



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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**18 VAC 15-30 – Virginia Lead-Based Paint Activities Regulations**  
**Department of Professional and Occupational Regulation**  
September 27, 2013

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### **Summary of the Proposed Amendments to Regulation**

These regulations contain procedures and requirements for the accreditation of lead-based paint activities training programs and providers, procedures and requirements for the licensure of individuals and firms engaged in lead-based paint activities in target housing and child-occupied facilities, and standards for performing such activities. The Board for Asbestos, Lead, and Home Inspectors (Board) proposes to allow a licensee or an accredited lead training provider to renew a license or accreditation up to twelve months after the expiration of the license or accreditation without reapplying as a new applicant. The Board also proposes to require only one unique number for certificates of completion issued at the conclusion of training programs by accredited lead training providers.

### **Result of Analysis**

The benefits likely exceed the costs for all proposed changes.

### **Estimated Economic Impact**

#### **Late renewal**

Under the current regulations, “Any licensee or accredited lead training provider who fails to renew his license or accredited lead training program approval within six months after the expiration date on the license or approval shall not be permitted to renew and shall apply as a new applicant.” Licensees who seek to renew late, but not more than six months late, are required to pay the renewal fee (\$25 or \$40, depending on license) and late renewal fee (\$25), and submit a copy of a current refresher training course certificate or take another initial training course if their most recent training has been expired for more than three months. Licensees who

are more than six months late must apply as a new applicant, pay the application fee (\$25 or \$40, depending on license), if applicable retake the exam (fee up to \$75), submit verification of their experience (if applicable), and submit copies of their initial training course and all subsequent refresher training course certificates or take another initial training course if their most recent training has been expired for more than three months.

The Board proposes to change the “six months” to “twelve months;” licensees who are between six and 12 months late must apply as a new applicant under the current regulations, but would qualify to renew late under the proposed regulations. These individuals could save time, effort and other administrative costs associated with submitting documentation, as well as the time and effort preparing and retaking the licensure exam (for those licenses that have an exam). In net, those seeking renewal of a license that has an associated exam would also save about \$50 in fees.<sup>1</sup> Licensees who are between six and 12 months late and whose license does not require an exam would actually pay \$25 more in fees with the proposed change,<sup>2</sup> but would still save the time, effort and other administrative costs associated with submitting documentation.

Unlike for licensure, the application fees for lead training provider accreditation are more than \$25 higher than the renewal fees. Thus the proposal to change the “six months” to “twelve months” will reduce net fees for accredited lead training providers who are between six and twelve months late in seeking to renew accreditation.<sup>3</sup>

### **Certificates of completion**

Accredited lead training programs must issue unique course completion certificates to each individual who successfully completes the course requirements. Under the current regulations, the course completion certificate must include the following:

1. A unique certificate number.
2. The name, a unique identification number, and address of the individual.
3. The name of the particular course that the individual completed.

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<sup>1</sup> The regulations state that the “The examination shall not exceed a cost of \$75 to the candidate.” Those renewing late (not applying as a new applicant) pay a \$25 late fee. The application fees and the renewal fees are the same. Thus, renewing late rather than applying as a new applicant saves about \$50 in fees.

<sup>2</sup> The only fee paid by new applicants for licenses that do not have an associated exam is the application fee. The application fees and the renewal fees are the same. Those renewing late pay a \$25 late fee.

<sup>3</sup> The application fee for accredited lead training program approval is \$400 per day of training, while the renewal fee is \$100 and the late fee is \$25.

4. Dates of course completion/test passage.
5. Expiration date. Training certificates shall expire three years from the date of course completion. If the accredited lead training program offers a proficiency test, the training certificates shall expire five years from the date of course completion.
6. Name, address, and telephone number of the training provider.
7. Name and signature of the training manager and principal instructor.

The Board proposes to remove the requirement for certificates of completion to contain a unique identification number for the course participant. The requirement for two different unique numbers (the certificate number and the identification number) is more stringent than federal regulations (40 CFR Part 745) and therefore unenforceable. This proposed change will remove a small burden for accredited lead training programs and will not have any negative impact on public safety. Thus it will create a small net benefit.

### **Businesses and Entities Affected**

The proposed amendments potentially affect the 21 accredited lead training providers and the 896 individuals licensed as a lead abatement worker, lead abatement supervisor, lead inspector, lead risk assessor, lead project designer, or lead abatement contractor in the Commonwealth.

### **Localities Particularly Affected**

The proposed amendments do not disproportionately affect particular localities.

### **Projected Impact on Employment**

The proposal amendments are unlikely to significantly affect employment.

### **Effects on the Use and Value of Private Property**

The proposed amendments will moderately reduce costs for some lead-based paint activities training programs and providers and some individuals licensed to work in the industry.

### **Small Businesses: Costs and Other Effects**

The proposed amendment will moderately reduce costs for some small lead-based paint activities training programs and providers.

## **Small Businesses: Alternative Method that Minimizes Adverse Impact**

The proposed amendments do not adversely affect small businesses.

## **Real Estate Development Costs**

The proposed amendments may modestly reduce costs for the development of properties that require lead abatement.

## **Legal Mandate**

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, a determination of the public benefit, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.