

Office of Regulatory Management
Economic Review Form

Agency name	Virginia Board for Asbestos, Lead, and Home Inspectors
Virginia Administrative Code (VAC) Chapter citation(s)	(18VAC15-20) 18VAC15-21
VAC Chapter title(s)	Virginia Asbestos Licensing Regulations
Action title	2023 General Review
Date this document prepared	December 4, 2024
Regulatory Stage (including Issuance of Guidance Documents)	Proposed (Action 6177 / Stage 10603)

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>This action proposes to repeal the existing regulation (18VAC15-20) and replace it with a new chapter (18VAC15-21). Replacing the existing regulation allows the Board to better ensure the regulation is organized, clear, understandable, complements current Virginia law and meets applicable federal requirements, and provides minimal burdens on regulants, while still protecting the public.</p> <p>Minimum education qualifications have been added for Asbestos Supervisor and Asbestos Project Monitor applicants so that they must have a high school diploma or equivalent. Further, experience qualifications have been added so that an Asbestos Supervisor must have three months of experience in their field.</p> <p>This action ties the qualifications for an Asbestos Contractor license to the applicant’s Contractor license with an Asbestos specialty issued by the Board for Contractors so that the license issued by the Virginia Board for Asbestos, Lead, and Home Inspectors will parallel their Contractor license in terms of qualifications and renewal. Applicants and licensees will no longer have to pay an application or renewal fee to the Virginia Board for Asbestos, Lead, and Home Inspectors to maintain an Asbestos Contractor license. Fees paid for initial licensure and license renewal may be considered transfer payments.</p> <p>The regulatory change also 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.</p> <p>Direct Costs:</p> <ul style="list-style-type: none"> • Under new provisions, those without a high school diploma or equivalent will not meet minimum qualifications to become an Asbestos Supervisor or an Asbestos Project Monitor. <ul style="list-style-type: none"> ○ The cost of a GED in Virginia is \$144 as of 2024. ○ About 9% of Virginians do not have a high school diploma or GED. ○ There are an average of 275 asbestos supervisor license applications approved every year. ○ There are an average of 50 asbestos project monitor license applications approved every year. ○ Assuming that the population of asbestos supervisor and asbestos project monitor applicants is reflective of the general Virginia population, 9% of this population would be an estimated 29 (325 x .09) individuals per year who would be affected by this change. ○ The cost for the possible applicant population without a high school diploma or equivalent would be estimated at
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	<p>\$4,176 (29 individuals x \$144 cost of GED) to obtain a GED for licensure.</p> <ul style="list-style-type: none"> • Firms will no longer have to pay application or renewal fees to obtain or renew an Asbestos Contractor license. All applicants for an Asbestos Contractor license will be required to have the Contractor license with an Asbestos specialty. <ul style="list-style-type: none"> ○ The current Asbestos Contractor initial application fee is \$110 <ul style="list-style-type: none"> ▪ From 2020-2023 there were 103 applications for an Asbestos Contractor license. On average, this would be 35 (103/3 years) applications per year. ▪ The agency will see a loss of about \$3,850 (\$110 x 35 applications) per year in application fees. ○ The current Asbestos Contractor renewal fee is \$70 <ul style="list-style-type: none"> ▪ From 2020-2023 there were 676 Asbestos Contractor renewals. On average, this would be 226 (676/ 3 years) renewals per year. ▪ The agency will see a loss in about \$15,820 (\$70 x 226 renewals) per year in renewal fees. <p>Indirect Costs: There are no anticipated monetizable indirect costs associated with the regulatory change.</p> <p>Direct Benefits:</p> <ul style="list-style-type: none"> • Applicants for an Asbestos Contractor license no longer have to pay application or renewal fees to obtain an Asbestos Contractor license. All applicants for an Asbestos Contractor license were previously required to have the Contractor license with an Asbestos specialty. <ul style="list-style-type: none"> ○ The current Asbestos Contractor initial application fee is \$110 <ul style="list-style-type: none"> ▪ From 2020-2023 there were 103 applications for an Asbestos Contractor license. On average, this would be 35 (103/3 years) applications per year. ▪ The Asbestos Contractor applicant population will save around \$3,850 (110 x 35 applications) per year in application fees. ○ The current Asbestos Contractor renewal fee is \$70 <ul style="list-style-type: none"> ▪ From 2020-2023 there were 676 Asbestos Contractor renewals. On average, this would be 226 (676/ 3 years) renewals per year. ▪ The Asbestos Contractor population will save \$15,820 (70 x 226 renewals) per year in renewal fees. <p>Indirect Benefits: There are no anticipated monetizable indirect benefits</p>
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	associated with the change.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$112,484 (over five years)	(b) \$92,785 (over five years)
(3) Net Monetized Benefit	-\$19,699 (over five years)	
(4) Other Costs & Benefits (Non-Monetized)	<p>Benefits:</p> <ul style="list-style-type: none"> • Experience requirements for several types of asbestos licenses have been reduced, allowing individuals to enter the profession sooner. The Board may see an increase in applicants, resulting in an increased regulant population and increased revenue to the Board. It is difficult to predict the number by which applications might increase, thus making it difficult to estimate additional revenue. • Asbestos Contractor applications may be processed 2-3 business days faster as they no longer contain fees which must be processed through the finance section of the agency. • Asbestos Contractor license applicants may also experience some administrative cost savings related to the streamlined licensure and renewal process. • Enhanced protection of the public health, safety, and welfare as a result of new minimum education requirement for Asbestos Supervisors and Asbestos Project Monitor licenses and new experience requirement for Asbestos Supervisor licenses. • The new regulation is restructured and better organized to provide clarity and remove provisions that are overly burdensome and otherwise unnecessary to protect the public health, safety, and welfare. <p>Costs:</p> <ul style="list-style-type: none"> • Applicants for Asbestos Supervisor and Asbestos Project Monitor licenses who will need to meet the new education requirement may experience time costs associated with meeting the requirement to have a high school diploma or equivalent. • Applicants for Asbestos Supervisor licenses may experience a short term loss in potential wages as a result of the minimum work experience requirement. 	
(5) Information Sources	<p>Cost of GED:</p> <p>https://study.com/academy/popular/how-much-does-it-cost-to-get-a-ged.html?msocid=15bdd5c1ae44665837b3c0ecafc3674b</p>	

	Agency staff
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Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no new monetizable direct costs associated with maintaining the status quo.</p> <p>Indirect Costs: There are no new monetizable indirect costs associated with maintaining the status quo.</p> <p>Direct Benefits: There are no direct benefits associated with maintaining the status quo.</p> <p>Indirect Benefits: There are no indirect benefits associated with maintaining the status quo.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	There are no new non-monetizable costs or benefits associated with maintaining the status quo.	
(5) Information Sources	N/A	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	Refer to Box #4	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	

(4) Other Costs & Benefits (Non-Monetized)	No less intrusive alternative approaches were identified in the development of this action.
(5) Information Sources	N/A

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no anticipated monetizable direct costs associated with the regulatory change.</p> <p>Indirect Costs: There are no anticipated monetizable indirect costs associated with the regulatory change.</p> <p>Direct Benefits: There are no anticipated monetizable direct benefits associated with the regulatory change.</p> <p>Indirect Benefits: There are no anticipated monetizable indirect benefits associated with the regulatory change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	There are no anticipated non-monetizable costs or benefits association with the regulatory change.	
(4) Assistance	N/A	
(5) Information Sources	N/A	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no anticipated monetizable direct costs associated with the regulatory change.</p> <p>Indirect Costs: There are no anticipated monetizable indirect costs associated with the regulatory change.</p> <p>Direct Benefits: There are no anticipated monetizable direct benefits associated with the regulatory change.</p> <p>Indirect Benefits: There are no anticipated monetizable indirect benefits associated with the regulatory change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Information Sources	N/A	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no anticipated monetizable direct costs associated with the regulatory change.</p> <p>Indirect Costs: There are no anticipated monetizable indirect costs associated with the regulatory change.</p> <p>Direct Benefits: There are no anticipated monetizable direct benefits associated with the regulatory change.</p> <p>Indirect Benefits: There are no anticipated monetizable indirect benefits associated with the regulatory change.</p>	
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	<p>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.</p> <p>The costs and benefits association with this regulatory change are identified in Table 1(a). To the extent regulated parties fall within the meaning of “small business” this action would impact small businesses.</p>	
(4) Alternatives	Refer to Table 1(c).	
(5) Information Sources	Agency staff	

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*1	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
15-20	(M/A):	4	0	4	-4
	(D/A):	23	0	23	-23
	(M/R):	431	0	431	-431
	(D/R):	710 ²	0	710	-710
15-21	(M/A):	0	7	0	+7
	(D/A):	0	17	0	+17
	(M/R):	0	406	0	+406
	(D/R):	0	567	0	+567
Grand Total of Changes in Requirements:					(M/A): +3 (D/A): -6 (M/R): -25 (D/R): -143

1 – Reflects total requirements in the regulation. The existing VAC chapter is being repealed and replaced.

2 – The initial D/R count for the baseline of this chapter should be 710. Section 18VAC15-20-860 has 101 D/R requirements.

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
20-52 20-53 21-180 21-190	Asbestos contractors must pay fees for initial licensure	Initial asbestos contractor license application: \$110	Initial asbestos contractor license application: \$0	Asbestos contractors would experience a 100% reduction in

	<p>and renewal of licenses, including a late renewal fee for licenses expired more than 30 days.</p> <p>The proposed regulation would eliminate the requirement for asbestos contractors to pay these fees as the issuing and renewal of asbestos contractor licenses will be tied to the concurrent contractor license issued to the asbestos contractor by the Board for Contractors.</p>	<p>Renewal of asbestos contractor license: \$70</p> <p>Late renewal of asbestos contractor license: \$90</p>	<p>Renewal of asbestos contractor license: \$0</p> <p>Late renewal of asbestos contractor license: \$0</p>	<p>fees for initial licensure and renewal of licenses.</p> <p>This cost savings applies to one D/R requirement in 18VAC15-21-20, and one D/R requirement in 18VAC15-21-210.</p>
<p>20-32 21-60 21-100</p>	<p>An applicant for an asbestos supervisor or asbestos project monitor license must have a high school diploma or equivalent.</p> <p>Currently, no minimum education is required to qualify for these licenses.</p>	<p>There current cost is \$0 as there is no minimum education requirement.</p>	<p>Applicants who do not already meet the minimum education requirement would be required to obtain an equivalent credential, such as a GED.</p> <p>The current cost of a GED is \$144.</p>	<p>Applicants for an asbestos supervisor license or asbestos project monitor license who do not have the minimum required education will have a 100% increase in the cost to meet the requirement.</p> <p>This change applies to one D/R requirement in 18VAC15-21-60</p>

				and one D/R requirement in 18VAC15-21-100.
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Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
20-32 20-33 21-30 21-150	<p>Criminal history disclosure provisions are revised to reduce the “look back” period for prior misdemeanor convictions that must be reported on a license application. Applicants will be required to disclose all misdemeanor convictions (other than marijuana convictions and convictions involving environmental remediation activity) that occurred within three (3) years prior to application.</p> <p>Currently, applicants for licensure must disclose all misdemeanor convictions involving lying, cheating, or stealing in their lifetime.</p>	<p>This change is estimated to reduce the stringency of the current criminal history disclosure requirement by 50%.</p> <p>The change applies to one D/R requirement in 18VAC15-21-30 and one D/R requirement in 18VAC15-21-150.</p>
20-32 20-33 21-30 21-150	<p>Criminal history disclosure provisions are revised to required applicants to disclose all misdemeanor convictions (other than marijuana convictions and convictions involving environmental remediation activity).</p> <p>Currently, applicants for licensure must disclose all misdemeanor convictions involving lying, cheating, or stealing in their lifetime.</p>	<p>The change will marginally increase the stringency of the current requirement. The change should be offset by the reduction of the “look back” period for misdemeanor convictions.</p> <p>The change applies to one D/R requirement in 18VAC15-21-30 and one D/R requirement in 18VAC15-21-150.</p>
20-32	The experience requirements	This change reduces the

<p>21-70</p>	<p>for an asbestos inspector are reduced as follows:</p> <ul style="list-style-type: none"> • 24 months to 12 months for an individual with high school diploma or equivalent. • 12 months to six (6) months for an individual with an associates' degree. • Six (6) months to three (3) months for an individual with a master or bachelor's degree. 	<p>stringency of the current experience requirement by 50%.</p> <p>This change applies to one D/R requirement in 18VAC15-21-70.</p>
<p>20-32 21-80</p>	<p>The experience requirements for an asbestos management planner are reduced as follows:</p> <ul style="list-style-type: none"> • 24 months to 12 months for an individual with high school diploma or equivalent. • 12 months to six (6) months for an individual with an associates' degree. • Six (6) months to three (3) months for an individual with a master or bachelor's degree. 	<p>This change reduces the stringency of the current experience requirement by 50%.</p> <p>This change applies to one D/R requirement in 18VAC15-21-80.</p>
<p>20-32 21-90</p>	<p>The experience requirements for an asbestos project designer are reduced as follows:</p> <ul style="list-style-type: none"> • 24 months to 12 months for an individual with high school diploma or equivalent. • 12 months to six (6) months for an individual with an associates' degree. • Six (6) months to three 	<p>This change reduces the stringency of the current experience requirement by 50%.</p> <p>This change applies to one D/R requirement in 18VAC15-21-90.</p>

	(3) months for an individual with a master or bachelor's degree.	
20-32 21-100	The experience requirement for an asbestos project monitor is reduced from 160 hours of experience to 80 hours of experience.	This change reduces the stringency of the current experience requirement by 50%. This change applies to one D/R requirement in 18VAC15-21-100.
20-32 21-100	The experience requirement for an asbestos project monitor is changed to require that 40 of the required 80 hours of experience in asbestos project monitoring be from OSHA Class I asbestos activities and the other 40 hours be from Class II asbestos activities.	This change marginally increases the stringency of the current experience requirement. The change should be offset by the reduction in the overall experience requirement. This change applies to one D/R requirement in 18VAC15-21-100.
20-440 21-390	The timeframe for a regulant to report a disciplinary action taken by another jurisdiction against an asbestos abatement license or asbestos training program accreditation is increased from 10 days to 30 days.	This change reduces the stringency of the current requirement by 200%. This change applies to one D/R requirement in 18VAC15-21-390.
20-450 21-390	The prohibited act addressing refusal to allow state and federal representative access to an abatement project site for purpose of conducting lawful compliance inspections is revised to prohibit refusing access an abatement site, analytical laboratory, or training facility for the purpose of compliance inspections or audits.	The change marginally increases the stringency of the current requirement. However, the change is intended to better ensure protection of the public welfare. This change applies to one D/R requirement in 18VAC15-21-390.

<p>20-20 20-453 21-10 21-400</p>	<p>The definition of the term “financial interest” is revised to increase from \$1,000 to \$2,000 the threshold value required to establish financial interest.</p> <p>This change will reduce the burden of conflict of interest rules for asbestos contractors. Asbestos contractors are prohibited from:</p> <ul style="list-style-type: none"> • Having a financial interest in the asbestos analytical laboratory that it uses to perform asbestos sample analysis. • Having a financial interest in the firm that employs the project monitor that provides monitoring services for the contractor. • Entering into a contract to perform an asbestos project if the asbestos inspection or project design was performed by individuals who have a financial interest in the contractor (unless certain disclosures are provided to the owner of the building that is the subject of the asbestos abatement project.) 	<p>The change in the definition of “financial interest” reduces the stringency of conflict of interest rules by 100%.</p> <p>This change applies to three D/R requirements in 18VAC15-21-400.</p>

<p>20-459.4 21-410</p>	<p>The timeframe for an asbestos analytical laboratory to report (i) a change of 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 from 10 days to 30 days.</p>	<p>This change reduces the stringency of the current requirement by 200%.</p> <p>This change applies to four D/R requirements in 18VAC15-21-410.</p>
<p>20-461 21-570</p>	<p>A reporting requirement for asbestos training programs is revised to require that the training provider report any change in the information provided to the Board as part of the application for approval of the training program. Currently, a training provider must report substantial changes to the training program curriculum, examination, program materials, principal instructors, and certificate of completion.</p>	<p>This change marginally increases the stringency of the current requirement.</p> <p>This change applies to one D/R requirement in 18VAC15-21-270.</p>

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count
N/A	N/A	N/A	N/A

*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).