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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) citation(s)	18 VAC 50-22
Regulation title(s)	Board for Contractors Regulations
Action title	Addition of remediation specialty
Date this document prepared	April 15, 2016

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Subject matter and intent

The Board for Contractors seeks to amend the specialty definitions to include those contractors who provide remediation services to remove contaminants or site work necessary to make certain real property usable for human occupancy according to the guidelines established pursuant to § 32.1-11.7 of the Code of Virginia.

Legal basis

Section 54.1-1102 of the Code of Virginia provides the authority for the Board to promulgate regulations for the licensure of contractors in the Commonwealth. The content of the regulations is pursuant to the Board's discretion, but shall not be in conflict with the purposes of the statutory authority.

Purpose

On March 29, 2016 the Governor signed into law HB 707 (Chapter 527 of the 2016 Virginia Acts of Assembly) which, in part, amended the definition of contractor found in § 54.1-1100 of the Code of Virginia, to include persons engaged in remediation services that involve the removal of contaminants and work done to residential property that was used to manufacture methamphetamine. In order to comply with this legislation and ensure that only those companies that show the necessary skillset to perform this work, which is essential to ensure the health of citizens that will be moving into this property, the Board for Contractors has determined the need to add a specific license specialty to its regulations.

Substance

Section 18 VAC 50-22-30 – Definitions of specialty services: The Board will add a minimum of one specialty to this section which will identify the scope of practice allowed by contractors that perform this type of remediation work, an restrictions to that work, and any limitations of other specialties to perform this type of work.

Alternatives

No viable alternatives have been identified at this time.

Public participation

The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives and the potential impacts of the regulation.

The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: projected reporting, recordkeeping and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to Eric Olson, c/o Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233; email: contractor@dpor.virginia.gov; fax (866) 430-1033. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

The agency is using the participatory approach in the development of the proposal. Pursuant to the Public Participation Guidelines, 18 VAC 50-11-10 *et seq.*, a panel will not be used.