

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS,
WETLAND PROFESSIONALS and GEOLOGISTS MEETING
(PSSWPG)**

**Wednesday, June 3, 2026 – 10:00 a.m.
2nd Floor – Board Room 2**

**Department of Professional and Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233**

Mission: Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses enforcing standards of professional conduct for professions and occupations as designated by statute.

I. CALL TO ORDER

- a. Emergency Evacuation Procedures
- b. Determination of Quorum

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- a. PSSWPG Board Meeting, March 9, 2026

IV. PUBLIC COMMENT PERIOD

FIVE MINUTE PUBLIC COMMENT, PER PERSON

V. EDUCATION

- a. Examination Updates
 - i. Examination Statistics (Overall)

VI. NEW BUSINESS

- a. Executive Director's Update
- b. Regulatory Update
 - i. HB 1254 Amendment (Exempt)
 - ii. HB 1289 Amendments (NOIRA)
 - iii. HB 1835 Amendment (Proposed)
- c. Finance Monthly Statement
- d. Communication from VAPSS

VII. OTHER BUSINESS

- a. Soil Scientists Update
- b. Wetland Professionals Update
- c. Geologists Update
 - i. ASBOG Spring Meeting
- d. Licensed Population

VIII. COMPLETE CONFLICT OF INTEREST FORM AND TRAVEL VOUCHER

IX. ADJOURNMENT

NEXT MEETING SCHEDULED FOR **WEDNESDAY, SEPTEMBER 30, 2026**

- ❖ Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.
- ❖ Five-minute public comment, per person, with the exception of any open disciplinary or application file.
- ❖ Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-2785 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position.
DRAFT AGENDA

BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND PROFESSIONALS
and GEOLOGISTS MEETING MINUTES

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on March 9, 2026, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Members present for all or part of the meeting:

Citizens

Steven Yob

Geologists

Matt Heller

Shannon Lukens

Soil Scientists

Jay Conta

Alexis Jones

Richard Michniak

Wetland Delineators

Justin Brown

Emily Drahos

Emily Salkind

Members absent from the meeting with regrets:

Citizens

Cayman Lowe

Geologists

Ernest Beasley

John Pollard

Staff present for all or part of the meeting were:

Laura McClintock, Director

Steve Kirschner, LRPD Director

Kate Nosbisch, Executive Director

Dayon Jones, Administrative Coordinator

Ecila Williams, Licensing Operations Administrator

Kyle Mathews, Regulatory Operations Administrator

Joe Haughwout, Regulatory Affairs Manager

Jennifer Sayegh, Policy & Legislative Affairs Manager

Josh Laws, Assistant Attorney General, was present from the office of the Attorney General.

Jackson Dyer, BPOR Liaison, was present from the Board of Professional and Occupational Regulation.

Greg Emerson, Executive Director - Examinations, was not present at the meeting with regrets.

Members of the audience:

Robin Bedenbaugh, *Virginia Association of Wetland Professionals*

Thaddeus Kraska, *Virginia Association of Wetland Professionals*

Elijah Wright, *Virginia Association of Wetland Professionals*

Mr. Brown, Chair, called the meeting to order at 10:00 a.m.

Call to Order

Mr. Brown and Ms. Nosbisch advised the Board of the emergency evacuation procedures.

Emergency Evacuation

Ms. Jones moved to approve the agenda with the addition of Board Member Training as Item VI. Mr. Heller seconded the motion, which was unanimously approved by members: Brown, Conta, Drahos, Heller, Jones, Lukens, Michniak, Salkind and Yob.

Approval of Agenda

Ms. Lukens moved to approve the PSSWPG Board Meeting, December 2, 2025. Ms. Jones seconded the motion, which was unanimously approved by members: Brown, Conta, Drahos, Heller, Jones, Lukens, Michniak, Salkind and Yob.

Approval of Minutes

Ms. Nosbisch welcomed and introduced Ms. Laura McClintock as the new Director, Ms. Jessica Looman as the new Secretary of Labor, Ms. Emily Salkind as the new Wetland Delineator Board Member, Mr. Jackson Dyer as the new Board for Professional and Occupation Regulation (BPOR) Liaison Member and Mr. Kyle Mathews as the new Regulatory Operations Administrator. Board members, DPOR staff, and Counsel introduced themselves.

Welcome and Introductions

Thaddeus Kraska addressed the Board regarding a February 2, 2026, briefing memorandum. He requested clarification on the Board's determinations related to comparable scope of practice in Minnesota, Wisconsin, and New Hampshire, and sought greater transparency regarding the Universal License Recognition (ULR) process, including certifications issued and eligibility procedures.

Public Comment Period

Elijah Wright addressed the board in support of the issues raised by the Virginia Association of Wetland Professionals. He emphasized the importance of clarity and consistency in scope-of-practice determinations under the Universal License Recognition process and encouraged the Board to consider the benefits of remote participation policies for Board members.

Robin Bedenbaugh addressed the Board regarding concerns related to wetland delineation work and certification practices. He referenced an example involving delineation work performed by an individual certified through the Universal License Recognition process and urged the Board to maintain consistent professional standards and certification requirements.

The Board received and reviewed an email from Thaddeus Kraska, Virginia Association of Wetland Professionals, dated February 2, 2026, for informational purposes.

Communication

Ms. Nosbisch provided an update for informational purposes.

**Examinations
Update**

Ms. Nosbisch stated the Executive Director Report was provided for informational purposes.

**Executive Director
Report**

Mr. Mathews provided an update on the ongoing General Regulatory Review, noting that the review process remains in progress and that comments received during the review period will be evaluated as part of the regulatory development process. Mr. Mathews also discussed the status of legislative amendments associated with House Bill 1835, which relates to geology licensure requirements and implementation of the regulatory framework for professional geologists in Virginia. Additionally, the Board reviewed proposed revisions to Guidance Document 6029.

Regulatory Update

Ms. Jones moved to approve the amendment to Guidance Document 6029 as presented. Ms. Drahos seconded the motion, which was unanimously approved by members: Brown, Conta, Drahos, Heller, Jones, Lukens, Michniak, Salkind and Yob.

Ms. Sayegh provided a comprehensive legislative update regarding several bills affecting DPOR and the professions regulated by the Board. The update included legislation related to revisions to fee adjustment procedures for regulatory boards, expanded authority for boards to address minor disciplinary matters, and changes to quorum requirements for certain regulatory boards. Ms. Sayegh also discussed technical and administrative statutory updates affecting regulated professions, clarification of licensure requirements and exemptions related to geologists, and legislation impacting the definition of professional services and continuing education requirements. Ms. Sayegh noted that several of the bills discussed had passed both chambers of the General Assembly and were awaiting action by the Governor. Board members discussed the potential impacts of the legislation, including considerations related to quorum requirements and board governance.

**General Assembly
Update**

Mr. Kirschner presented to the Board an example policy governing remote participation by Board members in accordance with Freedom of Information Act (FOIA) requirements. Mr. Kirschner explained that regulatory boards may adopt policies allowing limited remote participation under specific circumstances; however, a physical quorum must still be present to conduct official business. Board members discussed the potential benefits and limitations of adopting such a policy, including considerations related to available technology, public access to meetings, and compliance with FOIA requirements. No action was taken, and Mr. Kirschner advised that a draft policy could be prepared for the Board's consideration at a future meeting if the Board wishes to pursue adoption.

**Remote Meeting
Attendance by
Board Members
Policy**

Ms. Nosbisch presented information to the Board regarding prior determinations on whether certain states have a scope of practice comparable to Virginia for purposes of Universal License Recognition. The discussion focused on clarifying language recorded on October 16, 2025, meeting minutes.

**Clarification of
ULR License
Scope of Practice
from October 16,
2025**

Ms. Drahos moved that the Board separate and clarify the Universal License Recognition determinations from October 16, 2025, meeting minutes so that the actions stand independently in the record. Ms. Jones seconded the motion, which was unanimously approved by members: Brown, Conta, Drahos, Heller, Jones, Lukens, Michniak, Salkind and Yob.

Determination from October 16, 2025, were as follows:

The Board determined that Wisconsin does not have a scope of practice substantially similar to Virginia for purposes of Universal License Recognition.

The Board determined that Minnesota does not have a scope of practice substantially similar to Virginia for purposes of Universal License Recognition.

The Board determined that New Hampshire has a scope of practice substantially similar to Virginia for purposes of Universal License Recognition.

Ms. Jones moved that the Board confirm that Wisconsin and Minnesota do not have a scope of practice substantially similar to Virginia and that New Hampshire does have a scope of practice substantially similar to Virginia for purposes of Universal License Recognition. Ms. Drahos seconded the motion, which was unanimously approved by members: Brown, Conta, Drahos, Heller, Jones, Lukens, Michniak, Salkind and Yob.

Ms. Nosbisch shared correspondence from the Department of Environmental Quality regarding wastewater inspection requirements. The information was provided for awareness and informational purposes.

**DEQ -
Clarification
Regarding
Inspection
Requirements for
Wastewater**

Ms. Nosbisch and Ms. Jones provided an update regarding ongoing discussions with the Soil Science Society of America (SSSA) concerning examination performance and potential revisions to the soil science examination. The update included discussion of possible collaboration with professional organizations, current examination development practices, and future evaluation of licensing requirements. The Board discussed monitoring examination outcomes and continuing engagement with relevant professional organizations.

**Soil Scientists
Update**

Ms. Nobsch updated the Board that the Board's prior decision to pursue outsourcing options for the Wetland Professional examination. Ms. Nobsch reported she is working with the exam section to prepare a Request for Proposals (RFP) to go out to bid.

**Wetland
Professionals
Update**

Ms. Nobsch shared the Association of State Boards of Geology (ASBOG) Spring Workshop would be held in Branson, MO in April 9-11, 2026. Staff provided an update regarding the development and administration of the national geology examination and ongoing collaboration with professional organizations responsible for examination content, review, and maintenance.

Geologists Update

Mr. Brown informed the board of the licensee counts as of January 1, 2026:
Soil Scientists – 75; Wetland Delineators – 152; Geologists – 901.

**License and
Certified
Population**

Ms. Nobsch conducted election of officers. Ms. Lukens moved to nominate Ms. Jones as Chair. Mr. Brown seconded. As there were no other nominations from the floor, nominations were closed and the nomination of Ms. Jones was unanimously approved by: Brown, Conta, Drahos, Heller, Jones, Lukens, Michniak, Salkind and Yob.

Election of Officers

Mr. Heller moved to nominate Ms. Lukens to Vice Chair. Mr. Yob seconded. As there were no other nominations from the floor, nominations were closed and the nomination of Mr. Lukens was unanimously approved by: Brown, Conta, Drahos, Heller, Jones, Lukens, Michniak, Salkind and Yob.

The newly elected officers will assume their positions effective July 1, 2026.

The Board recessed from 11:30 a.m. to 11:45 p.m.

Recess

Mr. Laws departed the meeting at 11:48 a.m.

**Departure of
Assistant Attorney
General**

Ms. Jones departed the meeting at 11:53 a.m.

**Departure of
Board Member**

Board members participated in training covering regulatory board responsibilities, conflict-of-interest requirements, public meeting procedures, disciplinary processes, and other governance requirements under Virginia law. The training was provided to ensure Board members understand their duties and responsibilities as members of a public regulatory body.

**Board Member
Training**

Conflict of Interest forms and travel vouchers were completed by all board members present.

**Conflict of Interest
Forms/Travel
Vouchers**

There being no further business, the meeting was adjourned at 12:27 p.m.

Adjourn

Justin T. Brown, Chair

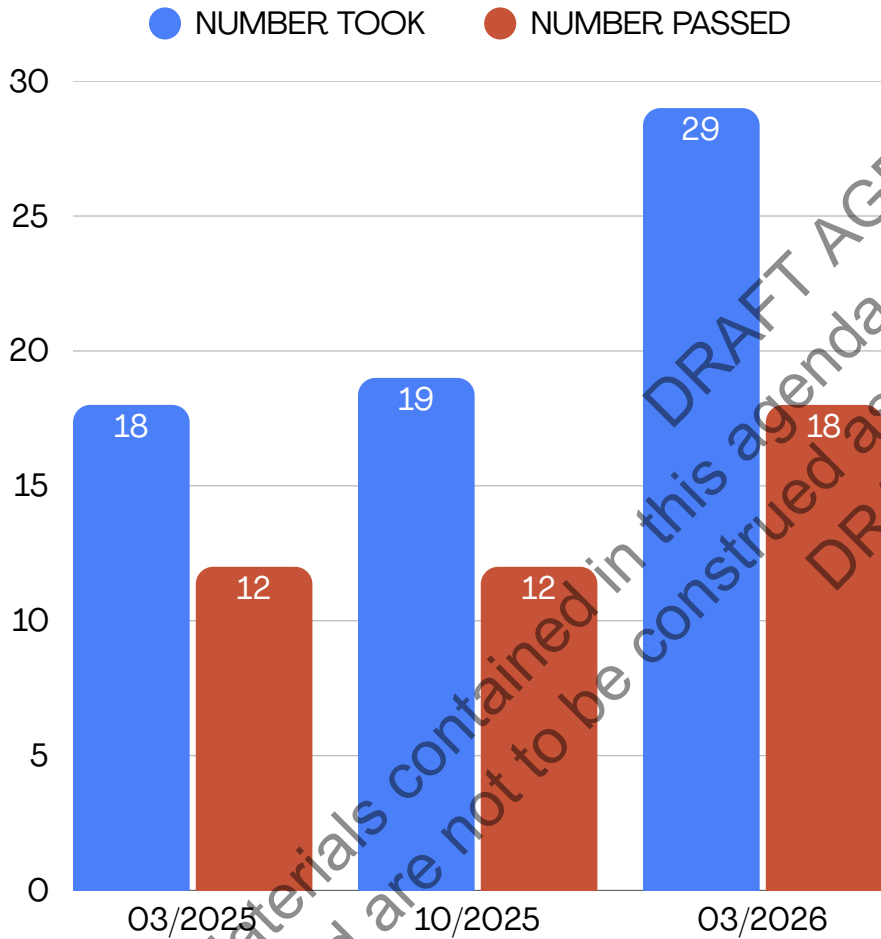
Laura V. McClintock, Secretary

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PSSWPG Statistics

FUNDAMENTAL OF GEOLOGY STATISTICS REPORT

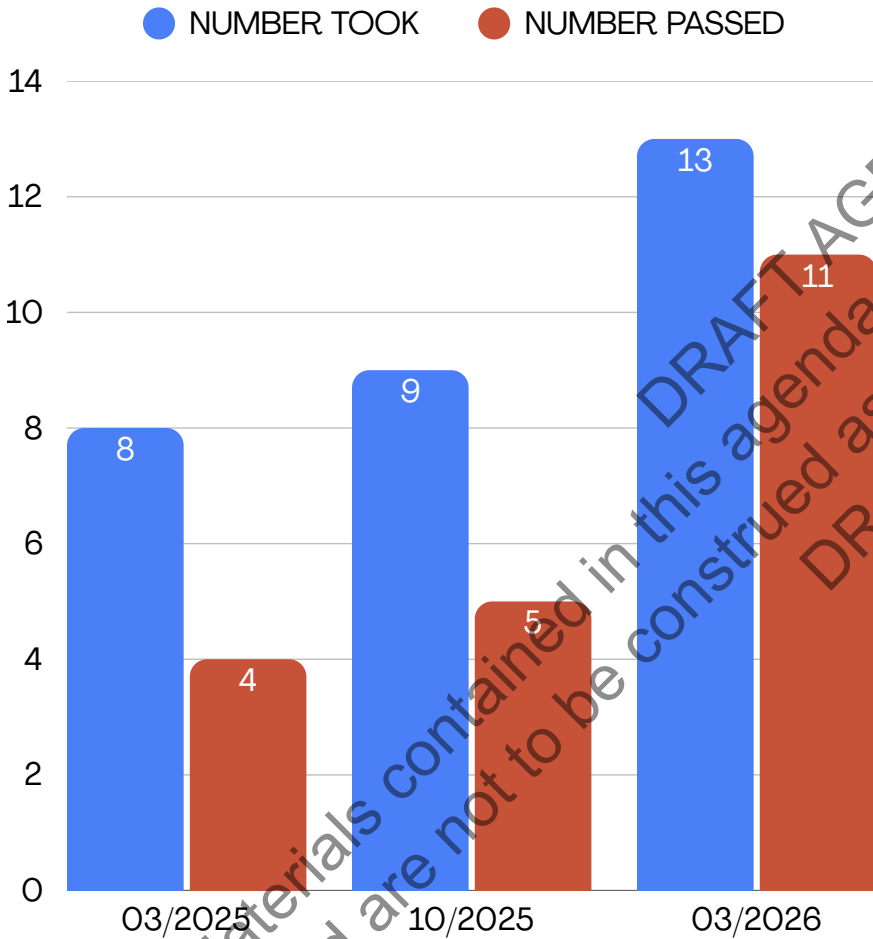


MONTH / YEAR	NUMBER TOOK	NUMBER PASSED	PASS %
03/2025	18	12	66.66%
10/2025	19	12	63.15%
03/2026	29	18	62.06%



PSSWPG Statistics

PRACTICE OF GEOLOGY STATISTICS REPORT

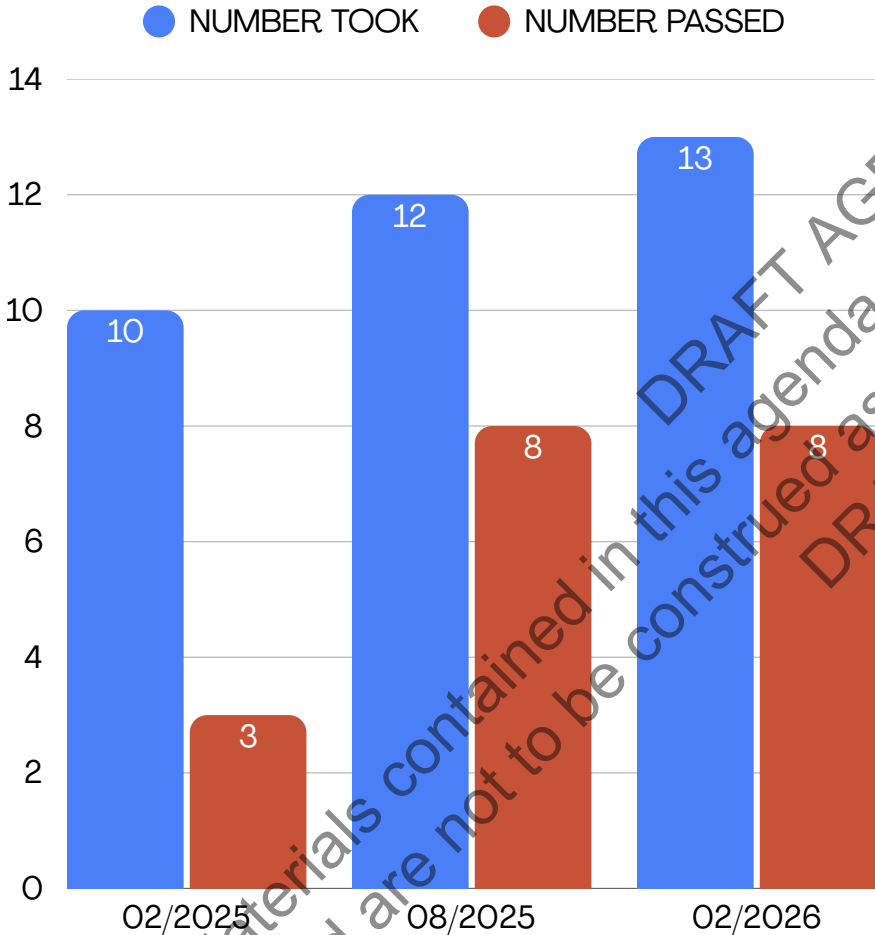


MONTH /YEAR	NUMBER TOOK	NUMBER PASSED	PASS %
03/2025	8	4	50.00%
10/2025	9	5	55.55%
03/2026	13	11	84.61%



PSSWPG Statistics

PROFESSIONAL WETLANDS DELINEATOR STATISTICS REPORT

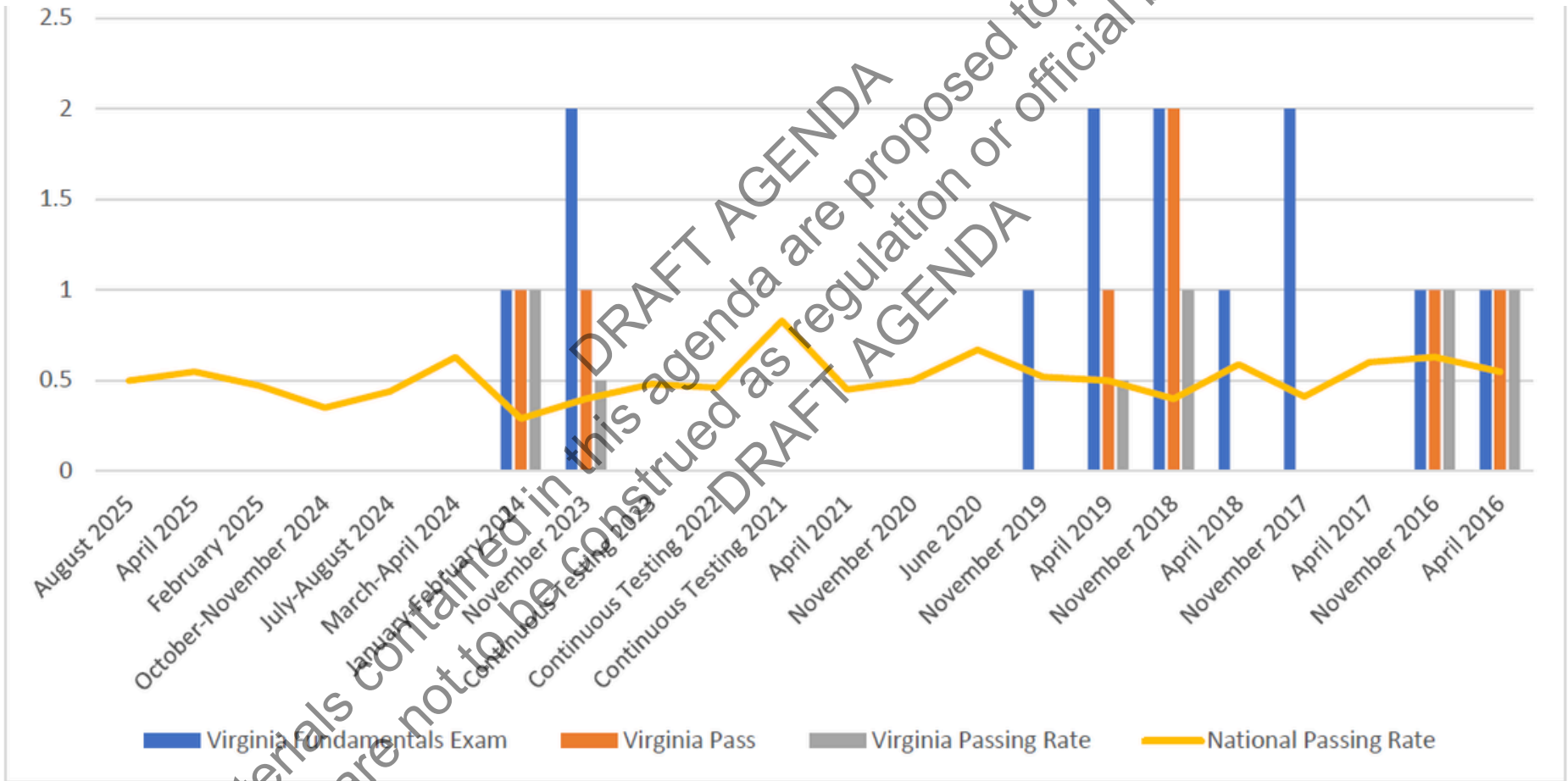


MONTH / YEAR	NUMBER TOOK	NUMBER PASSED	PASS %
02/2025	10	3	30.00%
08/2025	12	8	66.66%
02/2026	13	8	66.66%



PSSWPG Statistics

VIRGINIA SOILS EXAM STATISTICS REPORT



To: PSSWPG Board

From: Kate Nosbisch, Executive Director

Subject: Executive Director Update

Date: June 3, 2026

Data for the last five years of the Board’s activities has been provided.

Application Statistics

The table below provides the number of applications approved for the PSSWPG Board per calendar year (January 1 – December 31) since 2021.

Applications Approved						
Year	2026*	2025	2024**	2023**	2022**	2021**
App Numbers	41	124	143	127	111	100

*As of 05/15/2026

**Includes GIT, Geologist by Waiver, Wetland Delineator Re-Exam Requests, and Exam Eligible Applicants

Applications Approved by Profession 2026*			
Profession	Soil Scientists	Wetland Professionals	Geologists
App Numbers	1	3	37

*As of 05/15/2026

ULR Applications Approved by Profession			
Profession	Soil Scientists	Wetland Professionals	Geologists
App Numbers	4	4	48

*As of 05/15/2026

Call Center Statistics

**** The Call Center Statistics consists of APELSCIDLA, PSSWPG, Auctioneers, and Branch Pilots**

The Board’s call center answered a total of **2,811** phone calls between January 1, 2026, to May 15, 2026.

**Reduced call center hours began April 16, 2025, with the call center opening at 8:30 am and closing at 5:00 pm, Monday, Tuesday, Thursday, and Friday. Wednesdays the call center opens from 12:00 pm to 2:00 pm. The reduction in call center hours allows our staff to process applications more effectively. On June 24, 2025, call center hours on Tuesdays and Wednesdays open from 12:00 pm to 2:00 pm.

Email Statistics

The table below outlines the number of emails received through the Board’s email address per calendar year (Jan 1-Dec 31)

Email Count						
Year	2026*	2025	2024	2023	2022	2021
# of Emails**	211	1,269	815	918	644	482

*As of 04/30/2026

Board Case Statistics

Since 2018, The Board has adjudicated 2 cases.

No new cases to date

Stakeholder Engagement & Outreach

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 460

An Act to amend and reenact §§ 54.1-402, 54.1-402.1, 54.1-406, 54.1-700, 54.1-1500, 54.1-1501, 54.1-1506, 54.1-2205, and 54.1-2208.2 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 54.1-1504.1; and to repeal §§ 54.1-703.1 and 54.1-703.3 of the Code of Virginia, relating to Department of Professional and Occupational Regulation.

[H-1254]

Approved April 8, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-402, 54.1-402.1, 54.1-406, 54.1-700, 54.1-1500, 54.1-1501, 54.1-1506, 54.1-2205, and 54.1-2208.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-1504.1 as follows:

§ 54.1-402. Further exemptions from license requirements for architects, professional engineers, and land surveyors.

A. No license as an architect or professional engineer shall be required pursuant to § 54.1-406 for persons who prepare plans, specifications, documents, and designs for the following, provided any such plans, specifications, documents, or designs bear the name and address of the author and his occupation:

1. Single- and two-family homes, townhouses, and multifamily dwellings, excluding electrical and mechanical systems, not exceeding three stories; or

2. All farm structures used primarily in the production, handling, or storage of agricultural products or implements, including, ~~but not limited to,~~ structures used for the handling, processing, housing, or storage of crops, feeds, supplies, equipment, animals, or poultry; or

3. Buildings and structures classified with respect to use as business (Use Group B) and mercantile (Use Group M), as provided in the Uniform Statewide Building Code (§ 36-97 *et seq.*) and churches with an occupant load of 100 or less, excluding electrical and mechanical systems, where such building or structure does not exceed 5,000 square feet in total net floor area, or three stories; or

4. Buildings and structures classified with respect to use as factory and industrial (Use Group F) and storage (Use Group S) as provided in the Uniform Statewide Building Code (§ 36-97 *et seq.*), excluding electrical and mechanical systems, where such building or structure does not exceed 15,000 square feet in total net floor area, or three stories; or

5. Additions, remodeling, or interior design without a change in occupancy or occupancy load and without modification to the structural system or a change in access or exit patterns or increase in fire hazard; or

6. Electric installations which comply with all applicable codes and which do not exceed 600 volts and 800 amps, where work is designed and performed under the direct supervision of a person licensed as a master's level electrician or Class A electrical contractor by written examination, and where such installation is not contained in any structure exceeding three stories or located in any of the following categories:

a. Use Group A-1 theaters which exceed assembly of 100 persons;

b. Use Group A-4 A-3, except churches;

c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems;

or

7. Plumbing and mechanical systems using packaged mechanical equipment, such as equipment of catalogued standard design which has been coordinated and tested by the manufacturer, which comply with all applicable codes. These mechanical systems shall not exceed gauge pressures of 125 pounds per square inch, other than refrigeration, or temperatures other than flue gas of 300 degrees F (150 degrees C) where such work is designed and performed under the direct supervision of a person licensed as a master's level plumber, master's level heating, air conditioning and ventilating worker, or Class A contractor in those specialties by written examination. In addition, such installation may not be contained in any structure exceeding three stories or located in any structure which is defined as to its use in any of the following categories:

a. Use Group A-1 theaters which exceed assembly of 100 persons;

b. Use Group A-4 A-3, except churches;

c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems;

or

8. The preparation of shop drawings, field drawings, and specifications for components by a contractor who will supervise the installation and where the shop drawings and specifications (i) will be reviewed by the licensed professional engineer or architect responsible for the project or (ii) are otherwise exempted; or

9. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted but which are of standard design, provided they bear the certification of a professional engineer or architect

registered or licensed in another state, and provided that the design is adapted for the specific location and for conformity with local codes, ordinances, and regulations, and is so certified by a professional engineer or architect licensed in Virginia; or

10. Construction by a state agency or political subdivision not exceeding \$75,000 in value keyed to the January 1, 1991, Consumer Price Index (CPI) and not otherwise requiring a licensed architect, engineer, or land surveyor by an adopted code and maintenance by that state agency or political subdivision of water distribution, sewage collection, storm drainage systems, sidewalks, streets, curbs, gutters, culverts, and other facilities normally and customarily constructed and maintained by the public works department of the state agency or political subdivision; or

11. Conventional and alternative onsite sewage systems receiving residential wastewater, under the authority of Chapter 6 (§ 32.1-163 *et seq.*) of Title 32.1, designed by a licensed onsite soil evaluator, which utilize packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer, and complies with all applicable codes, provided (i) the flow is less than 1,000 gallons per day; and (ii) if a pump is included, (a) it shall not include multiple downhill runs and must terminate at a positive elevational change; (b) the discharge end is open and not pressurized; (c) the static head does not exceed 50 feet; and (d) the force main length does not exceed 500 feet.

B. No person shall be exempt from licensure as an architect or engineer who engages in the preparation of plans, specifications, documents, or designs for:

1. Any unique design of structural elements for floors, walls, roofs, or foundations; or
2. Any building or structure classified with respect to its use as high hazard (Use Group H).

C. Persons utilizing photogrammetric methods or similar remote sensing technology shall not be required to be licensed as a land surveyor pursuant to subsection B of § 54.1-404 or 54.1-406 to: (i) determine topography or contours, or to depict physical improvements, provided such maps or other documents shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination, or (ii) graphically show existing property lines and boundaries on maps or other documents provided such depicted property lines and boundaries shall only be used for general information.

Any determination of topography or contours, or depiction of physical improvements, utilizing photogrammetric methods or similar remote sensing technology by persons not licensed as a land surveyor pursuant to § 54.1-406 shall not show any property monumentation or property metes and bounds, nor provide any measurement showing the relationship of any physical improvements to any property line or boundary.

Any person not licensed pursuant to subsection B of § 54.1-404 or 54.1-406 preparing documentation pursuant to subsection C of § 54.1-402 shall note the following on such documentation: "Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination."

D. Terms used in this section, and not otherwise defined in this chapter, shall have the meanings provided in the Uniform Statewide Building Code (§ 36-97 *et seq.*) in effect on July 1, 1982, including any subsequent amendments.

§ 54.1-402.1. State and local government employees.

Any person engaged in the practice of engineering, architecture, or land surveying as those terms are defined in § 54.1-400 as a regular, full-time, salaried employee of the Commonwealth or any political subdivision of the Commonwealth on March 8, 1992, who remains employed by any state agency or political subdivision shall be exempt until June 30, 2010, from the licensure requirements of § 54.1-406 provided the employee does not furnish advisory service for compensation to the public or as an independent contracting party in this Commonwealth or any political subdivision thereof in connection with engineering, architectural, or land surveying matters. A. The chief administrative officer of any agency of the Commonwealth or political subdivision thereof employing persons engaged in the practice of engineering, architecture, or land surveying as regular, full-time, salaried employees shall have the authority and responsibility to determine the engineering, architecture, and land surveying positions which have responsible charge of engineering, architectural, or land surveying decisions.

B. *Notwithstanding these provisions, any state agency or political subdivision of the Commonwealth unable to employ a qualified licensed engineer, architect, or land surveyor to fill a responsible charge position, after a reasonable and unsuccessful search, may fill the position with an unlicensed person upon the determination by the chief administrative officer of the agency or political subdivision that the person, by virtue of education, experience, and expertise, can perform the work required of the position.*

§ 54.1-406. License required.

A. Unless exempted by § 54.1-401, 54.1-402, or 54.1-402.1, a person shall hold a valid license prior to engaging in the practice of architecture or engineering which includes design, consultation, evaluation, or analysis and involves proposed or existing improvements to real property.

Unless exempted by § 54.1-401, 54.1-402, or 54.1-402.1, a person shall hold a valid license prior to engaging in the practice of land surveying.

B. Unless exempted by § 54.1-402, any person, ~~partnership, corporation or other~~ or business entity offering to practice architecture, engineering, or land surveying without being registered or licensed in accordance with the provisions of this chapter, shall be subject to the provisions of § 54.1-111 of this title.

C. Any person; ~~partnership, corporation or other~~ or business entity which is not licensed or registered to practice in accordance with this chapter and which advertises or promotes through the use of the words "architecture," "engineering," or "land surveying" or any modification or derivative thereof in its name or description of its business activity in a manner that indicates or implies that it practices or offers to practice architecture, engineering, or land surveying as defined in this chapter shall be subject to the provisions of § 54.1-111.

D. ~~Notwithstanding these provisions, any state agency or political subdivision of the Commonwealth unable to employ a qualified licensed engineer, architect, or land surveyor to fill a responsible charge position, after reasonable and unsuccessful search, may fill the position with an unlicensed person upon the determination by the chief administrative officer of the agency or political subdivision that the person, by virtue of education, experience, and expertise, can perform the work required of the position.~~

E. Notwithstanding the provisions of this section, a contractor who is licensed pursuant to the provisions of Chapter 11 (§ 54.1-1100 et seq.) of this title shall not be required to be licensed or registered to practice in accordance with this chapter when bidding upon or negotiating design-build contracts or performing services other than architectural, engineering, or land surveying services under a design-build contract. The architectural, engineering, or land surveying services offered or rendered in connection with such contracts shall only be rendered by an architect, professional engineer, or land surveyor licensed in accordance with this chapter.

§ 54.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes, or trims the beard; cuts, singes, or dyes the hair or applies lotions thereto; applies, treats, or massages the face, neck, or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting, or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping, and trimming the beard; cutting, singeing, or dyeing the hair or applying lotions thereto; applications, treatment, or massages of the face, neck, or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting, or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers hair removal treatments; administers basic facial treatments to enhance or improve the appearance and care of the skin using lotions, oils, cleansers, or other preparations by manual practices only; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, trims, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" does not include hair braiding upon human hair or a wig or hairpiece.

"Cosmetology" includes the following practices: administering hair removal treatments; administering basic cleansing facial treatments to enhance or improve the appearance and care of the skin, which only includes a cleanse, tone, and application of a mask or moisturizer; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, trimming, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding

upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Ear-piercer" means any person who for remuneration penetrates the ear of a person to make a hole, mark, or scar, generally permanent in nature.

"Ear-piercing" means the act of penetrating the ear of a person to make a hole, mark, or scar, generally permanent in nature.

"Ear-piercing salon" means any place in which a fee is charged for the act of penetrating the ear by the aid of needles or any other instrument designed to touch or puncture the skin.

"Ear-piercing school" means a place or establishment licensed by the Board to accept and train students in ear-piercing.

"Esthetician" means a person who engages in the practice of esthetics for compensation.

"Esthetics" includes the following practices of administering cosmetic treatments to enhance or improve the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means. However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those terms are defined in § 54.1-2900.

"Esthetics instructor" means a licensed esthetician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of esthetics.

"Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the Board.

"Master barber" means a licensed barber *person* who, in addition to the practice of barbering, performs waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or hairpiece; or performs waxing limited to the scalp.

"Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous hair.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"School of esthetics" means a place or establishment licensed by the Board to accept and train students and which offers an esthetics curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

§ 54.1-1500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Audiologist" means the same as that term is defined in § 54.1-2600.

"Board" means the Board for Hearing Aid Specialists and Opticians.

"Hearing aid" means any wearable instrument or device designed or offered to aid or compensate for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords.

"Licensed hearing aid specialist" means any person who is the holder of a hearing aid specialist license issued by the Board for Hearing Aid Specialists and Opticians.

"Licensed optician" means any person who is the holder of an optician license issued by the Board for Hearing Aid Specialists and Opticians.

"Licensed optometrist" means any person authorized by Virginia law to practice optometry.

"Licensed physician" means any person licensed by the Board of Medicine to practice medicine and surgery.

"Optician" means any person not exempted by § 54.1-1506 who prepares or dispenses eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers or users, on prescriptions from licensed physicians or licensed optometrists, or as duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or who, in accordance with such prescriptions, duplications, or reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, or appurtenances, to the human face.

"Over-the-counter hearing aid" means an air-conduction hearing aid that does not require implantation or other surgical intervention and is intended for use by a person age 18 or older to compensate for perceived mild to moderate hearing impairment.

"Practice of audiology" means the same as that term is defined in § 54.1-2600.

"Practice of fitting or dealing in hearing aids" means (i) the measurement of human hearing by means of an audiometer or by any other means solely for the purpose of making selections, adaptations, or sale of hearing aids, (ii) the sale of prescription hearing aids, or (iii) the making of impressions for earmolds for prescription hearing aids. A practitioner, at the request of a physician or a member of a related profession, may make audiograms for the professional's use in consultation with the hard-of-hearing.

"Prescription hearing aid" means a hearing aid that is not an over-the-counter hearing aid.

"Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or practitioners.

"Temporary Training permit" means a permit issued while an applicant is in training to become a licensed hearing aid specialist.

"Work permit" means a permit issued to any applicant who is eligible for examination to become a licensed hearing aid specialist.

§ 54.1-1501. Exemptions; sale of hearing aids by corporations, etc., measuring hearing.

A. Physicians licensed to practice in Virginia and certified by the American Board of Otolaryngology or eligible for such certification shall not be required to pass an examination as a prerequisite to obtaining a license under this chapter.

B. Nothing in this chapter shall prohibit a corporation, partnership, trust, association, or other like organization maintaining an established business address from engaging in the business of selling or offering for sale prescription hearing aids at retail without a license, provided that it employs only licensed practitioners in the direct sale and fitting of prescription hearing aids.

C. Nothing in this chapter shall prohibit any person who does not sell hearing aids or accessories or who is not employed by an organization which sells hearing aids or accessories from engaging in the practice of

measuring human hearing for the purpose of selection of hearing aids.

D. Audiologists licensed to practice in Virginia who have earned a doctoral degree in audiology shall not be required to pass an examination as a prerequisite to obtaining a license under this chapter.

E. *Apprentices serving in establishments selling or offering for sale prescription hearing aids shall not be required to hold a license under this chapter.*

§ 54.1-1504.1. Permits.

A. *The Board may issue a training permit to any person who is in training to become a licensed hearing aid specialist.*

B. *The Board may issue a work permit to any person who is eligible for examination. Any person issued a work permit shall be subject to the regulations of the Board.*

C. *The Board shall promulgate regulations consistent with this section to allow persons to be granted training permits and work permits for a specified period of time.*

§ 54.1-1506. Exemptions.

The provisions of this chapter shall not apply to:

1. Any licensed physician or licensed optometrist;
2. Any individual, partnership, or corporation engaged in supplying ophthalmic prescriptions and supplies exclusively to licensed physicians, licensed optometrists, licensed opticians, or optical scientists;
3. Any person who does not hold himself out to the public as an "optician," and who works exclusively under the direct supervision and control of a licensed physician or licensed optometrist or licensed optician, and in the same location;
4. The sale of spectacles, eyeglasses, magnifying glasses, goggles, sunglasses, telescopes, or binoculars that are completely preassembled and sold as merchandise; ~~or~~
5. Any optician who (i) does not regularly practice in Virginia; (ii) holds a current valid license or certificate to practice as an optician in another state, territory, district, or possession of the United States; (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world; (iv) files a copy of the license or certificate issued in such other jurisdiction with the Board; (v) notifies the Board, within 15 days prior to the voluntary provision of services of the dates and location of such services; and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board; *or*
6. *Any individual enrolled in a registered optician apprenticeship program that is approved by the Board and conducted in accordance with the standards established by the Department of Workforce Development and Advancement.*

§ 54.1-2205. License required; application; requirements for licensure; continuing education.

A. No person shall engage in, or offer to engage in, the practice of soil evaluation in the Commonwealth unless he has been licensed under the provisions of this chapter.

B. In order to be licensed as a professional soil scientist, an applicant shall:

1. Submit satisfactory evidence verified by affidavits that the applicant:
 - a. Is 18 years of age or older;
 - b. Is of good moral character; and
 - c. Has successfully completed such educational and experiential requirements as are required by this chapter and the regulations of the Board.
2. Achieve a score acceptable to the Board on an examination in the principles and practice of soil evaluation and satisfy one of the following criteria:
 - a. Hold a bachelor's degree from an accredited institution of higher education in a soils curriculum which has been approved by the Board and have at least four years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or
 - b. Hold a bachelor's degree in one of the natural sciences and have at least five years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or
 - c. Have a record of at least eight years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or
 - d. Have at least four years of experience in soil science research or as a teacher of soils curriculum in an accredited institution of higher education which offers an approved four-year program in soils and at least two years of soil evaluation experience, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist.

C. The Board shall establish by regulation requirements for continuing education as a prerequisite to the maintenance and renewal of a license issued under this chapter, not to exceed eight contact hours per year renewal cycle.

D. Individuals applying for a license as a professional soil scientist between July 1, 2013, and July 1,

2015, who (i) have been certified as professional soil scientists by the Board or (ii) have achieved a score set by the Board on the examination required by this section shall be licensed by the Board if all other requirements of this chapter or Board regulations have been met, unless an applicant is found by the Board to have engaged in any act that would constitute grounds for disciplinary action.

§ 54.1-2208.2. Licensure; minimum qualifications; penalty.

A. Any person practicing or offering to practice as a professional geologist or in a geological specialty in this Commonwealth may submit reasonable evidence to the Board that he is qualified to practice and to be licensed as provided in this article. The Board shall approve the application for licensure of any person who, in the opinion of the Board, has satisfactorily met the requirements of this article and who has paid any applicable fees fixed by the Board.

Licenses shall expire at intervals as designated by the Board. A license may be renewed by the Board upon receipt of a formal request accompanied by any applicable fees.

B. To be eligible for licensure as a professional geologist, an applicant shall meet each of the following minimum qualifications:

1. Be of ethical character.

2. Have a baccalaureate or higher degree from an accredited institution of higher education with either a major in geology, engineering geology, geological engineering, or related geological sciences; or have completed at least 30 semester hours or the equivalent in geological science courses leading to a major in geology.

3. Have at least seven years of geological work that shall include either a minimum of three years of geological work under the supervision of a qualified or licensed professional geologist or a minimum of three years of experience in responsible charge of geological work. The adequacy of the position and the required supervision and experience shall be determined by the Board in accordance with standards set forth in its regulations. The following criteria of education and experience qualify toward the required seven years of geological work:

a. Each year of full-time undergraduate study in the geological sciences shall count as one-half year of experience up to a maximum of two years, and each year of full-time graduate study shall count as a year of experience up to a maximum of three years. Credit for undergraduate and graduate study shall in no case exceed a total of four years toward meeting the requirements for at least seven years of geological work.

b. The Board may consider, in lieu of the above-described geological work, the cumulative total of geological work or geological research of persons occupying research or post-graduate positions as well as those teaching geology courses at an institution of higher education, provided such work or research can be demonstrated to be of a sufficiently responsible nature to be equivalent to the geological work required in this section.

4. Have successfully passed an appropriate examination approved by the Board and designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology.

At the discretion of the Board, separate examinations may be prepared for various subspecialties of geology; however, there will be no specialty licensure, only licensure as a professional geologist.

C. The Board shall issue a license to practice as a geologist in the Commonwealth to any individual who holds an unexpired certification to practice as a geologist issued prior to July 1, 2025.

D. No person shall represent himself as a licensed professional geologist unless he has been so licensed by the Board. Any person practicing or offering to practice geology within the meaning of this article who, through verbal claim, sign, advertisement, or letterhead, represents himself as a licensed professional geologist without holding such license from the Board is guilty of a Class 1 misdemeanor.

2. That §§ 54.1-703.1 and 54.1-703.3 of the Code of Virginia are repealed.

1 **Project 8672 - Exempt Final**

2 **Board For Professional Soil Scientists, Wetland Professionals, And Geologists**

3 **HB 1254 Amendment (Soil Scientist Continuing Education)**

4 **18VAC145-20-145. Continuing education requirements.**

5 A. Licensees must complete eight hours of continuing education (CE) per year renewal
6 cycle for renewal or reinstatement. CE must be completed pursuant to the provisions of this
7 section.

8 B. CE must be completed during the time prior to the renewal or reinstatement of a license
9 and will be valid for that renewal or reinstatement only.

10 C. CE activities completed by licensees may be accepted by the board, provided the activity:

- 11 1. Consists of content and subject matter directly related to the practice of soil science;
- 12 2. Has a clear purpose and objective that will maintain, improve, or expand the skills and
13 knowledge relevant to the practice of soil science and may be in areas related to
14 business practices, including project management, risk management, and ethics, that
15 have demonstrated relevance to the practice of soil science as defined in § 54.1-2200 of
16 the Code of Virginia;
- 17 3. Contains an assessment by the sponsor at the conclusion of the self-directed activity;
- 18 and
- 19 4. Results in documentation that verifies the licensee's successful completion of the
20 activity.

21 D. Computation of credit.

22 1. Fifty contact minutes will equal one hour of CE. For activities that consist of segments
23 that are less than 50 minutes, those segments will be totaled for computation of CE for
24 that activity.

25 2. A licensee may not receive credit for any CE activity that was not completed in its
26 entirety. No credit will be given for partial completion of a CE activity.

27 3. A licensee applying for renewal or reinstatement will not receive credit for completing
28 a CE activity with the same content more than once during the time period prior to the
29 renewal or reinstatement.

DRAFT AGENDA
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And are not to be construed as regulation or official board position.
DRAFT AGENDA

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 462

An Act to amend and reenact §§ 2.2-4301 and 54.1-2208.3 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 22 of Title 54.1 a section numbered 54.1-2208.5, relating to professions and occupations; regulation of geologists.

[H.1289]

Approved April 8, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4301 and 54.1-2208.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 22 of Title 54.1 a section numbered 54.1-2208.5 as follows:

§ 2.2-4301. Definitions.

As used in this chapter:

"Affiliate" means an individual or business that controls, is controlled by, or is under common control with another individual or business. A person controls an entity if the person owns, directly or indirectly, more than 10 percent of the voting securities of the entity. For the purposes of this definition, "voting security" means a security that (i) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (ii) is convertible into, or entitles the holder to receive, upon its exercise, a security that confers such a right to vote. A general partnership interest shall be deemed to be a voting security.

"Best value," as predetermined in the solicitation, means the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body's needs.

"Business" means any type of corporation, partnership, limited liability company, association, or sole proprietorship operated for profit.

"Competitive negotiation" is the method of contractor selection set forth in § 2.2-4302.2.

"Competitive sealed bidding" is the method of contractor selection set forth in § 2.2-4302.1.

"Construction" means building, altering, repairing, improving, or demolishing any structure, building, or highway; and any draining, dredging, excavation, grading, or similar work upon real property.

"Construction management contract" means the same as that term is defined in § 2.2-4379.

"Design-build contract" means the same as that term is defined in § 2.2-4379.

"Employment services organization" means an organization that provides employment services to individuals with disabilities that is an approved Commission on the Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Goods" means all material, equipment, supplies, printing, and automated data processing hardware and software.

"Informality" means a minor defect or variation of a bid or proposal from the exact requirements of the Invitation to Bid, or the Request for Proposal, which does not affect the price, quality, quantity, or delivery schedule for the goods, services, or construction being procured.

"Job order contracting" means a method of procuring construction by establishing a book of unit prices and then obtaining a contractor to perform work as needed using the prices, quantities, and specifications in the book as the basis of its pricing. The contractor may be selected through either competitive sealed bidding or competitive negotiation depending on the needs of the public body procuring the construction services. A minimum amount of work may be specified in the contract. The contract term and the project amount shall not exceed the limitations specified in § 2.2-4303.2.

"Multiphase professional services contract" means a contract for the providing of professional services where the total scope of work of the second or subsequent phase of the contract cannot be specified without the results of the first or prior phase of the contract.

"Nonprofessional services" means any services not specifically identified as professional services in the definition of professional services.

"Potential bidder or offeror," for the purposes of §§ 2.2-4360 and 2.2-4364, means a person who, at the time a public body negotiates and awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance, or construction, of the type to be procured under the contract, and who at such time is eligible and qualified in all respects to perform that contract, and who would have been eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.

"Professional services" means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, *geology*, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. "Professional services" shall also

include the services of an economist procured by the State Corporation Commission.

"Public body" means any legislative, executive, or judicial body, agency, office, department, authority, post, commission, committee, institution, board, or political subdivision created by law to exercise some sovereign power or to perform some governmental duty; and empowered by law to undertake the activities described in this chapter. "Public body" shall include (i) any independent agency of the Commonwealth, and (ii) any metropolitan planning organization or planning district commission which operates exclusively within the Commonwealth of Virginia.

"Public contract" means an agreement between a public body and a nongovernmental source that is enforceable in a court of law.

"Responsible bidder" or "offeror" means a person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance, and who has been prequalified, if required.

"Responsive bidder" means a person who has submitted a bid that conforms in all material respects to the Invitation to Bid.

"Reverse auctioning" means a procurement method wherein bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder. During the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening.

"Services" means any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials; or the rental of equipment, materials, and supplies.

§ 54.1-2208.3. Waiver of examination.

The Board may waive the examination requirement for licensure as a professional geologist for an applicant who (i) otherwise meets the requirements of this article and who also meets any of the following conditions:

1. Makes written application to the Board and has at least 12 years of geological work that includes the geological work as specified in subsection B of § 54.1-2208.2.

2. Makes; (ii) submits a written application to the Board; and (iii) holds an unexpired certificate of registration, certification, or license to engage in the practice of geology issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

§ 54.1-2208.5. Continuing education.

A. The Board shall promulgate regulations governing continuing education requirements for geologists licensed by the Board. Such regulations shall require the completion of eight hours annually in continuing education for any license renewal or reinstatement. Except as provided in subdivision C 5, such continuing education shall be completed during the time prior to the renewal or reinstatement of a license and shall only be valid for such renewal or reinstatement. The Board may grant exemptions or waive or reduce the number of continuing education hours required in cases of certified illness or undue hardship.

B. The Board's regulations shall include a requirement that a continuing education activity completed by a licensee may be accepted by the Board provided that such activity:

1. Consists of content and subject matter directly related to the practice of geology;
2. Has a clear purpose and objective that maintains, improves, or expands the skills and knowledge relevant to the practice of geology and is in areas related to business practices, including project management, risk management, and ethics, that have demonstrated relevance to the practice of geology;
3. Is taught by instructors who are competent in the subject matter, either by education or experience, for an activity involving an interaction with an instructor;
4. Contains an assessment at the conclusion of the activity by the sponsor of such activity that verifies that the licensee has successfully achieved the purpose and objective for any self-directed activity; and
5. Results in documentation that verifies the licensee's successful completion of the activity.

C. The Board's regulations shall include requirements related to the computation of continuing education credit, including:

1. That 50 minutes of a continuing education activity equals one hour of continuing education and, for a continuing education activity that consists of segments that are less than 50 minutes, those segments shall be totaled for computation of continued education credit for that activity;
2. The number of hours required to successfully complete any continuing education activity shall be predetermined by the sponsor, and a licensee shall not claim more credit for any continuing education activity than was predetermined by the sponsor at the time the activity was completed;
3. A licensee shall not receive credit for any continuing education activity that was not completed in its entirety and no credit shall be given for partial completion of a continuing education activity;
4. A licensee applying for renewal or reinstatement shall not receive credit for completing a continuing education activity with the same content more than once during the time period prior to the renewal or reinstatement; and

5. A licensee who completes continuing education hours in excess of the hours required by subsection A may carry up to eight hours of continuing education credit forward to meet the requirements of subsection A for the next license renewal.

DRAFT AGENDA
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DRAFT AGENDA

1 **Project 8423 - Emergency/NOIRA**

2 **Board For Professional Soil Scientists, Wetland Professionals, And Geologists**

3 **HB 1835 Amendment - Geology Transition from Certification to Licensure**

4 Chapter 40

5 Regulations for the Geology ~~Certification~~ Licensure Program

6 **18VAC145-40-10. Definitions.**

7 A. Section 54.1-2200 of the Code of Virginia provides definitions of the following terms and
8 phrases as used in this chapter:

9 Board

10 Department

11 Geological mapping

12 Geologist

13 Geology

14 Practice of geology

15 Qualified geologist

16 Virginia ~~certified~~ licensed professional geologist

17 B. The following words and terms when used in this chapter have the following meanings
18 unless the context clearly indicates otherwise:

19 ~~"Department" means Department of Professional and Occupational Regulation.~~

20 ~~"Geological mapping" means the process of creating a map on which is recorded geological
21 information, such as the distribution, nature, and age of relationships of rock units, in which~~

22 ~~surficial deposits may or may not be mapped separately, and the occurrence of structural~~
23 ~~features such as folds, faults, and joints; mineral deposits; and fossil localities. "Geological~~
24 ~~mapping" may indicate geologic structure by means of formational outcrop patterns, by~~
25 ~~conventional symbols giving the direction and amount of dip at certain points, or by structure~~
26 ~~contour lines.~~

27 "Geologist-in-Training" or "GIT" means an individual who has completed the academic
28 requirements specified in this chapter and has passed the Fundamentals of Geology
29 examination, but has not met all requirements to qualify as a Virginia ~~certified~~ licensed
30 professional geologist.

31 "Related geological science degree" means a degree that includes 30 semester hours of
32 courses in the geosciences, including 12 or more semester hours from at least four of the
33 following disciplines: stratigraphy, structural geology, hydrogeology, mineralogy, petrology,
34 geomorphology, and field geology.

35 "Responsible charge" means the direct control and supervision of the practice of geology.

36 "Supervision" means quality control review of all significant data collection, interpretation,
37 and conclusions.

38 **18VAC145-40-20. Fees.**

39 All fees for application, examination, renewal, and reinstatement will be established by the
40 board pursuant to § 54.1-201 of the Code of Virginia. All fees are nonrefundable and will not be
41 prorated.

42 1. The application fee for ~~certification~~ licensure will be \$110.

43 2. The fee for renewal of ~~certification~~ licensure will be \$90.

44 3. The application fee for the Geologist-in-Training (GIT) designation will be \$20.

45 4. The fee for examination or reexamination is subject to contracted charges to the
46 department by an outside vendor. These contracts are competitively negotiated and
47 bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.
48 of the Code of Virginia). Fees may be adjusted and charged to the candidate in
49 accordance with this contract.

50 5. The penalty fee for late renewal will be \$50 in addition to the renewal fee.

51 6. The reinstatement fee will be \$125.

52 **18VAC145-40-30. Expiration, and renewal and fee of certificate holders licenses.**

53 A. ~~Certificates~~ Licenses issued under this chapter will expire on August 31 of the odd-
54 numbered year following the date of issuance. ~~Certificate holders~~ Licenses will be notified of
55 the fee and the procedure for ~~certificate license~~ renewal at least 45 days before the ~~certificate~~
56 license expires. Each ~~certificate holder~~ licensee desiring to renew a ~~certificate~~ license must
57 submit the renewal notice with the appropriate fee before the ~~certificate~~ license expires.

58 B. There will be a penalty fee for late renewal assessed in addition to the renewal fee for
59 any ~~certificate holder~~ licensee failing to renew the ~~certificate~~ license within 30 days following the
60 date of expiration.

61 C. Failure to receive written notice from the department does not relieve the regulant from
62 the requirement to renew the ~~certificate~~ license. If the ~~certificate holder~~ licensee fails to receive
63 the renewal notice, a copy of the ~~certificate~~ license may be submitted with the required fee.

64 D. The date a fee is received by the department or its agent will be used to determine
65 whether a penalty fee or the requirement for reinstatement of a ~~certificate~~ license is applicable.

66 **18VAC145-40-40. Reinstatements.**

67 If the ~~certificate holder~~ licensee fails to renew the ~~certificate~~ license within six months
68 following the expiration date, the ~~certificate holder~~ licensee will be required to apply for
69 reinstatement of the ~~certificate~~ license. The board may grant reinstatement of the ~~certificate~~,
70 license or require requalification or reexamination, or both. The application fee for reinstatement
71 of a ~~certificate~~ license shall will be the amount established in 18VAC145-40-20.

72 **18VAC145-40-50. Status of ~~certification~~ license during the period prior to reinstatement.**

73 A. Reinstated ~~certifications~~ shall licenses will continue to have the same ~~certification~~ license
74 number and shall will expire on August 31 of the odd-numbered year following the date of
75 reinstatement.

76 B. ~~Reinstated certifications shall~~ A licensee who reinstates a license will be regarded as
77 having been continuously licensed without interruption. Therefore, the ~~holder of the~~ reinstated
78 ~~certification~~ shall licensee will remain under the disciplinary authority of the board during this
79 entire period and may be held accountable for his activities during this period.

80 C. ~~Certifications which~~ Licenses that are not renewed or reinstated shall will be regarded as
81 expired from the date of the expiration forward.

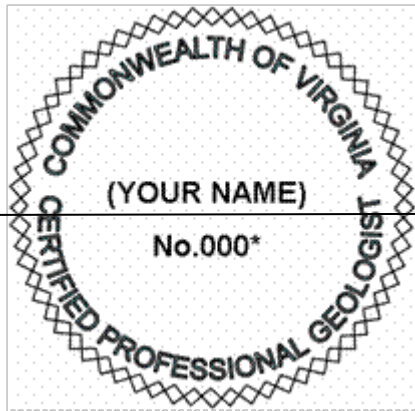
82 **18VAC145-40-60. Use of seal.**

83 A ~~certified~~ licensed professional geologist may apply a rubber stamp or preprinted seal to
84 final and complete cover sheets and to each original sheet of plans or drawings prepared or
85 reviewed and approved by the regulant. The seal may be applied to the cover sheet of technical
86 reports and specifications prepared or reviewed and approved by the regulant.

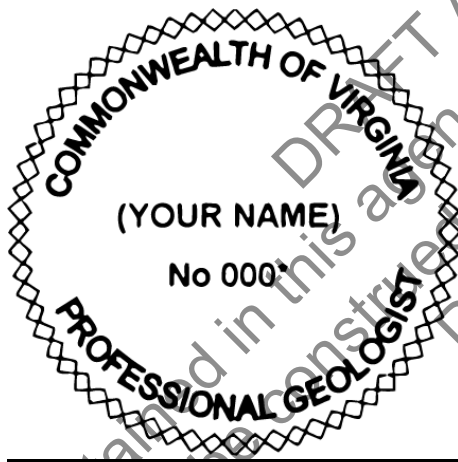
87 1. All seal imprints on final documents must be signed.

88 2. Application of the seal and signature indicates acceptance of responsibility for work
89 shown thereon.

90 3. The original seal must be two inches in diameter and conform to the design illustrated
91 in this subdivision.



92



93

94 *The number on the seal is the last four digits of the certificate license number.

95 **18VAC145-40-70. Qualifications for certification license.**

96 A. In addition to the requirements in § 54.1-2208.2 of the Code of Virginia, each applicant for
97 certification license as a licensed professional geologist in Virginia must:

98 1. Make application on forms provided by the board;

99 2. ~~Be of ethical character, which may be established if the applicant~~ Meet the following
100 requirements:

101 a. ~~Has~~ Must not have been convicted of a non-marijuana misdemeanor in the last 10
102 years or ~~has never~~ have ever been convicted of a felony that would render the
103 applicant unfit or unsuited to engage in the occupation or profession applied for in
104 accordance with § 54.1-204 of the Code of Virginia;

105 b. ~~Has~~ Must not have committed ~~no~~ any act involving dishonesty, fraud,
106 misrepresentation, breach of fiduciary duty, negligence, or incompetence reasonably
107 related to:

108 (1) The proposed area of practice within 10 years prior to application for licensure,
109 certification, or registration; or

110 (2) The area of practice related to licensure, certification, or registration by the board
111 while under the authority of the board;

112 c. ~~Has~~ Must not have engaged in fraud or misrepresentation in connection with the
113 application for licensure, certification, or registration, or related exam;

114 d. ~~Has~~ Must not have had a license, certification, or registration revoked or
115 suspended for cause or been disciplined by the Commonwealth or by any other
116 jurisdiction, or surrendered a license, certificate, or registration in lieu of disciplinary
117 action; and

118 e. ~~Has~~ Must not have practiced without the required license, certification, or
119 registration in the Commonwealth or in another jurisdiction within the five years
120 immediately preceding the filing of the application for licensure, certification, or
121 registration by the Commonwealth.

122 3. Have at least seven years of geological work that must include either a minimum of
123 three years of geological work under the supervision of a qualified or ~~certified~~ licensed
124 professional geologist or a minimum of three years of experience in responsible charge
125 of geological work. The work must include one or more of the following areas:

126 a. Mineralogy.

127 (1) Identify and classify major rock types.

128 (2) Identify mineral assemblages.

129 (3) Determine probable genesis and sequence of mineral assemblages.

130 (4) Identify minerals on the basis of chemical composition.

131 (5) Predict subsurface mineral characteristics on the basis of exposures and
132 drillholes.

133 b. Petrography or petrology.

134 (1) Identify and classify major rock types.

135 (2) Determine physical properties of rocks.

136 (3) Determine chemical properties of rocks.

137 (4) Determine types or degrees of rock alteration.

138 (5) Determine suites of rock types.

139 c. Geochemistry.

140 (1) Establish analytical objectives and approaches.

141 (2) Evaluate geochemical data.

142 (3) Construct models based on results of geochemical analysis.

143 (4) Make recommendations based upon results of geochemical analyses.

- 144 d. Hydrogeology.
- 145 (1) Design and interpret hydrologic testing programs.
- 146 (2) Utilize chemical data to evaluate hydrogeologic conditions.
- 147 (3) Apply geophysical methods to analyze hydrogeologic conditions.
- 148 (4) Determine physical and chemical properties of aquifers and vadose zones.
- 149 (5) Determine groundwater flow systems.
- 150 (6) Evaluate groundwater resources.
- 151 (7) Evaluate groundwater quality.
- 152 (8) Design wells and drilling programs.
- 153 (9) Develop groundwater resource management plans.
- 154 (10) Plan and evaluate remedial action programs.
- 155 e. Engineering geology.
- 156 (1) Provide geological information and interpretations for engineering design.
- 157 (2) Identify and evaluate potential seismic and other geologic hazards.
- 158 (3) Provide geologic consultation during and after construction.
- 159 (4) Develop and interpret engineering geology maps and sections.
- 160 (5) Evaluate materials resources.
- 161 (6) Define and establish site selection and evaluation criteria.
- 162 (7) Design and implement field and laboratory programs.
- 163 (8) Describe and sample soils for geologic analysis and materials properties testing.
- 164 f. Mining geology.

- 165 (1) Formulate exploration programs.
- 166 (2) Implement field investigations on prospects.
- 167 (3) Perform geologic interpretations for mineral reserves.
- 168 (4) Perform economic analyses or appraisals.
- 169 (5) Provide geologic interpretations for mine development and production activities.
- 170 (6) Provide geologic interpretations for mine abandonments, closures, or
- 171 restorations.
- 172 g. Petroleum geology.
- 173 (1) Formulate exploration programs.
- 174 (2) Implement field investigations on prospects.
- 175 (3) Perform geologic interpretations of physical properties and hydrocarbon reserves.
- 176 (4) Perform petroleum economic analyses or appraisals.
- 177 (5) Provide geologic interpretations for development and production activities.
- 178 (6) Provide geologic interpretations for abandonments, closures, or restorations.

179 B. Applicants holding degrees other than those listed in § 54.1-2208.2 B 2 of the Code of
180 Virginia must provide the board with written documentation that demonstrates that the courses
181 satisfactorily completed by the applicant are equivalent geological science courses.

182 C. A year of full-time employment is a minimum of 32 hours per week. Partial credit may be
183 given for actual hours of work or workdays experience if the applicant works as a geologist less
184 than full time.

185 **18VAC145-40-85. Qualifications for Geologist-in-Training (GIT) designation.**

186 A. To be eligible to obtain the GIT designation, each applicant must:

187 1. ~~Be of ethical character in accordance with the provisions~~ Meet the requirements of
188 18VAC145-40-70 A 2;

189 2. Have achieved a passing score on a board-approved Fundamentals of Geology
190 examination; and

191 3. Hold a baccalaureate or higher degree from an accredited college or university and
192 have satisfactorily completed at least 30 semester hours in courses in the geosciences,
193 including 12 or more semester hours in at least four of the following disciplines:
194 stratigraphy, structural geology, hydrogeology, mineralogy, petrology, geomorphology,
195 and field geology.

196 B. Prior to obtaining the designation of GIT, an applicant who qualified to sit for a board-
197 approved Fundamentals of Geology examination under 18VAC145-40-83 A 3 or A 4 and
198 passed the examination must provide an official college transcript that demonstrates satisfactory
199 completion of the degree program.

200 C. The designation of GIT will remain valid until the individual meets all requirements for
201 ~~certification~~ licensure as a Virginia ~~certified~~ licensed professional geologist.

202 **18VAC145-40-90. Disclosure.**

203 A ~~certified~~ licensed professional geologist:

204 1. Must not submit any false statements or fail to disclose any facts requested
205 concerning the geologist's or another's application for ~~certification~~ licensure.

206 2. Must not engage in any fraud, deceit, or misrepresentation in advertising, soliciting, or
207 providing professional services.

208 3. Must not knowingly sign, stamp, or seal any plans, drawings, blueprints, surveys,
209 reports, specifications, or other documents not prepared or reviewed and approved by
210 the ~~certificate~~ license holder.

211 4. Must make full disclosure to all parties of any monetary, financial, or beneficial interest
212 the geologist may have in any contract or entity providing goods or services, other than
213 professional services, to a project or engagement.

214 **18VAC145-40-100. Change of address or name.**

215 Each ~~certified~~ licensed professional geologist and geologist-in-training must notify the board,
216 in writing, of any change of address or name. This notification must be sent to the board within
217 30 days after such change of address or name.

218 **18VAC145-40-110. Compliance with other laws.**

219 A ~~certified~~ licensed professional geologist:

220 1. Shall ~~Shall~~ Must comply with all federal, state, and local building, fire, safety, real estate, or
221 mining codes, as well as any other laws, codes, ordinances, or regulations pertaining to
222 the practice of geology.

223 2. Shall ~~Shall~~ Must not violate any state or federal criminal statute, including fraud,
224 misrepresentation, embezzlement, bribery, theft, forgery, or breach of fiduciary duty
225 relating to his professional practice.

226 3. Shall ~~Shall~~ Must immediately notify the client or employer and the appropriate regulatory
227 agency if ~~his~~ the geologist's professional judgment is overruled and not adhered to in
228 circumstances of a serious threat to the public health, safety, or welfare. If appropriate
229 remedial action is not taken within a reasonable amount of time after making the report,
230 ~~he shall~~ the geologist must notify the appropriate governmental authority of the specific
231 nature of the public threat.

232 4. ~~Shall~~ Must give written notice to the board, and ~~shall~~ must cooperate with the board
233 and the department in furnishing any further information or assistance needed, if ~~he~~ the
234 geologist knows or believes that another ~~geologist/firm~~ geologist or firm may be violating
235 any of the provisions of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of
236 Virginia, or this chapter.

237 **18VAC145-40-120. Conflicts of interest.**

238 A ~~certified~~ licensed professional geologist will not:

- 239 1. Accept any work on any project or other professional engagement when a duty to a
240 client or to the public would conflict with the geologist's personal interest or the interest
241 of another client, unless immediate disclosure of all material facts of the conflict is made
242 to each client related to the project or engagement.
- 243 2. Accept compensation for services related to the same project or professional
244 engagement from more than one party without making prior full disclosure to all parties
245 involved.
- 246 3. Solicit or accept gratuities, directly or indirectly, from contractors, agents of
247 contractors, or other parties dealing with a client or employer in connection with work for
248 which the regulant is responsible.

249 **18VAC145-40-130. Competence for assignments.**

250 A ~~certified~~ licensed professional geologist:

- 251 1. ~~Shall~~ Must exercise reasonable care when rendering professional services and ~~shall~~
252 must apply the technical knowledge and skills ordinarily applied by practicing geologists.
- 253 2. ~~Shall~~ Must not accept any professional assignment or engagement that ~~he~~ the
254 geologist is not competent to perform by way of education, technical knowledge, or

255 experience. An assignment requiring education or experience outside his the geologist's
256 field of competence may be accepted provided:

257 a. ~~His~~ The geologist's professional services are restricted to those phases of the
258 project in which he the geologist is qualified; and

259 b. All other phases of the project are performed by qualified associates, consultants,
260 or employees.

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Board For Soil Sci Wetland Geo

Monthly Cash Activity

Starting cash on hand \$ 8,868.51 Starting date Jul 2025 Cash minimum balance alert \$ 1,773.70

	Jul 2025	Aug 2025	Sep 2025	Oct 2025	Nov 2025	Dec 2025	Jan 2026	Feb 2026	Mar 2026	Apr 2026	May 2026	Jun 2026	Total
Cash on hand (beginning of mo)	\$ 8,868.51	\$ 39,222.78	\$ 69,518.45	\$ 76,746.00	\$ 66,447.76	\$ 65,291.50	\$ 63,135.40	\$ 49,371.98	\$ 43,864.63	\$ (4,392.36)	\$ (6,738.39)	\$ -	

Cash receipts

Cash sales	\$ 35,410.00	\$ 40,035.00	\$ 7,640.00	\$ 3,355.00	\$ 2,540.00	\$ 4,405.00	\$ 2,615.00	\$ 2,115.00	\$ 1,760.00	\$ 1,400.00	\$ 235.00	\$ -	\$ 101,510.00
Returns and allowances	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total cash receipts	\$ 35,410.00	\$ 40,035.00	\$ 7,640.00	\$ 3,355.00	\$ 2,540.00	\$ 4,405.00	\$ 2,615.00	\$ 2,115.00	\$ 1,760.00	\$ 1,400.00	\$ 235.00	\$ -	\$ 101,510.00
Total cash available	\$ 44,278.51	\$ 79,257.78	\$ 77,158.45	\$ 80,101.00	\$ 68,987.76	\$ 69,696.50	\$ 65,750.40	\$ 51,486.98	\$ 45,624.63	\$ (2,992.36)	\$ (6,503.39)	\$ -	

Cash paid out

Overhead	\$ 2,801.75	\$ 6,083.55	\$ -	\$ 8,131.78	\$ 2,519.86	\$ -	\$ 9,892.39	\$ 5,066.33	\$ 5,803.15	\$ 2,413.86	\$ -	\$ -	\$ 42,742.67
Enforcement	\$ 274.02	\$ 397.64	\$ -	\$ 551.56	\$ 137.46	\$ -	\$ 711.15	\$ 258.60	\$ 254.49	\$ 124.20	\$ -	\$ -	\$ 2,709.12
Board Administration	\$ 1,875.02	\$ 3,141.72	\$ 342.30	\$ 4,873.48	\$ 987.68	\$ 6,560.86	\$ 5,663.90	\$ 2,260.53	\$ 2,681.56	\$ 1,188.99	\$ 1,435.63	\$ -	\$ 31,011.67
Exams	\$ 48.24	\$ 76.42	\$ -	\$ 96.42	\$ 26.26	\$ -	\$ 110.98	\$ 36.89	\$ 39.00	\$ 18.98	\$ -	\$ -	\$ 448.19
Direct Board	\$ 62.23	\$ 40.00	\$ 70.15	\$ -	\$ -	\$ 0.24	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 172.62
Cash Transfers	\$ (5.53)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 41,238.79	\$ -	\$ -	\$ -	\$ 41,233.26
Total cash paid out	\$ 5,055.73	\$ 9,739.33	\$ 412.45	\$ 13,653.24	\$ 3,696.26	\$ 6,561.10	\$ 16,378.42	\$ 7,622.35	\$ 50,016.99	\$ 3,746.03	\$ 1,435.63	\$ -	\$ 118,317.53
Cash on hand (end of month)	\$ 39,222.78	\$ 69,518.45	\$ 76,746.00	\$ 66,447.76	\$ 65,291.50	\$ 63,135.40	\$ 49,371.98	\$ 43,864.63	\$ (4,392.36)	\$ (6,738.39)	\$ (7,939.02)	\$ -	

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May 20, 2026

To: Board for Professional Soil Scientists, Wetland Professionals, and Geologists (PSSWPG)

Virginia Department of Professional and Occupational Regulation (DPOR)
9960 Mayland Dr, Richmond, VA 23233

From: Virginia Association of Professional Soil Scientists (VAPSS)

Dear PSSWPG Board and DPOR Leadership:

We (the Virginia Association of Professional Soil Scientists, VAPSS) submit this paper to the Virginia Department of Professional and Occupational Regulation (DPOR) and the Board for Professional Soil Scientists, Wetland Professionals, and Geologists (PSSWPG) to request an immediate review of Virginia's current soil scientist licensure examination requirement. Our central thesis is that Virginia's continued reliance on the national Soil Science Society of America (SSSA) examination framework—prepared through the Council of Soil Science Examiners (CSSE)—may no longer be well aligned with Virginia law, which limits licensure requirements to those reasonably necessary to assure *minimum* competency and protect public health, safety, and welfare. We believe persistently low pass rates, a broad theoretical focus, and a two-tier exam sequence together indicate the current exam may function as an undue barrier to entry rather than a valid minimum-competency screen for Virginia's applied "soil evaluation" practice.

A. Statutory and Regulatory Framework (Why "Minimum Competency" Matters)

We frame this issue through Virginia's occupational regulatory model, which is intended to protect the public while avoiding unnecessary restriction of lawful work. We cite § 54.1-2205, which requires licensure applicants to meet education and experience prerequisites and to earn an acceptable score on an examination in the "principles and practice of soil

evaluation.” We also point to 18VAC145-20-100, which currently requires successful completion of all parts of the CSSE-prepared exam. In our view, this authority is constrained by § 54.1-201, which permits boards to establish qualifications only to the extent necessary to ensure competence or integrity, and by § 54.1-100’s “least intrusive” concept, under which regulatory requirements should not exceed what is essential to protect public health, safety, and welfare.

In practical terms, we believe Virginia can rely on a national exam only if the Board can defend that exam as a reasonable, fit-for-purpose measure of *minimum* competency for the practice defined in Virginia statute. If an exam is calibrated above a minimum-competency threshold, or if it tests material that is outside the statutory scope of “soil evaluation,” we believe the requirement risks becoming an unauthorized barrier to entry rather than a public-protection tool. We therefore urge DPOR and the Board to treat reliance on the CSSE/SSSA exams as subject to continuous oversight and periodic reassessment—not as a one-time adoption decision.

B. Virginia’s Defined Scope of Practice vs. the National Exam’s Breadth

We highlight § 54.1-2200’s definition of “soil evaluation,” which focuses on applied, field-based professional services: plotting soil boundaries; describing and evaluating soil types; and predicting suitability for and response to various uses. We interpret this as a practice centered on observation, interpretation, and professional judgment in real-world settings, often tied to land-use decisions and public health protections. By contrast, our paper asserts that the current SSSA/CSSE exam objectives reflect a broad national body of soil science knowledge that spans many technical subject areas and can require advanced recall of concepts that may be infrequently used by Virginia practitioners focused on soil evaluation work. Our concern is not that broad soil science knowledge lacks value, but that requiring mastery of that full breadth as a *licensure gate* may exceed what Virginia law permits as a minimum-competency screen.

C. Examination Outcomes: Low Pass Rates as a Signal of Miscalibration

We use examination outcomes—particularly pass rates—as a primary indicator that the current soil science testing framework may not be calibrated to a minimum-competency threshold. Our paper notes that, over roughly the past decade, pass rates for the soil science Professional Practice exam have been substantially lower than those for the wetland delineator and geologist exams administered under the same DPOR umbrella.

Because these professions are regulated under the same statutory standard, we believe a minimum-competency exam for each should yield broadly comparable outcomes over time (allowing for natural variation). When one exam repeatedly produces markedly lower pass rates, we believe it raises a threshold question: is the exam identifying the “minimally competent,” or is it functioning as an elevated academic filter that excludes otherwise qualified applicants?

Our position paper references two figures drawn from SSSA data—one summarizing Virginia fundamentals exam statistics and another summarizing professional practice exam statistics—to illustrate the persistence of low performance. While we recognize that an exam should be rigorous enough to protect the public, we believe a long-running pattern of comparatively low pass rates suggests a systemic misalignment: either the exam content does not match what Virginia applicants are trained and experienced to do under Virginia’s statutory scope, or the exam’s cut score and design are set above a minimum-competency level. We present these figures as “prima facie” evidence justifying immediate DPOR/Board review.

D. Structural Barrier: Two-Tier Testing and Virginia’s Relative Stringency

We believe the current pathway compounds difficulty by requiring two high-stakes exams in sequence: applicants must pass the Fundamentals of Soil Science exam before they may sit for the Professional Practice exam. We describe this as an “elevated” licensure hurdle that may exceed what is needed to verify minimum competency, particularly when combined with Virginia’s education and experience requirements. We also note that only a limited number of jurisdictions require the second (professional practice) exam as a mandatory condition of licensure, suggesting Virginia’s approach may be more restrictive than many peer states. From our perspective, the longer and more difficult the exam sequence becomes, the greater the risk that the requirement operates as a deterrent and conflicts with the “least intrusive” concept embedded in Virginia’s occupational regulation statutes.

E. Governance Concern: National Exam Control vs. Virginia’s Oversight Responsibility

We contend that a core problem is structural: the exam Virginia requires is developed and controlled externally, and SSSA has indicated the Professional Practice exam will remain national in scope. Because DPOR and the Board do not control exam content, item quality,

scoring approach, or revision cadence, we believe the Commonwealth has limited ability to ensure the exam stays aligned with Virginia’s statutory definition of practice over time. We frame this as a legal and administrative accountability issue—Virginia cannot outsource its duty to regulate within statutory limits. As a result, we urge DPOR and the Board to either demonstrate a defensible alignment between the national exam and Virginia’s minimum-competency mandate, or to adjust the licensure framework to a more Virginia-specific measure that can be actively governed.

F. Public-Interest Impacts: Workforce Pipeline, Service Availability, and Land-Use Decisions

We believe the exam issue is not merely professional inconvenience; it has implications for the public interest. Our paper cites DPOR/Board demographic data indicating Virginia’s licensed Professional Soil Scientist community is aging and relatively small, with a reported median age of 61 as of January 2026. We also cite SSSA records indicating that only five Virginia applicants successfully completed the full two-exam sequence and achieved licensure between 2016 and 2025. We interpret these data as evidence that the current system discourages licensure pursuit by otherwise qualified practitioners, artificially limiting the pipeline as existing licensees approach retirement. We also assert that constrained availability of licensed soil evaluation services can affect the timeliness and quality of land-use decisions and the implementation of protections tied to soils (e.g., suitability determinations, limitations, and risk-informed recommendations), thereby implicating the public health, safety, and welfare rationale that licensure is supposed to serve.

G. What We Believe Virginia Must Be Able to Show (Oversight Criteria)

1. **Statutory scope alignment:** We believe the exam must test only the knowledge and skills necessary for the “principles and practice of soil evaluation” as Virginia defines it in § 54.1-2200—i.e., applied delineation, description, evaluation, and suitability prediction—rather than a broader national academic survey of soil science.
2. **Psychometric defensibility as a minimum-competency screen:** In our view, the exam should be designed and scored to distinguish between applicants who are minimally competent and those who are not. We believe long-running low pass rates relative to peer professions suggest the exam may be set above a minimum

threshold or may not match the applicant pool's education/experience for Virginia practice.

3. **Consistency with the “least intrusive” mandate:** We believe the pathway to licensure should not be more restrictive than necessary. We question whether requiring two sequential national exams, with limited state control over content and quality, is an appropriately narrow tool given Virginia's existing education and experience safeguards.

H. What We Are Requesting: Actions and Decision Options (Expanded)

We close with a request for prompt DPOR/Board action rather than an indefinite wait for national changes. While we support continued engagement with SSSA to improve exam content and administration, we do not believe that collaboration should delay state-level review of legality and fit. We ask DPOR and the Board to evaluate whether the current exam requirement remains lawful, defensible, and aligned with minimum competency for Virginia soil evaluation, and—if not—to consider changes that better match Virginia's scope of practice and workforce needs.

- **Affirm the current requirement with evidence:** We ask DPOR/Board to document how the exam maps to Virginia's statutory scope and to demonstrate defensible minimum-competency calibration (including how item quality and scoring are overseen).
- **Modify how the exam is used:** We ask DPOR/Board to consider changes such as adjusting the passing standard, revisiting prerequisites (e.g., sequencing), or narrowing required components to those most directly tied to applied soil evaluation practice.
- **Adopt a more Virginia-aligned assessment pathway:** We ask DPOR/Board to explore alternatives that better reflect Virginia's statutory scope and allow stronger state oversight of content relevance and minimum-competency calibration.
- **Suspend or replace the current requirement if misalignment persists:** If DPOR/Board cannot reasonably demonstrate alignment with statutory authority and minimum-competency intent, we urge consideration of suspending, eliminating, or replacing the current exam mandate.

Summary: We support professional standards and meaningful licensure requirements, but we believe the current national two-exam sequence may exceed Virginia’s minimum-competency legal standard and may be constraining the licensure pipeline in ways that ultimately undermine—not advance—the public interest. We are asking DPOR and the Board to promptly reassess the exam requirement and, if warranted, adjust Virginia’s licensure pathway to a more narrowly tailored, state-aligned measure of competency.

We appreciate your consideration of our position in moving the Licensure of Soil Scientists in a better direction.

Sincerely,



Sabrina Heltzel

President

Virginia Association of Professional Soil Scientists

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TOTAL CURRENT POPULATION AS OF MAY 1, 2026

*Regulant population numbers are effective for the dates shown only.

Profession	1/1/2026	2/1/2026	3/1/2026	4/1/2026	5/1/2026
Professional Geologists	901	907	913	916	924
Professional Soil Scientists	75	75	74	73	72
Professional Wetland Delineators	152	151	156	156	157

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