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Exempt Action: Final Regulation Agency Background Document

Agency name	Board for Professional Soil Scientists, Wetland Professionals, and Geologists
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC145-40
VAC Chapter title(s)	Regulations for the Geology Certification Program
Action title	HB 287 and SB 184 Amendment
Final agency action date	June 11, 2024
Date this document prepared	July 2, 2024

This information is required for executive branch review pursuant to 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. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to 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.

This action amends the Regulations for the Geology Certification Program to conform to changes resulting from the enactment of Chapters 4 and 23 and of the 2024 Acts of Assembly.

The legislation amends the definition of "practice of geology" to include the performance of any professional service or work wherein the principles and methods of geology are applied, including (i) investigating, evaluating, and consulting; (ii) geological mapping; (iii) describing the natural processes that act upon the earth's materials; (iv) predicting the probable occurrence of natural processes; and (v) inspecting, planning, and performing and supervising geological work in order to enhance and protect the health, safety, and welfare of the public and the environment. The legislation also defines "geological mapping." The legislation also makes technical changes to the definitions of "geologist" and "geology."

This action amends 18VAC145-40-10 to revise the definitions of “geologist,” “geology,” and “practice of geology” to conform the regulation to the changes to the statutory definitions. The action also adds the new definition for “geological mapping.”

This action is exempt from the Administrative Process Act under § 2.2-4006(A)(4)(a) of the Code of Virginia, which states, in part:

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.

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, internal staff review, 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.”

In March 2024, the Governor approved Chapters 4 (SB 184) and 23 (HB287) of the 2024 Acts of the Assembly. The legislation amends statutory definitions in § 54.1-2200 of the Code of Virginia for “geologist,” “geology,” and “practice of geology;” and defines the term “geological mapping.” The legislation became effective on July 1, 2024.

The purpose of this regulatory change is to amend the Regulations for the Geology Certification Program to comport with the revised definitions in the statute.

Statement of Final Agency Action

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

On June 11, 2024, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists adopted the amendments to the Regulations for the Geology Certification Program.