

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS
Tentative **AGENDA**

THURSDAY, November 10, 9:00 A.M.
BOARD ROOM 2—SECOND FLOOR

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER—9960 MAYLAND DRIVE
RICHMOND, VA 23233

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. APPROVAL OF AGENDA

- a. Board Agenda, November 10, 2022

IV. APPROVAL OF MINUTES

- a. Board Meeting Minutes, August 18, 2022
- b. Home Inspectors SB 607 Committee Meeting Minutes August 24, 2022

V. PUBLIC COMMENT PERIOD – Five minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary or application files

VI. CASE FILES *

- a. File Number 2022-01240 Nice, Henry Robert (HI)
Consent Order (Salva)
- b. File Number 2022-01580 Hayes, Patrick (HI)
Consent Order (Cranor)
- c. File Number 2021-01927 Moore, Marlon Donnell (HI)
Disciplinary—IFF by Rushton
- d. File Number 2022-00879 Sanford, Scott Robert (HI)
Disciplinary—IFF by Rushton
- e. File Number 2022-01713 Maradiaga, Lilians (ASB)
Licensing—Jackson-Bailey
- f. File Number 2022-02494 Gowans, Curtis Lee (HI)
Licensing—IFF by Jackson-Bailey
- g. File Number 2022-00952 Gonzalez, Jacinto Vasquez (ASB)
Licensing—IFF by Jackson-Bailey

VII. REGULATIONS

- a. Regulatory Action Update
- b. Update on HI SB 607 Committee
 - i. Review and Consider Public Comments
 - ii. Consider and Adopt Board Response to Public Comments
 - iii. Review and Consider Proposed Amendments to Regulation
- c. Consider Exempt Action to Continue Temporary Fee Reductions for Asbestos and Lead

VIII. OTHER BUSINESS

- a. Discussion on Home Inspector Insurance Policies
- b. Lead Risk Assessor Entry Requirements Guidance
- c. Home Inspector CPE Audit Report
- d. Asbestos and Lead Course Audit Report
- e. Board Financial Statements

- f. Outreach Update
- g. Election of Officers
- h. Report from the 2022 Board Member Training Conference
- i. Other Board Business

IX. FUTURE MEETING DATES

- a. February 9, 2023
- b. May 11, 2023
- c. August 24, 2023
- d. November 30, 2023

X. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XI. ADJOURN

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

* Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**VIRGINIA BOARD FOR
ASBESTOS, LEAD, AND HOME INSPECTORS
MEETING MINUTES**

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 18, 2022 at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia 23233.

The following members of the Board were present:

Stacy J. Armentrout
Sandra Baynes, Vice-Chair
John E. Cranor
James E. Haltigan

Kevin Salva
Patrick Studley
Paul D. Thomas

Board members Gene E. Magruder; Chair, Chadwick Bowman, Sharad Tandale, and Louis Walker were not present at the meeting.

The following staff members were present for all or part of the meeting:

Demetrios J. Melis, Director
Kishore Thota, Chief Deputy Director
Trisha L. Lindsey, Executive Director
Tanya M. Pettus, Board Administrator
Joseph C. Haughwout, Jr., Regulatory Administrator
Raven C. Custer, Administrative Coordinator

Joshua Laws from the Office of the Attorney General was present.

Ms. Baynes, finding a quorum of the Board present, called the meeting to order at 9:01 a.m. **Call to Order**

Ms. Lindsey advised the Board of the emergency evacuation procedures. **Emergency Evacuation Procedures**

Mr. Haltigan moved to approve the agenda. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Salva, Studley, and Thomas. **Approval of Agenda**

Mr. Salva moved to approve the minutes of the May 12, 2022, Board meeting as presented. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Salva, Studley, and Thomas. **Approval of Minutes**

There were no members of the public present to address the Board. **Public Comment**

Period

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Numbers 2021-01896, 2022-01255, 2022-01245, and 2022-01250.

Recusal of Board Member

In the matter of **File Number 2021-01896, Mark Lewis Stewart**, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Recommendation. Mr. Salva moved to accept the recommendation and find Mr. Stewart in violation of 18VAC 15-40-120.A. as outlined in Count 1, 18VAC 15-40-130.A as outlined in count 2, and 18VAC 15-40-130.B as outlined in count 3. Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Haltigan, Salva, Studley, and Thomas.

File Number 2021-01896, Mark Lewis Stewart

Ms. Pettus advised the Board that Mr. Stewart's home inspector license was suspended on October 15, 2021, for failure to comply with a Consent Order executed by the Board on August 26, 2021, and the license subsequently expired on October 31, 2021.

Mr. Salva then moved to accept the Recommendation and impose monetary penalties totaling \$1,150.00 in addition, the Board shall suspend Stewart's license until Stewart provides proof acceptable to the Board that he has completed two (2) classroom hours of Board-approved continuing education pertaining to heating, ventilation, and air conditioning. Such course(s) shall be completed in a classroom. The above referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license as outlined. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Haltigan, Salva, Studley, and Thomas.

In the matter of **File Number 2022-01255, Jonathan Curtis Guilliams**, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Recommendation. Mr. Salva moved to accept the recommendation and find Mr. Guilliams in violation of 18VAC 15-40-155.3 as outlined in Count 1. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Haltigan, Salva, Studley, and Thomas. Mr. Salva then moved to accept the Recommendation and impose a monetary penalty of \$250.00 as outlined. Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Haltigan, Salva,

File Number 2022-01255, Jonathan Curtis Guilliams

Studley, and Thomas.

Mr. Salva recused himself from the meeting for discussion and deliberation of File Number 2022-01245.

Recusal of Board Member

In the matter of **File Number 2022-01245, Aaron Paul Champion**, the Board members reviewed the Consent Order. Mr. Champion admits to a violation of 18VAC 15-40-155.3 as provided in Count 1 and consents to the imposition of Board costs in the amount of \$150.00. In addition, Mr. Champion agrees that the continuing professional education (CPE) hours completed on October 14, 2021 and October 20, 2021, will count for the license cycle ending June 30, 2021, and will not count for the license cycle ending June 30, 2023. Mr. Champion further agrees, as a condition of renewing his home inspector's license, to provide evidence satisfactory to the Board of completing CPE in compliance with the Board's Home Inspector Licensing Regulations for the license renewal cycle ending June 30, 2023. Mr. Haltigan moved to approve the Consent Order as presented. Mr. Thomas seconded the motion which was unanimously approved by: Armentrout, Baynes, Haltigan, Studley, and Thomas.

File Number 2022-01245, Aaron Paul Champion

Mr. Salva returned to the Board meeting

Return of Board Member

In the matter of **File Number 2022-01250, Andres Santos**, the Board members reviewed the Consent Order. Mr. Santos admits to a violation of 18VAC 15-40-155.3 as provided in Count 1 and consents to the imposition of a monetary penalty of \$250.00 and Board costs of \$150.00. In addition, Mr. Santos agrees to complete 16 contact hours of CPE, wherein the subject matter covers the content area of the board-approve exam, and shall provide proof acceptable to the Board of attendance and successful completion within 90 days of the date of the Order. Mr. Salva moved to approve the Consent Order as presented. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Haltigan, Salva, Studley, and Thomas.

File Number 2022-01250, Andres Santos

Mr. Cranor returned to the Board meeting

Return of Board Member

Mr. Salva recused himself from the meeting for discussion and deliberation of File Numbers 2022-01200 and 2022-01741.

Recusal of Board Member

In the matter of **File Number 2022-01200, Rudolph Eli Long**, the

File Number 2022-

Board members reviewed the Consent Order. Mr. Long admits to a violation of 18VAC 15-40-155.10 as provided in Count 1, and consents to the imposition of a monetary penalty in the amount of \$300.00, and Board costs of \$150.00. Mr. Studley moved to approve the Consent Order as presented. Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Studley, and Thomas.

01200, Rudolph Eli Long

In the matter of **File Number 2022-012309, Justin Francis Urich**, the Board members reviewed the Consent Order. Mr. Urich admits to a violation of 18VAC 15-40-155.3 as provided in Count 1 and consents to the imposition of a monetary penalty in the amount of \$250.00, and Board costs of \$150.00. In addition, Mr. Urich agrees to complete 16 CPE hours for his current license cycle as a requirement to renew his home inspector's license and provide proof of attendance and successful completion to the Board. Mr. Thomas moved to approve the Consent Order as presented. Mr. Armentrout seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Studley, and Thomas.

File Number 2022-01309, Justin Francis Urich

Mr. Salva returned to the meeting.

Return of Board Member

In the matter of **File Number 2022-01741, Santos Ismail Ortiz Lopez**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation.

File Number 2022-01741, Santos Ismael Ortiz Lopez

Mr. Studley moved to accept the recommendation of the Presiding Officer to not approve Mr. Ortiz Lopez's application for an asbestos worker license. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Salva, Studley, and Thomas.

Mr. Haughwout provided an update on the current status of the regulatory review processes for the Board's regulatory packages.

Regulatory Action Update

The Board adopted revisions to proposed regulatory text of the Home Inspector Regulations General Review at its meeting on May 12, 2022. Proposed amendments have been submitted for Executive Branch review, after which a 60-day public comment period will commence.

Final Lead-Based Paint Renovation, Repair, and Painting Program

(RRP) Regulations (Initial Promulgation) were submitted for Executive Branch review on January 18, 2022.

The Board authorized filing of a Notice of Intended Regulatory Action (NOIRA) and formation of a committee at the Board meeting on May 12, 2022 to determine the definition of “good working order” regarding residential smoke alarms as required by Senate Bill 607. The NOIRA was submitted for Executive Branch review on July 22, 2022, after which a 30 day public comment period as held. The SB 607 Committee will meet on August 24, 2022.

The Board authorized filing of a NOIRA for the Virginia Asbestos Licensing Regulations General Review. The committee is being formed and the NOIRA is in development, after which it will be submitted for Executive Branch Review.

A fast-track action is in development for the Update to 17 VAC 15-30-510 and DIB (Virginia Lead-Based Paint Activities Regulations) to be submitted for Executive Branch Review.

Ms. Lindsey provided an update on the SB 607 Committee. The first meeting of the SB 607 Committee will be on August 24, 2022.

**Update to SB 607
Committee**

Ms. Pettus provided an update of home inspector CPE audits conducted on twenty-five percent of eligible certified home inspectors beginning on February 15, 2022.

**Home Inspector CPE
Audit Report**

Ms. Pettus provided an update of asbestos and lead course audits conducted in July 2022.

**Asbestos and Lead
Course Audit Report**

Ms. Lindsey provided an overview of an amendment to the Virginia Uniform Statewide Building Code, which allows for energy efficiency air leakage testing to be performed by licensed home inspectors. The Board discussed the processes for this testing as well as qualifications to perform the test.

**Discussion of
Amendments to
Virginia Uniform
Statewide Building
Code as it Relates to
Home Inspectors**

Ms. Lindsey provided the Board with potential legislative proposals to be submitted for consideration during the 2023 General Assembly session. After review and discussion, Mr. Cranor moved to approve the proposals for submission as presented. Mr. Salva seconded the motion, which was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Salva, Studley, and Thomas.

**Discussion of
Potential Legislative
Proposals**

Ms. Lindsey provided the Board with the most recent financial statements for informational purposes.

Board Financial Statements

Ms. Lindsey and Ms. Pettus updated the Board on recent and upcoming outreach opportunities.

Outreach Update

Ms. Lindsey provided the Board with information on the 2022 Board Member Training Conference.

2022 Board Member Training Conference

Ms. Lindsey advised the Board of changes to the composition of the Board due to legislative action at the 2022 General Assembly session. The Board will now have three home inspector representatives. In addition, the dust sampling technician and licensed renovator seats have been removed.

Other Business

Discussion was held on whether any courses related to air leakage testing as discussed earlier in the meeting would be acceptable for CPE credit. The Board agreed by consensus that accepted CPE topics would remain as stipulated in the regulations, and that courses related to air leakage will not be accepted for CPE credit.

Ms. Baynes reminded Board members to complete their conflict of interest forms.

Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting adjourned at 10:45 a.m.

Adjourn

Gene E. Magruder, Chair

Demetrios J. Melis, Secretary

**VIRGINIA BOARD FOR
ASBESTOS, LEAD, AND HOME INSPECTORS
HOME INSPECTOR SB 607 COMMITTEE MEETING**

The Home Inspector SB 607 Committee of the Virginia Board for Asbestos, Lead, and Home Inspectors (Board) met on August 24, 2022, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members of the Committee were present:

Jeffrey Brown
Andrew Clark
John Cranor, Chair
Justin Hruneni
Christina Jackson
Kevin Salva
Bill Wilmouth

The following staff members were present for part or all of the meeting:

Trisha L. Lindsey, Executive Director
Tanya M. Pettus, Board Administrator
Joseph C. Haughwout, Jr., Regulatory Administrator
Raven Custer, Administrative Coordinator

Mr. Cranor called the meeting to order at 10:06 a.m.

Call to Order

Ms. Pettus advised the Committee of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Salva moved to approve the agenda as presented. Mr. Wilmouth seconded the motion which was unanimously approved by: Brown, Clark, Cranor, Hruneni, Jackson, Salva, and Wilmouth.

Approval of Agenda

There were no members of the public present who wished to address the Committee.

**Public Comment
Period**

Ms. Pettus presented to the Committee a comment from Mr. Cranor that was submitted in writing. Mr. Cranor provided his opinion regarding the need for clarification of the terms smoke detector and smoke alarm. He also provided suggested language to aid in the defining of “good working order,” and the responsibilities of the home inspector.

Ms. Pettus presented to the Committee a statement submitted in writing by the Virginia Association of Real Estate Inspectors (VAREI), which provided suggested language to be included as part of the regulatory

amendment required by Senate Bill 607.

Ms. Pettus and Mr. Cranor provided the Committee with an overview of the purpose of the committee.

Review Purpose of Committee

The Committee was formed and authorized by the Board to determine the regulatory definition of “good working order” as required by SB 607, which passed at the 2022 General Assembly session. The bill requires a home inspection and the home inspection report to include a determination as to whether the home’s smoke detectors are in good working order as defined by the Board.

Members of the Committee and Board staff introduced themselves.

Members and Staff

Ms. Pettus provided an overview of the regulatory process.

Overview of Regulatory Process

The Committee was provided with resources and information including the text of Senate Bill 607, current Home Inspector Licensing Regulations, home inspections requirements from other states, National Fire Protection Association (NFPA) standards, and a sampling of definitions for reference.

Resources and Information

Mr. Haughwout presented the Board with a proposed draft definition of the term “good working order”, as well as other draft proposed amendments to the regulations related to the new requirement.

Discuss Definition of “Good Working Order”

The Committee discussed the draft definition and amendments.

The Committee Recessed from 11:25 a.m. to 11:50 a.m.

Recess

Mr. Cranor re-opened the public comment period.

Re-opened Public Comment Period

Don Masters, Virginia licensed home inspector, was present to speak to the Committee. Mr. Masters voiced his concern that Senate Bill 607 addresses a problem, but does not resolve it, and is concerned that safety officials are not aware of the passing of the bill. Mr. Masters shared with the Committee statistics on fire-related deaths he collected during his own personal research.

The Committee continued review and discussion on the draft proposed amendments with a focus on the definition of “good working order.” The Committee discussed the impacts of the regulatory amendments on home inspector liability. After lengthy discussion, Ms. Jackson moved

Discuss and Review Amendments to Regulations

Virginia Board for Asbestos, Lead, and Home Inspectors'
Home Inspector SB 607 Committee
August 24, 2022
Page 3

to recommend to the Board draft proposed language as amended. Mr. Salva seconded the motion which was unanimously approved by: Brown, Clark, Cranor, Hruneni, Jackson, Salva, and Wilmouth.

The draft proposed amendments will be presented to the Board for consideration and approval at its November 10, 2022 meeting.

There being no further business, the meeting was adjourned at 12:54 **Adjourn**
p.m.

Gene E. Magruder, Chair

Demetrios J. Melis, Secretary

Virginia Board for Asbestos, Lead, and Home Inspectors

Update on Regulatory Actions

(as of October 31, 2022)

Action: Home Inspector Regulations General Review

Current Stage: Proposed

- Board reviewed and considered NOIRA stage public comments on 11/4/21.
- Board reviewed and considered committee recommendations, and adopted proposed regulatory text on 11/4/21.
- Proposed regulatory text submitted for Executive Branch review on 2/14/22.
- Board adopted revision to proposed regulatory text on 5/12/22.
- Currently in Executive Branch review.

Next Step: Executive Branch Review/Public Comment

- Following completion of Executive Branch review, publication of proposed regulation in Virginia Register, and 60-day public comment period. Comment period will include a public hearing.

Action: Initial Promulgation of Lead-Based Paint Renovation, Repair, and Painting Regulation

Current Stage: Final Regulation

- Final regulation, as amended, adopted by Board on 8/26/21.
- Final regulation submitted for Executive Branch review on 1/18/22.

Next Step: Executive Branch Review/Final Adoption

- Following completion of Executive Branch review, publication in Virginia Register, and final public comment.

Action: SB 607 Amendment (Home Inspector Licensing Regulations)

Current Stage: NOIRA

- Board authorized filing of NOIRA and formation of regulatory review committee on 5/12/22.
- NOIRA submitted for Executive Branch review on 7/22/22. Executive Branch review completed on 8/16/22.
- Committee was formed and met on 8/24/22. Committee adopted recommendations for amendments to regulation.
- NOIRA published in Virginia Register on 9/12/22. Public comment period held from 9/12/22 to 10/12/22.

Next Step: Proposed Stage

- Board review and consideration of NOIRA public comments and committee recommendations.
- Board adopts proposed amendments to regulation.
- Proposed amendments submitted for Executive Branch review.

Virginia Board for Asbestos, Lead, and Home Inspectors

Action: Virginia Asbestos Licensing Regulations General Review

Current Stage: NOIRA

- Board authorized filing of NOIRA and formation of regulatory review committee on 5/12/22.
- Committee is being formed.
- NOIRA is in development.

Next Step: Committee Review/Executive Branch Review/Public Comment

- Regulatory review committee reviews current regulation, and develops recommendations for new regulation.
- NOIRA submitted for Executive Branch review.
- Following completion of Executive Branch review, publication of NOIRA in Virginia Register, and 30-day public comment period.
- NOIRA public comments and committee recommendations to be presented to the Board for consideration and adoption.

Action: Update to 18 VAC 15-30-510 and DIBR (Virginia Lead-Based Paint Activities Regulations)

Current Stage: Fast-Track

- Board authorized filing of fast-track action to amend regulations on 5/12/22.
- Fast-track action in development for submission for Executive Branch review.

Next Step: Executive Branch Review/Public Comment

- Following completion of Executive Branch review, publication of fast-track action in Virginia Register, and 30-day public comment period.
- Amendment becomes effective 15 days after conclusion of public comment period (unless later date is specified).

VIRGINIA ACTS OF ASSEMBLY -- 2022 SESSION

CHAPTER 398

An Act to direct the Board for Asbestos, Lead, and Home Inspectors to update its regulations to require that home inspections include a determination of whether the home's smoke detectors are in good working order.

[S 607]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Board for Asbestos, Lead, and Home Inspectors (the Board) shall update the regulations in 18VAC15-40-130 to require that a home inspection and the report on its findings include a determination of whether the home's smoke detectors are in "good working order," as defined by the Board.*

DRAFT AGENDA
Materials contained in this document are proposed topics for discussion
and are not to be construed as a petition or official Board position.
DRAFT AGENDA



DPOR: Board for Asbestos, Lead and Home Inspectors (DPOR), rr <alhi@dpor.virginia.gov>

Smoke Detector Amendment Issues

1 message

Bob Sisson <bob@inspectionsbybob.com>
To: alhi@dpor.virginia.gov

Thu, Sep 15, 2022 at 11:24 AM

Good day to you.

I am a Home Inspector with ~20 years in the field.

I started out testing Smoke Alarms, Alarms have sounders, and detectors don't by the way... Detectors are typically used by centralized alarm systems (ADT, Brinks, etc...)

I used a combination of long sticks, and certified Smoke in a can.

After several people complained about the Smoke in a can, I stopped using that even though it was the only TRUE test...

The next thing that helped cause me to change my testing policy were Home Alarm systems. It is not always evident that there is an alarm. Often times the keypads are deliberately hidden and Silent. Needless to say, after being visited by several rather bothered Emergency Responders and being given warnings about stiff fines for "False Alarms" I seriously thought about the testing of Smoke alarms/detectors.

The last thing that was the straw of the back of the proverbial camel was some (older) alarms that would not reset. Once they started sounding, they would not reset. The rest of the inspection was done with 6 smoke alarms doing their best to wake the dead (3 floors & 3 bedrooms). The owner, when returning to a LOUD house, was very perturbed. After a few of those incidents, we decided on a new track...

As required by my **current** STATE SOP as well as my association's SOP I state the presence (or missing) detectors. If I see older, discolored, painted, missing, open, damaged... alarms/detectors, I also mention those. The owner, realtor, or buyer may test them, we describe them and disclaim them for the described reasons.

After a few hefty fines to inspectors, realtors, or Home Owners because systems -HAVE- to be tested and there will be an ugly revolt. Please note that in SOME jurisdictions, once a monitored -FIRE- alarm is triggered, it cannot be silenced and it **MUST** be responded to even if someone calls in to "clear" the call or even uses a keypad. Many monitored Fire Alarms respond even if the Alarm system is Disabled and/or in Day mode.

I understand the importance of Smoke Alarms/detectors and applaud the idea, but the implementation needs to take into account the reality of what inspectors see in the field.

Bob Sisson ACI, BVI
Inspections by Bob
ASHI Member # 212016
*MAC-ASHI Chapter President 2010-2012
ASHI Mid-Atlantic Group Leader 2009-2012
ASHI National Board Of Directors 2012-2015, 2017,2018-2020
Bob@Inspectionsbybob.com
www.inspectionsbybob.com
(301) 208-8289 Scheduling/Pricing



DPOR: Board for Asbestos, Lead and Home Inspectors (DPOR), rr <alhi@dpor.virginia.gov>

Home Inspection Standards of Practice, SB 607

1 message

Greg Kemp <gvkemp@hotmail.com>
To: "alhi@dpor.virginia.gov" <alhi@dpor.virginia.gov>

Wed, Sep 14, 2022 at 6:37 PM

Upon learning about this amendment to the Home Inspection standards in regard to smoke detectors, I must ask what exactly is "good working order".

These detectors cannot be truly tested without smoke, and naturally we can't use smoke during a home inspection.

I as home inspector would simply state: we cannot ensure good working order of smoke detector, therefore, we recommend replacing all detectors upon move in.

Greg Kemp, PE
Kemp Home Inspections, LLC
www.trustkemp.com
301-433-7070 (office/scheduling)

301-916-6030 cell



DRAFT - EIR and CEIR comments are provided for discussion and are not to be used for regulation of Official Board positions.
DRAFT - EIR and CEIR comments are provided for discussion and are not to be used for regulation of Official Board positions.
DRAFT - EIR and CEIR comments are provided for discussion and are not to be used for regulation of Official Board positions.

DPOR: Board for Asbestos, Lead and Home Inspectors (DPOR), rr <alhi@dpor.virginia.gov>

Public Comment for SB 607 Amendment

1 message

Sean Troxell <rseantroxell@gmail.com>

Thu, Sep 15, 2022 at 1:07 PM

To: "DPOR: Board for Asbestos, Lead and Home Inspectors (DPOR), rr" <alhi@dpor.virginia.gov>

To whom it may concern,

The ability for a home inspector to determine the working order of a smoke detector is not possible during a home inspection and would require filling the sensor with smoke, which is beyond the scope of a home inspection in all known jurisdictions and professional association standards. "...determination of whether the smoke detectors are in good working order..." is well beyond what even a local Fire Department is capable or willing to do. Pushing the test button only verifies the alarm is operating, not that the detector is operating.

This would throw a ton of liability at the home inspectors too. Every house fire injury associated with a home inspection is going to result in litigation.

What about setting off home security systems and having a fire department response. There are fines associated with nuisance response. Are we now supposed to coordinate our inspections with emergency personnel?

This amendment is unrealistic, unfair to home inspectors, sets an unrealistic expectation to the public that can't be met, and will harm the industry and the public as a whole.

IF the definition of Good Working Order included a very specific "limited to proper placement in regards to smoke detectors" I could get behind it, but that is simply NOT what is implied in the language of the amendment.

Thank you,

R. Sean Troxell, ACI
[JD Grewell & Associates, Inc](http://www.jdgrewell.com)
ASHI# 251062
MD# 31177
VA#3380000693 NRS*
rseantroxell@gmail.com

CONFIDENTIALITY NOTICE:

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Summary of Comments for SB 607 Amendment

Following is the summary of comments received during the public comment period (September 12, 2022, to October 12, 2022) regarding the Board’s regulatory action to amend the Home Inspector Licensing Regulations (18VAC15-40) to comply with the requirements of Chapter 398 of the 2022 Acts of Assembly (SB 607). The comments below represent comments received following publication of the Notice of Intended Regulatory Action. During the public comment period, the Board received comments from three (3) commenters.

	Regulation *#	Summary of Comment(s)	Draft Board Response
	Commenter		
1	15-40	The commenter questioned what the meaning of “good working order” will be.	The Board thanks the commenter and will consider this comment prior to adoption of proposed regulation.
	Greg Kemp, PE, Kemp Home Inspections, LLC (Comment received by email)	The commenter noted that smoke detectors cannot be truly tested without smoke, which cannot be used during a home inspection. He cannot ensure good working order of a smoke detector, and will recommend replacing all detectors upon move in.	
2	15-40	The commenter noted that smoke alarms have sounders and smoke detectors do not. Smoke detectors are typically used in centralized alarm systems.	The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.
	Bob Sisson, ACI, BVI, Inspections by Bob (Comment received by email)	The commenter relayed his prior experiences in testing smoke alarms/smoke detectors. The commenter stopped using certified smoke in a can due to complaints. The commenter noted challenges in testing alarm systems, including	

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

	<p>DRAFT AGENDA Materials contained in this document are not to be construed as a proposed topic for discussion or approval by the Board DRAFT AGENDA</p>	<p>hidden keypads and silent alarms. The commenter indicated he has been warned by emergency responders on multiple occasions about “false alarms.” The commenter also indicated that some older alarms will not reset once they start sounding.</p> <p>The commenter indicated his practice is to note presence, or absence, of detectors, and will note if he sees older, discolored, painted, missing, open, or damaged detectors. He will describe these in the report and disclaim them. The owner, realtor, or buyer may test the detectors.</p> <p>The commenter indicated there would be an “ugly revolt” when inspectors, realtors, and owners are subject to fines because systems must be tested. The commenter indicated that in some jurisdictions, an alarm must be responded to an alarm is triggered even if the alarm is cleared or disabled.</p> <p>The commenter acknowledged the importance of smoke alarms/smoke detectors, but stated implementation needs to consider the reality of what inspectors see in the field.</p>	
--	---	---	--

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

3	15-40	<p>The commenter noted that determining the working order of a smoke detector is not possible during a home inspection and would require filling the sensor with smoke. This type of testing is beyond the scope of a home inspection in all jurisdictions and all professional standards.</p> <p>The commenter noted that determination of “good working order” is beyond what a local fire department is capable and willing to do. The pushing of the test button only verifies the alarm is operating, not that the detector is operating.</p> <p>The commenter indicated home inspectors would assume liability as the result of the requirements, and that every house fire injury associated with an inspection would result in litigation.</p> <p>The commenter indicated that home inspectors could be subject to fines due to “nuisance responses” when testing alarms in home security systems that result in a fire department response. The commenter questioned how inspectors are supposed to coordinate inspections with emergency personnel.</p> <p>The commenter stated the amendment was unrealistic, unfair to home inspectors, sets an unrealistic expectation for the public, and would harm the industry and the public.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulation.</p>
	<p>R. Sean Troxell, ACI, JD Grewell & Associates, Inc. (Comment received by email)</p>		

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

	DRAFT AGENDA Materials contained in this section and are not to be construed as DRAFT AGENDA	The commenter indicated that the definition of “good working order” should be limited to the proper placement of smoke detectors.	
--	---	---	--

DRAFT

1 **Virginia Board For Asbestos, Lead, And Home Inspectors**

2 **SB 607 Amendments**

3 **18VAC15-40-10. Definitions.**

4 A. Section 54.1-500 of the Code of Virginia provides definitions of the following terms and
5 phrases as used in this chapter:

6 "Board"

7 "Home inspection"

8 "Home inspector"

9 "Person"

10 "Residential building"

11 B. Section 54.1-517.2:1 of the Code of Virginia provides definitions of the following terms and
12 phrases as used in 18VAC15-40-130:

13 "Bonding"

14 "Corrugated stainless steel tubing"

15 "Grounding"

16 C. The following words and terms when used in this chapter shall have the following meanings
17 unless a different meaning is provided or is plainly required by the context:

18 "Address of record" means the mailing address designated by the licensee to receive notices
19 and correspondence from the board.

20 "Adjacent" means adjoining or within three feet of the residential building and that may affect
21 the residential building.

22 "Applicant" means an individual who has submitted an application for licensure.

23 "Application" means a completed, board-prescribed form submitted with the appropriate fee
24 and other required documentation.

25 "Client" means a person who engages the services of a home inspector for a home inspection.

26 "Compensation" means the receipt of monetary payment or other valuable consideration for
27 services rendered.

28 "Component" means a part of a system.

29 "Contact hour" means 50 minutes of participation in a structured training activity.

30 "CPE" means continuing professional education.

31 "Department" means the Department of Professional and Occupational Regulation.

32 "Financial interest" means financial benefit accruing to an individual or to a member of his
33 immediate family. Such interest shall exist by reason of (i) ownership in a business if the
34 ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds
35 or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property
36 or a business; (iii) salary, other compensation, fringe benefits, forgiveness of debt, or benefits
37 from the use of property, or any combination of it, paid or provided by a business that exceeds or
38 may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or personal
39 property if the interest exceeds \$1,000 in value and excluding ownership in business, income,
40 salary, other compensation, fringe benefits, or benefits from the use of property; (v) personal
41 liability incurred or assumed on behalf of a business if the liability exceeds 3.0% of the asset value
42 of the business; or (vi) an option for ownership of a business, real property, or personal property
43 if the ownership interest will consist of clause (i) or (iv) of this definition.

44 "Fireplace" means an interior fire-resistant masonry permanent or prefabricated fixture that
45 can be used to burn fuel and is either vented or unvented.

46 "Foundation" means the element of a structure that connects to the ground and transfers loads
47 from the structure to the ground. Foundations may be shallow or deep.

48 "Good working order" means, with respect to a smoke alarm inspected during a home
49 inspection, that the smoke alarm is securely attached, not physically damaged, and operation of
50 the test function is successful.

51 "Licensee" means a home inspector as defined in Chapter 5 (§ 54.1-500 et seq.) of Title 54.1
52 of the Code of Virginia.

53 "Licensure" means a method of regulation whereby the Commonwealth, through the issuance
54 of a license, authorizes a person possessing the character and minimum skills to engage in the
55 practice of a profession or occupation that is unlawful to practice without such license.

56 "New residential structure" or "NRS" means a residential structure for which the first
57 conveyance of record title to a purchaser has not occurred or the purchaser has not taken
58 possession, whichever occurs later.

59 "NRS specialty" means a designation granted by the board to a home inspector that
60 authorizes such individual to conduct home inspections on any new residential structure.

61 "Outbuilding" means any structure on the property that is more than three feet from the
62 residential building and that may affect the residential building.

63 "Prelicense education course" means an instruction program approved by the board and is
64 one of the requirements for licensure effective July 1, 2017.

65 "Readily accessible" means available for access without requiring moving or removing of any
66 obstacles.

67 "Reinstatement" means the process and requirements through which an expired license can
68 be made valid without the licensee having to apply as a new applicant.

69 "Renewal" means the process and requirements for periodically approving the continuance of
70 a license.

71 "Residential structure" means a structure consisting of no more than two dwelling units or a
72 townhouse.

73 "Smoke alarm" or "smoke detector" means a single station or multiple station alarm responsive
74 to smoke.

75 "Solid fuel burning appliances" means a hearth and fire chamber or similarly prepared place
76 in which a fire may be built and that is built in conjunction with a chimney, or a listed assembly of
77 a fire chamber, its chimney and related factory-made parts designed for unit assembly without
78 requiring field construction.

79 "System" means a combination of interacting or interdependent components, assembled to
80 carry out one or more functions.

81 "Virginia Residential Code" means the provisions of the Virginia Construction Code (Part I
82 (13VAC5-63-10 et seq.) of 13VAC5-63) applicable to R-5 residential structures and that includes
83 provisions of the International Residential Code as amended by the Board of Housing and
84 Community Development.

85 **18VAC15-40-120. Home inspection contract.**

86 A. For the protection of both the client and the licensee, both parties shall sign a legible, written
87 contract clearly specifying the terms, conditions, and limitations and exclusions of the work to be
88 performed.

89 B. At a minimum, the written contract shall include:

90 1. Name, business name (if applicable), business address, and telephone number of the
91 home inspector.

- 92 2. License number of the home inspector, and notation of NRS specialty, if applicable.
- 93 3. Name of the clients.
- 94 4. Physical address of the residential property to be inspected.
- 95 5. Cost of the home inspection.
- 96 6. A listing of all areas and systems to be inspected, including those inspections that are
- 97 either partial or limited in scope.
- 98 7. A statement in the contract that the home inspection does not include a review for
- 99 compliance with regulatory requirements (Virginia Uniform Statewide Building Code or
- 100 other codes, regulations, laws, ordinances, etc.).
- 101 8. To the extent that any of the following categories are not covered by the home
- 102 inspection, they shall be noted as exclusions in the inspection contract:
- 103 a. The condition of systems or components that are not readily accessible.
- 104 b. The remaining life of any system or component.
- 105 c. The strength, adequacy, effectiveness, or efficiency of any system or component.
- 106 d. The causes of any condition or deficiency.
- 107 e. The methods, materials, or costs of corrections.
- 108 f. Future conditions including failure of systems and components.
- 109 g. The suitability of the property for any specialized use.
- 110 h. The market value of the property or its marketability.
- 111 i. The advisability of the purchase of the property.
- 112 j. The presence of diseases harmful to humans or potentially hazardous plants or
- 113 animals including wood destroying organisms and mold.

- 114 k. The presence of any environmental hazards including toxins, carcinogens, noise,
115 asbestos, lead-based paint, mold, radon, and contaminates in soil, water, and air.
- 116 l. The effectiveness of any system installed or methods utilized to control or remove
117 suspected hazardous substances.
- 118 m. The operating costs of systems or components.
- 119 n. The acoustical properties of any system or component.
- 120 o. The presence of components involved in manufacturer's recalls.
- 121 p. The inspection of outbuildings.

122 To the extent any other items are not specifically included in the home inspection by
123 agreement of the parties, they shall also be noted as exclusions in the home inspection
124 contract.

125 9. Estimated delivery date to the client of the home inspection report.

126 10. Dated signatures of both the home inspector and the client or the client's authorized
127 representative.

128 C. The home inspection contract shall make written disclosure that the home inspection report
129 is based upon visual observation of existing conditions of the inspected property at the time of the
130 inspection and is not intended to be, or to be construed as, a guarantee, warranty, or any form of
131 insurance. This provision does not prevent a home inspector from offering a separate guarantee,
132 warranty, or any form of insurance if he so chooses.

133 **D. The requirements of subsection D of 18VAC15-40-130 regarding smoke alarms will not be**
134 **excluded from the home inspection contract.**

135 **E.** If the home inspector recommends a person to the client for repairs or modifications to the
136 inspected property, the home inspector shall disclose to the client all financial interests that the

137 home inspector has with the recommended person. The disclosure shall be written within the
138 home inspection contract.

139 **18VAC15-40-130. Home inspection report.**

140 A. Home inspection reports shall contain:

141 1. Information pertaining to the licensee, including:

142 a. Licensee's name;

143 b. Business address;

144 c. Telephone number; and

145 d. License number and expiration date, to be followed by "NRS" if so designated and
146 performing a home inspection on a new residential structure;

147 2. The name, address, and telephone number of the client or the client's authorized
148 representative, if available at the time of the inspection;

149 3. The physical address of the residential property inspected; and

150 4. The date, time (to include both start and finish times of the home inspection), and
151 weather conditions at the time of the home inspection.

152 B. In conducting a home inspection and reporting its findings, the home inspector, at a
153 minimum, shall inspect the condition of and shall describe in writing the composition or
154 characteristics of the following readily accessible components and readily observable defects,
155 except as may be limited in the home inspection contract agreement:

156 1. Structural system.

157 a. Foundation.

158 b. Framing.

- 159 c. Stairs.
- 160 d. Crawl space, the method of inspecting the crawl space shall be noted and explained
- 161 in the home inspection report. If the crawl space cannot be inspected, the licensee
- 162 shall explain in the home inspection report why this component was not inspected.
- 163 e. Crawl space ventilation and vapor barriers.
- 164 f. Slab floor, when present.
- 165 g. Floors, ceilings, and walls.
- 166 2. Roof structure, attic, and insulation.
- 167 a. Roof covering. The method of inspecting the roof covering shall be noted and
- 168 explained in the home inspection report. If the roof covering cannot be inspected, the
- 169 licensee shall explain in the home inspection report why this component was not
- 170 inspected.
- 171 b. Roof ventilation.
- 172 c. Roof drainage system, to include gutters and downspouts.
- 173 d. Roof flashings, if readily visible.
- 174 e. Skylights, chimneys, and roof penetrations, but not antennae or other roof
- 175 attachments.
- 176 f. Roof framing and sheathing.
- 177 g. Attic, unless area is not readily accessible.
- 178 h. Attic insulation.
- 179 3. Exterior of residential building or NRS.
- 180 a. Wall covering, flashing, and trim.

181 b. Readily accessible doors and windows, but not the operation of associated security
182 locks, devices, or systems.

183 c. Decks, balconies, stoops, steps, porches, attached garages, carports, and any
184 associated railings that are adjacent to the residential building or NRS and on the same
185 property but not associated screening, shutters, awnings, storm windows, detached
186 garages, or storm doors.

187 d. Eaves, soffits, and fascias where readily accessible from ground level.

188 e. Walkways, grade steps, patios, and driveways, but not fences or privacy walls.

189 f. Vegetation, trees, grading, drainage, and any retaining walls adjacent to the
190 residential building or NRS.

191 g. Visible exterior portions of chimneys.

192 4. Interior of residential building or NRS.

193 a. Interior walls, ceilings, and floors of residential building or NRS and any adjacent
194 garage.

195 b. Steps, stairways, railings, and balconies and associated railings.

196 c. Countertops and installed cabinets, including hardware.

197 d. Doors and windows, but not the operation of associated security locks, devices, or
198 systems.

199 e. Garage doors and permanently mounted and installed garage door operators. The
200 automatic safety reverse function of garage door openers shall be tested, either by
201 physical obstruction as specified by the manufacturer, or by breaking the beam of the
202 electronic photo eye but only when the test can be safely performed and will not risk
203 damage to the door, the opener, any nearby structure, or any stored items.

204 f. Fireplaces, venting systems, hearths, dampers, and fireboxes, but not mantles, fire
205 screens and doors, seals and gaskets.

206 g. Solid fuel burning appliances, if applicable.

207 5. Plumbing system.

208 a. Interior water supply and distribution systems, including water supply lines and all
209 fixtures and faucets, but not water conditioning systems or fire sprinkler systems.

210 b. Water drainage, waste, and vent systems, including all fixtures.

211 c. Drainage sumps, sump pumps, and related piping.

212 d. Water heating equipment, including energy source and related vent systems, flues,
213 and chimneys, but not solar water heating systems.

214 e. Fuel storage and distribution systems for visible leaks.

215 6. Electrical system.

216 a. Service drop.

217 b. Service entrance conductors, cables, and raceways.

218 c. Service equipment and main disconnects.

219 d. Service grounding.

220 e. Interior components of service panels and sub panels, including feeders.

221 f. Conductors.

222 g. Overcurrent protection devices.

223 h. Readily accessible installed lighting fixtures, switches, and receptacles.

224 i. Ground fault circuit interrupters.

- 225 j. Presence or absence of smoke detectors alarms.
- 226 k. Presence of solid conductor aluminum branch circuit wiring.
- 227 l. Arc fault interrupters shall be noted if installed but not tested if equipment is attached
- 228 to them.
- 229 7. Heating system.
- 230 a. Heating equipment, including operating controls, but not heat exchangers, gas logs,
- 231 built-in gas burning appliances, grills, stoves, space heaters, solar heating devices, or
- 232 heating system accessories such as humidifiers, air purifiers, motorized dampers, and
- 233 heat reclaimers.
- 234 b. Energy source.
- 235 c. Heating distribution system.
- 236 d. Vent systems, flues, and chimneys, including dampers.
- 237 8. Air conditioning system.
- 238 a. Central and installed wall air conditioning equipment.
- 239 b. Operating controls, access panels, and covers.
- 240 c. Energy source.
- 241 d. Cooling distribution system.
- 242 C. Systems in the home that are turned off, winterized, or otherwise secured so that they do
- 243 not respond to normal activation using standard operating controls need not be put into operating
- 244 condition. The home inspector shall state, in writing, the reason these systems or components
- 245 were not inspected.

246 D. For any smoke alarms that are readily accessible in the residential building or NRS, the
247 home inspection report must include a determination of whether the smoke alarms are in good
248 working order as defined in 18VAC15-40-10.

249 1. A home inspector is not required to operate the test function of a smoke alarm if the
250 smoke alarm is part of a central alarm system or security system in which such testing will
251 automatically alert a fire department or other authority. To the extent the home inspector
252 is unable to determine whether testing will cause an automatic alert, the home inspector
253 is not required to operate the test function of the smoke alarm.

254 2. If a smoke alarm is not readily accessible, or there are any limitations in determining
255 whether it is in good working order, the home inspection report must state that it is not
256 readily accessible, or describe such limitations, as applicable.

257 3. The home inspection report must include the substance of the following: It is
258 recommended that a home have smoke alarms on each level of the dwelling and in every
259 bedroom or sleeping area. Clients should replace any existing smoke alarms that are not
260 in good working order with new ones and install smoke alarms where they may be missing
261 or not properly located. Any test of a smoke alarm during a home inspection only reflects
262 its condition at the time of inspection and is not a guarantee, warranty, or any form of
263 insurance. A test performed during the home inspection does not supersede the smoke
264 alarm manufacturer's testing recommendations. Clients should follow the manufacturer's
265 instructions for proper placement, installation and maintenance.

266 E. In accordance with § 54.1-517.2:1 of the Code of Virginia, if a home inspector observes the
267 presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a
268 home that was built prior to the adoption of the 2006 Virginia Construction Code, effective May 1,
269 2008, the home inspector shall include that observation in the report along with the following
270 statement: "Manufacturers believe that this product is safer if properly bonded and grounded as

271 required by the manufacturer's installation instructions. Proper bonding and grounding of the
272 product should be determined by a contractor licensed to perform the work in the Commonwealth
273 of Virginia."

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

CONSIDER EXEMPT ACTION TO
CONTINUE TEMPORARY FEE REDUCTION
FOR ASBESTOS AND LEAD

DRAFT AGENDA
Materials contained in this agenda are prepared for discussion
and are not to be construed as regulation of official action.
DRAFT AGENDA

DISCUSSION ON HOME INSPECTOR
INSURANCE POLICIES

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion
and are not to be construed as regulation or official
DRAFT AGENDA



MEMORANDUM

TO: Members, Board for Asbestos, Lead, and Home Inspectors

FROM: Tanya M. Pettus, Board Administrator
Virginia Board for Asbestos, Lead, and Home Inspectors

DATE: November 10, 2022

SUBJECT: Use of Landscape Architect License as Entry to Lead Risk Assessor Licensure

I. Background

Board regulations allow for the “certification of licensure as an industrial hygienist, a professional engineer, or a registered architect or licensure in a related engineering/health/environmental field” (18VAC15-30-52. F.5.), to meet entry requirements for licensure as a lead risk assessor.

II. Issue

Staff has received an application for a lead risk assessor license from an applicant using their landscape architect license as a method of entry to licensure. Given the wide spectrum of the scope of work of landscape architects, it is unclear as to whether this license type qualifies an individual for entry into lead risk assessor licensure.

III. Applicable Regulations

Pursuant to the APELSCIDLA Board’s regulation 10VAC10-20-420:

1. An applicant who has graduated from a landscape architecture program accredited by the Landscape Architectural Accreditation Board (LAAB) shall have:
 - a. Obtained a minimum of 36 months of experience as follows:

(1) A minimum of 12 months of experience under the direct control and personal supervision of a licensed or certified landscape architect;

(2) The remaining 24 months of experience under the direct control and personal supervision of a licensed or certified landscape architect or a licensed architect, professional engineer, or land surveyor in accordance with the Landscape Architects Experience Credit Table; or

(3) In lieu of the provision in subdivisions 1 a (1) and 1 a (2) of this section, a minimum of 48 months of experience under the direct control and personal supervision of a licensed architect, professional engineer, or land surveyor; and

b. Passed all sections of the Council of Landscape Architectural Registration Board (CLARB)-prepared exam.

In addition, per the regulation an applicant who has not graduated from a LAAB-accredited landscape architecture program must have a minimum of eight years combined education and work experience.

Areas of work experience accepted are listed as follows; however, there is no time or hourly requirement specified by regulations for the individual categories of work.

Programming
Site & Environmental Analysis
Schematic Design
Construction Cost Analysis
Code Research
Design Development
Construction Documents
Specs & Materials Research
Document Checking & Coordination
Bidding Procedures
Construction Phase-Office
Construction Phase-Observation
Project Management
Office Management

Acceptable degree programs for entry to licensure include architecture, civil engineering, and environmental science.

IV. Request for Guidance

While pre-license experience as a landscape architect must be gained under the supervision of a professional engineer or architect, and degree programs may include architecture, civil engineering, and environmental science, the wide range of education and scope of work that fall under the landscape architect license make it unclear if this type of licensure qualifies an individual for a lead risk assessor license.

Board staff asks that the Board consider whether a landscape architect license should be

included as an acceptable qualification for a lead risk assessor license.

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

September 2022 Home Inspectors CPE Audit Report

Memo

To: ALHI Board Members
From: Tanya M. Pettus, Board Administrator
Date: 11/10/2022
Re: September 2022 Home Inspectors CPE Audit Report

This memo provides information regarding the September 2022 Home Inspectors CPE Audit Report.

Sept. 21, 2022: The regulant population of home inspectors eligible for audit totaled 148 in Eagles. Twenty-five percent (25%) of the eligible regulant population was randomly selected, resulting in 33 regulants selected for audit.

Initial letter and CPE audit form mailed to regulants selected for audit.

Oct. 24, 2022: Due date of CPE audit form and required documentation.

Oct. 28, 2022: Final notices were mailed to unresponsive regulants with a final deadline of November 11, 2022*.

Update: Responses received:

Total Received	32
Passed	28
Incomplete	1
Pending Review	3
Surrendered	0
No Response	1

*Unresponsive auditees will be forwarded for disciplinary action on November 23, 2022

Asbestos and Lead Training Course Audit Report

Memo

To: ALHI Board Members
From: Tanya M. Pettus, Board Administrator
Date: 11/10/2022
Re: Asbestos and Lead Training Course Audits

On-site course audits are required to complete the initial approval process of asbestos and lead training courses pursuant to 18VAC15-20-34.E., and 18VAC15-30-54.H. of the Board's regulations.

The following is a record of the most recently conducted course audits.

Audit Dates	Training Provider	Course Type	Findings
August 30-September 27, 2022	Asbestos Online Training LLC	Asbestos Supervisor Refresher(online)	Entry requirements met, course approved
		Asbestos Inspector Refresher(online)	Entry requirements met, course approved
		Asbestos Mgmt Planner Refresher(online)	Entry requirements met, course approved
		Asbestos Worker Refresher (online) (English & Spanish)	Entry requirements met, course approved
		Asbestos Project Designer Refresher(online)	Entry requirements met, course approved
		Asbestos Project Monitor Refresher (online)	Entry requirements met, course approved

November 4, 2022	DC Laborers' Training & Apprenticeship Institute	Lead Worker Refresher (English & Spanish)	Entry requirements met, course approved
------------------	--	---	---

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

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for Asbestos, Lead, and Home Inspectors
954540**

2022-2024 Biennium

September 2022

	September 2022 Activity	Biennium-to-Date Comparison	
		July 2020 - September 2020	July 2022 - September 2022
Cash/Revenue Balance Brought Forward			66,585
Revenues	20,860	79,589	72,253
Cumulative Revenues			138,838
Cost Categories:			
Board Expenditures	2,236	12,409	11,567
Board Administration	7,444	24,300	26,287
Administration of Exams	73	1,139	245
Enforcement	655	1,455	2,245
Legal Services	0	188	0
Information Systems	3,741	15,734	11,639
Facilities and Support Services	3,152	12,666	9,315
Agency Administration	7,883	10,503	17,399
Other / Transfers	0	0	0
Total Expenses	25,186	78,393	78,696
Transfer To/(From) Cash Reserves	0	0	(3,167)
Ending Cash/Revenue Balance			63,309

Cash Reserve Beginning Balance	273,156	0	276,323
Change in Cash Reserve	0	0	(3,167)
Cash Reserve Ending Balance	273,156	0	273,156

Number of Regulants	
Current Month	5,950
Previous Biennium-to-Date	6,269

OUTREACH UPDATE

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

ELECTION OF OFFICERS

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board action.
DRAFT AGENDA

REPORT FROM THE 2022 BOARD MEMBER
TRAINING CONFERENCE

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official action.
DRAFT AGENDA

OTHER BOARD BUSINESS

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board decision.
DRAFT AGENDA

FUTURE MEETING DATES

- February 9, 2023
- May 11, 2023
- August 24, 2023
- November 30, 2023

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board action.
DRAFT AGENDA

COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation of the Official Board of Education.
DRAFT AGENDA

ADJOURN

Please return your documents to Raven Custer

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