

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

THURSDAY, May 12, 2022, 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 12, 2022

IV. APPROVAL OF MINUTES

- a. Board Meeting Minutes, February 10, 2021

V. INTRODUCTION OF STAFF

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 2021-02549 Valaike, Timothy John (HI)
Disciplinary—IFF by Cranor (Rushton)
- b. File Number 2021-01896 Stewart, Mark Lewis (HI)
Prima Facie (Cranor)
- c. File Number 2022-01253 Jones, Corey Lee (HI)
- d. Consent Order (Salva)
- e. File Number 2021-01966 Logan, Kenneth (HI)
Consent Order (Rushton)
- f. File Number 2022-00423 Spencer, Christopher Michael (HI)
Consent Order
- g. File Number 2021-02169 Williams, Ranard Phillip (HI)
Licensing—IFF by Eldridge
- h. File Number 2022-00523 Hoffman, Jeffrey Todd (HI)
Licensing—IFF by Eldridge
- i. File Number 2021-02620 Ferebee, Carl III (ASB)
Licensing—IFF by Eldridge
- j. 2021-00311 Roda, Monica Fernandez (ASB)
Licensing—IFF by Eldridge

VIII. REGULATIONS

- a. Regulatory Action Update
- b. Revision to Proposed Stage of Home Inspector Licensing Regulations
- c. Discussion on SB 607
 - i. Authorize Formation of Regulatory Advisory Panel
 - ii. Authorize Notice of Intended Regulatory Action
- d. Discussion of General Review of Asbestos Licensing Regulations
 - i. Consider Formation of Regulatory Review Panel
 - ii. Consider Authorizing Notice of Intended Regulatory Action

- e. Discussion of Update to 18VAC15-30-510.E and DIBR.

IX. OTHER BUSINESS

- a. February 2022 Home Inspector CPE Audit Report
- b. Consider Draft Guidance Document Regarding Course Completion Certificates for Asbestos and Lead Training Course Instructors
- c. Consider Draft Guidance Document Regarding Electronic Delivery of Asbestos and Lead Refresher Courses
- d. 2022 Legislative Update
- e. Consider 2023 Meeting Dates
- f. Board Financial Statements
- g. Outreach Update
 - i. Discuss MOU with North Carolina for Lead Abatement Grant Project
- h. 2022 Board Member Training Conference
- i. Other Board Business

X. FUTURE MEETING DATES

- a. August 18, 2022
- b. November 10, 2022

XI. COMPLETE CONFLICT OF INTEREST FORMS

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
MEETING MINUTES**

The Virginia Board for Asbestos, Lead, and Home Inspectors met on February 10, 2022, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Stacy J. Armentrout
Sandra Baynes, Vice-Chair
John E. Cranor
James E. Haltigan
Gene E. Magruder, Chair

Kevin Salva
Patrick Studley
Sharad Tandale
Paul D. Thomas

Board members Chadwick Bowman, Rick Holtz, and Louis Walker were not present at the meeting.

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

Demetrios J. Melis, Director
R. Thomas Payne, Deputy Director
Trisha L. Lindsey, Executive Director
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Tanya M. Pettus, Board Administrator

Joshua Laws from the Office of the Attorney General was present.

Mr. Magruder, finding a quorum of the Board present, called the meeting to order at 9:02 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

Ms. Lindsey advised the Board of amendments to the agenda. Ms. Baynes moved to approve the agenda as amended. Mr. Tandale seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Magruder, Salva, Studley, Tandale, and Thomas.

Approval of Agenda

Mr. Studley moved to approve the minutes of the November 4, 2021, Board meeting as presented. Ms. Baynes seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Magruder, Salva, Studley, Tandale, and Thomas.

**Approval of
Minutes**

Ms. Lindsey introduced to the Board DPOR Director, Demetrios “Mitch” Melis.

**Introduction of
Newly-Appointed
DPOR Director**

Ms. Lindsey introduced to the Board newly-appointed Board members. Stacy “Jamie” Armentrout will serve as the asbestos inspector/project monitor member. Kevin Salva will serve as a home inspector member. Sharad Tandale will serve as a citizen member.

**Introduction of New
Board Members**

There were no members of the public present to address the Board on matters other than case files to be presented.

**Public Comment
Period**

In the matter of **File Number 2021-01947, Royce Kapono Quitariano**, 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 2021-
01947, Royce Kapono
Quitoriano**

Mr. Quitariano was present at the meeting to answer any questions from the Board.

Mr. Haltigan moved to accept the recommendation of the Presiding Officer and approve Mr. Quitariano’s application for a home inspector license. Ms. Baynes seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Magruder, Salva, Studley, Tandale, and Thomas.

Mr. Haughwout recused himself from the meeting for discussion and deliberation of File Number 2021-02810.

**Recusal of Staff
Member**

In the matter of **File Number 2021-02810, Ferdinand Nathaniel III**, 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 2021-
02810, Ferdinand
Nathaniel III**

Mr. Nathaniel was present at the meeting to answer any questions from the Board.

Mr. Studley moved to accept the recommendation of the Presiding Officer and approve Mr. Nathaniel’s application for an asbestos supervisor license. Mr. Thomas seconded the motion which was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Magruder, Salva, Studley, Tandale, and Thomas.

Mr. Haughwout returned to the meeting.

**Return of Staff
Member**

In the matter of **File Number 2021-02549, Timothy John Valaike**, the Board members reviewed the Consent Order and Report of Findings. After discussion and consultation with Board counsel, Mr. Cranor moved to refer the file for an Informal Fact Finding Conference in order to consider the facts in accordance with the requirements of § 54.1-204 of the Code of Virginia. Mr. Studley seconded the motion. After further discussion, the motion was unanimously approved by: Armentrout, Baynes, Cranor, Haltigan, Magruder, Salva, Studley, Tandale, and Thomas.

**File Number 2021-
02549, Timothy John
Valaike**

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

**Regulatory Action
Update**

The Board adopted proposed amendments to the Home Inspector Licensing Regulations at its meeting on November 4, 2021. Proposed amendments have been submitted for Executive Branch review, after which a 60-day public comment period will commence.

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

Final amendments to the Home Inspector Licensing Regulations regarding temporary fee reductions were published on January 31, 2022, and will become effective on March 2, 2022.

Ms. Pettus provided an update of home inspector CPE audits conducted on twenty-five percent of eligible certified home inspectors beginning on September 23, 2021.

**September 2021
Home Inspector CPE
Audit Report**

Ms. Lindsey and Ms. Pettus advised the Board that staff has received multiple inquiries as to whether virtual or online platforms are acceptable methods of delivery for asbestos and lead courses in light of the expiration of waivers of in-person training instituted during the height of the pandemic.

**Discussion of §54.1-
501.6 of the Code of
Virginia**

§54.1-501.6 of the Code of Virginia states, in part, that any regulation promulgated by the Board related to lead-based paint activities may not be more stringent than that of the Environmental Protection Agency (EPA). 40CFR 745.225(c)(6)(viii) of the Code of Federal Regulations allows for electronic delivery of classroom portions of lead-based paint activities courses, but not for the

hands-on portion of these courses.

While the Code of Virginia, the Board's regulations, and the Code of Federal Regulations are silent on the electronic delivery of asbestos courses, the EPA has issued guidance allowing for online Asbestos Model Accreditation Plan (MAP) annual refresher training.

Ms. Lindsey and Ms. Pettus asked the Board to consider guidance allowing for hybrid delivery of lead initial courses wherein theoretical instruction is permitted to be conducted by electronic means, while any required hands-on instruction is to be performed in person, and to permit electronic delivery of asbestos and lead refresher courses. After lengthy discussion, Mr. Thomas moved to authorize staff to draft guidance allowing for the electronic delivery of lead and asbestos refresher training only. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas.

Ms. Lindsey reminded the Board that staff actively monitors legislation throughout General Assembly session and provides data and information regarding the Board and Department relevant to legislative proposals affecting the Board. Ms. Lindsey provided an update of legislative proposals that could affect DPOR and the Board.

2022 Legislative Update

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

Board Financial Statements

Ms. Lindsey updated the Board on recent and upcoming virtual and in-person outreach opportunities.

Outreach Update

Ms. Lindsey advised the Board that a Board Member Training Conference is being tentatively planned for October 2022.

Board members considered the following resolutions for former Board members:

Consideration of Resolutions for Service

Galappa D. Madhusudhan

WHEREAS, **Galappa Madhusudhan**, did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors from 2018 to 2021;

WHEREAS, **Galappa Madhusudhan**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Galappa Madhusudhan**, 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 Virginia 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 Virginia Board for Asbestos, Lead, and Home Inspectors this tenth day of February 2022, that **Galappa Madhusudhan** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens;

and

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

Peter D. Palmer

WHEREAS, **Peter Palmer**, did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors from 2009 to 2021;

WHEREAS, **Peter Palmer**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Peter Palmer**, 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 Virginia 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 Virginia Board for Asbestos, Lead, and Home Inspectors this tenth day of February 2022, that **Peter Palmer** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens;
and

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

David P. Rushton

WHEREAS, **Dave Rushton**, did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors from 2017 to 2021;

WHEREAS, **Dave Rushton**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Dave Rushton**, 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 Virginia 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 Virginia Board for Asbestos, Lead, and Home Inspectors this tenth day of February 2022, that **Dave Rushton** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

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

Ms. Baynes moved to adopt the resolutions as written. Mr. Cranor seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Palmer, Rushton, Studley, and Thomas.

Ms. Lindsey advised the Board of a change in the process for Notifications of Demolition and Renovation for informational purposes. This notification was previously required to be sent to both the EPA and the state or local authority where the renovation or demolition project occurs. It is no longer required for this notification to be sent to the EPA.

Discussion was held on Board members performing technical reviews on disciplinary cases as well as serving as presiding officers.

Mr. Magruder reminded Board members to complete their conflict of interest forms.

There being no further business, the meeting adjourned at 10:37 a.m.

Other Business

**Conflict of Interest
Forms and Travel
Vouchers**

Adjourn

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

Gene E. Magruder, Chair

Demetrios J. Melis, Secretary

DRAFT

INTRODUCTION OF STAFF

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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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Virginia Board for Asbestos, Lead, and Home Inspectors

Update on Regulatory Actions

(as of April 19, 2022)

Action: Home Inspector Regulations General Review

Current Stage: Proposed

- Board reviewed and considered NOIRA stage public comments on 11/4/21.
- Board reviewed and considered committee recommendations, and adopted proposed regulatory text on 11/4/21.
- Proposed regulatory text submitted for Executive Branch review on 2/14/22.

Next Step: Executive Branch Review/Public Comment

- Following completion of Executive Branch review, publication of proposed regulation in Virginia Register, and 60-day public comment period. Comment period will include a public hearing.

Action: Initial Promulgation of Lead-Based Paint Renovation, Repair, and Painting Regulation

Current Stage: Final Regulation

- Final regulation, as amended, adopted by Board on 8/26/21.
- Final regulation submitted for Executive Branch review on 1/18/22.

Next Step: Executive Branch Review/Final Adoption

- Following completion of Executive Branch review, publication in Virginia Register, and final public comment.

1 **Virginia Board For Asbestos, Lead, And Home Inspectors**

2 **2020-2021 General Review of Home Inspector Licensing Regulations**

3 **Revisions to Proposed Qualifications for Licensure**

4 **18VAC15-40-32. Qualifications for licensure.**

5 A. Qualifications for licensure. An applicant for licensure as a home inspector shall ~~shall~~ must
6 furnish documentation acceptable to the board that one of the qualifications for licensure in Table
7 1 has been met. of the following:

TABLE 1

	Board-approved prelicense education course contact hours	Experience	Passed the board- approved examination
1.	35	Completion of 100 home inspections prior to July 1, 2017	Yes
2.	35	Completion of 50 home inspections under the direct supervision of a home inspector	Yes
3.	70	Completion of 50 home inspections prior to July 1, 2017	Yes
4.	70	Completion of 25 home inspections under the direct supervision of a home inspector	Yes
5.	None	Verification of 10 years' experience as a home inspector prior to July 1, 2017, with a minimum of 250 home inspections completed during such time period	Yes

8 ~~B. Prelicense education courses must be approved by the board pursuant to Part VI~~
9 ~~(18VAC15-40-120 et seq.) of this chapter. No more than half of the required hours may be~~
10 ~~completed using distance or online education technology.~~

11 C. Verification of home inspections completed under the direct supervision of a home
12 inspector must be provided by an individual who was properly licensed or certified by the board
13 during the applicable time period.

14 D. The National Home Inspector Examination provided by the Examination Board of
15 Professional Home Inspectors is the board-approved examination pursuant to § 54.1-517.2 A 2 c
16 of the Code of Virginia.

17 1. The applicant has passed a board-approved examination. The National Home Inspector
18 Examination provided by the Examination Board of Professional Home Inspectors is the
19 board-approved examination pursuant to § 54.1-517.2 A 2 c of the Code of Virginia.

20 2. A minimum of 20 15 qualifying points from a combination of the following education and
21 experience, with a minimum of five (5) points from each category in Tables 1 and 2. An
22 applicant cannot be assigned points from multiple areas in each table for the same activity
23 for which credit is being sought. Except as provided in Tables 1 and 2, an applicant cannot
24 be assigned points multiple times for the same activity for which credit is being sought.

<u>Points Assigned</u>	<u>Education Description</u>	<u>Maximum Allowable Points</u>
<u>5</u>	<u>Successfully completed a 3-credit hour minimum class with a passing grade in home inspection from an accredited college or university pursuant to 18VAC15-40-32 C.</u>	<u>5</u>
<u>1</u>	<u>Successfully completed a 3-credit hour minimum class with a passing grade in construction, remodeling, engineering, architecture, building design, building technology, or real estate from an accredited college or university pursuant to 18VAC15-40-32 C.</u>	<u>3</u>
<u>1</u>	<u>Successfully completed a 4-hour minimum course specific to home inspection contracts, home inspection reports, or topics covered on the board-approved examination.</u>	<u>3</u>

<u>5</u>	<u>Successfully completed a minimum 35-hour pre-license education course approved by the Board in accordance with Part VI (18VAC15-40-200 et seq.) of this chapter.</u>	<u>5</u>
<u>10</u>	<u>Successfully completed a minimum 70-hour pre-license education course approved by the Board in accordance with Part VI (18VAC15-40-200 et seq.) of this chapter.</u>	<u>10</u>
TABLE 2 Qualifying Points Table: Experience Category		
<u>Points Assigned</u>	<u>Experience Description</u>	<u>Maximum Allowable Points</u>
<u>2</u>	<u>One month of full-time qualifying experience pursuant to 18VAC15-40-32 B.</u>	<u>12</u>
<u>2</u>	<u>Completion of 10 5 home inspections under the direct supervision of a home inspector or without supervision if lawfully conducted as authorized under the laws of the applicable jurisdiction.</u>	<u>12</u>
<u>1</u>	<u>Membership in a home inspector trade or professional association.</u>	<u>2</u>
<u>2</u>	<u>One year teaching at an accredited college or university, trade school, or private business for monetary compensation in construction, remodeling, engineering, architecture, building design, building technology, real estate, or home inspections.</u>	<u>6</u>
<u>2</u>	<u>The qualified individual of a contractor license issued pursuant to Chapter 11 of Title 54.1 of the Code of Virginia for one or more of the following classifications or specialty services:</u> <u>1. Residential Building Contractors (RBC)</u> <u>2. Home Improvement Contracting (HIC)</u> <u>3. Commercial Building Contractors (CBC)</u>	<u>2</u>
<u>1</u>	<u>The qualified individual of a contractor license issued pursuant to Chapter 11 of Title 54.1 of the Code of Virginia for one or more of the following classifications:</u> <u>1. Electrical Contractors (ELE)</u> <u>2. HVAC Contractors (HVA)</u> <u>3. Plumbing Contractors (PLB)</u>	<u>3</u>
<u>2</u>	<u>Architect or professional engineer licensed pursuant to Chapter 4 of Title 54.1 of the Code of Virginia.</u>	<u>2</u>
<u>2</u>	<u>Building code official certified pursuant to the Department of Housing and Community Development Virginia Certification Standards (13VAC5-21-10 et seq. of the Virginia Administrative Code).</u>	<u>2</u>

25 B. Qualifying experience. In order to be acceptable, qualifying experience must meet all of the
26 following:

27 1. Experience must be verified by one or more of the following: licensed home inspector;
28 qualified individual or responsible manager of a licensed contractor; or any combination
29 of at least three licensed real estate professionals or clients.

30 2. An applicant's experience must have been gained by assisting a properly licensed or
31 certified home inspector, as applicable, and under such home inspector's direct
32 supervision; or through the performance of home inspections as authorized under the laws
33 of the applicable jurisdiction.

34 3. For the purposes of this part, experience requirements are expressed in terms of
35 calendar periods of full-time employment.

36 a. A month of full-time qualifying experience is a minimum of 146 hours during a one-
37 month period or a minimum of 18 workdays in a one-month period. More than 146
38 hours or 18 workdays during a one-month period will not be considered as more than
39 one month of full-time employment.

40 b. Partial credit may be given for actual hours of qualifying experience if the applicant's
41 experience was gained working less than full time.

42 C. Accredited colleges or universities and verification procedures. An applicant seeking to
43 qualify for licensure based on completion of a class from an accredited college or university must
44 submit an official transcript from the school where the applicable class was completed. Only
45 classes from an accredited college or university that is approved or accredited by the Commission
46 on Colleges of the Southern Association of Colleges and Schools, a regional or national
47 accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of
48 Education will be considered. An applicant seeking to qualify for licensure based on working or

- 49 teaching at an accredited college or university must submit evidence satisfactory to the board of
50 employment by the college or university. Only employment with an accredited college or university
51 that is approved or accredited by the Commission on Colleges of the Southern Association of
52 Colleges and Schools, a regional or national accreditation, or by an accrediting agency that is
53 recognized by the U.S. Secretary of Education will be considered.

DRAFT AGENDA
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DRAFT AGENDA

2022 SESSION

ENROLLED

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to direct the Board for Asbestos, Lead, and Home Inspectors to update its regulations to require*
3 *that home inspections include a determination of whether the home's smoke detectors are in good*
4 *working order.*

5 [S 607]
6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. § 1.** *The Board for Asbestos, Lead, and Home Inspectors (the Board) shall update the regulations in*
9 *18VAC15-40-130 to require that a home inspection and the report on its findings include a*
10 *determination of whether the home's smoke detectors are in "good working order," as defined by the*
11 *Board.*

ENROLLED

SB607ER

DRAFT AGENDA
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Board for Asbestos, Lead, and Home Inspectors

Virginia Asbestos Licensing Regulations

2022 General Regulatory Review

The following list of topics are items that the Board may wish to consider during the general review of the Virginia Asbestos Licensing Regulations. This list is not inclusive of all items that the Board may present for amendment.

General

- Repeal existing regulation (18VAC15-20) and replace with new chapter (18VAC15-25).
- Review to ensure regulation comports with statute and applicable federal requirements.
- Focus on making regulation organized and clear.
- Incorporate Board's interpretive guidance where appropriate.
- Review for areas to reduce regulatory burdens.

Definitions

- Review definitions, revise and update where appropriate.

Entry Requirements

- Review entry requirements for both individuals and firms.
- Update procedures to reflect current agency practice.

Renewal and Reinstatement

- Review requirements and procedures for renewal and reinstatement of licenses.

Standards of Conduct and Practice

- Review responsibilities for each of the licensed disciplines.
- Review standards for asbestos abatement projects.

Training Programs

- Review requirements for training program approval.
- Review requirements for renewal of training programs
- Review standards of conduct and practice for training programs.

1 **Virginia Board For Asbestos, Lead, And Home Inspectors**

2 **Update to 18 VAC 15-30-510 and DIBR**

3 **18VAC15-30-510. General requirements.**

4 A. This part establishes work practice standards for conducting lead-based paint activities in
5 target housing and child-occupied facilities.

6 B. Notification shall be sent by the licensed lead abatement contractor to the Virginia
7 Department of Labor and Industry prior to the commencement of any lead-based paint abatement
8 activities. The notification shall be sent in a manner prescribed by the Virginia Department of
9 Labor and Industry.

10 C. No licensed lead abatement contractor shall enter into a contract to perform a lead
11 abatement project if the lead inspection or project design is to be performed by individuals with
12 an employer/employee relationship with, or financial interest in, the lead abatement contractor
13 unless the contractor provides the building owner with a "Virginia Lead Consumer Information and
14 Disclosure Sheet," which is available from the board. Persons licensed to perform post-abatement
15 clearance procedures shall be independent of and have no financial interest in or an
16 employer/employee relationship with the licensed lead abatement contractor.

17 D. The relationships described in subsection C of this section must be disclosed and the
18 disclosure form must be signed and dated by the building owner, or his agent, and the contracting
19 entity prior to the signing of any contract to conduct lead-based paint activities. The contractor
20 must provide the disclosure form to all parties involved in the lead abatement project. The
21 disclosure form shall be kept on the lead abatement project site and available for review.

22 E. When performing a lead-based paint inspection, lead-hazard screen, risk assessment or
23 abatement, a licensed individual must perform that activity in compliance with documented

24 methodologies. Documented methodologies that are appropriate for this chapter include the
25 following:

26 1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the
27 Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995 edition,
28 including the 1997 Revision to Chapter 7: Lead-Based Paint Inspection Second Edition,
29 July 2012.

30 2. 40 CFR Part 745, Subpart D.

31 3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-
32 Contaminated Soil (60 FR 47248-47257).

33 4. EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report
34 (EPA 747-R-95-001, March 1995).

35 5. Any future EPA or HUD guidance that may replace the above methodologies.

36 6. Regulations, guidance, methods or protocols authorized by the board.

37 F. Individuals conducting lead-based paint activities shall comply with the work practice
38 standards enumerated in this chapter.

39 G. Any lead-based paint activities, as described in this chapter, shall be performed only by
40 individuals licensed by the board to perform such activities.

41 H. All reports and plans required by 18VAC15-30-520 through 18VAC15-30-651 shall be
42 maintained by the licensed firm or individual who prepared the report for at least three years. The
43 licensed firm or individual also shall provide copies of these reports to the building owner or person
44 who contracted for its services.

45

46 Documents Incorporated by Reference (18VAC15-30)

47 ~~Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June~~
48 ~~1995, including the 1997 revision to Chapter 7: Lead-Based Paint Inspection, U.S. Department of~~
49 ~~Housing and Urban Development.~~

50 Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Second
51 Edition, July 2012, U.S. Department of Housing and Urban Development

52 EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-
53 Contaminated Soil (60 FR 47248-47257).

54 Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report (EPA 747-
55 R-95-001, March 1995).

February 2022 Home Inspectors CPE Audit Report

Memo

To: ALHI Board Members
From: Tanya M. Pettus, Board Administrator
Date: 04/21/2022
Re: February 2022 Home Inspectors CPE Audit Report

This memo provides information regarding the February 2022 Home Inspectors CPE Audit Report.

February 15, 2022: The regulant population of home inspectors eligible for audit totaled 131 in Eagles. Twenty-five percent (25%) of the eligible regulant population was randomly selected, resulting in 31 regulants selected for audit.

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

March 17, 2022: Due date of CPE audit form and required documentation.

March 18, 2022: Final notices were mailed to unresponsive regulants with a final deadline of April 1, 2022*.

Update: Responses received:

Total Received	27
Passed	27
Incomplete	0
Pending Review	0
Referred for Disciplinary Action	0
Surrendered	0
No Response	4

*NOTE: Unresponsive regulants will be forwarded for disciplinary action on April 29, 2022.



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 12, 2022

SUBJECT: Verification of Course Completion Certificates Awarded to Training Program Managers and Principal Instructors

I. Background

Board staff has received inquiries from other states regarding the validity of Virginia asbestos and lead training course completion certificates wherein the name of the course participant, the training manager, and the principal instructor are one and the same. The issue was discussed at the Board's November 4, 2021 meeting, at which the Board determined guidance on the matter was necessary.

II. Issue

As training managers and principal instructors with asbestos and lead licenses are required to complete refresher training, to include an examination, and the Board's regulations are silent on whether these individuals are permitted to sign their own completion certificates, the Board is asked to consider adopting a policy that provides for a means to verify whether a training manager and/or principal instructor has completed refresher training and the requisite examination

III. Applicable Regulations

Chapter 20, Part XIII. of the Virginia Asbestos Licensing Regulations states, in part,

that licensees in each asbestos discipline must complete refresher training to include an administered “written closed-book examination [in which] the passing score will be 70% correct.”

Pursuant to 18VAC15-30-390 of the Virginia Lead-Based Paint Activities Regulations, an accredited lead training program must conduct a monitored, written course test or proficiency test with a passing score of 70%.

Pursuant to 18VAC15-20-490 and 18VAC15-30-400 of the Board's regulations a course completion certificate must contain the name of the course participant, as well as the typewritten or printed name and signature of both the training program manager or administrator and the principal instructor.

III. Request for Guidance

In order to limit confusion and verify the completion of refresher training and the passing of required closed-book, monitored examinations, Board staff recommends the following.

1. Course participants who are both the training manager and principal instructor of a training program must be monitored by another instructor if completing said program's examination for the purpose of license renewal. The monitoring individual will sign the certificate of completion as the participant's instructor.
2. Course participants who are either the training manager or the principal instructor must be monitored by the other if completing their own program's examination for the purpose of license renewal. The monitoring individual will sign the certificate of completion as the participant's instructor.

This policy applies to asbestos and lead refresher courses only.

The Board will not accept initial training certificates of completion wherein the name of the course participant, training manager, or principal instructor are the same.

CONSIDER DRAFT GUIDANCE DOCUMENT
REGARDING ELECTRONIC DELIVERY OF
ASBESTOS AND LEAD REFRESHER COURSE

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Materials contained in this agenda are proposed for discussion
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2022 LEGISLATIVE UPDATE

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2023 TENTATIVE BOARD MEETING SCHEDULE

ALHI BOARD	
Board Meeting	
	Thursday, February 9, 2023 @ 9:00 am Board Room 2
	Thursday, May 11, 2023 @ 9:00 a.m. Board Room 3
	Thursday, August 24, 2023 @ 9:00 am Board Room 2
	Thursday, November 30, 2023 @ 9:00 am Board Room 2

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

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

2020-2022 Biennium

March 2022

	March 2022 Activity	Biennium-to-Date Comparison	
		July 2018 - March 2020	July 2020 - March 2022
Cash/Revenue Balance Brought Forward			9,163
Revenues	32,420	514,066	509,679
Cumulative Revenues			518,842
Cost Categories:			
Board Expenditures	4,690	69,812	69,416
Board Administration	6,860	171,091	147,495
Administration of Exams	281	5,160	6564
Enforcement	540	8,498	10040
Legal Services	354	2,586	2318
Information Systems	7,551	131,408	106357
Facilities and Support Services	3,881	82,003	78563
Agency Administration	4,052	77,993	69149
Other / Transfers	0	(5)	0
Total Expenses	28,209	548,548	489,901
Transfer To/(From) Cash Reserves	(2,119)	0	(34,477)
Ending Cash/Revenue Balance			63,418

Cash Reserve Beginning Balance	278,442	0	310,800
Change in Cash Reserve	(2,119)	0	(34,477)
Cash Reserve Ending Balance	276,323	0	276,323

Number of Regulants	
Current Month	5,903
Previous Biennium-to-Date	6,304

OUTREACH UPDATE

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2022 BOARD MEMBER TRAINING
CONFERENCE

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OTHER BOARD BUSINESS

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FUTURE MEETING DATES

- a) August 18, 2022
- b) November 10, 2022

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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ADJOURN

Please return your document folders to Raven Custer

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