

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on November 15, 2016, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Colleen Becker, Chair  
Phillip Fincher  
Joseph T. France  
Erich J. Fritz  
James E. Haltigan  
Rick Holtz

Brian Koepf  
Gene E. Magruder  
Reginald E. Marston, III  
Frederick Molter, IV  
Walter C. Nixon  
Peter D. Palmer, Vice Chair

Board members Sandra Baynes and Kenneth Nash were not present at the meeting.

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

Nick Christner, Deputy Director  
Trisha L. Henshaw, Executive Director  
Paul Saunders, Board Administrator  
Joseph Haughwout, Board and Regulatory Administrator  
Tanya M. Pettus, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Ms. Becker, finding a quorum of the Board present, called the meeting to order at 9:00 a.m.

**Call to Order**

Ms. Henshaw advised the Board of the emergency evacuation procedures.

**Emergency  
Evacuation  
Procedures**

Mr. Fritz moved to approve the agenda as presented. Mr. Nixon seconded the motion which was unanimously approved by: Fritz, Koepf, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**Approval of Agenda**

Mr. Nixon moved to approve the minutes of the August 18, 2016, Board meeting; the August 25, 2016, Asbestos Analytical Laboratory and Project Monitor Regulatory Review Committee Meeting; and the September 29, 2016, Home Inspector Licensing

**Approval of  
Minutes**

Implementation Committee Meeting as presented. Mr. Magruder seconded the motion which was unanimously approved by: Fritz, Koepf, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw introduced Paul Saunders, the new Board Administrator, and Joseph Haughwout, the new Board and Regulatory Administrator.

**Introduction of Staff Members**

Phillip Fincher arrived at 9:02 a.m.

**Arrival of Board Member**

Ms. Henshaw opened the floor for public comment. There were no members of the public present to address the Board.

**Public Comment Period**

Ms. Henshaw provided the Board with a public comment submitted in writing from M.L. Clark Tyler, President of Hallcrest Heights Associates, Inc. Mr. Tyler has concerns that home inspectors may be attempting to overstate repairs needed to a home in order to drive the price of said home down for potential buyers. Mr. Tyler also asks the Board to consider a number of topics in order to foster relationships between homeowners' associations and home inspectors. After review of Mr. Tyler's public comment, the Board agreed by consensus that pending Board approval of the draft home inspector licensing regulations, staff will inform Mr. Tyler of the dates of the public comment period in which to comment on the proposed regulations.

Ms. Becker closed the public comment period.

In the matter of **File Number 2016-02430, Jason Alexander Rider**, the Board members reviewed the Consent Order, which imposed monetary penalties totaling \$300.00, and Board costs in the amount of \$150.00. Mr. Magruder moved to accept the terms of the Consent Order as presented. Mr. Nixon seconded the motion which was approved by: Fincher, Fritz, Magruder, Marston, Molter, Nixon, and Palmer. Mr. Koepf abstained. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

**Consent Order, File Number 2016-02430, Jason Alexander Rider**

Ms. Henshaw provided an update on the current status of the regulatory review processes for the Board's regulatory packages.

**Update on  
Regulatory Review  
Processes**

Home Inspector Licensing Implementation regulations are awaiting Board review and approval, after which a public comment period will commence.

Home Inspector Training Program provisions are awaiting Board review and approval, after which a public comment period will commence.

The regulation update for asbestos analytical laboratories and project monitors is currently in the NOIRA stage. The public comment period will close on November 16, 2016, after which the Board will consider any public comments received pertaining to the regulations and adopt the proposed regulations.

Executive branch review has been completed on the fast track action to amend public participation guidelines due to a statutory change. A public comment period will be held from November 28, 2016 to December 28, 2016. The amendments will become effective January 12, 2017.

The proposed Lead-Based Paint Renovation, Repair, and Painting Program Regulations (Initial Promulgation) are currently undergoing review by the Governor's office. If approved, the regulations will be posted to the Virginia Register and a 60-day public comment period will commence, to include a public hearing.

Mr. France and Mr. Haltigan arrived at 9:10 a.m.

**Arrival of Board  
Members**

Ms. Henshaw provided the Board with the timeline of the home inspector licensing regulatory review. Ms. Henshaw advised the Board that the training program/pre-license education provisions and the home inspector licensing provisions will be separated into two exempt actions in order to allow training program and pre-license education providers to begin submitting applications prior to the July 1, 2017, effective date of the Home Inspector Licensing regulations.

**Report from  
Home Inspector  
Licensing  
Implementation  
Committee**

Before presenting draft language of the Home Inspector Licensing Implementation regulations, Ms. Henshaw gave an overview of the Home Inspector Licensing Implementation Committee recommendations to the Board.

Discussion was held regarding the process for reviewing training program applications, and the possibility of the formation of a Training Program Review Committee.

After review and discussion of the proposed regulatory amendments, Mr. Koepf moved to approve the draft text of the Home Inspector Licensing regulations and Training Program regulation amendments as recommended by the Home Inspector Licensing Implementation Committee, and submit them for a 45-day public comment period beginning December 1, 2016. Mr. Magruder seconded the motion which was unanimously approved by: Fincher, France, Fritz, Haltigan, Koepf, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw provided the Board with a report from the Asbestos Analytical Laboratory and Project Monitor Regulatory Review Committee meeting held on August 25, 2016. The regulatory review is currently in the NOIRA stage, and the public comment period on the proposed amendments will end on November 16, 2016. Any comments received during the NOIRA comment period will be presented to the Board at its February 9, 2017 meeting. At that time, the Board will also consider adoption of the proposed regulations.

**Report from  
Asbestos  
Analytical  
Laboratory and  
Project Monitor  
Regulatory  
Review  
Committee**

Ms. Henshaw provided the Board with a notice of asbestos handling safety standards, written in both English and Spanish, that is now included with all asbestos worker license mailings. This notice is required pursuant to Senate Bill 305, which was passed by the 2016 General Assembly.

**Notice Required  
Pursuant to SB 305  
(2016)**

Ms. Henshaw provided the Board with an update on lead contractor record audits performed by DPOR's investigations staff. The audits were performed due to concerns that not all lead abatement activity in Virginia was being noticed to the Department of Labor and Industry (DOLI). All licensed lead contractors located in Virginia were audited and/or provided an affidavit that no lead abatement activity had been conducted within the past 12 months. There does not appear to be any evidence of lead abatement activity being performed without proper notification. Forty-one audits were completed July through October 2016, with the remaining two audits expected to be completed by the end of November 2016.

**Update on Lead  
Contractor Record  
Audits**

Ms. Henshaw opened the floor for annual nominations of the Board Chair. Mr. Magruder nominated Ms. Becker. Mr. Nixon seconded the motion, which was unanimously approved by: Fincher, France, Fritz, Haltigan, Koepf, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. By acclamation, Ms. Becker was named Board Chair.

### **Election of Officers**

Ms. Becker opened the floor for annual nominations of Board Vice-Chair. Mr. Nixon nominated Mr. Palmer. Mr. Magruder seconded the motion, which was unanimously approved by: Fincher, France, Fritz, Haltigan, Koepf, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. By acclamation, Mr. Palmer was named Board Vice-Chair.

Ms. Henshaw advised the Board of a bill that was introduced for the 2017 General Assembly session requiring a disclosure statement if a home inspector observes yellow-shaded corrugated stainless steel tubing (CSST) during an inspection.

### **Other Business**

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

Ms. Becker raised a concern to the Board regarding restoration projects in the wake of Hurricane Matthew. Specifically, instances in which mold remediators and/or restoration contractors inadvertently release asbestos into the dwellings being restored. Discussion was held on unlicensed asbestos abatement and methods in which to educate general contractors on state asbestos regulations and OSHA standards. After further discussion, Mr. Palmer moved to direct staff to prepare a letter to the Board for Contractors addressing concerns regarding the handling of lead and asbestos in renovation work. Mr. Nixon seconded the motion which was unanimously approved by: Fincher, France, Fritz, Haltigan, Koepf, Magruder, Marston, Molter, Nixon, and Palmer. Board members Becker and Holtz were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw advised the Board that DOLI asked the Board to consider a forum in which to educate licensees on the requirement that all asbestos containing material, including non-friable material, must be removed before structure demolition by a licensed asbestos abatement contractor, with the exception of roofing, flooring, and siding materials that are non-friable and will not become friable. After discussion, the Board agreed by consensus that this information should be sent to asbestos training providers to be included in updated and refresher training materials.

The following meeting dates have been scheduled:

- February 9, 2017
- May 18, 2017
- August 17, 2017
- November 9, 2017

**Future Meeting  
Dates**

Ms. Henshaw requested that the Board members complete their conflict of interest forms and travel vouchers.

**Conflict of Interest  
Forms and Travel  
Vouchers**

There being no further business, the meeting adjourned at 10:07 a.m.

**Adjourn**

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Colleen Becker, Chair

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Jay W. DeBoer, Secretary