

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

THURSDAY, MAY 11, 9:00 A.M.
BOARD ROOM 3—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, May 11, 2023

IV. APPROVAL OF MINUTES

- a. Asbestos Regulatory Review Committee Meeting Minutes February 6, 2023
- b. Board Meeting Minutes February 9, 2023

V. INTRODUCTION OF BOARD MEMBERS

VI. 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

VII. CASE FILES *

- a. File Number 2023-00045 Wheeler, Daniel Lee (HI)
Consent Order (Salva)
- b. File Number 2023-00517 Thoner, Timothy Wade (HI)
Consent Order (Salva)
- c. File Number 2023-00563 Calvert, Curtis Larry (HI)
Consent Order (Salva)
- d. File Number 2022-01378 Guffey, Jonathan A. (HI)
Disciplinary (Salva)
- e. File Number 2023-01442 Mooney, Jack J. (HI)
Licensing—IFF by Jackson-Bailey (Cranor)
- f. File Number 2023-01213 Connelly, James Patrick (HI)
Licensing—IFF by Jackson-Bailey
- g. File Number 2023-01639 Molina, Nelson Antonio (ASB)
Licensing—IFF by Jackson-Bailey

VIII. REGULATIONS

- a. Regulatory Action Update
- b. Update on Asbestos Regulatory Review Committee
- c. Consider Universal Licensing Recognition Regulatory Amendment and Authorize Regulatory Process

IX. OTHER BUSINESS

- a. Home Inspector CPE Audit Report
- b. Asbestos and Lead Course Audit Report
- c. Consider Guidance Regarding Out-of-State Asbestos Course Applications
- d. Discussion of VA Specific Lead Abatement Examination
- e. Legislative Update

- f. 2024 Legislative Discussion
- g. Consider 2024 Meeting Dates
- g. Board Financial Statements
- h. Outreach Update
- i. Other Board Business
 - i. Discussion of 18VAC15-20-455.1

X. FUTURE MEETING DATES

- a. August 24, 2023
- b. November 30, 2023

XI. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XII. 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
ASBESTOS REGULATORY REVIEW COMMITTEE**

The Asbestos Regulatory Review Committee of the Virginia Board for Asbestos, Lead, and Home Inspectors (Board) met on February 6, 2023, 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:

Stacy J. Armentrout
Jeffrey Brown
Ron Graham
Patrick Studley, Chair
Paul Thomas

Committee member Louis Walker was not present at the meeting.

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

Trisha L. Lindsey, Executive Director
Stephen Kirschner, Licensing and Regulatory Programs Division Deputy Director
Tanya M. Pettus, Board Administrator
Joseph C. Haughwout, Jr., Regulatory Administrator
Raven Custer, Administrative Coordinator

Mr. Studley called the meeting to order at 10:03 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

Mr. Armentrout moved to approve the agenda as presented. Mr. Thomas seconded the motion which was unanimously approved by: Armentrout, Brown, Graham, Studley, and Thomas.

Approval of Agenda

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

**Public Comment
Period**

Ms. Lindsey thanked the members for being a part of the Committee. The members of the Committee and Board staff introduced themselves.

Overview

Ms. Lindsey shared with the Committee an overview of the regulatory review process.

Ms. Lindsey provided information on the purpose and responsibilities of the Committee.

The Committee recessed from 11:02 a.m. to 11:08 a.m.

Recess

The Committee was provided with current versions of applicable laws and regulations, as well as asbestos regulatory review topics, and licensing requirements from other states for reference.

Resources and Information

Ms. Lindsey and Mr. Haughwout provided the Committee with proposed regulatory review topics identified by Board staff.

New Business

Discussion was held on additional regulatory topics that could be considered by the Committee during the regulatory review.

After discussion, Ms. Lindsey reviewed the tentative list of topics to be discussed at the next meeting with the Committee.

The Committee discussed tentative dates for the next meeting. Ms. Lindsey will coordinate with staff and the Committee Chair to determine availability.

Other Business

Mr. Studley reminded the Committee members to complete their conflict of interest forms and travel vouchers

Complete Conflict of Interest Forms and travel Vouchers

There being no further business, the meeting was adjourned at 12:13 p.m.

Adjourn

Sandra Baynes, Chair

Demetrios J. Melis, Secretary

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on February 9, 2023, 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	Patrick Studley
Sandra Baynes, Chair	Sharad Tandale
John E. Cranor, Vice-Chair	Paul D. Thomas
Gene Magruder	Louis Walker
Kevin Salva	

Board members James E. Haltigan and Chadwick Bowman 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
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 **Call to Order** meeting to order at 9:02 a.m.

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

Ms. Lindsey requested the Board amend the agenda to discuss item **Approval of Agenda** “Update on Asbestos Regulatory Review Committee” under Regulations. Mr. Magruder moved to approve the agenda as amended. Mr. Cranor seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Magruder, Salva, Studley, Tandale, Thomas, and Walker.

Mr. Magruder moved to approve the minutes of the November 10, 2023, Board meeting. Mr. Walker seconded the motion which was **Approval of Minutes** unanimously approved by: Armentrout, Baynes, Cranor, Magruder, Salva, Studley, Tandale, Thomas, and Walker.

There were no members of the public present for comment.

**Public Comment
Period**

Mr. Salva recused himself from the meeting for discussion and deliberation of File Number 2022-02306.

**Recusal of Board
Member**

In the matter of **File Number 2022-02306, Jamal Romales Hampton**, the Board members reviewed the Consent Order. Mr. Hampton admits to a violation of 18 VAC 15-40-155.9 as provided in Count 1, and a violation of 18 VAC 15-40-180.D as provided in Count 2. Mr. Hampton consents to the imposition of a monetary penalty of \$100.00 for violation of Count 1, and a monetary penalty of \$300.00 for violation of Count 2, for monetary penalties totaling \$400.00, in addition to Board costs in the amount of \$150.00. Mr. Magruder moved to approve the Consent Order as presented. Mr. Cranor seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Magruder, Salva, Studley, Tandale, Thomas, and Walker.

**File Number 2022-
02306, Jamal
Romales Hampton**

Mr. Salva returned to the meeting.

**Return of Board
Member**

In the matter of **File Number 2023-00085, Garrett Lewis Stewart**, 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 2023-
00085, Garrett Lewis
Stewart**

Mr. Tandale moved to accept the recommendation of the Presiding Officer to approve Mr. Stewart's application for a home inspector license. Mr. Walker seconded the motion.

After Discussion, the motion was unanimously approved by: Armentrout, Baynes, Cranor, Magruder, Salva, Studley, Tandale, Thomas, and Walker.

In the matter of **File Number 2023-00909, Yessica Yamileth Armijo Avila**, 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 2023-
00909, Yessica
Yamileth Armijo
Avila**

Mr. Cranor moved to accept the recommendation of the Presiding Officer to deny Ms. Armijo Avila's application for an asbestos worker license. Mr. Salva seconded the motion which was

unanimously approved by: Armentrout, Baynes, Cranor, Magruder, Salva, Studley, Tandale, Thomas, and Walker.

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

Regulatory Action Update

Amendments providing for a temporary fee reduction in the Virginia Asbestos Licensing Regulations and Virginia Lead-Based Paint Activities Regulations published on January 30, 2023, and will become effective on March 1, 2023.

The general review of the Home Inspector Licensing Regulations is at the proposed stage. The Board adopted proposed regulatory text at its meeting on November 4, 2021, and adopted revisions to proposed regulatory text at its meeting on May 12, 2022. Proposed amendments have been submitted for Executive Branch review. Executive Branch review is pending.

The Board authorized filing of a Notice of Intended Regulatory Action (NOIRA) and formation of a regulatory review committee at the Board meeting on May 12, 2022, to consider amendments to the Home Inspector Licensing Regulations as required by Senate Bill 607. The NOIRA was submitted for Executive Branch review on July 22, 2022. Executive Branch review was completed, and the NOIRA was published on September 12, 2022. The 30-day public comment period concluded on October 12, 2022. The Board met on November 10, 2022, and adopted proposed amendments to the regulations.

The Board authorized filing of a NOIRA for a general review of the Virginia Asbestos Licensing Regulations and formation of regulatory review committee. The committee has been formed and held its first meeting on February 6, 2023. The NOIRA was submitted for Executive Branch review on January 23, 2023. Executive Branch review is pending.

Final Lead-Based Paint Renovation, Repair, and Painting Program (RRP) Regulations (Initial Promulgation) were submitted for Executive Branch review on January 18, 2022. Executive Branch review is pending.

The Board authorized a fast-track action to amend the Virginia Lead-based Paint Activities Regulations to update 18 VAC 15-30-510 and documents incorporated by reference. The fast-track action was submitted for Executive Branch Review on February 6, 2023.

Executive Branch review is pending.

Ms. Lindsey informed the Board that the Asbestos Regulatory Review Committee had their first meeting on February 6, 2023.

**Update on Asbestos
Regulatory Review
Committee**

Ms. Lindsey provided an update of home inspector continuing professional education (CPE) audits conducted on twenty-five percent of eligible certified home inspectors beginning on September 21, 2022.

**Home Inspector CPE
Audit Report**

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

**Board Financial
Statements**

Ms. Lindsey provided the Board with an update on bills being considered during the current legislative session that may impact the Board.

Legislative Update

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

Outreach Update

Board members considered the following resolution for former staff member Shannon Webster, who recently left the Department:

**Consider Resolution
for Service**

Shannon Webster

WHEREAS, **Shannon Webster**, did faithfully and diligently serve the Board for Asbestos, Lead, and Home Inspectors from 2015 to 2023;

WHEREAS, **Shannon Webster**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Shannon Webster**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Asbestos, Lead, and Home Inspectors this Ninth day of February

2023, that **Shannon Webster** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Mr. Magruder moved to adopt the resolution as written. Mr. Cranor seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Magruder, Salva, Studley, Tandale, Thomas, and Walker.

Ms. Lindsey reminded the Board that the next meeting date is May 11, 2023.

Future Meeting Dates

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 9:53 a.m.

Adjourn

Sandra Baynes, Chair

Demetrios J. Melis, Secretary

INTRODUCTION OF BOARD MEMBERS

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

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

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Materials contained in this agenda are proposed topics for discussion
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REGULATORY ACTION UPDATE

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UPDATE ON ASBESTOS REGULATORY REVIEW COMMITTEE

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CONSIDER UNIVERSAL LICENSING
RECOGNITION REGULATORY AMENDMENT
AND AUTHORIZE REGULATORY PROCESS

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DRAFT AGENDA

February 2023 Home Inspectors CPE Audit Report

Memo

To: ALHI Board Members
From: Tanya M. Pettus, Board Administrator
Date: 05/11/2023
Re: February 2023 Home Inspectors CPE Audit Report

This memo provides information regarding the February 2023 Home Inspectors CPE Audit.

Feb. 14, 2023: The regulant population of home inspectors eligible for audit totaled 292 in Eagles. Twenty-five percent (25%) of the eligible regulant population was randomly selected, resulting in 68 regulants selected for audit.

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

Mar. 22, 2023: Due date of CPE audit form and required documentation.

Mar. 27, 2023: Final notices were mailed to unresponsive regulants with a final deadline of April 4, 2022.

Update: Responses received:

Total Received	63
Passed	62
Incomplete	0
Pending Review	0
Surrendered	0
No Response	5
Referred for Disciplinary Action	6

Asbestos and Lead Training Course Audit Report

Memo

To: ALHI Board Members
From: Tanya M. Pettus, Board Administrator
Date: 05/11/2023
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
March 8, 2023	Ramirez Environmental Training School	Asbestos Worker Refresher Spanish	Entry requirements met. *Preliminary review completed--course approved



Department of Professional and Occupational Regulation

MEMORANDUM

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

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

DATE: May 11, 2023

SUBJECT: Initial Auditing of Out-of-State Asbestos Courses Already Approved
by MAP States

I. Background

Pursuant to Board regulations and the EPA's Model Accreditation Plan (MAP), to complete the approval process for a new asbestos course application, an onsite audit of the course for which Board-approval is sought is required. The onsite audit is required for each new course application regardless of whether the training provider has previously received Board-approval for other asbestos courses.

II. Issue

As onsite course audits require travel time and sometimes overnight accommodations for Board staff, and as there have recently been a number of asbestos course applications from neighboring states, staff is reviewing its policies regarding the necessity for onsite audits of those courses that are approved by other MAP states.

III. Applicable Regulations

§54.1-501 of the Code of Virginia provides statutory authority for the Board to approve the criteria for accredited asbestos training programs, accredited lead training

programs, and accredited renovation training programs, as well as to approve accredited asbestos training programs, accredited lead training programs, and accredited renovation training programs.

Pursuant to 18VAC15-20-34. E., “Upon successful completion of the preliminary review, an on-site audit shall be conducted to complete the application process. If any deficiencies are noted during the audit, the training provider will be informed, either in writing or verbally, and offered an opportunity to correct them. Once the audit is complete and any deficiencies corrected, a letter of approval will be sent to the accredited asbestos training program.”

In addition, per 18VAC15-20-610, all Virginia-approved accredited asbestos training programs shall be in compliance with all training and recordkeeping requirements established by the EPA Model Accreditation Plan, 40 CFR Part 763, Subpart E.”

40 CFR Appendix C to Subpart E of Part 763 states, in part, that the “EPA recommends each State establish reciprocal arrangements with other States that have established accreditation programs that meet or exceed the requirements of the MAP. Such arrangements might address cooperation in ... the review and approval of training programs and/or instructors...and the exchange of information and data. The benefits to be derived from these arrangements include a potential cost-savings from the reduction of duplicative activity and the attainment of a more professional accredited workforce as States are able to refine and improve the effectiveness of their programs based upon the experience and methods of other States.”

IV. Request for Guidance

Because states following the MAP are each required to remain in compliance with the same asbestos training, training program, and record keeping requirements of the EPA, Board staff recommends the Board consider adopting the following guidance.

1. Onsite audits are not required for final approval of asbestos courses with a primary location that is out-of-state, to be conducted solely out-of-state, so long as the course is currently approved by a MAP state.
2. Proof of MAP state approval must be submitted for verification purposes.
3. If an out-of-state course has not received MAP state approval, an onsite audit will be conducted as part of the approval process.

This policy applies to applications for asbestos course approval only.

This policy does not apply to courses and/or training providers with a primary location in the Commonwealth of Virginia, or for those courses that will be conducted primarily in Virginia.

All Board-approved courses remain subject to random course audits and access by the department pursuant to 18VAC15-20-463.

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Virginia Administrative Code
Title 18. Professional And Occupational Licensing
Agency 15. Virginia Board For Asbestos, Lead, And Home Inspectors
Chapter 30. Virginia Lead-Based Paint Activities Regulations

18VAC15-30-52. Qualifications for licensure - individuals.

- A. General. Applicants shall meet all applicable entry requirements at the time application is made.
- B. Name. The applicant shall disclose the applicant's full legal name.
- C. Age. The applicant shall be at least 18 years old.
- D. Address. The applicant shall disclose a physical address. A post office box is only acceptable when a physical address is also provided.
- E. Training. The applicant shall provide documentation of having satisfactorily completed the board-approved initial training program and all subsequent board-approved refresher training programs as specified in subsection F of this section. Board-approved initial training programs shall be valid for 36 months after the last day of the month wherein completed. Board-approved refresher training programs shall be satisfactorily completed no later than 36 months after the last day of the month wherein the board-approved initial training program was completed and once each 36 months thereafter.
- F. Specific entry requirements.
1. Worker. Each applicant for a lead abatement worker license shall provide evidence of successful completion of board-approved lead abatement worker training in accordance with subsection E of this section.
 2. Project designer.
 - a. Each applicant for a lead project designer license shall provide evidence of successful completion of board-approved lead project designer training and board-approved lead abatement supervisor training in accordance with subsection E of this section.
 - b. Each applicant for a lead project designer license shall also provide evidence of successful completion of one of the following:
 - (1) A bachelor's degree in engineering, architecture, or a related profession, and one year experience in building construction and design or a related field; or
 - (2) Four years of experience in building construction and design or a related field.
 3. Supervisor.
 - a. Each applicant for a lead abatement supervisor license shall provide evidence of:
 - (1) Successful completion of board-approved lead abatement supervisor training in accordance with subsection E of this section; and
 - (2) One year of experience as a licensed lead abatement worker or two years of experience in a related field (e.g., lead, asbestos, or environmental remediation) or in the building trades.
 - b. Each applicant shall pass a board-approved licensing examination for supervisors within 36 months after completion of the board-approved lead abatement supervisor initial training course or the board-approved lead

supervisor refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

c. A licensed lead abatement supervisor may perform the duties of a licensed lead abatement worker.

4. Inspector.

a. Each applicant for a lead inspector license shall provide evidence of successful completion of board-approved lead inspector training in accordance with subsection E of this section.

b. Each applicant shall pass a board-approved licensing examination for lead inspector within 36 months after completion of the board-approved lead inspector initial training course or the board-approved lead inspector refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

5. Risk assessor.

a. Each applicant for a lead risk assessor license shall provide evidence of successful completion of board-approved lead risk assessor training and successful completion of board-approved lead inspector training in accordance with subsection E of this section.

b. Each applicant for a lead risk assessor license shall also provide evidence of successful completion of one of the following:

(1) Certification or licensure as an industrial hygienist, a professional engineer, or a registered architect or licensure in a related engineering/health/environmental field;

(2) A bachelor's degree and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction);

(3) An associate's degree and two years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

(4) A high school diploma or its equivalent, and at least three years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).

c. Each applicant shall pass a board-approved licensure examination for risk assessor within 36 months after completion of the board-approved lead risk assessor initial training course or the board-approved lead risk assessor refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

G. Training verification. Training requirements shall be verified by submittal to the board of the training certificate issued by the accredited lead training provider for that course.

H. Education verification. Education requirements shall be verified by submittal to the board on the Education Verification Form sent directly from the school.

I. Experience verification. Experience requirements shall be verified by resumes, letters of reference, or documentation of work experience.

J. Conviction or guilt. The applicant shall disclose the following information:

1. A conviction in any jurisdiction of any felony.
2. A conviction in any jurisdiction of any misdemeanor except marijuana convictions.
3. Any disciplinary action taken in another jurisdiction in connection with the applicant's environmental remediation practice including monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.
4. Any current or previously held environmental remediation certifications, accreditations, or licenses issued by Virginia or any other jurisdiction.

Subject to the provisions of § [54.1-204](#) of the Code of Virginia, the board may deny any application for licensure or accreditation as a lead training provider when any of the parties listed in this subsection have been convicted of any offense listed in this subsection or has been the subject of any disciplinary action listed in subdivision 3 of this subsection. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. A certified copy of a final order, decree, or case decision by a court or regulatory agency with the lawful authority to issue such order shall be admissible as prima facie evidence of such conviction or discipline.

K. Standards of conduct and practice. Applicants shall be in compliance with the standards of conduct and practice set forth in Part VIII ([18VAC15-30-510](#) et seq.) of this chapter at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

L. Standing. The applicant shall be in good standing in every jurisdiction where licensed, and the applicant shall not have had a license that was suspended, revoked, or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure or approval to any applicant based on disciplinary action by any jurisdiction.

Statutory Authority

§§ [54.1-201](#) and [54.1-501](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 23, Issue 3](#), eff. December 1, 2006; amended, Virginia Register [Volume 31, Issue 20](#), eff. August 1, 2015; [Volume 38, Issue 7](#), eff. December 22, 2021.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

LEGISLATIVE UPDATE

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DRAFT AGENDA



Department of Professional and Occupational Regulation

BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS 2024 LEGISLATIVE PROPOSALS

Following please find a list of potential legislative ideas for the 2024 General Assembly Session for the Board to consider at its May 11, 2023, meeting. These proposals are a compilation of legislative amendments that the Board has discussed in past meetings as well as identified by staff.

A summary of the legislative proposals is below. The remainder of the document provides more detail regarding each of the proposals.

ALHI BOARD LEGISLATIVE ITEMS | Summary

- Amend § 54.1-500, Definitions:** Amend § 54.1-500 to clarify and streamline definitions for consistency. Added definitions of various specific license types for asbestos to complement usage of terms in the statute and make consistent with definitions of various licenses for lead. Amended the definition of "asbestos supervisor" to include reference to Board-issued license for consistency.
- Amend §§ 54.1-500 and 54.1-503.E; Definition of "New Residential Structure":** Amend § 54.1-500, Definitions, to include the definition of "new residential structure" in the proper place by removing it from 54.1-503.E. Provides clarity by placing the definition in the proper section.
- Amend §§ 54.1-500, 54.1-501, and 54.1-516; Clarification of Board's disciplinary authority:** Amend § 54.1-516 to clarify the Board's authority to place a regulant on probation, along with the authority to fine. Based on the revised language, add a definition of "regulant" specific to the Board's authority. Finally, update § 54.1-501 to incorporate reference to §§

54.1-201 and 54.1-202 to further ensure the Board's overall authority, especially when it comes to the range of disciplinary actions it can take.

4. **Amend § 54.1-503; Remove references to "person" where it does not apply and make language consistent:** Amend § 54.1-503 to remove "person" and replace with "individual" for those licenses that do not apply to firms. Remove possessives to match defined terms and generally revise language to make it consistent.
5. **Amend § 54.1-517.2; Remove outdated language, revise to correct reference to Virginia Uniform Statewide Building Code.**

See following pages for SAMPLE amendments.

Chapter 5. Asbestos, Lead, and Home Inspection Contractors and Workers.
Article 1. General Provisions.

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory ~~license~~" means ~~an authorization a~~ person who has been issued a license by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

~~"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.~~

"Asbestos contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

~~"Asbestos inspector's license" means an authorization issued by the Board permitting an individual a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.~~

"Asbestos inspector" means an individual who has been issued a license by the Board to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

~~"Asbestos management planner's license" means an authorization issued by the Board permitting an individual a person to develop or alter an asbestos management plan.~~

"Asbestos management planner" means an individual who has been issued a license by the Board permitting such individual to develop or alter an asbestos management plan.

Commented [HT(1)]: Throughout. Distinguishes between "person," which may include business entities, and "individual," which does not. Ensures that Board's regulatory authority is limited to individuals, and not businesses, for applicable license types.

Commented [HT(2)]: Streamlines usage by removing contraction and makes consistent with lead license definitions.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

~~"Asbestos project designer's license" means an authorization issued by the Board permitting an individual a person to design an asbestos abatement project.~~

~~"Asbestos project designer" means an individual who has been issued a license by the Board permitting such individual to design an asbestos abatement project.~~

~~"Asbestos project monitor's license" means an authorization issued by the Board permitting an individual a person to monitor an asbestos project, subject to Department regulations.~~

~~"Asbestos project monitor" means an individual who has been issued a license by the Board permitting such individual to monitor an asbestos project, subject to Department regulations.~~

"Asbestos supervisor" means any individual ~~person~~ so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects, and who has been issued a license by the Board.

~~"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.~~

~~"Asbestos worker" means an individual who has been issued a license by the Board permitting such individual to work on an asbestos project.~~

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of

Commented [VP3]: Clarify that a license is required.

this chapter, residential building energy analysis alone, as defined in § [54.1-1144](#), shall not be considered a home inspection.

"Home inspector" means ~~an individual a person~~ who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

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

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Regulant" means a licensed lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, renovation contractor, and home inspector and (ii) an approved accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager and principal instructor.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) limited in scope to the site work or remediation as referenced in the definition of contractor in § 54.1-1100. As used in this definition, "compensation" shall include the receipt of (a) pay for work performed, such as that paid to contractors and subcontractors; (b) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (c) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

Commented [HT(4)]: This definition is currently in 54.1-503.E, which is not a definitions section. Placing it here with the definitions makes it clearer and more easily accessible. It will also allow the definition to be removed from the regulations and simply refer to 54.1-500.

Commented [HT(5)]: To make the change to 54.1-516, adding the definition of "regulant" provides clarity and allows 54.1-516 to align with 54.1-201.

DRAFT Act 100-1000-1000 Proposed topics for discussion
Material subject to change without official Board position.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 13 members as follows: (i) one shall be a representative of a Virginia-licensed asbestos contractor, (ii) one shall be a representative of a Virginia-licensed lead contractor, (iii) one shall be a representative of a Virginia-licensed renovation contractor, (iv) one shall be either a Virginia-licensed asbestos inspector or project monitor, (v) one shall be a Virginia-licensed lead risk assessor, (vi) one shall be a representative of a Virginia-licensed asbestos analytical laboratory, (vii) one shall be a representative of an asbestos, lead, or renovation training program, (viii) one shall be a member of the Board for Contractors, (ix) three shall be Virginia-licensed home inspectors, and (x) two shall be citizen members. After the initial staggering of terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The home inspector and renovation contractor members appointed to the Board shall have practiced as a home inspector and a renovation contractor, respectively, for at least five consecutive years immediately prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

§ 54.1-501. Powers and duties of the Board.

The Board shall administer and enforce this chapter. ~~The~~In addition to the provisions of §§ 54.1-201 and 54.1-202, the Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;
2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;
4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;
5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;
6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection

Commented [HT(6): Clarifies the Board’s disciplinary authority as provided for regulatory boards in general; mirrors language in other DPOR-related chapters.

license as an asbestos management ~~planner's license-planner~~ to develop an asbestos management plan. It shall be unlawful for any ~~person-individual~~ who does not ~~have-possess~~ a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any ~~person-individual~~ who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any ~~person-individual~~ who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any ~~person-individual~~ who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any ~~person-individual~~ who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any ~~person-individual~~ who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any ~~person-individual~~ who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any ~~person-individual~~ who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any ~~person-individual~~ who does not possess a dust sampling technician's license to perform dust clearance sampling.

E. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new residential structure. ~~For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.~~

Commented [HT(8)]: Moved to definitions.

§ 54.1-504. Asbestos supervisor's or worker's license required; exception.

After July 1, 1988, it shall be unlawful for an individual who does not ~~have-an-possess a license as~~ asbestos ~~supervisor's license-supervisor~~ or ~~worker's license-worker~~ to work on an asbestos project. No asbestos ~~supervisor's supervisor~~ license or ~~worker's worker~~ license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § [54.1-501](#).

§ 54.1-504.1. Notices for handling asbestos.

The Department of Professional and Occupational Regulation shall include with every asbestos ~~worker's worker~~ license a notice, in English and Spanish, containing a summary of the basic

worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors.

§ 54.1-505. Qualification for an asbestos ~~contractor's~~ contractor license.

To qualify for an asbestos ~~contractor's~~ contractor license, an applicant shall:

1. Except as provided in § [54.1-504](#), ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

§ 54.1-512. Exemptions from licensure.

- A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos ~~contractor's~~ contractor, ~~supervisor's~~ supervisor and ~~worker's~~ worker licenses.
- B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.
- C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ [8.01-195.1](#) et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.
- D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project or renovation, if all of the asbestos or lead abatement work or renovation is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.
- E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.
- F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.
- G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.

§ 54.1-514. Award of contracts by state agencies and political subdivisions.

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos ~~contractor's contractor, inspector's inspector,~~ management ~~planner's planner~~ or project ~~designer's designer~~ license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

§ 54.1-515. Employer discrimination; penalty.

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § [54.1-517](#).

§ 54.1-516. Disciplinary actions.

A. The Board may ~~place a regulant on probation or revoke, suspend or fail to renew a certificate or license for just causes as enumerated in this chapter or regulations of the board. Conditions of probation may include, but not be limited to the successful completion of remedial education or examination, reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, renovation contractor, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:~~

- ~~1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;~~
- ~~2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or~~
- ~~3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.~~

~~B. The Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.~~

~~C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.~~

§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing.

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact

Commented [HT9]: Clarifies and streamlines Board's authority as provided for other DPOR-related chapters. Ensures the Board's ability to impose probation as a disciplinary action.

DRAFT AGENDA
Materials to be discussed for proposed topics for discussion
and to be assigned to their official Board position.

finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § [54.1-307.1](#).

§ 54.1-517. Penalties for willful violations.

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, renovators, dust sampling technicians, renovation contractors, and accredited asbestos training programs, accredited lead training programs, accredited renovator training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

Article 2. Home Inspectors.

§ 54.1-517.2. Requirements for licensure.

A. The Board shall issue a license to practice as a home inspector in the Commonwealth to:

~~1. An individual who holds an unexpired certificate as a home inspector issued prior to June 30, 2017; or~~

~~2. An an~~ applicant who has successfully:

- a. Completed the educational requirements as required by the Board;
- b. Completed the experience requirements as required by the Board; and
- c. Passed the examination approved by the Board.

Commented [HT(10): Unnecessary and no longer exists.

B. The Board shall issue a license with the new residential structure endorsement to any applicant who completes a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the Virginia Construction Code (Part I (13VAC5-63-10 et seq.) of 13VAC5-63) applicable to R-5 residential structures and that includes provisions of the International Residential Code as amended by the Board of Housing and Community Development. ~~International Residential Code component of the Virginia Uniform Statewide Building Code.~~

Commented [HT(11): Based on language provided by DHCD and will allow removal from regulations. Reference to only the International Residential Code is not fully accurate.

§ 54.1-517.2:1. Home inspection; required statement related to the presence of yellow shaded corrugated stainless steel tubing.

A. As used in this section:

"Bonding" means connecting metallic systems to establish electrical continuity and conductivity.

"Corrugated stainless steel tubing" or "CSST" means a flexible stainless steel pipe used to supply natural gas or propane in residential, commercial, and industrial structures.

"Grounding" means connecting to the ground or to a conductive body that extends to ground connection.

B. If a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective May 1, 2008, he shall include that observation in the report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia."

2024 TENTATIVE BOARD MEETING SCHEDULE

ALHI BOARD	
Board Meeting	
	Thursday, February 8, 2024 @ 9:00 am Board Room 2
	Thursday, May 9, 2024 @ 9:00 a.m. Board Room 1
	Thursday, August 15, 2024 @ 9:00 am Board Room 1
	Thursday, November 21, 2024 @ 9:00 am Board Room 3

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

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

2022-2024 Biennium

March 2023

	March 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - March 2021	July 2022 - March 2023
Cash/Revenue Balance Brought Forward			66,585
Revenues	27,425	222,294	202,733
Cumulative Revenues			269,318
Cost Categories:			
Board Expenditures	3,637	31,513	33,618
Board Administration	11,162	64,054	72,272
Administration of Exams	52	3,067	627
Enforcement	858	3,922	5,972
Legal Services	374	564	1,546
Information Systems	5,160	45,010	39,605
Facilities and Support Services	3,993	34,724	30,245
Agency Administration	7,784	29,667	48,652
Other / Transfers	0	0	-75
Total Expenses	33,019	212,521	232,462
Transfer To/(From) Cash Reserves	0	0	(3,167)
Ending Cash/Revenue Balance			40,023

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	6,091
Previous Biennium-to-Date	6,365

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

Virginia Administrative Code
Title 18. Professional And Occupational Licensing
Agency 15. Virginia Board For Asbestos, Lead, And Home Inspectors
Chapter 20. Virginia Asbestos Licensing Regulations

18VAC15-20-455.1. Abatement projects that require a project monitor.

A project monitor is required on:

1. Asbestos projects performed in buildings that are occupied or intended to be occupied upon completion of the asbestos project exceeding 260 linear feet or 160 square feet or 35 cubic feet of asbestos-containing material; or
2. Whenever the building or property owner deems it necessary to monitor asbestos projects.

Statutory Authority

§ [54.1-501](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 18, Issue 6](#), eff. January 2, 2002.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

FUTURE MEETING DATES

- 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