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Proposed Regulation
Agency Background Document

Agency name	Board for Professional Soil Scientists, Wetland Professionals, and Geologists
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC145-40
VAC Chapter title(s)	Regulations for the Geology Certification Program
Action title	HB 1835 Amendment - Geology Transition from Certification to Licensure
Date this document prepared	July 20, 2026

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 amendments to Chapter 40 of the Board for Professional Soil Scientists, Wetland Professionals, and Geologists ("the Board") regulations are proposed pursuant to HB 1835 (2025 Acts of Assembly, Chapter 722). HB 1835 transitioned the voluntary certification program for geologists into a mandatory licensure program administered by the Board. This action proposes a permanent replacement regulation to an existing emergency regulation effective April 1, 2026.

The existing regulation provides for (i) entry qualifications for certification as a certified professional geologist; (ii) renewal and reinstatement of certifications; and (iii) standards of practice and conduct for certified geologists.

The proposed amendment to the regulation replaces all references to "certification" in the current regulation with language reflecting "licensure." All regulatory requirements for licensure remain substantively the same as the voluntary certification program. The action also removes language that may permit the Board to refuse a license or certification based on "ethical character" in order to comply with a recent statutory change that prohibits regulatory boards from using "vague or arbitrary terms" to refuse an occupational or professional license, certification, or registration.

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.

"DPOR" means Department of Professional and Occupational Regulation.

"GIT" means "Geologist-in-Training."

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."

Chapter 722 of the 2025 Acts of Assembly (HB1835) provides, in part:

> 2. That the Board for Professional Soil Scientists, Wetland Professionals, and Geologists shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

The General Assembly's mandate requires a rulemaking action to transition from voluntary certification to mandatory licensure.

The emergency regulation required by the legislation became effective on April 1, 2026, and will expire on September 30, 2027. This action proposes a permanent replacement regulation in accordance with § 2.2-4011(C) of the Administrative Process Act.

In addition to the mandate, Chapter 505 (SB 826) of the 2025 Acts of Assembly, approved on March 25, 2025, prohibits the use of "vague or arbitrary terms" by a regulatory board within DPOR when refusing a person a license, certificate, or registration to practice, pursue, or engage in any regulated occupation or profession. Such terms include "good moral character" and "moral turpitude." The amendments to statute became effective on July 1, 2025.

Provisions in the current regulation that might permit the Board to refuse a license or certification based on "ethical character" will be removed from the regulation.

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 Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

Section 54.1-201 of the Code of Virginia provides, 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. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1 300 et seq.) of this title.

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.

This change is mandated by Chapter 722 of the 2025 Acts of Assembly (HB 1835).

The General Assembly has charged the Board with the responsibility for regulating those who practice or offer to practice as a professional geologist or in a geological specialty by requiring that such individuals obtain a license.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation (i) the minimum qualifications of applicants for certification or licensure, provided that all qualifications are necessary to ensure either competence or integrity to engage in the profession or occupation; (ii) minimum standards to assure continued competency and to prevent deceptive or misleading practices by practitioners; and (iii) requirements to effectively administer the regulatory system administered by the Board.

The transition from a voluntary certification to a mandatory licensure program for professional geologists strengthens the protection of the health, safety, and welfare of the public by requiring all individuals who practice geology in Virginia to meet the education, examination, and experience requirements established by the Board.

The goal of this change is to ensure that the regulations conform with statute.

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.

The amendments replace all references to "certification" in the current regulations with language reflecting "licensure." All regulatory requirements for licensure remain substantively the same as the voluntary certification program, though licensure is now statutorily required to practice geology in Virginia. As the change from certification to licensure took effect on July 1, 2025, the Board, in practice, is already administering the geology licensure program.

The amendments incorporate additional statutory definitions by reference and remove language that may permit the Board to refuse a license or certification based on "ethical character." Technical and stylistic changes are made throughout.

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 Board has been administering the geologist licensure program since July 1, 2025, to comply with the mandatory licensure requirement for geologists established in statute. Any impact associated with mandatory licensure for geologists can be attributed to the legislative change and is not the direct result of the proposed regulatory amendments.

1) The primary advantage to the public is that all practicing geologists are required to meet the minimum education, examination, and experience requirements established by the Board to further protect public health, safety, and welfare.
2) The primary advantage to the agency may be an undeterminable increase in revenue from the additional applications submitted by previously uncertified individuals and future geologists. In return, the agency will face the administrative and time disadvantage of processing said applications. Since July 1, 2025, Board staff has not noticed any significant impact.

There are no other pertinent matters of interest to the regulated community or government officials. There are no identifiable disadvantages to the public or the Commonwealth.

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.

There are no applicable federal requirements.

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 will be particularly affected by the regulatory change.

Localities Particularly Affected

No localities will be particularly affected by the regulatory change.

Other Entities Particularly Affected

No other entities will be 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.

The Board has been administering the geologist licensure program since July 1, 2025, to comply with the mandatory licensure requirement for geologists established in statute. Any impact associated with mandatory licensure for geologists can be attributed to the legislative change and is not the direct result of the proposed regulatory amendments.

Impact on State Agencies

For your agency: projected costs, savings, fees, or revenues resulting from the regulatory change, including: 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.	There is no anticipated additional impact to DPOR resulting from the proposed regulatory change. The Board began implementation of this licensure program starting July 1, 2025, after transitioning from a voluntary certification program due to the change in statute.
For other state agencies: projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	There are no anticipated impacts to other state agencies resulting from the proposed regulatory change.
For all agencies: Benefits the regulatory change is designed to produce.	The regulatory change is not anticipated to produce any additional benefits for DPOR or other state agencies. The Board began implementation of this licensure program starting July 1, 2025, after transitioning from a voluntary certification program due to the change in statute.

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 impacts to localities regulation from the regulatory change.
Benefits the regulatory change is designed to produce.	The regulatory change is not anticipated to produce any benefits for localities.

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.	The regulatory change impacts geologists who were previously certified by the Board and have been grandfathered into licensure, as well as new applicants for licensure, since both parties must comply with the regulatory changes. As the requirements for licensure remain substantively the same as the requirements for certification, and the Board has been administering the licensure program since July 1, 2025, any impact of this change has most likely occurred since July 1, 2025. Board staff has not noticed any significant economic impact because of this change.
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: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million.	The change will affect an estimated 916 licensed professional geologists and an unknown number of unlicensed individuals who may need to apply for licensure because of the change. This change may be attributed to the legislative mandate, effective July 1, 2025, and not necessarily the regulatory change. Any major impact of this change has most likely occurred since July 1, 2025. Board staff has not noticed any significant economic impact because of this change. Professional geologist licenses are issued to individuals, and not to business entities. However, many licensed professional geologists are likely owners or employees of business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia. The number of professional geologists who are owners or employees of small businesses is unknown.
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: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;	The regulatory change is not anticipated to result in any additional costs to individuals, businesses, or other entities. The Board began implementation of this licensure program starting July 1, 2025, after transitioning from a voluntary certification program due to the change in statute.

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.	Since July 1, 2025, Board staff have not noticed any significant economic impact as a result of this change.
Benefits the regulatory change is designed to produce.	The regulatory change is not designed to produce any additional benefits. The Board began implementation of this licensure program starting July 1, 2025, after transitioning from a voluntary certification program due to the change in statute.

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.

There are no alternatives to the regulatory action; it is mandated by Chapter 722 of the 2025 Acts of the Assembly.

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.

Professional geologist licenses are issued to individuals, and not to business entities. However, many licensed professional geologists are likely owners or employees of business entities that meet the definition of "small business" 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, standards to ensure continued competency, and requirements for the provision of waterworks and wastewater works services by licensees.

These proposed amendments do not pose an unreasonable administrative or financial burden. The enabling statutes establishing the licensing programs covered by this regulation provide no exemption for small businesses; therefore, there are no such exemptions contained in the proposed change.

This change was mandated by the General Assembly; the amendments impose the least amount of burden necessary to align the regulation with statute.

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 the 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 a 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.

There were no public comments received during the public comment period following the publication of the previous stage.

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 for Professional Soil Scientists, Wetland Professionals, and Geologists 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

Kate Nosbisch
Executive Director
9960 Mayland Drive
Perimeter Center, Suite 400
Richmond, VA 23233

psswpg@dpor.virginia.gov
(866) 465-6206 (fax)

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.

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 "Regulations for the Geology Certification Program."	The title is changed to replace the word "certification" with "licensure" to reflect the statutory change. This change is made to implement the new licensure program. The existing chapter now applies to the geology licensure program, which is current Board practice.
40-10	N/A	This section provides for definitions that are necessary to make the regulation clear and understandable. The section also incorporates by reference terms defined in Chapter 22 of Title 54.1 of the Code of Virginia.	Subsection A provides for definitions of terms that are incorporated by reference § 54.1-2200 of the Code of Virginia. Subsection B provides definitions for other terms used in the regulation. The definitions for "department" and "geological mapping" are incorporated by reference into subsection A. Because of this change, the definitions of "department" and "geological mapping" are removed from subsection B. The definitions are incorporated for clarity purposes, as they are already defined in § 54.1-2200 of the Code of Virginia. There is no likely impact as a result of this change. References to "certified" professional geologists are replaced with "licensed"

			professional geologists. This change is made to implement the new licensure program. The existing provisions now apply to the geology licensure program, which is current Board practice.
40-20	N/A	This section provides for all Board fees associated with the geology certification program. The section establishes (i) the fee for a certification application; (ii) the fee for certification renewal; (iii) the fee for a Geologist-in-Training application; (iv) that the fees for examination and reexamination are subject to contracted charges with a DPOR vendor; (v) the late renewal fee; and (vi) the reinstatement fee.	Uses of the term "certification" are replaced with "licensure" as a result of the statutory change. This change is made to implement the new licensure program. The existing provisions now apply to the geology licensure program, which is current Board practice. The section remains the same, otherwise.
40-30	N/A	This section provides for the expiration and renewal of certificates. The section establishes that (i) certificates expire on August 31 of the odd-numbered year following the date of issuance; (ii) certificate holders will be notified of the renewal fee and renewal procedure before expiration; (iii) there is a penalty fee for late renewals after 30 days of the certificate expiration; (iv) the certificate holder must still renew the certificate regardless of failure to receive the notice; and (v) the date in which fees are received by the agency will be used to determine if they are late.	The catchline of the section is amended to replace "certificate holders" with "licenses," and to make a clarifying correction. All references to "certificate(s)" and "certificate holders" within the section are replaced with "license(s)" and "licensees," respectively. These changes are made to implement the new licensure program. The existing provisions now apply to the geology licensure program, which is current Board practice. The section remains the same, otherwise.
40-40	N/A	This section provides for the certificate reinstatement provisions. The section establishes that certificates not renewed within six (6) months after	All references to a "certificate holder" and a "certificate" are replaced with "licensee" and "license," respectively. This change is made to implement the new licensure program. The existing provisions now apply to the geology licensure program, which is current Board practice.

		their expiration will require reinstatement and further explains that the Board may also require requalification or reexamination, or both.	A stylistic change is made, though the section remains substantively the same.
40-50	N/A	This section provides for provisions related to the status of certificates during the period prior to reinstatement. The section establishes that (i) reinstated certificates continue to have the same certification number and will expire on August 31 of the odd-numbered year after reinstatement; (ii) certificate holders remain under the disciplinary authority of the Board during the period prior to reinstatement; and (iii) certificates which are neither renewed or reinstated will be regarded as expired from the expiration date.	The catchline of the section is amended to replace “certification” with “license.” All references to “certification(s)” are replaced with the appropriate language related to “licensure.” These changes are made to implement the new licensure program. The existing provisions now apply to the geology licensure program, which is current Board practice. Minor stylistic changes are made throughout, though the section remains substantively the same.
40-60	N/A	This section provides for the use of a seal by a certified professional geologist. The section establishes (i) what kind of documents the seal may be applied to; (ii) that seal imprints on final documents must be signed; (iii) that the application of the seal and signature indicates responsibility of the work enclosed; (iv) that the seal must be two inches in diameter and match the design depicted in the regulations; and (v) that the number on the seal is the last four digits of the certificate number. The section includes an illustration of the seal design.	The use of the words “certified” and “certificate” are replaced with “licensed” and “license,” respectively. This change is made to implement the new licensure program. The existing provisions now apply to licensed professional geologists, which is current Board practice. The seal design is replaced with a new seal design that no longer contains the word “Certified.” This change provides professional geologists with a seal that reflects current practice. Geologists will now seal as a “Professional Geologist” instead of a “Certified Professional Geologist.” The section remains the same, otherwise.
40-70	N/A	This section provides for the qualifications for certification, in addition to the provisions	The catchline of the section is amended to replace “certification” with “licensure.”

		of § 54.1-2208.2 of the Code of Virginia. The section establishes that applicants must apply on Board-provided forms. The section further establishes that the applicant be of ethical character, which is further explained as (i) having not been convicted of a non-marijuana misdemeanor in the last 10 years or ever convicted of a felony that would render the applicant unfit for the occupation; (ii) having not committed an act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, negligence, or incompetence related to the proposed area of practice within 10 years prior to application or the area of practice related to licensure, certification, or registration by the Board while under the authority of the Board; (iii) having not engaged in fraud or misrepresentation in connection with the application or exam; (iv) having not had a license, certification, or registration revoked, suspended, or disciplined by the Commonwealth or any other jurisdiction, or surrendered said credential in lieu of disciplinary action; (v) having not practiced without the proper credential in the Commonwealth or another jurisdiction within five years preceding the application. The section also establishes that the applicant must have at least seven (7) years of geological work, three (3) of which must have been under the supervision of a qualified geologist or experience in responsible charge of	All references to "certification" and "certified" professional geologists are replaced with "licensure" and "licensed" professional geologists, respectively. These changes are made to implement the new licensure program. The existing provisions now apply to the geology licensure program, which is current Board practice." The requirement that applicants must "be of ethical character" is removed. The section is revised to provide that applicants must meet the requirements currently in the section to meet the ethical character standard (e.g. not having been convicted of certain crimes, or been subject to disciplinary action). This change is made to comply with Chapter 505 (SB 826) of the 2025 Acts o Assembly, which prohibits "vague or arbitrary terms," such as "ethical character" from being used by a regulatory board to refuse a person a license, certification, or registration to practice, pursue, or engage in any regulated occupation or profession. The existing requirements of the current "ethical character" standard remain unchanged, and there is no likely impact as a result of this change in language. The change removes the ability for the Board to refuse a license due to failure to meet an ethical character requirement, while still protecting the public welfare. Minor stylistic changes are made throughout the section.

		geological work. The work must include one of several areas detailed in the regulation. The section further explains that applicants who hold degrees not listed in § 54.12208.2 B 2 of the Code of Virginia must provide written documentation that the courses are equivalent science courses. Finally, the section establishes that a year of fulltime employment consists of a 32-hour work week minimum and that partial credit may be awarded if the applicant works as a geologist part-time.	
40-85	N/A	This section provides the qualifications for the GIT designation. The section establishes that to obtain a GIT designation, one must (i) be of ethical character, as established in section -70; (ii) have passed a Board-approved Fundamentals of Geology exam; and (iii) hold a baccalaureate or high degree from an accredited college or university and have completed 30 semester hours in geosciences, 12 of which must be in four of the disciplines listed. The section also establishes that applicants who qualified to sit for the Board-approved exam under 18VAC145-4083 A 3 or A 4 and passed must provide an official college transcript demonstrating completion of the degree program. Finally, the section establishes that the GIT designation remains valid	All references to “certification” and “certified” professional geologists are replaced with “licensure” and “licensed” professional geologists, respectively. This change is made to implement the new licensure program. The existing provisions now apply to the geology licensure program, which is current Board practice. The provision stipulating applicants must “Be of ethical character in accordance with the provisions of ” section -70 is amended to read, “Meet the requirements of” subdivision A 2 in section -70. This change is made to comply with Chapter 505 (SB 826) which prohibits “vague or arbitrary terms,” such as “ethical character” from being used by a regulatory board to refuse a person a license, certification, or registration to practice, pursue, or engage in a regulated occupation or profession. As revised, applicants for a GIT designation will still be required to meet existing requirements of the current “ethical character” standard. There is no likely impact as a result of this change in language. The section remains the same, otherwise.

		until the individual meets all certification requirements as certified professional geologist.	
40-90	N/A	This section provides for disclosure requirements for certified professional geologists. The section establishes (i) that a geologist may not submit false statements or fail to disclose any facts requested concerning an application for certification; (ii) that geologists may not engage in fraud, deceit, or misrepresentation in advertising, soliciting, or providing services; (iii) that geologists may not sign, stamp, or seal any documents not prepared or reviewed by the certificate holder; and (iv) that geologists must disclose any monetary, financial, or beneficial interest they have in any contract or entity providing goods or nonprofessional services to a project or engagement to all parties.	The words "certified," "certification," and "certificate" are replaced with "licensed," "licensure," and "license," respectively. These changes are made to implement the new licensure program. The existing provisions now apply to licensed professional geologists, which is current Board practice. The section remains the same, otherwise.
40-100	N/A	This section provides the provision regarding address and name changes. The section establishes that certified professional geologists and geologists-in-training must notify the Board in writing within 30 days of an address or name change.	The use of "certified" professional geologist is replaced with "licensed" professional geologist. This change is made to implement the new licensure program. The existing provisions now apply to the geology licensure program, which is current Board practice. The section remains the same, otherwise.
40-110	N/A	This section provides for provisions regarding compliance with other laws. The section establishes that certified professional geologists (i) must comply with all relevant laws and codes, ordinances, or regulations pertaining to the	The use of "certified" professional geologist is replaced with "licensed" professional geologist. This change is made to implement the new licensure program. The existing provisions now apply to licensed professional geologists, which is current Board practice. Minor, stylistic changes are made throughout, though the section remains substantively the same.

		practice of geology; (ii) must not violate any state or federal criminal statute related to their professional practice; (iii) must notify the client, employer, or regulatory agency if their judgement is overruled or not followed in circumstances of serious threat to the public health, safety, and welfare; and (iv) give written notice to and cooperate with the Board and DPOR to furnish any information or assistance needed about another geologist who may be violating Chapter 22 of the Code of Virginia, or the regulations.	
40-120	N/A	This section provides for conflict of interest standards for geologists in Virginia. The section establishes that a certified geologist will not (i) accept work on projects when a duty to the client or public would conflict with the geologist's personal interest, or the interest of another client unless they disclose all facts of the conflict to each client related to the project or engagement; (ii) accept compensation for services related to the same project or engagement from more than one party without making disclosure to all parties involved; or (iii) solicit or accept gratuities from contractors, their agents, or other parties dealing with a client or employer in connection with work which the regulant is responsible.	The use of "certified" professional geologist is replaced with "licensed" professional geologist. This change is made to implement the new licensure program. The existing provisions now apply to licensed professional geologists, which is current Board practice. The section remains the same, otherwise.
40-130	N/A	This section provides for standards of competence for assignments by certified professional geologists. The section establishes that certified professional	The use of "certified" professional geologist is replaced with "licensed" professional geologist. This change is made to implement the new licensure program. The existing provisions now apply to licensed professional geologists, which is current Board practice.

		geologists (i) are required to exercise reasonable care when rendering professional services and apply the knowledge and skills regularly applied by geologists; (ii) must not accept assignments or engagements in which they are not competent to perform; and (iii) the geologist may accept assignments outside of their field of competence if their services are restricted to only what they are qualified for and all other phases are performed by qualified individuals.	Minor, stylistic changes are made throughout, though the section remains substantively the same.
40-9998	N/A	This section contains forms used to administer the program.	The forms section of the regulation is revised to replace the outdated initial certification/reinstatement application form with the initial license/reinstatement application form that is currently used to administer the licensure program.

*If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.*

*If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.*

Table 3: Changes to the Emergency Regulation

Emergency chapter-section number	New chapter-section number, if applicable	Current emergency requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage
40-60	N/A	This section provides for the use of a seal by a professional geologist. The section establishes (i) what kind of documents the seal may be applied to; (ii) that seal imprints on final documents must be signed; (iii) that the application of the seal and signature indicates responsibility of the work enclosed; (iv) that	The seal design is replaced with a new seal design that no longer contains the word “Certified.” This change provides professional geologists with a seal that reflects current practice. Geologists will now sign and seal as a “Professional Geologist” instead of a “Certified Professional Geologist.” No other changes are made to the emergency provisions.

		the seal must be two inches in diameter and match the design depicted in the regulations; and (v) that the number on the seal is the last four digits of the license number. The section includes an illustration of the seal design.	
40-9998	N/A	N/A	The existing forms section of the regulation is revised to replace the outdated initial certification/reinstatement application form with the initial license/reinstatement application form that is currently used to administer the licensure program.