



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

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**18 VAC 155-20 – Board of Waste Management Facility Operators Regulations**  
**Department of Professional and Occupational Regulation**  
January 23, 2014

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

The Board of Waste Management Facility Operators (Board) proposes to amend its regulations to: 1) simplify regulatory language and eliminate language that is duplicative of the Code of Virginia or Board agreements, 2) explicitly state that applicants for licensure must follow the rules of facilities where they take their licensure exams, 3) eliminate the application fee for training course approval, 4) eliminate the requirement that applicants for licensure who have failed the written examination twice recomplete all initial training and 5) eliminate the requirement that applicants for initial licensure must have successfully completed either high school or a college degree program or have received a generalized equivalency diploma (GED).

### **Result of Analysis**

Benefits likely exceed costs for all proposed regulatory changes.

### **Estimated Economic Impact**

Current regulations contain text that is duplicative of the Code of Virginia or that may be duplicative of, or conflict with, other Board material such as license reciprocity agreements signed with other states. The Board proposes to eliminate regulatory text that falls into these categories. Affected entities are unlikely to incur costs on account of clarifying changes such as these. These changes are likely to benefit regulated entities as they will likely eliminate confusion that may arise when regulatory text conflicts with other pertinent documents.

Current regulations are silent on acceptable behavior for licensee applicants at independent testing facilities. Board staff reports, however, that testing facilities have had issues with individuals attempting to cheat and individuals who have threatened test proctors. To

address concerns for such behavior, the Board proposes to add regulatory language that reminds potential licensees that they must follow the rules of the testing facility as a condition of licensure. No applicant for licensure is likely to incur costs on account of this change as they have to follow the rules of the testing facility they use anyway or risk not successfully completing their exam. Some applicants may benefit, however, from the additional reminder that bad behavior at a testing facility may adversely impact their chances to gain licensure.

Currently, potential training course providers must pay a \$125 application fee and present their curricula to the Board for approval. The Board now proposes to eliminate the \$125 application fee as unnecessary. Board staff reports that only very rarely does the Board get such an application but any entities that do want to newly provide Board approved training in the future will benefit from the elimination of this fee.

Current regulations require that individuals who are applying for initial licensure “provide proof of high school or college graduation, or of having a General Equivalency Diploma (GED)” and also require that individuals who have twice taken, but failed to pass, the licensure examination to retake their basic training course (Board staff reports that this training takes eight hours and costs approximately \$1,350). The Board proposes to eliminate both of these requirements as they are likely unnecessary since the licensure examination indicates who has the knowledge to be licensed regardless of degrees or diplomas held and irrespective of how individuals choose to remediate in the face of a failed examination.

No entity is likely to incur costs on account of these changes. Elimination of the diploma/degree requirement is likely to slightly increase the pool of individuals who are likely to be able to achieve licensure but is unlikely to increase the number of entities working as waste management facility operators since licensed individuals are in every case employed by localities or private owners of waste management facilities. Entities who wish to become licensed will benefit from elimination of both of these requirements as the both represent an unnecessarily burdensome barrier to completing licensure requirements.

## **Businesses and Entities Affected**

The Department of Professional and Occupational Regulation (DPOR) reports that the Board currently licenses approximately 675 waste management facility operators. All of these

individuals, as well as others who might someday seek to be licensed, will be affected by these proposed regulations.

### **Localities Particularly Affected**

No locality will be particularly affected by this proposed regulatory action.

### **Projected Impact on Employment**

This regulatory action is unlikely to affect employment in the Commonwealth.

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

These proposed regulations are unlikely to significantly affect the use and value of private property.

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

No small business in the Commonwealth is likely to incur costs on account of this regulatory action.

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

No small business in the Commonwealth is likely to incur costs on account of this regulatory action.

### **Real Estate Development Costs**

This regulatory action is unlikely to affect real estate development costs.

### **Legal Mandate**

**General:** The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 14 (2010). Section 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to:

- the projected number of businesses or other entities to whom the proposed 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.

**Small Businesses:** If the proposed regulation will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

AMH

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