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Proposed Regulation Agency Background Document

Agency name	Board for Professional Soil Scientists, Wetland Professionals, and Geologists
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC145-40
VAC Chapter title(s)	Regulations for the Geology Certification Program
Action title	General Review of Regulations for the Geology Certification Program
Date this document prepared	September 27, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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.

The Board for Professional Soil Scientists, Wetland Professionals, and Geologists (“the Board”) proposes to amend the Regulations for the Geology Certification Program to (i) update and clarify provisions of the regulation, to include ensuring that the regulation reflects current agency procedures and practices; (ii) ensure the regulation complements current Virginia law and is clearly written and understandable; (iii) remove requirements in the regulation that are not necessary to protect the public welfare; and (iv) reduce regulatory burdens while still protecting the public health, safety, and welfare.

This action proposes changes to (i) the definitions section; (ii) provisions for the expiration, renewal, and reinstatement of certificates; (iii) provisions for use of seal; (iv) provisions for qualification for certification, including qualifying experience and education; (v) provisions for qualifying for the FG examination and receiving a GIT designation; and (vi) standards of practice and conduct.

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 (§ 2.2-4000 et seq. of the Code of Virginia.)

“DPOR” means Department of Professional and Occupational Regulation.

“FG” means Fundamentals of Geology.

“GIT” means Geologist-in-Training.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

This regulatory change is not the result of a mandate.

The initial impetus for this action is Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor “...to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.”

During review of the regulation, the Board identified certain requirements as overly burdensome to regulants and unnecessary for the protection of the health, safety, and welfare of the public. The Board seeks to make amendments to remove these requirements while retaining requirements that ensure minimum competency and continue to provide protection to the public.

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 promulgating agency is Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

Section 54.1-201 of the Code of Virginia provides, in part:

- A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. 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. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

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 is intended to solve.

The General Assembly has charged the Board with the responsibility for regulating those who practice or offer to practice as a geologist or in a geological specialty by providing that such individuals may voluntarily obtain certification from the Board as a certified professional geologist as evidence of qualification to engage in this occupation. Individuals that meet the requirements of certification are authorized to represent themselves to the public as certified professional geologist. The regulation ensures that individuals who are certified have met the minimum standards, including education, experience, and examination, established by the General Assembly and the Board to practice geology.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation (i) the minimum qualifications of applicants for certification or licensure, provided that all qualifications are necessary to ensure either competence or integrity to engage in the profession or occupation; (ii) minimum standards to assure continued competency and to prevent deceptive or misleading practices by practitioners; and (iii) requirements to effectively administer the regulatory system administered by the Board.

As the proposed regulation was developed, the Board, in accordance with Executive Directive Number One (2022), reviewed discretionary requirements imposed on regulated parties to determine whether such requirements impose burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the certification program. The proposed amendments to the regulation reflect the Board’s consideration in eliminating current requirements that the Board does not deem necessary to protect the public health, safety, and welfare, or to effectively administer the certification program.

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 Board proposes the following substantive changes to the regulation:

1. Revise the definitions in section -10 to (i) incorporate relevant statutory definitions by reference; and (ii) revise the definition of “related geological science degree.”
2. Revise section -30 to remove a provision related to the renewability of certificates that are suspended or revoked by the Board.

3. Revise provisions regarding use of a seal by a certified professional geologist in section -60, including provisions regarding the size and dimension of the seal.
4. Revise section -70 to (i) refer to the statutory qualifications for certification in § 54.1-2208.2 of the Code of Virginia; (ii) provide qualification requirements for an applicant to establish “ethical character;” (iii) remove provisions that are duplicative of statutory requirements; and (iv) amend other provisions related to qualifying education or experience.
5. Repeal of the examination waiver provisions in section -80 as the provisions of this section are not necessary to be in the regulation.
6. Revise the provisions for qualifications for the FG examination in section -83, including revising provisions related to specific course subjects required for an individual seeking to qualify with a non-geological science degree.
7. Revise the provisions for qualifications for a GIT designation in section -85 to (i) provide for qualification requirements for an applicant to establish “ethical character;” (ii) simplify and reduce qualifying education requirements; (iii) remove the requirement that an applicant make application on a Board-provided form; and (iv) removing unnecessary provisions regarding the authority of the holder of a GIT designation to practice as a certified professional geologist.
8. Revise the provisions of section -90 to remove certain standards of conduct that are not necessary to protect the public health, safety, and welfare.
9. Revise section -100 to make requirements for reporting a change of name or address applicable to individuals holding a GIT designation.
10. Revise section -120 to replace a prohibition on offering consideration in seeking work with a prohibition on soliciting or accepting gratuities in connection with work for which the regulant is responsible.
11. Repeal of section -140, which provides for the Board’s authority to impose regulatory discipline, as these provisions are duplicative of statutory provisions.
12. Repeal of section -150, which provides for reissuing a certificate after revocation.

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.

The primary advantages to the public and regulated community include providing clarification to provisions of the regulations, ensuring the regulations complement Virginia law and reflect current agency procedures, and reducing regulatory burdens by removing requirements that are not necessary to protect the health, safety, and welfare of the public.

There are no identifiable disadvantages to the public or the Commonwealth. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No other state agencies are particularly affected by the regulatory change.

Localities Particularly Affected

No localities are particularly affected by the regulatory change.

Other Entities Particularly Affected

No other entities are particularly affected by the regulatory change.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Per Executive Order, the Geologists section of the Board for Professional Soil Scientists, Wetland Professionals and Geologists conducted a general regulatory review of the Regulations for the Geology Certification Program. The regulation provides for the certification of geologists. This action proposes changes to (i) the definitions section; (ii) provisions for the expiration, renewal, and reinstatement of certificates; (iii) provisions for use of seal; (iv) provisions for qualification for certification, including qualifying experience and education; (v) provisions for qualifying for the FG examination and receiving a GIT designation; and (vi) standards of practice and conduct. There is no direct economic or fiscal impact to other state agencies.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>There are no savings and no changes to costs, fees, or revenues of DPOR resulting from this regulatory change.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the</p>	<p>There are no savings and no changes to costs, fees, or revenues of other state agencies</p>

regulatory change, including a delineation of one-time versus on-going expenditures.	resulting from this regulatory change.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	A benefit of this regulatory change is to better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees, or revenues resulting from the regulatory change.	There are no savings and no changes to costs, fees, or revenues of localities resulting from this regulatory change.
Benefits the regulatory change is designed to produce.	A benefit of this regulatory change is to better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	No entities should be negatively affected by this change. The change better clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.
Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	As of September 9, 2024, there are 914 certified professional geologists in Virginia. Professional geologist certifications are issued to individuals, not business entities, however, many certified professional geologists are likely to be owners or employees of business entities that meet the definition of "small business" in § 2.2-4007.1 of the Code of Virginia.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	No projected cost for this regulatory change for individuals, businesses, or other entities.
Benefits the regulatory change is designed to produce.	A benefit of this regulatory change is to better

	clarify regulations as well as eliminating unnecessary requirements or reducing the burden of requirements.
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Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Professional geologist certificates are issued to individuals. However, individuals who are certificated may be owners or employees of business entities that may fall within the meaning of “small business” as defined in § 2.2-4007.1 of the Code of Virginia. No less intrusive or less costly alternatives to achieve the purpose of the regulatory change were identified.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

Professional geologist certifications are issued to individuals. However, individuals who are certificated may be owners or employees of business entities that may fall within the meaning of “small business” as defined in § 2.2-4007.1 of the Code of Virginia.

As mandated by the General Assembly, the Board protects the public health, safety, and welfare, in part, by establishing through regulation the minimum qualifications for individuals to voluntarily receive certification as a professional geologist and minimum standards to assure continued competency to hold a certificate.

These proposed amendments do not pose an unreasonable administrative or financial burden. The enabling statutes establishing the certification program covered by this regulation provide that certification is voluntary and does not prohibit the practice of geology and provide no exemption for small businesses. Therefore, there are no such exemptions in the proposed change.

Review of this regulation was initiated based on Executive Directive Number One (2022). Amendments to the regulation proposed under this action are intended to reduce regulatory burdens imposed upon certificate holders. There are no other alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the goals of this regulatory action.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

**Periodic Review and
Small Business Impact Review Report of Findings**

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This action is not being used to conduct a periodic review or small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s 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.

No comments were received following publication of the NOIRA stage.

Commenter	Comment	Agency response
N/A	N/A	N/A

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Board for Professional Soil Scientists, Wetland Professionals, and Geologists is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency’s regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Kate Nobsbisch

Executive Director
 9960 Mayland Drive
 Perimeter Center, Suite 400
 Richmond, VA 23233
BPSSandWP@dpor.virginia.gov
 (866) 465-6206 (fax)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. 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. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
40-10	N/A	Provides for definitions that are necessary to make the regulation clear and understandable.	<p>This section is revised and separated into subsections. Subsection “A” is created and specifically incorporates statutory terms from § 54.1-2200 of the Code of Virginia that are used in the regulation. Also created is Subsection “B” which includes additional terms used in the regulation.</p> <p>New subsection “A” references the statutory definitions provided by § 54.1-2200 of the Code of Virginia. These terms are:</p> <ul style="list-style-type: none"> • Board; • Geologist; • Geology; • Practice of geology; • Qualified geologist; and

			<ul style="list-style-type: none"> • Virginia certified professional geologist. <p>New subsection B is revised to modify the meaning of the following term:</p> <ul style="list-style-type: none"> • “Related geological science degree” is revised to mean a degree that includes 30 semester hours from courses in the geosciences, including 12 or more semester hours from a least four of the following disciplines: (i) stratigraphy, (ii) structural geology, (iii) hydrogeology, (iv) mineralogy, (v) petrology, (vi) geomorphology, and (vii) field geology. <p>The change in the definition of “related geological science degree” is intended to streamline the provisions of the regulation in sections -70 and -83 regarding acceptable degrees in geological science.</p> <p>New subsection B is revised to remove terms that are currently defined in statute.</p>
40-30	N/A	<p>This section provides for the expiration and renewal of certificates.</p> <p>The section provides that certificates expire on August 31 of odd-numbered years following the date of issuance.</p> <p>DPOR will notify certificate holders by mail of the fee and procedure for certificate renewal at least 45 days before the certificate expires.</p> <p>A certificate holder desiring to renew a certificate must submit the renewal notice and appropriate fee to DPOR before the certificate expires.</p> <p>The section provides that failure to receive notice from DPOR does not relieve the regulant from the requirement to renew the certificate. A certificate holder may submit</p>	<p>The section is revised to remove the provision that revoked or suspended certificates are not renewable until reinstated by the Board. This provision is not necessary.</p>

		<p>a copy of the certificate with the required fee if the certificate holder fails to receive the renewal notice.</p> <p>A certificate holder that fails to renew a certificate within 30 days following the expiration date will be required to pay a penalty fee for late renewal.</p> <p>The date a fee is received by DPOR, or its agent, determines whether a penalty fee or the requirement for reinstatement is applicable.</p> <p>The section further provides that revoked or suspended certificates are not renewable until reinstated by the Board.</p>	
40-60	N/A	<p>This section provides for the use of a seal by a certified professional geologist.</p> <p>The section provides that a certified professional geologist may apply a rubber stamp or pre-printed seal to final and complete cover sheets and to each original sheet of plans or drawings prepared or reviewed and approved by the regulant. The seal may be applied to the cover sheet of technical reports and specifications prepared or reviewed and approved by the regulant.</p> <p>The following requirements apply to use of seals:</p> <ul style="list-style-type: none"> • All seal imprints on final documents must be signed; • Application of the seal and signature indicates acceptance of responsibility for the work shown on the document; and • The seal must conform in detail and size to the 	<p>The provisions in the section regarding the size and dimensions of the seal are revised. As revised the section provides that the original seal must be two inches in diameter and must conform to the design illustrated in the section.</p> <p>Provisions regarding the certificate number to be reflected on the seal are revised to provide that the number on the seal is the last four digits of the certificate number.</p> <p>These changes are intended to streamline and simplify the provisions regarding seals.</p>

		<p>illustration depicted in the section.</p> <p>The section further provides that the number reflected on the seal illustration is the number, usually three or four digits, shown on the wall certificate issued to a certificate holder and is the renewal number issued each biennium as indicated on the pocket card issued to the certificate holder. The number will not change every two years, but is permanent.</p>	
40-70	N/A	<p>This section provides for the qualifications for certification as a Virginia certified professional geologist.</p> <p>The section provides that an applicant for certification must make application on Board-provided forms.</p> <p>An applicant must meet the following requirements:</p> <ul style="list-style-type: none"> • Be of ethical character. • Hold a baccalaureate or higher degree from an accredited college or university with a major in geology, engineering geology, geological engineering, or a related geological science. <ul style="list-style-type: none"> ○ In the absence of a degree in one of these majors, an applicant must provide evidence of satisfactory completion of 30 semester hours (or equivalent) of geological science courses including: <ul style="list-style-type: none"> ▪ Stratigraphy; ▪ Structural geology; ▪ Mineralogy; ▪ Paleontology; ▪ Petrology; ▪ Geomorphology; and 	<p>The section is revised to refer to § 54.1-2208.2 of the Code of Virginia, which establishes the statutory qualifications for certification.</p> <p>Section 54.1-2208.2 provides that an applicant for certification:</p> <ul style="list-style-type: none"> • Be of ethical character; • Have a baccalaureate or higher degree from an accredited institution of higher education with either a major in geology, engineering technology, geological engineering, or related geological sciences; or have completed 30 semester hour or the equivalent in geological sciences leading to a major in geology; • Have at least seven (7) years of geological work that includes a minimum of three (3) years of geological work under the supervision of a qualified or certified professional geologist or a minimum of three (3) years experience in responsible charge of geological work; and <ul style="list-style-type: none"> ○ The statute also provides for the criteria of education and experience that are acceptable to meet the geological work requirement. • Have successfully passed an appropriate examination approved by the Board and designed to demonstrate that the applicant has the necessary knowledge and skill

		<ul style="list-style-type: none"> ▪ Field geology. <ul style="list-style-type: none"> ○ Twelve of the 30 semester hours must have been completed in four of the seven listed subjects. • Have at least seven (7) years of geological work under the supervision of a qualified or certified professional geologist; or a minimum of three (3) years of experience in responsible charge of geological work. Work must include one or more of the following areas: <ul style="list-style-type: none"> ○ Mineralogy; ○ Petrography/petrology; ○ Geochemistry; ○ Hydrogeology; ○ Engineering geology; ○ Mining geology; or ○ Petroleum geology. • Successfully pass an appropriate Board-approved examination that is designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology. <p>An applicant must provide written documentation that demonstrates that courses satisfactorily completed by the applicant are equivalent to those required by the section.</p> <p>The section provides for education to substitute for some required experience. Each year of full-time undergraduate study in the geological sciences will count as one-half (.5) year of experience up to a maximum of three (3) years. Credit for undergraduate or graduate study cannot exceed a total of four (4) years toward meeting</p>	<p>to exercise the responsibilities of the public practice of geology.</p> <p>The section is revised to provide qualification requirements for an applicant for certification to “be of ethical character.” An applicant may establish ethical character by:</p> <ul style="list-style-type: none"> • Not having been convicted of a (i) non-marijuana misdemeanor in the last 10 years or (ii) a felony that would render the applicant unfit or unsuited to engage in the occupation or profession in accordance with § 54.1-204 of the Code of Virginia; • Not having committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, negligence, or incompetence reasonably related to: <ul style="list-style-type: none"> ○ The proposed area of practice within 10 years prior to application for licensure, certification, or registration; or ○ The area of practice related to licensure, certification, or registration by the Board while under the authority of the Board. • Not having engaged in fraud or misrepresentation in connection with the application for licensure, certification, or registration, or related exam; • Not having had a license, certification, or registration revoked or suspended for cause or disciplined by the Commonwealth or by any other jurisdiction, or surrendered a license, certificate, or registration in lieu of disciplinary action; or • Not having practiced without the required license, certification, or registration in the Commonwealth or in another jurisdiction within the five (5) years immediately preceding the filing of the application for licensure, certification, or registration by the Commonwealth.
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	<p>the requirement for the seven-year geological work requirement.</p> <p>The section also provides that the Board may consider, in lieu of geological work listed in the section, the cumulative total of geological work or geological research of persons occupying research or post-graduate positions, as well as those teaching geology courses at the college or university level, provided the work or research can be demonstrated to be of a sufficiently responsible nature equivalent to the geological work required.</p> <p>The section also provides for the calculation of experience. A year of full-time employment is a minimum of 1,760 hours or 220 workdays in a 12-month period. More than 1,760 hours or 220 workdays in a 12-month period will not be considered more than one year of full-time experience. Partial credit may be given for actual hours of work or workdays experience if the applicant works as a geologist less than full time.</p>	<p>The enabling statute requires that an applicant “be of ethical character” but does not provide any criteria as to what would be considered disqualifying to the meet the statutory requirement. This change is intended to establish clear criteria by which an applicant for certification can be determined to meet the “ethical character” requirement.</p> <p>Currently, applicants are required to disclose whether they:</p> <ul style="list-style-type: none"> • Have been subject to a disciplinary action by any local, state, or national regulatory body. • Have been convicted in any jurisdiction of a felony. • Have been convicted in any jurisdiction of a misdemeanor. <p>Applicants that have prior convictions or discipline are required to provide documentation regarding these past adverse actions.</p> <p>Though applicants are required to disclose prior criminal convictions and past disciplinary actions, these requirements are not provided for in the regulation. This change would ensure these requirements are in the regulation.</p> <p>The criminal history requirements that are added to the regulation are less stringent than current requirements.</p> <p>The section is revised to remove the provisions related to (i) acceptable education to qualify for certification; (ii) education substituting for required experience; (iii) consideration of the cumulative total of geological work or geological research; and (iv) the required examination. These provisions are duplicative of provisions in § 54.1-2208.2 of the Code of Virginia.</p> <p>The section is revised to provide that applicants holding degrees other than those specified in § 54.1-2208.2(B) of the Code of Virginia must provide the Board with written documentation that demonstrates the courses satisfactorily completed are equivalent geological science courses.</p>
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			<p>The provisions for calculation of experience are revised to provide that a year of full-time employment is a minimum of 32 hours per week. This change is intended to simplify the current provisions and reduces the stringency of the current provisions as 32 hours per week equates to 1,664 hours per year.</p>
40-80	N/A	<p>This section provides for waivers from the examination for certification.</p> <p>The section provides for the waiver of the examination for certification if an applicant makes written application, otherwise meets the requirements of Chapter 22 of Title 54.1 of the Code of Virginia, and meets of the following conditions:</p> <ul style="list-style-type: none"> • Provides evidence of at least 12 years of geological work that includes geological work as specified in section - 70; or • Provides evidence of an unexpired certificate of license, certification, or registration to engage in the practice of geology issued on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia. 	<p>This section is being repealed. The provisions of this section are duplicative of the examination waiver provisions contained in § 54.1-2208.3 of the Code of Virginia.</p>
40-83	N/A	<p>This section provides for the qualifications for the FG examination.</p> <p>The section provides that the Board may approve applicants to sit for the FG examination without having met the experience requirements of section -70.</p>	<p>The section is revised to be reorganized into subsections. Subsection A provides for the qualifications for the FG examination. Subsection B provides for required documentation that must be submitted to the Board.</p> <p>The provisions for applicants seeking to qualify on the basis of a degree in a major other than in a geological science are revised to provide than applicant must have at least 30 semester hours in</p>

		<p>Applicants for the FG examination must submit an application on a Board-provided form, pay the required fee, and satisfy one of the following:</p> <ul style="list-style-type: none"> • Hold a baccalaureate or higher degree from an accredited college or university with a major in geology, engineering geology, geological engineering, or a related geological science; • Hold a baccalaureate or higher degree from an accredited college or university with a different major and have satisfactorily completed 30 semester hours (or equivalent) of geological science courses including the following subjects: <ul style="list-style-type: none"> ○ Stratigraphy; ○ Structural geology; ○ Mineralogy; ○ Paleontology; ○ Petrology; ○ Geomorphology; and ○ Field geology. ○ Twelve of the 30 semester hours must have been completed in four of the seven listed subjects. • Be enrolled in an undergraduate geology, engineering geology, geological engineering, or a related geological science curriculum of at least four years at an accredited college or university and be within 12 months of completing undergraduate degree requirements; or • Be enrolled in a graduate geology, engineering geology, geological engineering, or related geological science curriculum at an accredited college or 	<p>geological science courses. The requirement that courses be in specific subjects is removed. This change is intended to provide flexibility for applicants.</p> <p>The provisions in the section requiring an applicant to submit a transcript as documentation of completion of a degree or course work are consolidated into subsection B. This change is intended to streamline the regulation. As revised, an applicant must provide an official college transcript that demonstrates satisfactory completion of a degree program or course work as applicable to meet the educational requirements established in the section.</p>
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40-85	N/A	<p>This section provides for the qualification for a GIT designation.</p> <p>To obtain the GIT designation, an applicant must make application on Board-provided forms, and meet the following requirements:</p> <ul style="list-style-type: none"> • Be of ethical character; • Have achieved a passing score on the FG examination; and • Either (i) hold a baccalaureate or higher degree from an accredited college or university with a major in geology, engineering geology, geological engineering, or a related geological science; or (ii) hold a baccalaureate or higher degree from accredited college or university in another major and have satisfactorily completed at least 30 semester hours (or equivalent) of geological science courses, including the subjects of stratigraphy, structural geology, mineralogy, paleontology, petrology, geomorphology, and field geology. At least 12 of the 30 semester hours must be in these subjects. 	<p>The section is revised to provide that an applicant be of ethical character in accordance with the provisions of subdivision A 2 of section -70. This change is intended to align the requirement of this section with the changes being made to section -70 that establish specific criteria for “ethical character.”</p> <p>The qualifying education provisions of the section are revised to provide that an applicant hold a baccalaureate or higher degree from an accredited college or university and have satisfactorily completed at least 30 semester hours from courses in the geosciences, including 12 or more hours from at least four of the following disciplines:</p> <ul style="list-style-type: none"> • Stratigraphy; • Structural geology; • Hydrogeology; • Mineralogy; • Petrology; • Geomorphology; and • Field geology. <p>This change is intended to simplify and reduce the requirements for an individual to qualify for a GIT designation.</p> <p>The change adds hydrogeology as a qualifying course subject; and removes paleontology as a qualifying course subject.</p> <p>The section is revised remove the requirement than an applicant make application on Board-provided forms.</p>

		<p>The section provides that applicants who qualified for the FG examination based on being enrolled in an undergraduate or graduate geological science program and who passed the FG examination must provide an official college transcript that demonstrates satisfactory completion of the degree program.</p> <p>The section provides that the GIT designation will remain valid until the individual meets all requirements for certification as a certified professional geologist.</p> <p>The section further provides that the GIT designation does not give an individual the authority to practice as a certified professional geologist. An individual may not practice as a certified professional geologist in Virginia until the individual's competence has been attested by the Board through certification.</p>	<p>The section is further revised to remove the provisions regarding the authority of the holder of a GIT designation to practice as a certified professional geologist. These provisions are not necessary.</p>
40-90	N/A	<p>This section provides for certain standards practice and conduct for Virginia certified professional geologists.</p> <p>The section provides that a certified professional geologist is prohibited from:</p> <ul style="list-style-type: none"> • Submitting any false statements or failing to disclose facts requested concerning any application for certification. • Falsely or maliciously attempting to injure the reputation or business of another. • Engaging in any fraud, deceit, or misrepresentation in advertising, in soliciting, 	<p>The section is revised to remove the prohibition on falsely or maliciously attempting to injure the reputation or business of another.</p> <p>The disclosure provisions of the section are revised to remove the requirement that a certificate holder disclose any transaction involving payments made to any person for the purpose of securing a contract, assignment, or engagement.</p> <p>The section is also revised to remove the requirements regarding expression of an opinion.</p> <p>The section is further revised to remove the requirement regarding representation of qualifications.</p> <p>The Board determined these standards were not necessary to protect the public health, safety, and welfare.</p>

		<p>or in providing professional services.</p> <ul style="list-style-type: none">• Knowingly signing, stamping, or sealing any plans, drawings, blueprints, surveys, reports, specifications, maps, or other documents not prepared or reviewed and approved by the certificate holder. <p>The section also provides that a certified professional geologist must:</p> <ul style="list-style-type: none">• Make full disclosure to all parties of:<ul style="list-style-type: none">○ Any transaction involving payments made to any person for the purpose of securing a contract, assignment, or engagement; or○ Any monetary, financial, or beneficial interest the certificate holder may have in any contract or entity providing goods or services, other than the certificate holder's professional services, to a project or engagement.• Express an opinion only when it is founded on adequate knowledge of established facts at issue and is based on a background of technical competence in the subject matter and on an honest conviction of the accuracy of the testimony when serving as an expert or technical witness before any court, commission, or other tribunal.• Provide adequate representation of the certificate holder's qualifications and scope	
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		of responsibilities for all previous experience claimed when negotiating with prospective clients.	
40-100	N/A	<p>This section provides for reporting of changes of name or address.</p> <p>A certified professional geologist is required to notify the Board, in writing, within 30 days of any change of address or name.</p>	<p>The section is revised to make the requirements of the section applicable to those who hold a GIT designation. This change is necessary to effectively administer the certification program.</p>
40-120	N/A	<p>This section provides for certain conflict of interest standards for Virginia certified professional geologists.</p> <p>The section provides that a certified professional geologist is prohibited from:</p> <ul style="list-style-type: none"> • Accepting any work on any project or other professional engagement when a duty to a client or to the public would conflict with the certificate holder's personal interest or the interest of another client, unless immediate disclosure of all material facts of the conflict are made to each client related to the project or engagement. • Accepting compensation for services related to the same project or professional engagement from more than one party without making prior full disclosure to all parties involved. • Offering, either directly or indirectly, any commission, political contribution, or other consideration in seeking work except to secure a salaried position through employment agencies. 	<p>The section is revised to replace the prohibition on offering any commission, political contribution, or other consideration in seeking work with a prohibition on soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in connection with work for which the regulant is responsible.</p> <p>This change is intended to more clearly address the potential conflict of interest that the current rule seeks to prevent.</p>

40-140	N/A	<p>This section provides for the Board’s authority to impose regulatory discipline and outlines specific prohibited acts.</p> <p>The section provides that the Board may suspend, revoke, or refuse to renew the certification of any geologist who, after formal hearing as provided in the APA, is found to have committed a prohibited act.</p> <p>The prohibited acts are:</p> <ul style="list-style-type: none"> • Fraud or deceit in obtaining or renewing certification. • Any violation of the standards of practice of conduct, other regulations of the Board, or governing statutes of the Board. • An act of gross negligence, incompetence, or misconduct in the practice of geology as a certified professional geologist. • Any conviction of a felony that in the opinion of the Board would adversely affect the practice of geology. 	<p>This section is repealed. The provisions of the section are duplicative of § 54.1-2208.4(B) of the Code of Virginia.</p>
40-150	N/A	<p>The section provides that an individual whose certificate has been revoked by the Board must file a new application and obtain approval of the Board to regain the certificate.</p>	<p>This section is repealed. The provisions of this section are not necessary.</p>