



Final Regulation Agency Background Document

Agency name	Board for Asbestos, Lead, and Home Inspectors
Virginia Administrative Code (VAC) citation	18 VAC 15-30
Regulation title	Lead-Based Paint Activities Regulations
Action title	Review of the lead-based paint activities qualifications for licensure and renewal
Date this document prepared	November 19, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

Amendments are proposed to the qualifications for individual licensure, renewal requirements, professional responsibility, and provisions for failure to keep training and license current. This is being done to clarify training requirements upon entry and renewal and to reiterate that training must be kept current as well as the license. There are no changes to the regulations since the publication of the proposed regulations.

Statement of final agency action

Please 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 or board taking the action, and (3) the title of the regulation.

The Board for Asbestos, Lead, and Home Inspectors adopted final Lead-Based Paint Activities Regulations at its November 14, 2013 board meeting.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Section 54.1-501 states that the Board shall promulgate regulations to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of lead licenses.

The imperative form of the verb "shall" is used, making the Board's authority to regulate mandatory rather than discretionary.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The Board intends to amend its Lead-Based Paint Activities regulations to remove the requirement that the lead license expiration date corresponds with the lead training expiration date. The current result is that lead licenses expiration dates may vary from one license cycle to another causing confusion among the regulant population. Most licenses issued under the Department of Professional and Occupational Regulation (DPOR) have a license cycle of one or two years and the expiration date is the last day of the month wherein issued. Amending these regulations will allow the lead program license cycle to be consistent with other programs housed under DPOR. This will in turn lessen the confusion among the regulant population.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

18 VAC 15-30-52: Added a subsection that addresses the training requirement as a qualification for licensure. Amended the specific entry requirements for each discipline to refer to the newly created subsection.

18 VAC 15-30-164: Amended by removing the connection between the license expiration date and the training expiration date.

18 VAC 15-30-166: Amended by emphasizing the validity time period for training and explaining that the training must be discipline specific. Amended by stating the consequences of not completing training on time or not taking the proper training for the license discipline. Further amended the requirement that accredited training providers certify their continued compliance with the Virginia regulations every 24 months instead of 48 months to make the regulation consistent with how often providers actually certify their continued compliance.

18 VAC 15-30-790: Added a subsection that speaks directly to the requirement for a regulant to maintain his or her license and training as current.

18VAC 15-30-810: Added a subsection that states that a regulant failing to keep his or her license and training current is grounds for denial of an application, denial of renewal or discipline.

Issues

Please identify the issues associated with the proposed regulatory action, 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, please indicate.*

- 1) The primary advantage to the public is that regulants should better understand that they must keep their training valid in addition to their license. Whereas the license proves minimum competency, the required training teaches the standards for conducting lead-based paint activities as described in the 18 VAC 15-30 and standards adopted by the EPA. A properly trained regulant population would benefit the general public. No disadvantage has been identified.
- 2) The primary advantage to DPOR and the Commonwealth is an amended regulation that can be administered effectively and is anticipated to provide a reasonable level of public protection with a minimum intrusion into the conduct of commerce. No disadvantage has been identified.
- 3) The primary advantage to the regulated community and government officials is that training requirements are clarified. No disadvantage has been identified.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

There have been no changes to the regulations since the publication of the proposed regulations.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

No public comment was received.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
	18VAC15-30-52.E		Subsection added to further explain the existing training requirement, specifically that training is required, the length of time training is valid and how often training must be completed.
18VAC15-30-52.E.1	18VAC15-30-52.F.1	Specific entry requirements for worker.	Amended subsection so that subsection E is referenced when detailing the entry training requirement for worker. This was done for clarification purposes. Housekeeping amendments made as well.
18VAC15-30-52.E.2	18VAC15-30-52.F.2	Specific entry requirements for project designer.	Amended subsection so that subsection E is referenced when detailing the entry training requirement for project designer. This was done for clarification purposes. Housekeeping amendments made as well.
18VAC15-30-52.E.3	18VAC15-30-52.F.3	Specific entry requirements for supervisor.	Amended subsection so that subsection E is referenced when detailing the entry training requirement for supervisor. This was done for clarification purposes. Housekeeping amendments made as well.
18VAC15-30-52.E.4	18VAC15-30-52.F.4	Specific entry requirements for inspector.	Amended subsection so that subsection E is referenced when detailing the entry training requirement for inspector. This was done for clarification purposes. Housekeeping amendments made as well.
18VAC15-30-52.E.5	18VAC15-30-52.F.5	Specific entry requirements for risk assessor.	Amended subsection so that subsection E is referenced when detailing the entry training requirement for risk assessor. This was done for clarification purposes. Housekeeping amendments made as well.
18VAC15-30-52-F	18VAC15-30-52-G	Training verification.	No substantive change. Housekeeping amendment to renumber subsection.
18VAC15-30-52-G	18VAC15-30-52-H	Education verification.	No substantive change. Housekeeping amendment to renumber subsection.
18VAC15-30-52-H	18VAC15-30-52-I	Experience verification.	No substantive change. Housekeeping amendment to renumber subsection.
18VAC15-30-52-I	18VAC15-30-52-J	Conviction or guilt.	No substantive change. Housekeeping amendment to renumber subsection.
18VAC15-30-52-J	18VAC15-30-52-K	Standards of conduct and practice.	No substantive change. Housekeeping amendment to renumber subsection.
18VAC15-30-52-K	18VAC15-30-52-L	Standing.	No substantive change. Housekeeping amendment to renumber subsection.
18VAC15-30-164.C	N/A	Currently states that licenses expire 12 months from the last day of the month wherein the individual completed	Amended the section to remove the tie between the license expiration date and the training expiration date. The license shall now expire 12 months from the last

		training and that in no case shall a license expire later than the last day of the month in which the individual completed training.	day of the month wherein issued regardless of the training expiration date. This was done to allow a license to be issued for a full 12 months rather than the current based on the training date expiration.
18VAC15-30-166.A.1	N/A	Currently states that licenses desiring to renew must complete refresher training and that the licensee is responsible for ensuring the board receives proof of completion of the training.	Requirement to complete refresher training remains the same, but the section has been amended for clarification purposes. The requirement that the licensee is responsible for ensuring the board receives proof of training completion has been moved to 18VAC15-30-166.A.2.
N/A	18VAC15-30-166.A.2	N/A	Adds a section that states the licensee is responsible for ensuring the board receives proof of completion of training prior to the expiration date of the license. This requirement previously found in 18VAC15-30-166.A.1 and is being moved for clarification purposes.
N/A	18VAC15-30-166.A.3	N/A	Adds a section that states refresher training shall be specific to the discipline of license being renewed for clarification purposes.
18VAC15-30-166.A.2	18VAC15-30-166.A.4	Currently states that the board shall renew a license for an additional 12 months upon receipt of the renewal application and fee. Also states that in no case shall a license expire later than the last day of the month the training was complete.	Housekeeping amendment to renumber section. In addition, the board shall renew a license for an additional 12 months upon receipt of the renewal application and fee, however, the tie between the license expiration date and the training expiration date has been removed. This was done to allow a license to be renewed for a full 12 months rather than the current based on the training date expiration.
18VAC15-30-166.C	N/A	Currently states that accredited training providers shall renew every 48 months.	Section is being amended to change the renewal reporting period to every 24 months. This amendment will conform the regulations to the current renewal reporting practice.
N/A	18VAC15-30-790.D	N/A	Adds a subsection that establishes the professional responsibility of a licensee to keep both their training and license current. With the tie between the license expiration date and training expiration date being removed, the board added this to reiterate and clearly state that both training and the license are still required to be current.
N/A	18VAC15-30-810.A.14	N/A	Adds a subsection that states failing to keep training and license current are ground for application denial, renewal denial or discipline. With the tie between the license expiration date and training expiration date being removed, the board added this to reiterate and clearly state

			that both training and the license are still required to be current and that failing to do so could result in loss of licensure or discipline or both.
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