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Final Regulation Agency Background Document

Agency name	Virginia Board for Asbestos, Lead, and Home Inspectors
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC15-50
VAC Chapter title(s)	Lead-Based Paint Renovation, Repair, and Painting Regulations
Action title	Initial promulgation of Lead-based Paint Renovation, Repair and Painting Regulation
Date this document prepared	January 18, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This action is the initial promulgation of the Lead-based Paint Renovation, Repair, and Painting Regulations. The new regulation establishes: 1) a regulatory program for the licensure of renovators, dust sampling technicians, and renovation contractor firms; 2) requirements for the approval of accredited renovator and dust sampling technician training programs; and 3) standards of conduct and work practices that are consistent with the United States Environmental Protection Agency (EPA) Lead Renovation, Repair, and Painting Program Final Rule ("EPA Final Rule").

The final stage reflects significant changes made to the regulation from the re-proposed stage. Changes were made to make the regulation more consistent with the current EPA Final Rule, to reflect current agency practices, and for clarity and style.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“APA” means Administrative Process Act.

“DEQ” means Department of Environmental Quality.

“DOLI” means Department of Labor and Industry.

“DPOR” means Department of Professional and Occupational Regulation.

“EPA” means U.S. Environmental Protection Agency.

“HUD” means U.S. Department of Housing and Urban Development.

“OSHA” means U.S. Occupational Safety and Health Administration.

“RRP” or “RR&P” means Lead-based Paint Renovation, Repair, and Painting.

“SCC” means State Corporation Commission.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 26, 2021, the Virginia Board for Asbestos, Lead, and Home Inspectors adopted the final regulation for the Lead-based Paint Renovation, Repair, and Painting Regulations.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

There is no change to the information previously reported at the re-proposed stage.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The agency is the Virginia Board for Asbestos, Lead, and Home Inspectors.

The 2009 Acts of Assembly, Chapter 819 amended §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-512, 54.1-516, and 54.1-517 of the *Code of Virginia* to mandate the regulation of lead renovation, repair, and painting activities.

Section 54.1-501 of the Code of Virginia states, in part:

The Board shall administer and enforce this chapter. The Board shall:

8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

The regulation is necessary to establish the Lead-based Paint Renovation, Repair, and Painting (RRP) regulatory program, pursuant to the 2009 Acts of Assembly, Chapter 819.

The regulation fulfills specific statutory requirements and allows the Department to establish, monitor, and enforce a regulatory program that addresses lead-based paint hazards created by renovation, repair, and painting activities. Renovation, repair, and painting activities that disturb lead-based paint in target housing and child-occupied facilities increase the threat of lead-based paint exposure by dispersing lead particles in the air and over household items. Both adults and children can receive hazardous lead paint exposures by inhaling or ingesting lead-based paint dust. Studies have shown that lead poisoning can cause permanent damage to the brain and other organs. In children, lead poisoning can cause lower IQ levels and behavioral problems.

The goal of the regulation is to ensure that individuals and businesses conducting lead-based paint renovation, repair and painting activities are properly trained and licensed so as to enhance the Department's ability to protect the health, safety, and welfare of Virginia citizens from the hazard of lead-based paint poisoning.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The regulation establishes procedures and requirements for the (1) training of individuals, (2) licensure of individuals and businesses, (3) approval of accredited renovation training programs and training courses, (4) standards of practice and conduct for individuals, businesses, and accredited renovation training programs, and (5) recordkeeping for individuals and businesses conducting lead-based paint renovation, repair, and painting activities.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

Effective April 22, 2010, EPA began administering the RRP regulatory program in Virginia and other states that had not obtained authorization to administer the program. EPA's regulations at 40 CFR 745, Subpart Q allow states to seek authorization to administer the RRP regulatory program.

The primary advantages to the public and the Commonwealth of implementing the new regulation are the establishment of a regulatory program that sets the minimum competence for individuals and businesses conducting lead-based paint renovation, repair and painting activities, and an expected decline in the number of families exposed to lead from paint, dust, and soil. The expected reduction in exposure to lead-based paint hazards will benefit the quality of life for Virginia citizens, particularly young children, and the quality of the Commonwealth's environment.

An increase in the cost of lead-based paint renovation, repair and painting projects can be reasonably anticipated because of costs associated with training, licensure, and work practice requirements. At first glance, the anticipated increase may appear to be a disadvantage to the public or the Commonwealth. However, the anticipated increased cost will be offset by the expected reduction in the number of families exposed to lead-based paint hazards and the consequent reduction in the number of children affected by lead poisoning.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

Currently, EPA is administering the RRP Program in Virginia. Training programs obtaining federal accreditation expire four years after the date of issuance. Under the regulation, accreditation of training programs will expire 24 months from the last day of the month in which the Board grants approval. Similarly, EPA certifications for renovation firms expire five years after the date of issuance. Under the regulation, licenses for renovation contractors expire 24 months from the last day of the month in which the license was issued.

All boards within the Department must operate within the provisions of the Callahan Act (§ 54.1-113 of the Code of Virginia). Reports summarizing the Board's fiscal affairs are created biennially. If renovation contractors are licensed and training programs accredited for greater than a 24-month period, then the biennial fiscal reports prepared for the Board would not truly reflect the Board's expenses and income. The regulatory program would initially generate a great amount of revenue that would not be seen in future years. Licensing renovation contractors for five years and accrediting training programs for four years would create "peaks and valleys" in the revenue stream, and thus, very likely create the need to revise the fees for licensure and renewal more frequently or create a deficit for the Board's financial position.

Under the EPA Final Rule, those who complete an initial renovator training course receive a training certificate that is valid for five years from the date of issuance. Such individuals may take a refresher training course that includes hands-on training to extend their certification for an additional five years, or may take a refresher training course that does not include hands-on training to extend their certification for only an additional three years. Those who take refresher training that does not include hands-on training must take a refresher training course that includes hands-on training when they next renew certification. Normally, initial training courses and refresher training courses each must be approved by the Board to include EPA-required audits of each of the courses upon initial application and periodically thereafter. In addition, training providers must pay a fee with the initial application and with each subsequent renewal. Under the staggered hands-on scheme developed by the EPA, the application and approval process for refresher courses would be bifurcated for those with and without hands-on training, thus increasing staff's time to review and audit the courses along with increasing the time and cost for training providers to prepare, submit, and maintain separate refresher training course approvals. Agency staff have determined that the staggered scheme for re-certification permitted by the federal program would create substantial administrative challenges and costs for implementation of the licensure program by the Department. Accordingly, the final regulation streamlines the refresher training course approval process and does not provide for accreditation of renovator refresher training courses that do not include hands-on training, and creates a consistent renewal period for each accreditation.

Under the EPA Final Rule, training providers are required to retain records for five years. Under the regulation, training providers are required to retain records for five years and six months.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to information previously reported at the re-proposed stage.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Mason Hearn and NARI Central VA (Town Hall and Public Hearing)	The commenter noted that the regulation itself will not protect the public; but compliance with the regulation, assured by monitoring activities and enforcement will. There is substantial disregard for the law. Since the RR&P became effective in 2010, the EPA has substantially failed to assure significant compliance with the law for lack of clear means and resources to do so. Virginia will	The Board thanks the commenter. The Board's authority extends only to the regulants it licenses. The Board does not have authority over local building officials and building departments. The Board cannot impose the directives proposed by the commenter.

	<p>likely find itself in the position once it assumes responsibility for administration and enforcement.</p> <p>The commenter proposed the Commonwealth should order that municipalities issuing building permits for renovations and repairs add the following requirements to permit applications:</p> <ul style="list-style-type: none"> • Include the date of construction of the structure to be renovated or repaired on the permit application. • If the date of construction is pre-1978, the renovation contractor responsible for the work must be RRP-certified and provide evidence of the same. • When the renovation contractor may not be RRP-certified, the areas to be disturbed should be tested by a qualified professional or firm for lead-containing paints, and cleared as having no lead-containing paint prior to issuing a permit or start of work. The results would be submitted to the building official. <p>This approach would be a more effective and less costly means of assuring compliance than in-progress enforcement and relying on whistle-blowers.</p>	
<p>Bob Becker, Richmond City Health District, Lead Safe and Healthy Homes Initiative (Town Hall)</p>	<p>Commenter’s comments were made in his personal capacity.</p> <p>Commenter suggests adding a clear requirement in subdivision 3 of 18VAC15-50-40 that the person claiming exemption keep a copy of the test result.</p>	<p>The Board thanks the commenter.</p> <p>The Board’s authority extends only to the regulants it licenses. To the extent a person engages in renovation activity that falls outside the scope of the Board’s regulatory authority, the Board cannot impose recordkeeping or any other requirements on such person.</p>
<p>Bob Becker, Richmond City Health District, Lead Safe and Healthy Homes Initiative (Town Hall)</p>	<p>Commenter suggests adding a “bad actor” provision to the training program requirements so that a trainer or training program who has had multiple violations is subject to a higher standard of conduct.</p>	<p>The Board thanks the commenter.</p> <p>The provision proposed by the commenter appears to impose a requirement that is more restrictive than the requirements for training program accreditation in the federal rule. In addition, such a provision is likely prejudicial and would be subject to challenge on such grounds.</p>

		The Board notes that the proposed regulation permits the Board to withdraw its approval for a training program that has been found by the Board to have violated the regulations, and bars such training program from reapplying for approval for one year from the date approval is withdrawn.
Bob Becker, Richmond City Health District, Lead Safe and Healthy Homes Initiative (Town Hall)	<p>Commenter suggests adding provision that the Board become the repository of all material that proves a dwelling unit is lead free. Commenter proposes the following language:</p> <p>“In addition to the record-keeping requirements of 40 CFR 745, all reports prepared by a certified inspector or certified risk assessor (certified pursuant to either Federal regulations at § 745.226 or an EPA-authorized State or Tribal certification program) that find an entire dwelling unit to be lead free shall be electronically submitted to the Board. The Board shall maintain a publicly accessible listing, by address, of all such reports filed. Such properties shall be permanently exempted from the provisions of this section.”</p>	<p>The Board thanks the commenter.</p> <p>The provision proposed by the commenter exceeds the Board’s statutory authority. The Board is not authorized to establish a property record system proposed by the commenter. In addition, the reporting provision proposed by the commenter would appear to impose a requirement that exceeds the reporting requirements under the federal rule.</p>
Dona Huang Program Manager, VDH, Richmond City Health District (Public Hearing)	<p>Commenter’s comments were made in her personal capacity.</p> <p>Commenter supports the regulation, and offered her assistance for any type of outreach.</p>	The Board thanks the commenter.
Evan Branosky and Andrew Clark, Home Builders Association of Virginia (Letter)	<p>Commenter requests DPOR coordinate the 24-month training renewal period with the two-year contractor license renewal period.</p> <p>The proposed rule may create an administrative burden for remodeling contractors and training programs because state accreditation of training programs will expire in two years, whereas federal programs expire in four years. For firms and individual renovators, shorter accreditation periods could equate to less time between required license renewals.</p>	<p>The Board thanks the commenter.</p> <p>Under the proposed regulation, training certificates issued to individuals (renovators and dust sampling technicians) for both initial and refresher training have a term of 60 months (five years). The term for training certificates is consistent with the requirements of the EPA rule. The time period that a training certificate is valid exceeds the term of license for individuals, which is 12 months. A valid, unexpired training certificate could permit a licensee to renew for multiple license cycles without the need to take a refresher training.</p>

	<p>Commenter suggests DPOR could “grandfather” existing trainings when training content does not change significantly between accreditation periods, which could allow firms and individuals to apply their completed training to license renewal requirements or extend their license by an additional two years. DPOR should also align the training renewal period with contractor license duration. Contractors could obtain their contractor license and firm and individual lead licenses at the same time.</p>	<p>The 12-month license cycle for individuals is designed to ensure that individuals are current in their training, which is a requirement of the federal program. Individuals are only required to return a renewal notice, with applicable fee, and provide a current training certificate in order to renew a license. The administrative burden this imposes is relatively minor.</p> <p>Based in part on the comment, the license term for a renovation contractor license was changed from 12 months to 24 months, which is the same as the license term for contractor licenses issued by the Board for Contractors.</p> <p>Renovation contractor licenses are issued to firms, and not individuals. There is no training requirement for a firm to qualify for initial licensure or license renewal. Renovation contractors are only required to return a renewal notice, with applicable fee, in order to renew a license. The administrative burden this imposes is relatively minor.</p> <p>Training programs are only required to return a renewal notice, with applicable fee, in order to renew a training program approval. The administrative burden this imposes is relatively minor.</p> <p>The current regulations for licensure by the Board for Contractors do not require contractor firms to be specially licensed to perform lead-based paint renovation, repair, or painting; and do not require individual licensure for those who perform the same.</p>
<p>Evan Branosky and Andrew Clark, Home Builders Association of Virginia (Letter)</p>	<p>Commenter appreciates proposed language allowing EPA-certified practitioners to lawfully practice for 12 months after the effective date of the regulation. Commenter requests DPOR work with EPA Region 3 to alert affected parties upon publication of the final rule. Without notification, multiple licensees could lapse in their certification.</p>	<p>The Board thanks the commenter.</p> <p>The Board’s office will provide appropriate notification prior to, and upon publication of the final regulation. The Board’s office also plans to perform outreach to the public and stakeholders to promote awareness of the new licensure requirement.</p>
<p>Evan Branosky and Andrew Clark, Home Builders Association of Virginia (Letter)</p>	<p>Commenter requests DPOR maintain the federal fee schedule.</p> <p>The Board estimates costs for training to obtain an initial license of \$500 (\$250 per year). EPA estimates a fee of \$300 to obtain</p>	<p>The Board thanks the commenter.</p> <p>Under the Callahan Act (§ 54.1-113 of the Code of Virginia), the Board is required to establish fee levels that are sufficient, but not excessive, to cover expenses for administering the licensure program.</p>

	<p>firm certification over a five-year period (\$60 per year).</p>	<p>The license application fee for individuals (renovators and dust sampling technicians) is \$45 for initial licensure, and \$45 for renewal annually. Though individuals are not required by the EPA rule to pay a fee for federal certification, were the Board to exempt individuals from a license fee, the Board would be required to adjust its other application fees in order to ensure compliance with the Callahan Act.</p> <p>The training cost referenced by the commenter (\$500) appears to be the application fee for an accredited renovation training program to receive initial approval from the Board. This is not a fee paid by individuals to obtain a license. The fee for renewal of a training program approval every 24 months is \$125.</p> <p>The license application fee for renovation contractor firms is \$60 for initial licensure, and \$60 for renewal. This compares favorably to the fees for firm certification in the EPA rule. Over a period of five years, a firm would be required to pay an aggregate of \$180 in fees to obtain and renew a license issued by the Board.</p>
<p>Evan Branosky and Andrew Clark, Home Builders Association of Virginia (Letter)</p>	<p>Commenter requests additional information regarding the proposed state fee schedule associated with violations.</p>	<p>The Board thanks the commenter.</p> <p>The Board has not established a fee schedule for violations.</p> <p>Section 54.1-202 of the Code of Virginia authorizes the Board to impose a monetary penalty not to exceed \$2,500 against a regulant for any violation of applicable law or regulation. This is in addition to the Board's authority to suspend or revoke a license or withdraw approval of an accredited training program.</p> <p>The imposition of monetary penalties or other sanctions would be determined on a case-by-case basis depending on the nature of a violation by a regulant, and the Board's determination of the appropriate remedy to address the public harm caused by a regulant's conduct.</p> <p>As a matter of practice, regulatory boards under the Department do not establish set penalty amounts for regulatory violations. However, regulatory boards may rely on</p>

		precedent to provide guidance in determining an appropriate monetary penalty or other sanction in a case.
Evan Branosky and Andrew Clark, Home Builders Association of Virginia (Letter)	Commenter requests DPOR reduce violation notification periods compared to the federal program. DPOR should consider prioritizing notifications to firms or businesses that are found to violate RRP program requirements. Notification of violations should be minimized to the greatest extent practicable given the impact of lead-based paint poisoning on public health, and the potential for firms to incur significant fines.	<p>The Board thanks the commenter.</p> <p>The Department’s compliance process does not entail conducting on-site inspections or “audits” of job sites as is done by the EPA. Other agencies, including the EPA and local building departments, may have the authority to conduct such types of inspections, and may submit complaints to the Board.</p> <p>Violations of the Board’s laws and regulations will be addressed through the Department’s administrative complaint process. The Department’s compliance and investigations staff receive, investigate, and adjudicate complaints on behalf of all regulatory boards under the Department’s umbrella, including the Virginia Board for Asbestos, Lead, and Home Inspectors. The timeframe for resolution of complaints is dependent upon several factors including the volume of complaints, and available staff resources.</p>

Detail of Changes Made Since the Previous Stage

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Please note that this is an initial promulgation of a regulation. There is no current chapter.

Throughout the regulation, stylistic changes were made to replace the word “shall” with “must” or “will” where appropriate.

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
	50-10*	Incorporate applicable definitions from § 54.1-500 of the Code of Virginia. Establish definitions for specific terms used in the regulation.	Added definitions for the following terms: <ul style="list-style-type: none"> • Address of record; • Cleaning verification card; • Dry disposable cleaning cloth; • Financial interest; 	Several definitions were added due to significant changes made to Part IX (Standards for Conducting Renovation Activities) of the regulation so the regulation will be more consistent with the current EPA Final Rule.

			<ul style="list-style-type: none"> • High-efficiency particulate air (HEPA) vacuum; • Interim controls; • NLLAP-recognized laboratory; • Pamphlet; • Vertical containment; • Wet disposable cleaning cloth; and • Wet mopping system. <p>Substantial revisions to definitions for the following terms:</p> <ul style="list-style-type: none"> • Applicant; • Application; • Emergency renovation; and • Firm. <p>Minor changes made to other definitions.</p>	<p>Other definitions were added or revised to align the regulation with current agency practice for license application and renewal procedures.</p> <p>Minor revisions made to some definitions for clarity or style.</p>
	50-20	<p>The section establishes general requirements for licensure, and identifies persons required to obtain a license to engage in lead-based paint renovation or dust sampling. The section also establishes the requirement for training programs to receive approval from the Board in order for training courses to be used to satisfy training requirements for licensure.</p> <p>The section provides a 12-month period following the effective date of the regulation for individuals and firms</p>	<p>No new updated requirements. Minor changes made.</p>	<p>Changes were made for clarity or style.</p>

		certified by EPA to continue to lawfully practice; and for training programs approved by EPA to continue to provide accredited training before licensure or training program approval is required.		
	50-30*	<p>The section establishes who may conduct renovation activities for compensation.</p> <p>Individuals licensed as renovators by the Board, or who are trained by and under the direct supervision of a licensed renovator, or licensed renovation firms may conduct renovation activities.</p>	<p>Requirement for a licensed renovator to be a sole proprietor of a licensed renovation contractor or work for licensed renovation contractor was removed.</p> <p>Added provision that an individual trained by and under direct supervision of licensed renovator must be trained in standards for conducting renovation activities established in the regulation.</p> <p>Minor changes made.</p>	<p>The provision requiring a licensed renovator to be a sole proprietor of a licensed renovation contractor, or work for a licensed renovation contractor, appears to be inconsistent with the licensure requirement for renovators established in statute.</p> <p>The provision regarding training of individuals trained by and under direct supervision of a licensed renovator was added to clarify the individual must be trained in the renovation work practice standards. The change makes the regulation more consistent with the purpose and intent of the current EPA Final Rule.</p> <p>Other changes made for clarity or style.</p>
	50-40	<p>The section specifies persons not required to possess a renovator or renovation contractor license based on specific renovation activities performed.</p> <p>Persons not required to have a license include (i) those performing a minor repair or maintenance activity; (ii) those performing a renovation activity</p>	<p>No new updated requirements. Minor changes made.</p>	<p>Changes were made for clarity or style.</p>

		<p>where the paint has been tested by a licensed lead inspector or risk assessor and determined not to be lead-based paint; and (iii) those performing a renovation activity where the paint has been tested by a licensed renovator using a recognized test kit and analyzed by an NLLAP-recognized testing laboratory and determined not to be lead-based paint.</p>		
	50-50*	<p>The section specifies the process by which an application may be submitted to the Board; gives the Board the authority to confirm or amplify information provided on an application; and establishes a 12-month timeframe in which the application process must be completed.</p>	<p>Added provision that applications must be completed according to instructions on the application and in the regulation; and that an application is not complete until all required documents are received.</p> <p>Clarified provision regarding certification made by applicant when submitting application.</p> <p>Minor changes made.</p>	<p>Provision regarding completion of applications and submission of complete application documents aligns the regulation to reflect agency practice that an application is not considered complete if it is not completed per the agency's application requirements, or if required application documents are not submitted.</p> <p>Provision regarding certification was revised to reflect current agency practice that submission of an application, not signing of an application, constitutes an applicant's acknowledgment of having read statutes and regulations applicable to licensure.</p> <p>Other changes made for clarity or style.</p>
	50-60*	<p>The section establishes general qualifications for licensure of renovators and dust sampling technicians, to</p>	<p>Requirement for an applicant to provide physical address in addition to mailing address was removed. An applicant is only</p>	<p>Change regarding applicant's address made to align regulation with current agency practice for licenses issued to individuals.</p>

		<p>include (i) an applicant providing the applicant's name and address; and (ii) disclosure of criminal convictions and any past disciplinary action. These licenses are issued to individuals.</p>	<p>required to provide physical address if providing a post office box as a mailing address.</p> <p>Removed provision providing that a plea of <i>nolo contendere</i> is considered a conviction.</p> <p>Removed provision regarding certified record of conviction as being <i>prima facie</i> evidence of guilt of a criminal conviction.</p> <p>Removed provision regarding applicant's compliance with standards of conduct and practice of EPA and OSHA while application is under review.</p> <p>Removed provision requiring an applicant to be "in good standing" in other jurisdictions.</p> <p>Minor changes made.</p>	<p>Provision regarding <i>nolo contendere</i> pleas appears to be contrary to the provisions of § 54.1-204 of the Code of Virginia, which authorize regulatory boards to deny licensure based on an applicant's convictions. In addition, the provision may pose an unnecessary burden on an applicant obtaining a license.</p> <p>The provision regarding certified record of conviction as being <i>prima facie</i> evidence of guilt appears to be contrary to § 54.1-204 of the Code of Virginia, which stipulates that criminal information contained in an applicant's state or federal criminal history must be considered by an agency in lieu of an applicant providing certified court records.</p> <p>Provision regarding compliance with EPA and OSHA standards is unnecessary. The standards of conduct and practice in Part VII of the regulation already require compliance with EPA and OSHA standards for renovations.</p> <p>Provision regarding "good standing" in other jurisdictions was removed to align the regulation with current agency practice, in which this is not required for a license to be issued. An applicant must disclose any disciplinary action taken in any jurisdiction, which may be a basis for denial of a license at the Board's discretion.</p>
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				Other changes made for clarity or style.
	50-70*	<p>This section establishes the entry training requirement for a renovator license.</p> <p>An applicant must provide proof of completing (i) an approved renovator initial training and, if applicable, approved refresher training; or (ii) a board or EPA-approved lead worker or supervisor course and approved renovator refresher training, to qualify for a license.</p>	<p>Removed provision that permits an applicant to qualify based on having completed a HUD, EPA, or joint EPA/HUD model renovation training course, plus an approved renovator refresher training.</p> <p>Minor changes made.</p>	<p>The provision regarding the HUD, EPA, or joint EPA/HUD model renovation training course was removed because this type of course is no longer available.</p> <p>Other changes made for style.</p>
	50-80	<p>This section establishes the entry training requirement for a dust sampling technician license.</p> <p>An applicant must provide proof of completing (i) an approved dust sampling technician initial training course and, if applicable, approved refresher training; or (ii) a board or EPA-approved lead-based paint inspector or risk assessor initial or refresher training, to qualify for a license.</p>	<p>No new updated requirements. Minor changes made.</p>	<p>Changes were made for style.</p>
	50-90*	<p>The section establishes qualifications for licensure for renovation contractors. These licenses are issued to firm.</p>	<p>Provision regarding trade or fictitious names revised to stipulate that such names be registered with SCC only. Removes language regarding registration of such names with clerk of court.</p>	<p>Provision regarding trade and fictitious name registration changed to reflect change in Chapter 5 of Title 59.1 of the Code of Virginia that became effective in 2020 which requires trade and fictitious names be registered with SCC only.</p>

		<p>The applicant firm must disclose certain information about the firm.</p> <p>Requirements include that firms must (i) be authorized to conduct business in Virginia; (ii) disclose any trade or fictitious names, which must be registered with the SCC; (iii) disclose past criminal history of firm, owners, officers, and directors; (iv) disclose any prior disciplinary action taken in any jurisdiction against the firm, owners, officers, and directors.</p> <p>Applicants are also required to make a certification regarding renovation activities undertaken by the firm.</p>	<p>Removed provision providing that a plea of <i>nolo contendere</i> is considered a conviction.</p> <p>Removed provision regarding certified record of conviction as being <i>prima facie</i> evidence of guilt of a criminal conviction.</p> <p>Removed provision regarding applicant's compliance with standards of conduct and practice of EPA and OSHA while application is under review.</p> <p>Removed provision requiring a firm, owners, officers, and directors to be "in good standing" in other jurisdictions.</p> <p>Added provision that the Board may deny licensure based on prior disciplinary action.</p> <p>Added provision that applicants disclosing prior criminal history or disciplinary actions may have application considered under applicable provisions of the APA.</p> <p>Minor changes made.</p>	<p>Provision regarding <i>nolo contendere</i> pleas appears to be contrary to the provisions of § 54.1-204 of the Code of Virginia, which authorize regulatory boards to deny licensure based on an applicant's convictions. In addition, the provision may pose an unnecessary burden on an applicant obtaining a license.</p> <p>The provision regarding certified record of conviction as being <i>prima facie</i> evidence of guilt appears to be contrary to § 54.1-204 of the Code of Virginia, which stipulates that criminal information contained in an applicant's state or federal criminal history must be considered by an agency in lieu of an applicant providing certified court records.</p> <p>Provision regarding compliance with EPA and OSHA standards is unnecessary. The standards of conduct and practice in Part VII of the regulation already require compliance with EPA and OSHA standards for renovations.</p> <p>Provision regarding "good standing" in other jurisdictions was removed to align the regulation with current agency practice, in which this is not required for a license to be issued. An applicant must disclose any disciplinary action taken in any jurisdiction, which may be a basis for denial of a license at the Board's discretion.</p>
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	50-95*	N/A – New section not included the previous stage.	<p>New section added to outline the Board’s authority to deny an application for failure to meet entry requirements, or for any reason that a licensee may be disciplined.</p> <p>Provides applicants have the right to have any refusal of application considered by the Board under applicable provisions the APA.</p>	<p>The new section was added to align the regulation with current agency practice to detail in regulation the agency’s authority to refuse initial licensure to an applicant.</p>
	50-100	<p>The section establishes that a training program may offer a single course, or multiple courses.</p> <p>The section establishes four types of training programs that may</p>	<p>No new updated requirements. Minor change made.</p>	<p>Change was made for style.</p>

		be approved: (i) initial renovator training; (ii) refresher renovator training; (iii) initial dust sampling technician training; and (iv) refresher dust sampling technician training.		
	50-110*	<p>The section specifies the general qualifications for approval of accredited renovation training programs.</p> <p>Programs must receive approval from the Board, and courses offered in the training program must teach to standards outlined in the regulation and as adopted by EPA.</p> <p>Training providers must submit (i) name and address of the provider; (ii) description of training facilities; and (iii) quality control plan.</p> <p>The section provides that a separate application is required for each type of training course for which approval is sought.</p>	<p>Added provision that applicant must provide name and documentation of the qualifications of (i) the training program's training manager; and (ii) the principal instructor for the course. The training manager and principal instructor must meet specific requirements outlined in the regulation.</p> <p>Minor changes made.</p>	<p>Provision added to clarify that the applicant must provide required information on both the training manager and principal instructor to qualify for approval. The added language also better aligns the regulation with the current requirements in EPA Final Rule.</p> <p>Other changes made for style.</p>
	50-120*	<p>The section specifies general requirements for training courses to include (i) information on the discipline (renovator or dust sampling technician) and type of course (initial or</p>	<p>Added provisions detailing specific requirements for courses that are delivered electronically including (i) tracking of a student's log-ins, progress, and completion; (ii)</p>	<p>The provisions specific to courses delivered electronically were added to make the regulation more consistent with the current EPA Final Rule, which has specific requirements for courses taught electronically.</p>

		<p>refresher); (ii) language the course will be taught in; and (iii) method of course delivery.</p> <p>The section also requires an applicant to provide information and documents relating to course content, facilities and equipment for hands-on training component, activities and procedures for hands-on assessment; course examination; and information relating to course instructors.</p> <p>The section specifies that courses taught in different language are considered different courses and must independently meet course approval requirements.</p> <p>The section provides that the training course will be subject to an on-site audit prior to approval.</p>	<p>knowledge checks; and (iii) passing score.</p> <p>Changed to clarify that courses may be delivered online and virtually; and that refresher courses offered electronically must meet hands-on training requirements.</p> <p>Minor changes made.</p>	<p>The inclusion of virtual training was made to provide flexibility to training program providers.</p> <p>Under this regulation, all refresher training must include hands-on training. The section was changed to clarify that refresher training delivered electronically must meet hands-on training requirements.</p> <p>Other changes made for clarity and style.</p>
	<p>50-130*</p>	<p>The section establishes the requirements for a renovator initial training course. Initial renovator training courses must be a minimum of eight (8) training hours, with a minimum of two (2) hours for hands-on training.</p> <p>The section details the topics that are to</p>	<p>Added provision that hands-on training must include procedures for using acceptable test kits for determining the presence of lead-based paint.</p> <p>Minor changes made.</p>	<p>The provision requiring test kit procedures as part of the hands-on training was added to make the regulation more consistent with the current EPA Final Rule.</p> <p>Other changes made for clarity and style.</p>

		be covered as part of the training course; and specifies what must be included in the hands-on component of the course.		
	50-140*	<p>The section establishes the requirements for a dust sampling technician initial training course. Initial dust sampling technician training courses must be a minimum of eight (8) training hours, with a minimum of two (2) hours for hands-on training.</p> <p>The section details the topics that are to be covered as part of the training course; and specifies what must be included in the hands-on component of the course.</p>	<p>Added provision that hands-on training must include training on report preparation.</p> <p>Minor changes made.</p>	<p>The provision requiring report preparation as part of the hands-on training was added to make the regulation more consistent with the EPA Final Rule.</p> <p>Other changes made for clarity and style.</p>
	50-150*	<p>The section establishes the requirements for refresher training courses for renovators and dust sampling technicians. Refresher training courses for either discipline must be a minimum of four hours.</p> <p>Refresher training courses must review topics that are covered in the initial training. In addition, these courses must cover (i) current safety practices; (ii) current laws and regulations; and (iii)</p>	<p>Added provision that renovator refresher training include a hands-on component.</p> <p>Added provision that dust sampling technician refresher training must include a hands-on component and conduct a hands-on assessment.</p> <p>Minor changes made.</p>	<p>The provision requiring renovator refresher training to include a hands-on component was added to address the difficulty posed by the staggered renovator recertification provisions in the EPA Final Rule (see “Requirements More Restrictive than Federal” section above for more details). In order to more ably enable administration of the RRP program, all renovator refresher training must include a hands-on component.</p> <p>The provision requiring dust sampling technician refresher training to include a hands-on component and</p>

		current technologies in the field.		assessment was added to make the regulation more consistent with the current EPA Final Rule. Other changes made for style.
	50-160	The section establishes the experience, education, and training requirements for the training manager employed by the accredited training program. Training managers must have at least (i) two years of experience, education, or training in teaching workers or adults; or (ii) a bachelor's or graduate degree in a designated discipline; or (iii) two years of experience in managing a training program specializing in environmental hazards. Training managers must have specific experience, education, or training in the construction industry.	No new updated requirements. Minor changes made.	Changes were made for clarity or style.
	50-170*	The section establishes the experience, education, and training requirements of the principal instructor employed by the accredited training program for the training course. Principal instructors must have (i)	Added provision that a qualified principal instructor must be designated for each course. Revised section to increase from eight (8) to 16 the minimum number of hours of EPA or board approved lead-specific training of	The provision regarding designation of a principal instructor for each course was added to clarify that each course must have a principal instructor, and to make the regulation more consistent with the current EPA Final Rule. The minimum number of hours for lead-specific training of lead-based

		<p>experience, education, or training in teaching workers or adults; (ii) completed at least eight (8) hours of EPA or board-approved lead specific training of lead-based paint activities courses or 8 hours of any EPA or board approved lead-specific training courses for renovators or dust sampling technician; and (iii) experience education, or training in designated construction disciplines.</p>	<p>lead-based paint activities courses that may be completed to meet requirement for designation as a principal instructor.</p> <p>Revised section to specify that lead-specific training in either lead-based paint activities or renovator or dust sampling technician courses must be training for instructors.</p> <p>Minor changes made.</p>	<p>paint activities courses for a principal instructor was increased to make the regulation more consistent with the current EPA Final Rule.</p> <p>Language specifying training courses must be for instructors was added to make the regulation more consistent with the current EPA Final Rule.</p> <p>Other changes were made for clarity or style.</p>
	50-180	<p>The section specifies that any training manager who also serves as a principal instructor must also meet the requirements established for a principal instructor.</p>	<p>No new updated requirements. Minor change made.</p>	<p>Change was made for style.</p>
	50-190	<p>The section establishes the documents recognized by the Board as evidence that the training manager and principal instructor meet the required education, work experience, and training qualifications, and grants authority to the Board to approve the training manager and a principal instructor.</p> <p>Acceptable documentation includes (i) academic transcripts or diplomas; (ii)</p>	<p>No new updated requirements. Minor changes made.</p>	<p>Changes were made for style.</p>

		resumes or other documentation of work experience; and (iii) certificates of completion from lead-specific training courses.		
	50-200*	<p>The section establishes the course examination requirements for a training course. A course must have a written course examination and hands-on skills assessment. The passing score on an examination must be 70%. The hands-on skills assessment must test the trainee’s ability to satisfactorily perform the work practices and procedures outlined in Part IX of the regulation.</p> <p>A course may conduct a proficiency examination as an alternative to the written examination and hands-on skills assessment.</p>	<p>Removed provision that exempted refresher training from having a hands-on skills assessment.</p> <p>Subsection F pertaining to proficiency-based courses being approved by the board was removed.</p> <p>Minor changes made.</p>	<p>The current EPA final rule requires dust sampling technician refresher training to have a hands-on skills assessment.</p> <p>Under this regulation, all renovator refresher training will be required to include a hands-on component (see Section 50-150 above), so an assessment will be required.</p> <p>Subsection F was removed as this provision was unnecessary. Training courses, regardless of whether they contain a proficiency examination, must be approved by the board.</p> <p>Other changes were made for clarity or style.</p>
	50-210	<p>The section establishes the requirement of training programs to issue a course completion certificate, and specifies the information that must be included on the completion certificate.</p> <p>Certificate information must include information (i) identifying the training program and course; (ii)</p>	<p>No new updated requirements. Minor changes made.</p>	<p>Changes were made for style.</p>

		identifying the individual who completed the course, including photograph; (iii) expiration date of the certificate; and (iv) signature of training manager and principal instructor.		
	50-220	<p>The section provides that a training program and course must be approved by the board or EPA in order for the completion certificate for such course may be accepted by the board. Certificates of completion for courses completed prior to board or EPA approval will not be accepted.</p> <p>The section further provides that courses may not be approved retroactively.</p>	N/A	N/A
	50-230	<p>The section establishes the requirement for the conduct of an on-site audit of a training program prior to approval. Training programs will be provided an opportunity to cure any deficiencies identified during an audit.</p> <p>EPA accredited courses approved before the effective date of the regulation are exempt from the audit requirement.</p>	No new updated requirements. Minor changes made.	Changes were made for style.
	50-240	The section establishes general requirements for application fees,	No new updated requirements. Minor changes made.	Changes were made for style.

		including that fees are non-refundable, and that the date payment is received by the department determines whether a fee was paid on time.		
	50-250	The section establishes the fees that must accompany the application for initial licensure for renovators, dust sampling technicians, and renovation contractors and initial accreditation of renovation training programs and initial approval of additional training courses.	No new updated requirements. Minor change made.	Change was made for style.
	50-260	The section establishes the fees that must accompany the renewal application for licensed renovators, dust sampling technicians, and renovation contractors, and accredited renovation training programs.	No new updated requirements. Minor change made.	Change was made for style.
	50-270*	The section establishes a 12-month licensure period for renovators and dust sampling technicians, a 24-month licensure period for renovation contractors, and a 24-month approval period for accredited renovation training programs.	The licensure period for renovation contractors was increased from 12 months to 24 months. Minor changes made.	The change to the licensure period for renovation contractors was made, in part, due to comments received during public comment to make the licensure term consistent with the licensure term for contractors licensed by the Board for Contractors. In addition, after reviewing the regulation, it was determined that it was not necessary to limit the period of licensure for

		<p>The section specifies a fee is required for renewal.</p>		<p>renovation contractors to 12 months.</p> <p>Other changes were made for style.</p>
	<p>50-280*</p>	<p>The section outlines the process and requirements for renewal of a license or accredited training program approval.</p> <p>Regulants will be sent a renewal notice. Regulants are required to return the renewal notice and applicable fee to the board.</p> <p>Renovators and dust sampling technicians must also provide proof of completion of most recent refresher training.</p> <p>The section also establishes that regulants have 30 days from the date of expiration of the license or training program approval to renew, or will be required to pay a late renewal fee. Regulants that do not renew within 12 months of the expiration date will be required to reapply as a new applicant.</p> <p>The section further provides that failure to receive a renewal notice does not relieve the regulant of the obligation to renew. Regulants that apply for renewal certify their</p>	<p>Added language indicating renewal notices would be sent prior to the expiration date on the license or approval letter.</p> <p>Removed provision that specified the renewal notice outlines the procedures for renewal.</p> <p>Removed language indicating training programs must provide additional documentation when renewing.</p> <p>Added provision specifying the date on which a renewal application is received determines whether the renewal was received on time.</p> <p>Minor changes made.</p>	<p>The section was revised to align its provisions with current agency practice regarding renewal of licenses.</p> <p>The provision regarding additional documentation being required for renewal of a training program was erroneously included at the re-proposed stage. No additional documentation is required for renewal of a training program approval.</p> <p>Other changes were made for clarity or style.</p>

		continued compliance with the regulations.		
	50-290	The section establishes for individual licensees the requirement and frequency, at least once every 60 months, of discipline-specific board-approved refresher training.	No new updated requirements. Minor changes made.	Changes were made for style.
	50-295*	N/A – New section not included the previous stage.	New section establishes the Board’s authority to deny renewal of a license or training program approval for the same reasons that it may refuse initial licensure or approval, or impose discipline on a licensee or training program. Establishes regulants have the right to have such action reviewed pursuant to APA.	New section was added to align the regulation with current agency practice and other DPOR regulations regarding renewal of licenses.
	50-300*	The section outlines authority to the Board to impose sanctions on a licensee or accredited renovation training program for violations of applicable statute or regulation, including imposition of fines, suspension or revocation of a license or training program approval. The section outlines specific causes for which a training program may have approval withdrawn, including (i) no longer meeting	Specific prohibited acts that were previously listed in subsection A of this section were removed, and replaced with provisions generally addressing the Board’s authority to impose discipline when a regulant is found to have violated applicable statute or regulation. Specific prohibited acts were moved to a newly created section -305. Provision detailing the Board’s authority to deny an application for	The section was revised to make it more consistent with other DPOR regulations which provide a section outlining a Board’s authority to impose discipline against licensees for violations, while detailing specific prohibited acts in a different section of regulation. The provision regarding denial of an application was removed because the Board’s authority to deny an application is addressed in the new section -95. The provision regarding the Board’s authority to deny renewal was added

		<p>standards established by the Board; (ii) fraudulent or deceptive advertising; and (iii) falsification of information in training program approval application or student records, or failing to produce records.</p> <p>The section provides that a licensee whose license is revoked, or training program whose approval is revoked or withdrawn is not eligible to reapply for one year from date sanction is imposed.</p>	<p>licensure or approval as an accredited training program was removed.</p> <p>Provision specifying the Board may refuse to renew a license or training program approval was added.</p> <p>Provision regarding power to place a regulant on probation was removed.</p> <p>Minor changes made.</p>	<p>to make the section consistent with other DPOR regulations.</p> <p>The provision addressing placing a regulant on probation was removed because it appears to be contrary to the provisions of § 54.1-516, which do not empower the Board to place regulants on probation.</p> <p>Other changes were made for clarity or style.</p>
	50-305*	<p>N/A – New section not included the previous stage.</p>	<p>New section outlines several prohibited acts that may result in disciplinary action by the Board. The specific prohibited acts are essentially the same as detailed in subsection A of Section -300 filed at the re-proposed stage. Some provisions were revised for purposes of clarity or style.</p>	<p>The new section was added to make the regulation more consistent with other DPOR regulations which provide a section outlining a Board’s authority to impose discipline against licensees for violations, while detailing specific prohibited acts in a separate section of regulation.</p>
	50-310	<p>The section establishes that regulants are required to report, within 30 calendar days, (i) a change of name; (ii) a change of address and (iii) any changes in the business entity such as formation or dissolution of a corporation, death of a sole proprietor, or withdrawal of a</p>	<p>No new updated requirements. Minor changes made.</p>	<p>Changes were made for clarity or style.</p>

		<p>partner in a partnership.</p> <p>The section also prohibits the transfer of licenses or approvals; and requires that regulants keep their training approvals and licenses current.</p>		
	50-320*	<p>The section establishes the recordkeeping requirements for renovation contractors pertaining to renovations, and reporting requirements following completion of a renovation.</p>	<p>The section was significantly re-written. The section previously contained a general requirement that a renovation contractor comply with the applicable EPA regulation.</p> <p>The section now details the specific requirements, based on § 745.86 of 40 CFR Subpart E of the EPA Final Rule, detailing the records a renovation contractor is required to retain, and the timeframe for retention. In addition, the section now details the specific reporting requirements for renovation contractors following completion of a renovation as outlined in the same section of the EPA Final Rule.</p>	<p>The section was revised to make the regulation more consistent with the EPA Final Rule, and to clarify the standards for recordkeeping and reporting for renovation contractors. As revised, the provisions in the section now largely parallel those in the applicable section of the EPA Final Rule.</p>
	50-330*	<p>The section establishes the requirements for regulants to notify the board, within 30 calendar days, of any adverse action taken against them, such as criminal convictions and</p>	<p>Removed provision providing that a plea of <i>nolo contendere</i> is considered a conviction.</p> <p>Removed provision regarding certified record of conviction as being <i>prima facie</i></p>	<p>Provisions regarding <i>nolo contendere</i> pleas and certified record of conviction as being prima facie evidence of guilt appear to be contrary to the provisions of § 54.1-204 of the Code of Virginia. Under the regulation, any conviction</p>

		disciplinary action taken by a regulatory board.	evidence of guilt of a criminal conviction. Minor changes made.	of a regulant must be considered in accordance with § 54.1-204 of the Code of Virginia. Other changes were made for clarity or style.
	50-340	<p>The section specifies the regulant's obligation to respond to inquires of the Board or its agents, including providing responses to complaints and providing records.</p> <p>Regulants are required to provide a response within 10 days of request for an inquiry regarding a complaint, or a request for records. A regulant may be provided additional time to respond to a request for records if the regulant can show there are extenuating circumstances. Otherwise, a regulant must respond to any inquiry within 21 days of the request for information.</p> <p>The section also prohibits regulants from providing false, misleading, or incomplete responses to any inquiry.</p>	No new updated requirements. Minor changes made.	Changes were made for style.
	50-350	The section establishes the authority of the board to audit an accredited renovation training program and approved training course at any time,	N/A	N/A

		with or without notice.		
	50-360	<p>The section establishes the training program’s responsibility to report substantial changes to any course item and seek the Board’s approval before implementing the change, to report a change in ownership within 30 calendar days of the change, and to report the relocation of its business or transfer of records 30 calendar days prior to the change.</p> <p>The section provides that any notification to the Board that a training course has been discontinued will result in the automatic withdrawal of approval for the course. Automatic withdrawal may be suspended to permit a training program to apply for a new approval.</p>	No new updated requirements. Minor changes made.	Changes were made for style.
	50-370	<p>The section establishes that the training manager is responsible for (i) ensuring that the training program complies with the Board’s requirements; (ii) ensuring the validity and integrity of tests and assessments; and (iii) designating principal and guest instructors.</p>	No new updated requirements. Minor changes made.	Changes were made for style.
	50-380*	The section establishes training program	Subsection A of the section was significantly revised.	The section was revised to make the regulation more consistent with EPA

		<p>recordkeeping requirements and timeframe for retention of records; establishes course and participant notification procedures, including timeframes for notification of courses and participants; and grants authority to the Board to refuse training certificates from approved training providers that fail to observe the notification requirements.</p>	<p>The section previously contained a general requirement that a training provider comply with the applicable EPA regulation.</p> <p>The section now details the specific requirements, based on § 745.225 of 40 CFR Subpart L of EPA regulation, detailing the records a training program is required to retain, and the timeframe for retention.</p> <p>The provisions regarding training course participant list records were revised to add a requirement that training providers keep digital photographs of training program participants.</p> <p>Minor changes made.</p>	<p>regulation, and to clarify the standards for recordkeeping and reporting for training programs. As revised, the provisions in the section now largely parallel those in the applicable section of the EPA regulation.</p> <p>Other changes were made for clarity or style.</p>
	<p>50-390*</p>	<p>The section establishes general requirements for conducting renovation activities.</p>	<p>The section was revised to remove a general requirement that renovation activities comply with the applicable EPA Final Rule, and replace with a requirement that renovation activities comply with the standards and requirements outlined in the Board's regulation.</p> <p>Added provisions requiring licensed renovators and dust sampling technicians have a copy of their license and current</p>	<p>Part IX of the regulation was significantly revised to incorporate the standards and requirements outlined in the EPA Final Rule into the regulation, rather than establishing a general requirement the EPA Final Rule be followed. As part of these revisions, the general requirements of the regulation were changed to clarify that licensees are to comply with standards and requirements outlined in the regulation.</p> <p>The provisions previously in sections -420 and -430 were moved to the general requirements section to</p>

			<p>approved training course certificate of completion at the work site. These provisions were relocated from sections -420 and -430.</p> <p>Minor change made.</p>	<p>make the regulation clearer.</p> <p>Other change was made for style.</p>
	50-400*	<p>The section establishes that renovation contractors distribute information related to lead-based paint renovation activities to the owners and/or occupants of target housing or child-occupied facilities.</p>	<p>The section was significantly re-written. The section previously contained a general requirement that a renovation contractor comply with the applicable EPA regulation.</p> <p>The section now details the specific requirements, based on § 745.84 of 40 CFR Subpart E of the EPA Final Rule, detailing requirements for delivery of the pamphlet to owners and/or occupants of target housing or child-occupied facilities, and requirements for obtaining proof of delivery or written acknowledgment of receipt.</p>	<p>The section was revised to make the regulation more consistent with the EPA Final Rule, and to clarify the information distribution requirements for renovation contractors. As revised, the provisions in the section now largely parallel those in the applicable section of the EPA Final Rule.</p>
	50-410*	<p>The section establishes the standards for conducting renovation activities target housing and child-occupied facilities.</p>	<p>The section was significantly re-written. The section previously contained a general requirement that a renovation contractor comply with the applicable EPA regulation.</p> <p>The section now details the specific requirements, based on § 745.85(a) of 40</p>	<p>The section was revised to make the regulation more consistent with the EPA Final Rule, and to clarify the standards for the performing of renovations. As revised, the provisions in the section now largely parallel those in the applicable section of the EPA Final Rule.</p>

			<p>CFR Subpart E of the EPA Final Rule, detailing requirements for performing renovations including procedures for posting of warning signs, containing the work area, restricted renovation practices, disposal of waste, and cleaning of work area upon completion of renovations.</p>	
	<p>50-420*</p>	<p>The section establishes the standards for verification that a work site is clean following completion of a renovation.</p>	<p>The section was significantly re-written. The section previously contained a general requirement for renovators to comply with the applicable EPA regulation.</p> <p>The section now details the specific requirements, based on § 745.85(b) of 40 CFR Subpart E of the EPA Final Rule, detailing requirements for performing post-renovation cleaning verification, including procedures a renovator must follow to verify that a work site has been properly cleaned, and requirements for re-cleaning in the event dust, debris, or residue are detected during verification.</p> <p>Provision requiring a renovator to have a copy of the renovator's license and current training certificate was removed and</p>	<p>The section was revised to make the regulation more consistent with the EPA Final Rule, and to clarify the standards for post-renovation cleaning verification. As revised, the provisions in the section now largely parallel those in the applicable section of the EPA Final Rule.</p>

			relocated to section - 390.	
	50-430*	<p>The section establishes that a licensed dust sampling technician, licensed lead inspector, or licensed lead risk assessor may conduct dust sampling. The section outlines the requirements for the performing of dust clearance sampling, including that collection of samples must comply with the requirements of 18VAC15-30-650 of the Board's Lead-based Paint Activities Regulation (18VAC15-40) and the applicable provisions of the Toxic Substances Control Act and EPA lead regulation. The section establishes the requirement for a written clearance report.</p>	<p>The section was revised to add a provision clarifying that dust sampling may be performed in lieu of required post-renovation cleaning verification if authorized by the contract between the renovation contractor and person contracting for the renovation, or, if required by applicable law or regulation.</p> <p>The section was revised to clarify that dust clearance samples are required to be collected by a lead inspector, lead risk assessor, or dust sampling technician.</p> <p>A general requirement that dust sampling comply with applicable EPA rule was replaced with a more specific requirements that dust sampling be conducted in accordance with standards outlined in the Board's Lead-based Paint Activities Regulation, which prescribes the standards for collection of dust samples, and test results must meet clearance levels established by the specific provision of federal regulation that outlines clearance levels.</p>	<p>The section was revised to make the regulation more consistent with the EPA Final Rule, and to clarify the standards for optional dust clearance testing. As revised, the provisions in the section now largely parallel those in the applicable section of the EPA Final Rule.</p> <p>Other changes were made for clarity or style.</p>

			<p>A provision was added to specify that the renovation contractor must re-clean the work area if dust clearance sample results are below the standard outlined in federal regulation.</p> <p>The section was revised to clarify that the licensed dust sampling technician, lead inspector, or lead risk assessor conducting the sampling complete the written clearance report, and provide the report to the person with whom the individual entered into a contract.</p> <p>Provision requiring a dust sampling technician to have a copy of the dust sampling technician's license and current training certificate was removed and relocated to section - 390.</p> <p>Minor changes made.</p>	
	50-440*	<p>The section establishes that activities that do not disturb paint are not regulated under the regulation if they are conducted after post-renovation cleaning verification has been performed or clearance testing results reflect dust lead levels below clearance standards specified in the applicable provision of federal regulation.</p>	<p>The citation of the federal regulation was changed from a general citation of the federal regulation to the specific provision in the regulation pertaining to clearance standards.</p>	<p>The change was made to make this section of regulation clearer.</p>

	50-450*	<p>The section establishes exemptions from certain work practices and licensure requirements for renovation contractors and renovators to the extent necessary to respond to an emergency.</p> <p>Emergency renovations are exempt from the information distribution, warning sign, containment, waste handling, training and licensure requirements, but are not exempt from cleaning, clearance, and recordkeeping requirements in the regulation.</p>	<p>The section was revised to include information distribution requirements to the requirements subject to the emergency renovations exemption.</p> <p>The section was revised to remove the reference to the federal regulation, and replace with applicable sections of the Board's regulation as it relates to requirements which do to not fall under the exemption.</p>	<p>The applicable section of the EPA Final Rule, 40 CFR § 745.82(b), exempts information distribution requirements when there is an emergency renovation. The Board's regulation was revised to make the regulation more consistent with the federal rule.</p> <p>Since Part IX of the regulation was wholly revised to incorporate specific requirements for renovation standards from the EPA Final Rule, the general reference to the EPA rule was replaced with references to specific sections of the Board's regulation that are applicable.</p>
	50-460*	<p>The section establishes testing methodologies and procedures for a licensed renovator to test components and surfaces affected by renovation activities, and specifies recognized test kits shall meet or exceed positive and negative response criteria, as specified in 40 CFR 745.88.</p>	<p>The section was revised to replace the general citation of the EPA Final Rule with the specific section in the EPA Final Rule.</p> <p>Minor changes made.</p>	<p>The change was made to make this section of regulation clearer.</p> <p>Other changes were made for clarity or style.</p>

Detail of All Changes Proposed in this Regulatory Action

*List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Please note that this is an initial promulgation of a regulation. There are no current requirements in VAC. Existing requirements are outlined in (i) Subpart E (Residential Property Renovation) of 40 CFR; and (ii) § 745.225 (Accreditation of training programs: target housing and child occupied facilities) in Subpart L of 40 CFR. References to corresponding requirements in the federal regulation are cited where applicable.

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
	50-10*	Definitions (see 40 CFR 745.83 and 40 CFR 745.223).	Incorporates by reference applicable definitions from § 54.1-500 of the Code of Virginia. Adds definitions for numerous terms defined in the federal regulation that are necessary to make the regulation clear and understandable, and provides definitions for other specific terms used throughout the regulation.
	50-20*	None.	<p>The section establishes general requirements for licensure, and identifies persons required to obtain a license to engage in lead-based paint renovation or dust sampling. The section also establishes the requirement for training programs to receive approval from the Board in order for training courses to be used to satisfy training requirements for licensure.</p> <p>The section provides a 12-month period following the effective date of the regulation for individuals and firms certified by EPA to continue to lawfully practice; and for training programs approved by EPA to continue to provide accredited training before licensure or training program approval is required.</p> <p>The section provides notice to members of the regulated occupations and to members of the public as to who must hold a license from the Board in order to engage in renovation activities, and who must receive approval from the Board to provide accredited training.</p> <p>The section creates a “grace period” to permit those who practice under the existing EPA-administered program ample time to obtain the appropriate</p>

			license or training program approval from the Board without disrupting their ability to continue operating once the regulation becomes effective.
	50-30*	None.	<p>The section establishes who may conduct renovation activities for compensation. Individuals licensed as renovators by the Board, or who are trained by and under the direct supervision of a licensed renovator, or licensed renovation firms may conduct renovation activities.</p> <p>The section clarifies who is permitted to perform renovation activities for compensation.</p>
	50-40*	None.	<p>The section specifies persons not required to possess a renovator or renovation contractor license based on specific renovation activities performed.</p> <p>The section provides notice to members of the regulated occupations and to members of the public as to what activities fall outside the scope of the licensure requirement.</p>
	50-50*	None.	<p>The section specifies the process by which an application may be submitted to the Board; gives the Board the authority to confirm or amplify information provided on an application; and establishes a 12-month timeframe in which the application process must be completed.</p> <p>The purpose of the provisions in this section is to clearly outline the basic procedures by which the agency will receive and review applications for licensure or accredited training program approval.</p>
	50-60*	None.	<p>The section establishes general qualifications for licensure of renovators and dust sampling technicians, to include disclosure of criminal convictions and any past disciplinary action. These licenses are issued to individuals.</p> <p>The purpose of the provisions in this section is to clearly outline the information an applicant must disclose when making an application to the Board, and, in particular, disclose any</p>

			<p>potentially disqualifying issues such as past criminal or regulatory discipline that may indicate the applicant is unfit for licensure. Applicants that have potentially disqualifying convictions or disciplinary matters may have their applications considered under the applicable provisions of the APA before a final decision is made on their application.</p>
	50-70*	<p>Renovator certification and dust sampling technician certification (see 40 CFR 745.90(a)).</p>	<p>This section establishes the entry training requirement for a renovator license. An applicant must provide proof of completing required training to qualify for a license.</p> <p>The applicable provisions of the federal regulation establish the training requirement for an individual to become a certified renovator. This standard is incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-80*	<p>Renovator certification and dust sampling technician certification (see 40 CFR 745.90(a)).</p>	<p>This section establishes the entry training requirement for a dust sampling technician license. An applicant must provide proof of completing required training to qualify for a license.</p> <p>The applicable provisions of the federal regulation establish the training requirement for an individual to become a certified dust sampling technician. This standard is incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-90*	<p>Firm responsibilities (see 40 CFR 745.89(d)); and Renovator responsibilities (see 40 CFR 745.90(b)).</p>	<p>The section establishes qualifications for licensure for renovation contractors. These licenses are issued to firm.</p> <p>The applicant firm must disclose certain information about the firm.</p> <p>Requirements include that firms must (i) be authorized to conduct business in Virginia; (ii) disclose any trade or fictitious names, which must be registered with the SCC; (iii) disclose past criminal history of firm, owners,</p>

			<p>officers, and directors; (iv) disclose any prior disciplinary action taken in any jurisdiction against the firm, owners, officers, and directors.</p> <p>Applicants are also required to make a certification regarding renovation activities undertaken by the firm.</p> <p>The purpose of the provisions in this section is to clearly outline the information an applicant must disclose when making an application to the Board, and, in particular, disclose any potentially disqualifying issues such as past criminal or regulatory discipline that may indicate the applicant is unfit for licensure. Applicants that have potentially disqualifying convictions or disciplinary matters may have their applications considered under the applicable provisions of the APA before a final decision is made on their application.</p> <p>Subsection E of this section incorporates certain requirements outlined in 40 CFR 745.89(d) and 745.90(b) pertaining to responsibilities imposed upon certified renovation firms. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA final rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-95*	None.	<p>The section outlines the Board's authority to deny an application for failure to meet entry requirements, or for any reason that a licensee may be disciplined. The section provides applicants have the right to have any refusal of application considered by the Board under applicable provisions the APA.</p> <p>The purpose of this section is to make the regulation clear regarding the Board's authority to deny an application for licensure.</p>
	50-100*	Scope (see 40 CFR 745.225(a)).	<p>The section establishes that a training program may offer a single course, or multiple courses.</p>

			<p>The section establishes four types of training programs that may be approved: (i) initial renovator training; (ii) refresher renovator training; (iii) initial dust sampling technician training; and (iv) refresher dust sampling technician training.</p> <p>The applicable provisions of the federal regulation establish the types of training courses that may be approved for renovators and dust sampling technicians. This standard is incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-110*	Scope (see 40 CFR 745.225(a)); and Application process (see 40 CFR 745.225(b)).	<p>The section specifies training programs must be approved by the Board in order for renovators and dust sampling technicians to lawfully engage in the licensed activity. Training programs must adhere to the standards in the Board's regulation, and standards adopted by EPA.</p> <p>The section specifies the entry requirements for approval of accredited renovation training programs. Entry requirements include submission of (i) description of training facilities; (ii) quality control plan; (iii) name and documentation of training manager; and (iv) name and documentation of principal instructors for courses.</p> <p>The section provides that a separate application is required for each type of training course for which approval is sought.</p> <p>The applicable provisions of the federal regulation establish that only approved training programs may lawfully offer accredited training courses; and the application process for approval as an accredited training program. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>

	50-120*	Application process (see 40 CFR 745.225(b)); and Requirements for accreditation of training programs (see 40 CFR 745.225(c)).	<p>The section specifies general requirements for training courses to include (i) information on the type of course and course discipline; (ii) language the course will be taught in; and (iii) method of course delivery. The section also requires an applicant to provide information and documents relating to course content, hands-on training component, and examination; and information relating to course instructors.</p> <p>The section specifies that courses taught in different language are considered different courses and must independently meet course approval requirements.</p> <p>The section provides that the training course will be subject to an on-site audit prior to approval.</p> <p>The section provides specific requirements for courses that are to be delivered electronically.</p> <p>The applicable provisions of the federal regulation establish standards regarding (i) information and documents that are to be submitted for course approval by EPA, including course agenda, course materials, course facilities, course activities and procedures, and course examination; (ii) methods of course delivery, including electronic delivery; (iii) requirements for hands-on training; and (iv) requirements for courses taught in languages other than English. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-130*	Requirements for the accreditation of training programs (see 40 CFR 745.225(c)); and Minimum training curriculum requirements (see 40 CFR 745.225(d)).	<p>The section establishes the requirements for a renovator initial training course. Initial renovator training courses must be a minimum of eight (8) training hours, with a minimum of two (2) hours for hands-on training.</p> <p>The section details the topics that are to be covered as part of the training</p>

			<p>course; and specifies what must be included in the hands-on component of the course.</p> <p>The applicable provisions of the federal regulation establish standards for initial renovator training courses, including (i) the length of the course; (ii) the requirement for hands-on training; (iii) topics to be covered by the course; and (iv) topics required to have hands-on training. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-140*	<p>Requirements for the accreditation of training programs (see 40 CFR 745.225(c)); and Minimum training curriculum requirements (see 40 CFR 745.225(d)).</p>	<p>The section establishes the requirements for a dust sampling technician initial training course. Initial dust sampling technician training courses must be a minimum of eight (8) training hours, with a minimum of two (2) hours for hands-on training.</p> <p>The section details the topics that are to be covered as part of the training course; and specifies what must be included in the hands-on component of the course.</p> <p>The applicable provisions of the federal regulation establish standards for initial dust sampling technician training courses, including (i) the length of the course; (ii) the requirement for hands-on training; (iii) topics to be covered by the course; and (iv) topics required to have hands-on training. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-150*	<p>Requirements for the accreditation of refresher training programs (see 40 CFR 745.225(e)).</p>	<p>The section establishes the requirements for refresher training courses for renovators and dust sampling technicians. Refresher training courses for either discipline must be a minimum of four hours.</p> <p>Refresher training courses must review topics that are covered in the initial training. In addition, these courses</p>

			<p>must cover (i) current safety practices; (ii) current laws and regulations; and (iii) current technologies in the field.</p> <p>The applicable provisions of the federal regulation establish standards for renovator and dust sampling technician refresher training courses, including (i) the length of the course; (ii) the requirement for a hands-on component; (iii) topics to be covered by the course; and (iv) requirements for covering legal updates and current safety practices and technologies. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-160*	Requirements for the accreditation of training programs (see 40 CFR 745.225(c)).	<p>The section establishes the experience, education, and training requirements for the training manager employed by the accredited training program.</p> <p>The applicable provisions of the federal regulation establish standards for training managers of an accredited training program including experience, education, and training. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-170*	Requirements for the accreditation of training programs (see 40 CFR 745.225(c)).	<p>The section establishes the experience, education, and training requirements of the principal instructor employed by the accredited training program for the training course.</p> <p>The applicable provisions of the federal regulation establish standards for principal instructors of accredited training program courses including experience, education, and training. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-180*	None.	The section specifies that any training manager who also serves as a principal instructor must also meet the

			<p>requirements established for a principal instructor.</p> <p>The purpose of this section is to make the regulation clear that a training manager who serves as a principal instructor must also meet the qualifications for a principal instructor.</p>
	50-190*	Requirements for the accreditation of training programs (see 40 CFR 745.225(c)).	<p>The section establishes the documents recognized by the Board as evidence that the training manager and principal instructor meet the required education, work experience, and training qualifications, and grants authority to the Board to approve the training manager and a principal instructor.</p> <p>The applicable provisions of the federal regulation establish standards for the documentation that are to be recognized as evidence of a training manager's or principal instructor's qualifications. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-200*	Requirements for the accreditation of training programs (see 40 CFR 745.225(c)).	<p>The section establishes the course examination requirements for a training course. A course must have a written course examination and hands-on skills assessment. The passing score on an examination must be 70%. The hands-on skills assessment must test the trainee's ability to satisfactorily perform the work practices and procedures outlined in Part IX of the regulation.</p> <p>A course may conduct a proficiency examination as an alternative to the written examination and hands-on skills assessment.</p> <p>The applicable provisions of the federal regulation establish standards for course tests and hands-on assessments in order for a training program participant to successfully pass the course. A proficiency examination may be offered as an alternative to a course test and hands-on assessment. These standards are incorporated into the Board's</p>

			<p>regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-210*	Requirements for the accreditation of training programs (see 40 CFR 745.225(c)).	<p>The section establishes the requirement of training programs to issue a course completion certificate, and specifies the information that must be included on the completion certificate.</p> <p>The applicable provisions of the federal regulation establish standards for training course completion certificates. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-220*	None.	<p>The section provides that a training program and course must be approved by the board or EPA in order for the completion certificate for such course may be accepted by the board. Certificates of completion for courses completed prior to board or EPA approval will not be accepted.</p> <p>The section further provides that courses may not be approved retroactively.</p> <p>The purpose of this section is to make the regulation clear as to what proof of training completion will be accepted by the Board.</p>
	50-230*	Requirements for the accreditation of training programs (see 40 CFR 745.225(c)).	<p>The section establishes the requirement for the conduct of an on-site audit of a training program prior to approval. Training programs will be provided an opportunity to cure any deficiencies identified during an audit.</p> <p>EPA accredited courses approved before the effective date of the regulation are exempt from the audit requirement.</p> <p>The applicable provisions of the federal regulation establish the requirement that a training manager must permit training courses to be audited in order to be accredited. This standard is incorporated into the</p>

			Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.
	50-240*	None.	<p>The section establishes general requirements for application fees, including that fees are non-refundable, and that the date payment is received by the department determines whether a fee was paid on time.</p> <p>The requirements for this section are based on current agency practice, and are incorporated in other DPOR regulations.</p>
	50-250*	None.	<p>The section establishes the fees that must accompany the application for initial licensure for renovators, dust sampling technicians, and renovation contractors and initial accreditation of renovation training programs and initial approval of additional training courses.</p> <p>In accordance with the requirements of the Callahan Act, the fees established by the regulation are set so that revenues are sufficient to cover the costs of administering the licensing program, but are not excessive.</p>
	50-260*	None.	<p>The section establishes the fees that must accompany the renewal application for licensed renovators, dust sampling technicians, and renovation contractors, and accredited renovation training programs.</p> <p>In accordance with the requirements of the Callahan Act, the fees established by the regulation are set so that revenues are sufficient to cover the costs of administering the licensing program, but are not excessive.</p>
	50-270*	None.	<p>The section establishes a 12-month licensure period for renovators and dust sampling technicians, a 24-month licensure period for renovation contractors, and a 24-month approval period for accredited renovation training programs.</p> <p>The term of licensure for the licenses issued under this regulation is similar to those for other licensure programs administered by the agency and DPOR, including licenses issued under</p>

			the Board's Lead-based Paint Activities Regulations (18VAC15-30).
	50-280*	None.	<p>The section outlines the process and requirements for renewal of a license or accredited training program approval.</p> <p>Regulants will be sent a renewal notice. Regulants are required to return the renewal notice and applicable fee to the board. Renovators and dust sampling technicians must also provide proof of completion of most recent refresher training.</p> <p>The section also establishes that regulants have 30 days from the date of expiration of the license or training program approval to renew, or will be required to pay a late renewal fee. Regulants that do not renew within 12 months of the expiration date will be required to reapply as a new applicant.</p> <p>The section further provides that failure to receive a renewal notice does not relieve the regulant of the obligation to renew. Regulants that apply for renewal certify their continued compliance with the regulations.</p> <p>The requirements for this section are based on current agency practice, and are incorporated in other DPOR regulations.</p>
	50-290*	Renovator certification and dust sampling technician certification (see 40 CFR 745.90(a)).	<p>The section establishes for individual licensees the requirement and frequency, at least once every 60 months, of discipline-specific board-approved refresher training.</p> <p>The applicable provisions of the federal regulation establish the requirement that certified renovators and dust sampling technicians must complete refresher training in order to maintain certification. This standard is incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-295*	None.	The section establishes the Board's authority to deny renewal of a license

			<p>or training program approval for the same reasons that it may refuse initial licensure or approval, or impose discipline on a licensee or training program.</p> <p>Establishes regulants have the right to have such action reviewed pursuant to APA.</p> <p>The requirements for this section are based on current agency practice, and are incorporated in other DPOR regulations.</p>
	<p>50-300*</p>	<ul style="list-style-type: none"> • Grounds for suspending, revoking, or modifying an individual’s certification (see 40 CFR 745.91(a)(1)). • Grounds for suspending, revoking, or modifying a firm’s certification (see 40 CFR 745.91(a)(2)). • Suspension, revocation, and modification of accredited training programs (see 40 CFR 745.225(g)). 	<p>The section outlines authority to the Board to impose sanctions on a licensee or accredited renovation training program for violations of applicable statute or regulation, including imposition of fines, suspension or revocation of a license or training program approval.</p> <p>The section also specifies certain bases upon which approval of a training program may be withdrawn, including failure to meet established standards for training programs, false or fraudulent advertisement, and failure to report changes to a training program or training course.</p> <p>The section also imposes a one-year bar on any licensee or training program provider from reapplying with the Board in the event of license revocation or withdrawal of training program approval.</p> <p>The applicable provisions of the federal regulation establish bases upon which disciplinary action may be taken against (i) a certified renovator or dust sampling technician; (ii) a certified renovation firm; or (iii) an accredited training program. These standards are incorporated, in part, into the Board’s regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p> <p>In addition, applicable provisions of Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia establish</p>

			<p>the authority of the Board to take disciplinary action against a licensee or accredited training program that fails to comply with the Board’s regulations.</p> <p>The section puts regulants and the public on notice as to the Board’s authority to impose discipline against regulants that fail to comply with the Board’s regulations or applicable statute.</p>
	<p>50-305*</p>	<ul style="list-style-type: none"> • Enforcement and inspections (see 40 CFR 745.87). • Firm responsibilities (see 40 CFR 745.89(d)). • Grounds for suspending, revoking, or modifying an individual’s certification (see 40 CFR 745.91(a)(1)). • Grounds for suspending, revoking, or modifying a firm’s certification (see 40 CFR 745.91(a)(2)). 	<p>The section outlines several prohibited acts that may result in disciplinary action by the Board.</p> <p>The prohibited acts incorporate standards outlined in the applicable provisions of the federal regulation, including responsibilities of renovation firms to ensure (i) all individuals performing renovations are appropriately licensed or trained; (ii) that a licensed renovator is at the work site or available; and (iii) information distribution requirements, work practice standards, and recordkeeping requirements are followed. Other federal standards incorporated in to the prohibited acts are (i) refusal to allow state or federal representatives access to a work site for purpose of compliance inspections; and (ii) submission of false or misleading information in an application. These standards are incorporated, in part, into the Board’s regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p> <p>The prohibited acts section includes standard prohibited acts that are incorporated into other DPOR regulations, including those for (i) being convicted of a crime; (ii) being administratively disciplined; (iii) failing to report a criminal conviction or disciplinary action; (iv) negligence or incompetence in the practice of the profession; (v) failing to report changes needed to maintain a license; and (vi) failing to respond to the Board or any of the Board’s agents.</p>

	50-310*	None.	<p>The section establishes that regulants are required to report, within 30 calendar days, a change of name or address and changes in the business entity; prohibits the transfer of licenses or approvals; and mandates that regulants keep their training and licenses current.</p> <p>The requirements for this section are based on current agency practice, and are incorporated in other agency and DPOR regulations.</p>
	50-320*	Recordkeeping and reporting requirements (see 40 CFR 745.86).	<p>The section establishes the recordkeeping requirements for renovation contractors pertaining to renovations, and reporting requirements following completion of a renovation.</p> <p>The applicable provisions of the federal regulation establish the records that must be retained by a renovation contractor following completion of a renovation for a period of three years. Records to be retained include (i) records or reports certifying lead-based paint was not present on components affected by a renovation; (ii) documentation that pre-renovation information materials were delivered and received; and (iii) documentation that renovation work practices were followed. The applicable federal provisions also establish post-renovation reporting standards, including dust sampling reports, when dust sampling is performed instead of post-renovation cleaning verification. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-330*	None.	<p>The section establishes the requirements for regulants to notify the board, within 30 calendar days, of any adverse action taken against them, such as criminal convictions and disciplinary action taken by a regulatory board.</p> <p>The requirements for this section are based on current agency practice, and</p>

			are incorporated in other agency and DPOR regulations.
	50-340*	None.	<p>The section specifies the regulant's responsibility to promptly comply with the Board's request for information and to provide accurate and complete information in response to a complaint filed.</p> <p>The requirements for this section are based on current agency practice, and are incorporated in other agency and DPOR regulations.</p>
	50-350*	Re-accreditation of training programs (see 40 CFR 745.225(f)).	<p>The section provides authority to the board to audit an accredited renovation training program and approved training course at any time, with or without notice.</p> <p>The applicable provisions of the federal regulation establish the requirement that training program must permit EPA to audit a training program. This standard is incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-360*	Training program recordkeeping requirements (see 40 CFR 745.225(i)); and Amendment of accreditation (see 40 CFR 745.225(j)).	<p>The section establishes the training program's responsibility to report substantial changes to any course item and seek the Board's approval before implementing the change, to report a change in ownership within 30 calendar days of the change, and to report the relocation of its business or transfer of records 30 calendar days prior to the change.</p> <p>The applicable provisions of the federal regulation establish standards that training programs report changes to the training program, including changes to the training manager or principal instructors. The provisions of the federal regulation also require reporting a change of address on file with EPA or relocating records from that address. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>

			<p>The 30-day timeframe for reporting changes specified in this section is based on current agency practice, and is incorporated in other agency and DPOR regulations.</p>
	50-370*	<p>Requirements for the accreditation of training programs (see 40 CFR 745.225(c)).</p>	<p>The section establishes that the training manager is responsible for ensuring that the training program complies with the Board's requirements; ensuring the validity and integrity of tests and assessments; and designating principal and guest instructors.</p> <p>The applicable provisions of the federal regulation establish standards the responsibilities of a training manager of a training program including (i) designation of a principal instructor for each course in the training program; (ii) designation of guest instructors; and (iii) maintaining the validity and integrity of the hands-on skills assessment or proficiency examination. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-380*	<p>Requirements for the accreditation of training programs (see 40 CFR 745.225(c)); Training program recordkeeping requirements (see 40 CFR 745.225(i)).</p>	<p>The section establishes training program recordkeeping requirements and timeframe for retention of records; establishes course and participant notification procedures, including timeframes for notification of courses and participants; and grants authority to the Board to refuse training certificates from approved training providers that fail to observe the notification requirements.</p> <p>The applicable provisions of the federal regulation establish standards for records that must be retained by an accredited training program including (i) documents showing qualifications of the training manager and principal instructors; (ii) curriculum and course materials; (iii) course test; (iv) hands-on assessment information; (v) quality control plan; (vi) test assessments and results; and (vii) course completion certificates. The provisions of the federal regulation also establish</p>

			standards for the training manager of a training program to provide notification regarding (i) course start dates and changes in schedule or cancellations; and (ii) completion of training courses; and establish timeframes for notifications and required information for notifications. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.
	50-390*	Renovator responsibilities (see 40 CFR 745.90(b)); Dust sampling technician responsibilities (see 40 CFR 745.90(c)).	<p>The section establishes general requirements for conducting renovation activities, including that licensed renovators and dust sampling technicians have with them at a work site a copy of their license and training course (initial or refresher as applicable) certificate of completion.</p> <p>The applicable provisions of the federal regulation establish standards that required renovators and dust sampling technicians have with them at the work site documentation of having completed initial training and most recent refresher training. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-400*	Information distribution requirements (see 40 CFR 745.84).	<p>The section establishes that renovation contractors distribute information related to lead-based paint renovation activities to the owners and/or occupants of target housing or child-occupied facilities. Information distribution requirements include distribution of the pamphlet described in 18VAC15-50-10, and obtaining proof of delivery of the pamphlet or written acknowledgment of receipt of the pamphlet.</p> <p>The applicable provisions of the federal regulation establish standards for pre-renovation distribution of information including (i) distribution of pamphlet to owners or occupants of target housing and to parents and guardians of children in child-occupied facilities; (ii) posting of information in</p>

			<p>common areas of multi-unit housing; and (iii) obtaining written acknowledgements or proof of delivery. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-410*	Standards for renovation activities (see 40 CFR 745.85(a)).	<p>The section establishes the standards for conducting renovation activities target housing and child-occupied facilities. The section requires all renovations be performed by licensed renovation contractors using licensed renovators. The section prescribes procedures for posting of warning signs, containing the work area, restricted renovation practices, disposal of waste, and cleaning of work area upon completion of renovations.</p> <p>The applicable provisions of the federal regulation establish standards for conducting renovations including (i) a requirement that all renovations are performed by certified firms using certified renovators; (ii) posting of warning signs; (iii) containment of the work area; (iv) prohibited and restricted practices; (v) containment and disposal of waste; and (vi) cleaning of work area. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-420*	Standards for post-renovation cleaning verification (see 40 CFR 745.85(b)).	<p>The section establishes the standards for verification that a work site is clean following completion of a renovation. The section prescribes procedures a renovator must follow to verify that a work site has been properly cleaned, and requirements for re-cleaning in the event dust, debris, or residue are detected during verification.</p> <p>The applicable provisions of the federal regulation establish standards for verification a work site is properly cleaned following completion of a renovation including (i) the process for verification for interior spaces; (ii)</p>

			visual inspection; (iii) wiping and using cleaning verification card; and (iv) the process for verification of exterior spaces. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.
	50-430*	Optional dust clearance testing (see 40 CFR 745.85(c)).	<p>The section establishes that a licensed dust sampling technician, licensed lead inspector, or licensed lead risk assessor may conduct dust sampling in lieu of the verification of cleaning required by section -420. The section outlines the requirements for the performing of dust clearance sampling, including that collection of samples must comply with the requirements of 18VAC15-30-650 of the Board's Lead-based Paint Activities Regulation (18VAC15-40) and the applicable provisions of the Toxic Substances Control Act and EPA lead regulation. The section establishes the requirement for a written clearance report.</p> <p>The applicable provisions of the federal regulation establish standards for dust clearance sampling that may be conducted as an alternative to post-cleaning verification including (i) the process for conducting the sampling; and (ii) the standards for clearance. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-440*	Activities conducted after post-renovation cleaning verification (see 40 CFR 745.85(d)).	<p>The section establishes that activities that do not disturb paint are not regulated under the regulation if they are conducted after post-renovation cleaning verification has been performed or clearance testing results reflect dust lead levels below clearance standards specified in the applicable provision of federal regulation.</p> <p>The applicable provisions of the federal regulation establish that activities that do not disturb paint are not regulated following after post-</p>

			<p>renovation cleaning verification or dust clearance testing has been completed. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-450*	<p>Applicability (see 40 CFR 745.82(b)).</p>	<p>The section establishes exemptions from certain work practices and licensure requirements for renovation contractors and renovators to the extent necessary to respond to an emergency.</p> <p>Emergency renovations are exempt from the information distribution, warning sign, containment, waste handling, training and licensure requirements, but are not exempt from cleaning, clearance, and recordkeeping requirements in the regulation.</p> <p>The applicable provisions of the federal regulation establish that emergency renovations are exempt from information distribution, warning sign, containment, waste handling, and training and certification requirements; but are not exempt from cleaning and cleaning verification requirements; and are not exempt from recordkeeping requirements. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.</p>
	50-460*	<p>Applicability (see 40 CFR 745.82(a)); Response criteria (see 40 CFR 745.88(c)).</p>	<p>The section establishes testing methodologies and procedures for a licensed renovator to test components and surfaces affected by renovation activities, and specifies recognized test kits shall meet or exceed positive and negative response criteria, as specified in 40 CFR 745.88.</p> <p>The applicable provisions of the federal regulation establish that a renovator must (i) use an EPA recognized test kit, (ii) follow the manufacturer's instructions, and (iii) test each affected component. The test results must indicate the component is lead free or that lead meets or exceeds</p>

			the criteria for response. These standards are incorporated into the Board's regulation so that the regulation is consistent with the EPA Final Rule as required by § 54.1-501(8) of the Code of Virginia.
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