



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	Regulatory Review
Date this document prepared	May 2, 2014

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

This regulatory action will amend 18VAC15-30-167.B to allow a licensee or an accredited lead training provider to renew a license or accredited lead training program up to 12 months after the expiration of the license or accreditation without penalty of reapplying as a new applicant. This action will also amend 18VAC15-30-400 to require only one unique number for certificates of completion issued at the conclusion of training programs by accredited lead training providers. 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 May 1, 2014 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.

§ 54.1-201.5 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-201>) states that the Board has the power and duty “To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.”

§ 54.1-501 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-501>) provides the authority for the Board to promulgate regulations for the licensure of lead professionals and firms, approval of accredited lead training programs, and approval of criteria for accredited lead training programs. The content of the regulations is pursuant to the Board’s discretion, but shall not be in conflict with the purposes of the statutory authority.

Purpose

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.

In response to the Governor’s Regulatory Reform initiative, the Board for Asbestos, Lead, and Home Inspectors reviewed its current regulations to identify, amend or repeal any regulations that are unnecessary or no longer in use and reduce unnecessary regulatory burdens on regulated groups.

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.

Currently, any licensee or accredited lead training provider who fails to renew his license or accredited lead training program approval within six months after the expiration must apply as a new applicant. The proposed amendment will amend 18VAC15-30-167.B to extend this grace period to 12 months. The second amendment eliminates the requirement that certificates of completion for accredited lead training programs to contain two unique identification numbers.

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) This action poses no advantages to the public. There are no disadvantages to the public since these individuals cannot work with an expired license and training providers cannot offer or conduct training programs with expired approvals.
- 2) This action poses no advantages or disadvantages to the Commonwealth.
- 3) The primary advantage to those individuals and training providers whose license or approval have expired, is having an additional six months to renew before having to apply as a new applicant.

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
18VAC15-30-167.B	N/A	Any licensee or accredited lead training provider who fails to renew his license or accredited lead training program approval within six months after the expiration	The proposed amendment increases this grace period to renew from six months to 12 months after the expiration date. The amendment lessens the burden to submit the documentation required for initial

		date on the license or approval cannot renew and must apply as a new applicant.	licensure and approval while still ensuring protection of the public since these individuals cannot work with an expired license and training providers cannot offer or conduct training programs with expired approvals.
18VAC15-30-400.2	N/A	Certificates of completion must contain a unique certificate number as well as a unique identification number for the course participant.	<p>The proposed amendment removes the requirement for certificates of completion to contain a unique identification number for the course participant.</p> <p>The requirement for two different unique numbers is more stringent than federal regulations (40 CFR Part 745) and therefore unenforceable and should be removed. Section 54.1-501 of the Code of Virginia specifically states that any regulations of the Board shall not be more stringent than related regulations of the U.S. Environmental Protection Agency. Also, requiring a unique certificate number instead of a unique identification number for the course participant mirrors the Board Asbestos Licensing Regulations (18VAC15-20-490).</p>