



Periodic Review / Retain Regulation Agency Background Document

Agency name	Board for Asbestos, Lead, Mold, and Home Inspectors
Virginia Administrative Code (VAC) citation	18 VAC 15-20
Regulation title	Virginia Board for Asbestos, Lead, Mold, and Home Inspectors Asbestos Licensing Regulations
Document preparation date	November 21, 2011

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Code of Virginia § 54.1-501 gives authority to the Board for Asbestos, Lead, Mold, and Home Inspectors (Board) to promulgate regulations.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No viable alternatives for achieving the purpose of the existing regulation could be determined. The regulation enables the Board to fulfill the statutory requirements established in Chapter 5 of Title 54.1 of the *Code of Virginia*. Further, the regulation is necessary to ensure that the Board's statutory requirements are executed in the least burdensome, most efficient and cost effective manner possible while protecting the health, safety, and welfare of the citizens of Virginia.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Alan Neumann, Indoor Ecology Associates	States the Asbestos Licensing Regulations should remain in effect essentially as they are written. Cites danger to workers and their immediate family members resulting from worker asbestos exposure. The cost of medical treatment and the cost of litigation associated with asbestos-related disease far outweigh the economic burden to an employer, building owner or school administrator.	The Board agrees with Dr. Neumann's comment and will keep the current regulations in effect.
Brian Donohue, Laborers-Employers Cooperation and Educational Trust	States that a number of individuals are not receiving proper asbestos training from Virginia approved training providers. He mentions the danger from asbestos hazards that can result and asks the Board to address this problem immediately	A mechanism already exists to address allegations of improper or inadequate training provided by Virginia approved training providers. That mechanism is to report the allegations to the DPOR Compliance and Investigations Division (CID). Allegations founded in fact will be matured to the Board for appropriate disciplinary action. The Board hopes that Mr. Donohue will report the approved training providers to DPOR's CID.

An informal advisory group was not formed for purposes of assisting in the period review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation meets the criteria set forth in Executive Order 14 (2010). The regulation establishes the minimum education, examination and experience requirements to become a Virginia licensed asbestos worker, supervisor, inspector, management planner, project designer and project monitor. The regulation is clearly written and understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (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, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

Section 54.1-501 mandates the Board to promulgate regulations and standards for the training and licensing of asbestos workers, supervisors, inspectors, management planners, project designers and project monitors. Therefore, the continued need for the regulation is established in statute. The regulation is necessary to protect public health, safety and welfare and ensure that individuals licensed as asbestos workers, supervisors, inspectors, management planners, project designers and project monitors have met minimum competencies. No complaints and only two comments were received during the public comment period. One comment was in support of the regulation and a mechanism is already in place to address the concern in the second comment received. Therefore, there does not appear to be a reason to amend or repeal the regulation. The regulation is clearly written and easily understandable. The regulation does not overlap, duplicate or conflict with federal or state law or regulation. The most recent periodic review of the regulation occurred in 2008 and resulted in amendments to the asbestos contractor responsibilities section and established project monitor responsibilities. The Board discussed and, for the reasons stated in this section, determined that the regulation should not be amended or repealed, but should be retained in their current form.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

No impact on the institution of the family and family stability has been identified.