



Periodic Review / Retain Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry/ Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16 VAC 25-20-10 et seq.
Regulation title	Licensed Asbestos Contractor Notification, Asbestos Project Permits, and Permit Fees
Document preparation date	June 30, 2004

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 21 (2002) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 40.1-51.20 of the Code of Virginia mandates that all licensed asbestos contractors notify the Department of Labor and Industry prior to commencement of each asbestos project. The contractor shall also obtain an asbestos permit and pay the appropriate fee in accordance with this Code section. This regulation establishes the notification requirements and provides the permit fees based on the size of the asbestos project. Section 40.1-51.21 also requires that the Department of Labor and Industry conduct on-site inspections of each licensed asbestos contractor's actual projects. This regulation does not exceed the mandate required by Section 40.1-51.20.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

The Department of Labor and Industry did not consider any alternatives to this regulation because it is mandated by state law.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments were received on this regulation during the public comment period which began May 3, 2004. The agency and the Safety and Health Codes Board did not establish an informal advisory group for the purpose of assisting in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation has three goals:

1. Reduce the incidence of material impairment of the health of Virginians due to exposure to asbestos in the workplace or as an environmental pollutant.
2. Require asbestos contractors to notify the government of asbestos projects and pay fees to cover the costs of administering the program.
3. The protection of the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

The regulation provides for the identification of certain asbestos removal projects and the tracking of active projects. Section 40.1-51.21 of the Code of Virginia requires that at least once a year, during an actual project, the Department of Labor and Industry conduct an on-site unannounced inspection of each licensed asbestos contractor's procedures in regard to installing, removing and encapsulating asbestos. This inspection ensures protection of the health of the workers and also the health of the general public by controlling the release of asbestos into the environment. It also provides a concise procedure for the notification and payment of fees associated with asbestos projects. Inspections conducted in accordance with this regulation have shown a consistent decline in violations of both safety and health work practices, resulting in decreased material health impairment of both employees and the public. The regulation is clearly written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The Department of Labor and Industry and the Safety and Health Codes Board recommend retaining the regulation without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation has no impact on the institution of the family or family stability.