<p>21-530</p>	<p>Section -550 of the current chapter provides that the total hours of actual training for an initial training program, including examinations, must be completed within a single-two-week time frame, from start to finish.</p> <p>Section -560 of the current chapter establishes requirements for the length of training for an accredited asbestos training program.</p>	<p>The provisions of the section -560 in the current chapter will carry over to the new regulation. Subsections A, B, and C of mirror provisions contained in section -560 of the current chapter. However, subsection A of the new section clarifies that one day is equal to eight hours, inclusive of lunch and breaks, for all accredited training programs.</p> <p>The provisions of section -550 in the current chapter will carry over to the new regulation. Subsection D is added and provides that each initial accredited</p>

		<p>The section provides:</p> <ul style="list-style-type: none"> • Actual asbestos training cannot exceed eight (8) hours in a 24-hour period; • Training given during evening hours (after 5:00 p.m. and before 8:00 a.m.) cannot exceed four (4) hours, except for training that is conducted during the student's second or third shift of working hours; and • Training performed on weekends (Friday after 5:00 p.m. to Monday 8:00 a.m.) may not exceed 16 hours. 	<p>training program or Board-approved training course, including examinations, must be completed within a single two-week time frame.</p>
20-520	21-540	<p>Section -520 of the current chapter provides for the minimum number of instructors required to provide training.</p> <p>The section provides that the Board recommends a minimum of two instructors to teach an initial asbestos worker training program.</p> <p>The section also provides that one instructor per asbestos refresher program is adequate.</p> <p>The section further provides that at least one instructor must in the classroom and available to students at all times during the training program.</p>	<p>"Number of instructors required to provide training."</p> <p>The provision of the current section of the regulation requiring at least one instructor be in the classroom will carry over to the new regulation. However, clarifying wordsmithing changes are made.</p> <p>Section -540 in the proposed regulation provides that an instructor remain present in the classroom or training area where instruction takes place at all times during the course of the training.</p> <p>The other provisions in section -520 of the current chapter will not carry over to the new regulation. Those provisions are advisory and not required to be in a regulation.</p>
20-530	N/A	<p>Section -530 of the current chapter establishes student to instructor ratios and identifies the meaning of hands-on training.</p> <p>The section provides that "hands-on training" means an evaluation that tests the trainee's ability to satisfactorily perform the</p>	<p>The provisions of section -530 in the current chapter will not carry over to the new regulation. These provisions were determined to be unnecessary and overly burdensome.</p>

		<p>work practices and procedures in the regulation.</p> <p>The section provides that hands-on-training must be overseen by the instructor at a ratio of no more than 10 students to one instructor.</p> <p>The section also provides that there must be no more than three training program participants in any hands-on exercise, except for an exercise which involves building containments.</p>	
<p>20-480 20-490 20-500</p>	<p>21-550</p>	<p>Section -480 of the current chapter sets forth requirements related to accredited asbestos training program outlines and course syllabi.</p> <p>Section -480 provides that a training provider must prepare a course outline or syllabus, which must contain the following information:</p> <ul style="list-style-type: none"> • Training program title and length of training; • Starting time of each day of training; • Training program section, including length of training time for each section and instructor for each program; • Scheduled breaks and length of breaks; • Scheduled lunch break and length of break; • Scheduled hands-on training, a description of the training to be performed, length of training, and the name of the instructor; and • Examination and length of examination time. <p>Section -480 also provides that the training provider disseminate the training</p>	<p>“Minimum standards for training program and course materials.”</p> <p>Provisions in sections -480, -490, and -500 of the current chapter are consolidated into a single section in the new regulation. Several provisions in the current chapter will carry over to the new regulation. However, some provisions will not carry over.</p> <p>Subsections A and B of new section largely mirror provisions contained in section -480 of the current chapter. Clarifying wordsmithing changes are made. However, language requiring the training provider to retain a copy of the training program outline for a period of three years following completion of the training program is relocated to new section -580.</p> <p>Subsection F of the new section mirrors provisions contained in subsection A of section -490 of the current chapter regarding the requirements for certificates of completion. However, provisions in section -490 pertaining to the submission of changes to completion certificates to the Board will not carry over to the new regulation. Section -570 of the new regulation provides for the reporting of changes to the training program to the Board. Changes to completion certificates are covered by the provisions of section -570.</p> <p>Subsections C, D, and E of the new section largely mirror provisions</p>

		<p>program outline or syllabus to all training program participants. A copy of this document must be retained by the training provider for a period of three (3) years following completion of the training program.</p> <p>Section -490 addresses requirements related to certificates of completion.</p> <p>Section -490 provides that following attendance and successful completion of an examination by the training program participant, the training provider must issue a completion certificate to the participant. The certificate must contain the following information:</p> <ul style="list-style-type: none"> • Training provider's business name; • Training provider's business address and phone number; • Location of training; • Typewritten or printed name of the training program participant; • Training program title and length of training in hours; • Certificate number; • Training program dates; • Examination date; • An expiration date one year after the date of completion of the training program; • A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA (for programs covered by MAP); • Statement of attendance and successful completion of an examination by the participant; and 	<p>contained in subsections A, B, and C of section -500 of the current chapter.</p> <p>Provisions in section -500 of the current chapter pertaining to equipment lists have been removed as they were determined to be unnecessary and overly burdensome.</p>
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	<ul style="list-style-type: none"> • Signature and typewritten or printed name of the training program manager or administrator and principal instructor (which may be a printed facsimile). <p>Section -490 also provides that changes to a completion certificate must be submitted to the Board for review and approval prior to issuance to training program participants.</p> <p>Section -500 sets forth requirements related to training program materials, training program manuals, video instruction, and training equipment.</p> <p>Section -500 provides that all training program participants be issued a training program manual for the training program.</p> <p>Section -500 provides that use of view instruction is permitted in a training program provided that videos are not the sole and primary instruction unless the videos are interactive. Videos must be made available to the Board, if requested, during an on-site audit or inspection.</p> <p>Section -500 provides that equipment used for display or part of hands-on training must be dedicated for training use only and not have been used on an asbestos abatement project site.</p> <p>Section -500 also provides that the training provider keep a listing of all equipment used for training on file. The list must contain the following minimum information:</p>	
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		<ul style="list-style-type: none"> • Equipment brand name; • Equipment description; and • A statement of how the equipment is to be used in the training program. <p>Section -500 further provides that the dated equipment list must be updated as new equipment is added as part of a training program. The list must be maintained for a period of three (3) years.</p>	
20-580	21-560	<p>Section -580 of the current chapter establishes examination requirements as they relate to an accredited training program.</p> <p>The section provides that all accredited asbestos training programs contain an examination following the instructional portion of the training program. This requirement applies regardless of training program location.</p> <p>The section provides that oral examinations are not permitted in a training program. This prohibition does not apply to asbestos worker programs. Trainers who provide worker oral examinations must issue an answer sheet to be marked by the student. The student must sign the answer sheet. The answer sheet will become a part of the training provider's required recordkeeping.</p> <p>The section provides that examinations in languages other than English are only permitted in an asbestos worker training program and that examinations must be given in the language of the training program's instruction.</p>	<p>"Examinations."</p> <p>Several provisions of the current section will carry over to the new regulation. However, some provisions will not carry over to the new section.</p> <p>Subsection A largely mirrors language contained in subsection B of section -580 of the current chapter. However, clarifying wordsmithing changes are made.</p> <p>Subsection B mirrors the provision contained in subsection D of section -580 of the current chapter.</p> <p>Subsection C largely mirrors language contained in subsection E of section -580 of the current chapter. However, clarifying wordsmithing changes are made.</p> <p>The provisions in the current section pertaining to the requirement for a training program to contain an examination will not carry over to the new section. Part V of the new regulation includes requirements for training programs to have an examination.</p> <p>The provisions in the current section pertaining to asbestos worker training program examinations being exempt from the English-only requirement will not carry over to the new section. Section -520 of the new regulation provides that asbestos worker training programs are exempt from the requirement that training programs be taught in English.</p>

		<p>The section further provides that reexamination following unsuccessful completion of the examination is permitted. The reexamination is limited to one attempt to pass following the initial examination. If the participant fails to achieve a 70% passing score after the second attempt, the participant must retake the training program before the participant is permitted to take a retest. The training provider must retain the examinations completed by the training program participant in compliance with the recordkeeping requirements of the regulation.</p>	<p>The provisions in the current section pertaining to recordkeeping will not carry over to the new section. Section -580 of the new regulation provides for the keeping of examination records.</p>
<p>20-461 20-490 20-511</p>	<p>21-570</p>	<p>Section -461 of the current chapter establishes that substantial changes to an approved accredited asbestos training program must be submitted to the Board for review and approval prior to the continuation of the program.</p> <p>A training provider is required to report substantial changes to the following:</p> <ul style="list-style-type: none"> • Training program curriculum; • Training program examination; • Training program materials; • Principal instructors; and • Certificate of completion. <p>The section further provides that the Board will notify its approval or disapproval of the changes by mail.</p> <p>Section -490 of the current chapter provides that changes to a certificate of completion must be</p>	<p>“Reporting of changes.”</p> <p>The provisions in section -461 of the current chapter largely carry over to the new regulation. The new section provides that any change in the information provided to the Board as part of application for approval (Part V of the new regulation) must be reported prior to implementing the change. Information will be reviewed to ensure compliance with the provisions of the regulation prior to the continuation of the training program.</p> <p>The provision pertaining to notification of approval or disapproval of changes by mail will not carry over to the new regulation. This provision is not necessary to be in regulation.</p> <p>Added to this section is the provision that all instructor qualifications will be reviewed and approved by the Board prior to the instructor teaching in an accredited asbestos training program. This provision is relocated from subsection C of section -511 in the current chapter.</p> <p>Also added to this section is the provision regarding changes to completion certificates. This provision is</p>

		<p>submitted to the Board for review and approval prior to issuance to training program participants.</p> <p>Section -511 of the current chapter provides that documentation of all instructor qualifications will be reviewed and approved by the Board prior to the instructor teaching in the training program.</p>	<p>relocated from subsection B of section - 490 in the current chapter.</p> <p>The new section is revised for better organization and clarity.</p>
<p>20-34 20-463 20-470 20-480</p>	<p>21-580</p>	<p>Section -470 of the current chapter establishes requirements for recordkeeping and provision of records to the Board for training providers.</p> <p>The section provides that a training manager must notify the Board no less than 48 hours prior to the start date of any accredited training program.</p> <p>The training manager must provide an updated notification when a training program will begin on a date other than the start date in the original notification.</p> <ul style="list-style-type: none"> • If the program is going to start earlier than the date in the original notification, an updated notification must be received by the Board at least 48 hours prior to the new start date. • If the program is going to start later than the date in the original notification, an updated notification must be received by the Board at least 48 hours prior to the start date provided to the Board. <p>The training manager must update the Board of any change in the location of a training program at least 48</p>	<p>“Recordkeeping and provision of records to the board.”</p> <p>The provisions of section -470 in the current chapter will carry over to the new regulation. Provisions currently in sections -34, -463, and -480 of the current chapter pertaining to required recordkeeping for training providers are relocated to this new section.</p> <p>These provisions are being reorganized to provide clarity and revised.</p> <p>These provisions are revised to provide that the training provider, rather than the training manager specifically, comply with the notification requirements in the section.</p> <p>The requirement for electronic submission of notifications and participant lists is revised to provide that these submissions be in a format established by the Board.</p> <p>The requirements for notification of changes to training dates are revised to provide that the training provider must notify the Board no less than 48 hours prior to the new start date if the training program will begin on a date other than the start date specified in the original notification.</p> <p>The provisions for notifications and participant lists are revised to remove the requirement that these submissions include the training manager name and signature. These requirements are not necessary.</p>

		<p>hours prior to the start date provided to the Board.</p> <p>The training manager must update the Board regarding an training program cancellations or other change to the original notification at least 48 hours prior to the start date provided to the Board. However, this requirement does not apply to situations or circumstances beyond the control of the training provider.</p> <p>Notifications to the Board, including updates, must include:</p> <ul style="list-style-type: none"> • Notification type (original, update, cancellation). • Training program name, address, telephone number, and Virginia accreditation number. • Course discipline (e.g. worker, supervisor), type (initial or refresher), and the language of instruction. • Dates and times of training. • Training locations, telephone number, and address. • Principal instructor name. • Training manager name and signature. <p>The training provider must keep a training program participant list of all individuals attending the training program. The participant list must contain:</p> <ul style="list-style-type: none"> • Training program name, address, telephone number, and Virginia accreditation number. • Course discipline and type. • Dates of training. 	<p>Provisions regarding the maintenance of training program letters of approval are revised to provide that these letters must be maintained at the location of training, rather than the business address listed on the approval letter. This change will permit inspection of the record at the location where training is provided.</p> <p>Provisions regarding retention of examinations are revised to provide that all examinations completed by training program participants, regardless of examination score, must be kept for a period of three (3) years after the examination date. This change is made to clarify the current requirement.</p>
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	<ul style="list-style-type: none"> • Location of training program presentation • Each participant's name, address, social security number, course completion certificate number, and course test score. • Principal instructor name. • Training manager name and signature. <p>The training program participant list must be completed by the training program principal instructor and training program participants daily.</p> <p>The training provider must retain the training program participant list for three (3) years following the date of completion of the training program.</p> <p>The training manager must provide the participant list to the Board no later than 10 business days following completion of the training program.</p> <p>Notifications and participant lists must be submitted electronically in the manner established by the Board to receive this documentation using a sample form designed and available from the Board. Any variation of this procedure must be approved by the Board prior to submission.</p> <p>The training provider must retain all examinations completed by training program participants for a period of three (3) years.</p> <p>DPOR will not recognize training certificates from approved providers that fail to notify or fail to provide a</p>	
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		<p>training program participant list.</p> <p>Section -34 of the current chapter provides for the maintenance of training program approval letters and records.</p> <p>Section -480 of the current chapter provides for the record retention requirement for training program outlines and syllabi.</p> <p>Section -463 of the current chapter provides for a requirement for a training provider to maintain records at the physical location of the training provider.</p>	
20-463	21-590	<p>Section -463 of the current chapter establishes the requirement that training providers allow access by DPOR to attend, evaluate, and monitor any accredited training program.</p> <p>The section provides that all records are required to be available for review by DPOR representatives and that prior notice of attendance by DPOR representatives is not required.</p>	<p>“Access by the department.”</p> <p>The provisions of the current section will carry over to the new regulation. However, the records access provisions are revised to provide that DPOR will be given access to all course materials, principal instructor and training manager rosters, participant rosters, and other records as stipulated by the regulation.</p>
20-464	21-600	<p>Section -464 of the current chapter establishes the Board’s authority to withdraw approval of an accredited asbestos training program.</p> <p>The section provides that the Board may withdraw approval of an accredited training program for the following reasons:</p> <ul style="list-style-type: none"> • The school, instructors, or training programs no longer meet the standards established in the regulation. 	<p>“Withdrawal of approval of an accredited asbestos training program.”</p> <p>The provisions in the current section will carry over to the new regulation. There are no changes made to the provisions contained in the current chapter.</p>

		<ul style="list-style-type: none"> • The Board determines that the provider is not conducting the training in a manner that meets the requirements established in the regulation. • Suspension or revocation of training approval in another state or by the EPA. <p>The section further provides that decisions regarding withdrawal of approval must be made by the Board in accordance with the provisions of the APA.</p>	
N/A	21-9999	N/A – No current requirements.	<p>This new section incorporates the following documents by reference:</p> <ul style="list-style-type: none"> • EPA 600/R-93/116 Method of Determination of Bulk Asbestos. • NIOSH method 9002. • NIOSH method 7400. • NIOSH method 7402.