

VOSH PROGRAM DIRECTIVE: 13-010A

ISSUED: 01 July 2017

SUBJECT: Memorandum of Understanding between the Department of Labor and Industry (DOLI) and the Department of Professional and Occupational Regulation (DPOR)

Purpose This Directive transmits to field personnel the updated Memorandum of Understanding between the Department of Labor and Industry and the Department of Professional and Occupational Regulation (DPOR) to establish a frame work for the flow of information resulting from on-site asbestos and lead-based paint abatement inspections as mandated by Title 40.1, Chapter 3.2 of the Code of Virginia. There are no changes.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope This directive applies to all VOSH personnel.

Reference None.

Cancellation VOSH Program Directive 13-010 (15 September 2008)

Effective Date 01 July 2017

Action Directors and Managers shall ensure that field personnel understand and adhere to the Memorandum of Understanding included in this Directive.

Expiration Date Not Applicable.

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers

VOSH Compliance & Cooperative Programs Staffs
Legal Support and OIS Staffs
OSHA Region III and Norfolk Area Offices

Attachment: Memorandum of Understanding between the Department of Labor and Industry and the Department of Professional and Occupational Regulation (15 October 2014)

ORIGINAL

MEMORANDUM OF UNDERSTANDING

BETWEEN

DEPARTMENT OF LABOR AND INDUSTRY

AND

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

This Memorandum of Understanding ("Memorandum") is made by and between the Department of Professional and Occupational Regulation and the Department of Labor and Industry (referred to collectively as the "Parties").

I. PURPOSE

To enumerate the responsibilities of the Department of Labor and Industry (DOLI) and the Department of Professional and Occupational Regulation (DPOR) as related to meeting the requirements of Title 40.1, Chapter 3.2 of the Code of Virginia regarding asbestos and lead notification provisions and on-site inspections of asbestos and lead abatement projects. This process is intended to establish a framework for the flow of information resulting from on-site asbestos and lead-based paint abatement inspections and facilitate enforcement activities as required by the United States Environmental Protection Agency (EPA) and as mandated by the Code of Virginia.

II. PROCEDURES

Each of the Parties agrees to follow the procedures outlined below and to fulfill its responsibilities in accordance with the procedures. Any circumstance that interferes with either Party's ability to follow the procedures shall be immediately communicated to the other Party.

A. DEPARTMENT OF LABOR AND INDUSTRY RESPONSIBILITIES

1. DOLI will provide DPOR with a copy of the lead abatement and renovation notification within five (5) business days of receipt by DOLI.
2. DOLI will provide DPOR with notification and supporting documentation of any alleged violation of the Board for Asbestos, Lead, and Home Inspectors

regulations governing asbestos and lead abatement activities upon completion of the inspection report.

3. DOLI will provide DPOR with copies of Virginia Occupational Safety and Health (VOSH) citations upon request by DPOR, and will also provide DPOR with the status of compliance of specific VOSH citations upon request.
4. DOLI will advise DPOR of any alleged violation(s) of EPA regulations and referral(s) to the Department of Environmental Quality regarding potential regulatory violations upon referral.
5. DOLI will notify DPOR if it discovers any unlicensed activity by a firm or individual as a result of an on-site inspection.

B. DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION RESPONSIBILITIES

1. DPOR will provide licensing status and information to DOLI upon request.
2. DPOR will provide to DOLI the results of final disciplinary action taken as a result of an investigation.

III. CONTACT PERSONS

The contact persons for each of the Parties are:

Department of Professional and Occupational Regulation

Trisha L. Henshaw
Executive Director
Trisha.henshaw@dpor.virginia.gov
(804) 367-0389

Tom Perry
Board Administrator
Tom.perry@dpor.virginia.gov
(804) 367-2567

Department of Labor and Industry

Ron Graham
Occupational Health Compliance Director
Graham.Ronald@dol.gov
(804) 786-0574

IV. AMENDMENTS AND TERMINATION

This Memorandum of Understanding may be amended by mutual written agreement of the Parties. Either party may terminate this Memorandum by giving 30 days written notice to the other party.

V. SIGNATURES

The Memorandum of Understanding will enter into force upon signature by the Parties.

Department of Professional
and Occupational Regulation

Jay W. DeBoer
Signature

JAY W. DEBOER
Printed Name

Director
Title

10/3/2014
Date

Department of Labor and Industry

C. Ray Davenport
Signature

C. Ray Davenport
Printed Name

Commissioner
Title

10/15/2014
Date