



Virginia Department of Planning and Budget **Economic Impact Analysis**

1 VAC 30-30 Survey Standards for the Inspection of Child Care Centers for the Presence of Asbestos

Department of General Services

Town Hall Action/Stage: 6749 / 10760

April 25, 2025

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented below represents DPB’s best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation

The Department of General Services (DGS) proposes to repeal asbestos survey standards for childcare centers as it lacks statutory authority to regulate such buildings.

Background

According to DGS, there was a growing public awareness of the link between the inhalation of asbestos fibers and various diseases such as asbestosis, mesothelioma, lung and other cancers in 1987. As a result of these concerns, the General Assembly enacted legislation in 1985 (Chapter 534) that directed DGS to develop “standards for the inspection of public schools buildings of all types” to identify asbestos. This was expanded in 1988 by Chapter 723 to include “buildings of all types,” and it was pursuant to that mandate that this regulation was adopted in January, 1989. However, Chapter 660 of the 1993 Acts of Assembly narrowed DGS’s authority by amending the text to only include “standards for the inspection of *state-owned and local*

¹ Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

education agency buildings of all types...” (emphasis added). Essentially, the 1993 legislation removed DGS’s authority for this regulation. However, the regulation has been inadvertently left in the Virginia Administrative Code for over 30 years. DGS now proposes to repeal this obsolete regulation in this action.

Estimated Benefits and Costs

Since the proposal would repeal this regulation that has been obsolete for over 30 years, no significant economic impact is expected other than eliminating a potential source of confusion for the readers of this regulation.

Businesses and Other Entities Affected

The proposed repeal of this obsolete regulation may benefit readers by eliminating a potential source of confusion. No entity appears to be disproportionately affected.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.² An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.³ The proposal does not increase costs or reduce benefits for any entity. Thus, no adverse impact is indicated.

Small Businesses⁴ Affected:⁵

The proposed repeal does not adversely affect small businesses.

² Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance.

³ Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

⁴ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

⁵ If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a

Localities⁶ Affected⁷

The proposal does not introduce costs for localities, nor does it affect any locality disproportionately.

Projected Impact on Employment

The proposed repeal of this regulation does not affect total employment.

Effects on the Use and Value of Private Property

No effects on the use and value of private property nor on real estate development costs are expected.

proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

⁶ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁷ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.