



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM** *VIA Electronic Mail*

**To:** David E. Dick, Executive Director  
Virginia Board for Asbestos, Lead, and Home Inspectors  
Department of Professional and Occupational Regulation

**From:** Thomas W. Nesbitt  
Assistant Attorney General

**Date:** January 24, 2008

**Subject:** Letter of Assurance for Fast Track Amendments to 18 VAC 15-20-451

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I have reviewed the Virginia Board for Asbestos, Lead, and Home Inspectors' proposed amendments to 18 VAC 15-20-451(E), which requires a licensed asbestos contractor, prior to the start of any asbestos project, to provide a building or property owner, or the owner's agent, notification of certain legal duties of licensed project monitors and to obtain the owner or agent's written acknowledgment that he or she received such notification. The proposed amendment to 18 VAC 15-20-451(E)(1) would clarify the notification requirement by specifying the regulations imposing these existing duties. The proposed amendment to 18 VAC 15-20-451(E)(2) would provide that only a single notification and corollary acknowledgement from the owner or agent is necessary prior to the start of a multiple-project service contract.

In my view, the Board has the authority to promulgate regulations, pursuant to §§ 54.1-201, 54.1-501, and 2.2-4012.1 of the Code of Virginia. The regulations do not appear to conflict with the Constitution of the

United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.