

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233**

**LEAD-BASED PAINT ACTIVITIES REGULATORY REVIEW COMMITTEE
OF THE
VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS**

Tentative **AGENDA THURSDAY, DECEMBER 7, 2023
10:00 A.M. DPOR CONFERENCE ROOM – FIRST FLOOR**

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**
- a. Committee Agenda, December 7, 2023
- IV. PUBLIC COMMENT PERIOD***
- V. OVERVIEW**
- a. Committee Members & Staff
 - b. Regulatory Review Summary
 - c. Proposed Regulatory Review Timeline
- VI. RESOURCES AND INFORMATION**
- a. Chapter 5 of Title 54.1 of the Code of Virginia
 - b. Lead-Based Paint Activities Regulations
 - c. Federal Laws/Regulations
 - i. 40 CFR Part 745: Lead-Based Paint Poisoning Prevention
 - ii. HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing
 - iii. EPA Guidance on Identification of Lead-Based Paint Hazards
 - iv. EPA 747-R-95-001: Residential Sampling for Lead
 - v. Residential Lead Based Paint Hazard Reduction Act of 1992
- VII. NEW BUSINESS**
- a. Revisit Items for Discussion in Part III
 - i. Qualifications for Licensure
 - b. Review Parts IV through VI
 - i. Fees
 - ii. Renewal
 - iii. Standards of Practice & Conduct for Accredited Lead Training Programs

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

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.

VIII. OTHER BUSINESS

- a. Discuss Topics for Next Meeting
- b. Set Next Meeting Date(s)

IX. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

X. 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.*

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

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.

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.

PUBLIC COMMENT PERIOD

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

*DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.*

Lead-Based Paint Activities Regulations Regulatory Review Committee Members

Committee Member	Representation
Stacy J. Armentrout CHAIR	ALHI Board Member
Michael Baum	ALHI Board Member
Jeffrey Brown	DHCD
Ron Graham	DOLI
James Haltigan	ALHI Board Member
Patrick Studley	ALHI Board Member
Paul D. Thomas	ALHI Board Member
BOARD STAFF	
Steven Kirschner	Deputy Director, LRPD
Tanya Pettus	Board Administrator
Joseph Haughwout	Regulatory Affairs Manager
Lee Bryant	Regulatory Operations Administrator
Rachel Harris	Administrative Coordinator

DRAFT AGENCY materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Virginia Board for Asbestos, Lead, and Home

Inspectors Lead-Based Paint Activities

Regulations

2023 General Regulatory Review

The following list of topics are items that the Board may wish to consider during the general review of the Lead-Based Paint Activities Regulations. This list is not inclusive of all items that the Board may present for amendment.

General

- 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 regulations in accordance with Executive Order Number 19 (2022).

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.

2023 Virginia Lead-Based Paint Activities Regulations REGULATORY REVIEW TIMELINE

Regulatory Review Committee Meeting

Review Entry, Fees, Renewal, Standards of Practice and Conduct for Accredited Lead Training Program, Training Course Curricula Requirements

(10/25/2023)

ALHI Board Meeting

Update on Committee

(11/30/2023)

Regulatory Review Committee Meeting

Review Standards for Conducting Lead-Based Paint Activities, General Standards of Practice and Conduct

(January 2024)

ALHI Board Meeting

Update on Committee

(2/8/2024)

Regulatory Review Committee Meeting

If Necessary

Final Review and Adopt Recommendation

(February/March 2024)

ALHI Board Meeting

Present and Review Committee Recommendation; Adopt Proposed Regulations

(5/9/2024)

File Notice of Intended Regulatory Action for Executive Branch Review

Publication /30 Day Public Comment Period

Board Adopts Proposed Regulations

180 DAYS

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle II. Professions and Occupations Regulated by the Department of Professional and Occupational Regulation and Boards within the Department

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 issued 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-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 a person 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 a person to develop or alter an asbestos management plan.

"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 a person to design an asbestos abatement project.

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

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an 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 this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.

"Home inspector" means 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.

"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.

"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.

1987, c. 579, § 54-145.4; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 49, 73, 823; 1992, c. 152; 1993, cc. 499, 660; 1994, cc. [185](#), [911](#); 1996, cc. [76](#), [176](#), [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#), [527](#).

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

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.

1993, c. 660; 1994, cc. [185, 911](#); 1996, cc. [180, 846](#); 1997, c. [885](#); 2001, c. [723](#); 2009, cc. [358, 819](#); 2012, cc. [522, 803, 835](#); 2016, cc. [161, 436](#); 2022, cc. [576, 577](#).

§ 54.1-501. Powers and duties of the Board

The Board shall administer and enforce this chapter. 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 Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;
7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties; and
8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.

1987, c. 579, § 54-145.5; 1988, c. 765; 1989, c. 397; 1990, cc. 49, 73, 823; 1991, c. 45; 1992, c. 477; 1993, cc. 499, 660; 1994, cc. [185, 911](#); 1995, cc. [543, 585](#); 1996, cc. [180, 846](#); 1997, cc. [649, 885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358, 819](#); 2012, cc. [803, 835](#); 2016, cc. [161, 436](#).

§ 54.1-501.1. Applicability

The provisions of this chapter shall not apply to any employer, or any employees of such employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

1992, c. 52.

§ 54.1-502. Interdepartmental implementation plan

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

1987, c. 579, § 54-145.6; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 73, 823; 1993, c. 660.

§ 54.1-503. Licenses required

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have 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 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 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 who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person 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 who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person 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.

1987, c. 579, § 54-145.7; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 73; 1993, c. 660; 1994, cc. [185](#), [911](#); 1995, cc. [543](#), [585](#); 1996, cc. [180](#), [846](#); 1997, cc. [560](#), [885](#); 1998, c. [739](#); 2004, c. [133](#); 2009, c. [819](#); 2015, c. [411](#); 2016, cc. [161](#), [436](#).

§ 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 asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's 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](#).

1987, c. 579, § 54-145.8; 1988, c. 765; 1989, c. 397; 1993, c. 660.

§ 54.1-504.1. Notices for handling asbestos

The Department of Professional and Occupational Regulation shall include with every asbestos worker's 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.

2016, c. [252](#).

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

To qualify for an asbestos contractor's 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.

1987, c. 579, § 54-145.9; 1988, cc. 765, 802; 1989, c. 397; 1993, c. 660; 1996, cc. [180](#), [846](#).

§ 54.1-506. Repealed

Repealed by Acts 1993, c. 660.

§ 54.1-507. Repealed

Repealed by Acts 1992, c. 477.

§§ 54.1-508, 54.1-509. Repealed

Repealed by Acts 1993, c. 660.

§ 54.1-510. Repealed

Repealed by Acts 1988, c. 802.

§ 54.1-511. Repealed

Repealed by Acts 1993, c. 660.

§ 54.1-512. Exemptions from licensure

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's 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.

1987, c. 579, § 54-145.10:6; 1988, cc. 765, 807; 1989, c. 397; 1993, c. 660; 1996, cc. [180](#), [846](#); 1998, c. [739](#); 2009, c. [819](#).

§ 54.1-513. Repealed

Repealed by Acts 1998, c. [739](#).

§ 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, inspector's, management planner's or project designer's 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.

1987, c. 579, § 54-145.10:8; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 105; 1996, cc. [180](#), [846](#).

§ 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](#).

1987, c. 579, § 54-145.10:9; 1988, c. 765; 1993, cc. 499, 660.

§ 54.1-516. Disciplinary actions

A. The Board may 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.

1987, c. 579, § 54-145.10:10; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#).

§ 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 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](#).

2004, c. [222](#).

§ 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.

1987, c. 579, § 54-145.10:11; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2009, c. [819](#).

Article 2. Home Inspectors

§ 54.1-517.1. Repealed

Repealed by Acts cc. 161 and 436, cl. 2, effective July 1, 2017.

§ 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 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.

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 International Residential Code component of the Virginia Uniform Statewide Building Code.

2001, c. [723](#); 2015, c. [411](#); 2016, cc. [161](#), [436](#).

§ 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."

2017, c. [805](#).

Article 3. Mold Inspectors and Remediators

§§ 54.1-517.3 through 54.1-517.5. Repealed

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 56.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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

Part I. Scope

18VAC15-30-10. Scope.

This chapter contains procedures and requirements for the accreditation of lead-based paint activities training programs and providers, procedures and requirements for the licensure of individuals and firms engaged in lead-based paint activities in target housing and child-occupied facilities, and standards for performing such activities. This chapter is applicable to all individuals and firms who are engaged in lead-based paint activities as defined in 18VAC15-30-20, except persons who perform these 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 residing in the building has been identified as having an elevated blood-lead level.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part II. Definitions and General Requirements

18VAC15-30-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Abatement" or "abatement project" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

1. "Abatement" includes, but is not limited to:
 - a. The removal of paint, and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and
 - b. All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.
2. Specifically, "abatement" includes, but is not limited to:
 - a. Lead-based paint activities for which there is a written contract or other documentation that provides that an individual or firm will be conducting activities in or to a residential

dwelling or child-occupied facility that:

- (1) Shall result in the permanent elimination of lead-based paint hazards; or
 - (2) Are designed to permanently eliminate lead-based paint hazards and are described in subdivision 1 of this definition;
- b. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals licensed in accordance with this chapter, unless such projects are covered by subdivision 3 of this definition;
 - c. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, unless such projects are covered by subdivision 3 of this definition; or
 - d. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards that are conducted in response to state or local abatement orders.

3. Abatement does not include renovation, remodeling, landscaping or other activities when such activities are not designed to permanently eliminate lead-based paint hazards, but instead are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards. Furthermore, federally assisted housing and community development programs conducted in compliance with the U.S. Department of Housing and Urban Development Lead-Safe Final Rule 24 CFR Part 35 shall be considered to meet the requirements of this chapter.

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

"Accredited lead training provider" means a firm, individual, state or local government, or nonprofit training program that has met the requirements of this chapter and has been approved by the board to offer an accredited lead training program.

"Applicant" means any person defined in this chapter who has applied for but has not been granted an interim license, a license or approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor by the board.

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

"Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, six years of age or under, on at least two different days, within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours and the combined weekly visit lasts six hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms.

"Clearance levels" means values that indicate the maximum amount of lead permitted in dust on

a surface following completion of an abatement activity as identified by EPA, pursuant to 15 USC § 2683.

"Common area" means a portion of a building generally accessible to all occupants, including, but not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages and boundary fences.

"Component or building component" means specific design or structural elements or fixtures of a building or residential dwelling or child-occupied facility which are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills, stools, and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops and air conditioners, and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, facias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills, casings, sashes, wells, stools and troughs.

"Containment" means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

"Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

"Course test" means an evaluation of the overall effectiveness of the training which shall test the trainees' knowledge and retention of the topics covered during the course.

"Course test blue print" means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

"Department" means the Department of Professional and Occupational Regulation or any successor agency.

"Deteriorated paint" means paint that is cracking, flaking, chipping, peeling or otherwise separating from the substrate building component.

"Discipline" means one of the specific types or categories of lead-based paint activities established in this chapter for which individuals must receive training from accredited lead training providers, as defined in this chapter, and become licensed by the board. For example, "lead abatement worker" is a discipline.

"Distinct painting history" means application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

"Documented methodologies" means methods or protocols used to sample for the presence of lead in paint, dust, and soil.

"Elevated blood-lead level (EBL)" means an excessive absorption of lead that is a confirmed

concentration of lead in whole blood of 20 ^{(508)%e2}g/dl (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19 ^{(508)%e2}g/dl in two consecutive tests taken three to four months apart.

"Encapsulant" means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

"Encapsulation" means the application of an encapsulant.

"Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

"Environmental remediation activity" means any activity planned or carried out for the purpose of reducing or eliminating any environmental hazard, including activities necessary to train individuals in the proper or lawful conduct of such activities, which are regulated by federal or state law or regulation.

"EPA" means the United States Environmental Protection Agency.

"Financial interest" means financial benefit accruing to an individual or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds, or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or a combination thereof, paid or provided by a business that exceeds or may reasonably be expected to exceed \$1,000 annually; or (iv) ownership of real or personal property if the interest exceeds \$1,000 in value.

"Firm" means any company, partnership, corporation, sole proprietorship, association, or other business entity.

"Guest instructor" means an individual designated by the training program manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

"Hands-on skills assessment" means an evaluation that tests the trainees' ability to satisfactorily perform the work practices and procedures identified in this chapter, as well as any other skills taught in a training course.

"Hazardous waste" means any waste as defined in 40 CFR 261.3.

"HUD" means the United States Department of Housing and Urban Development.

"Individual" means a single human being, not a firm or other group or organization.

"Initial course" means the course of instruction established by this chapter to prepare an individual for licensure in a single discipline.

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

"Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

"Interim license" means the status of an individual who has successfully completed the appropriate training program in a discipline from an accredited lead training provider, as defined by this chapter, and has applied to the board, but has not yet received a formal license in that discipline from the board. Each interim license expires six months after the completion of the training program, and is equivalent to a license for the six-month period.

"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 activities" means risk assessment, inspection, project design and abatement as defined in this chapter that affects or relates to target housing and child-occupied facilities.

"Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by EPA, pursuant to 15 USC § 2683.

"Lead-hazard screen" means a limited risk assessment activity that involves limited paint and dust sampling as defined in this chapter.

"Licensed lead abatement contractor" or "lead contractor" means a firm that has met the requirements of this chapter, and has been issued a license by the board to perform lead abatements.

"Licensed lead abatement supervisor" or "lead supervisor" means an individual who has met the requirements of this chapter, and has been licensed by the board to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

"Licensed lead abatement worker" or "lead worker" means an individual who has met the requirements of this chapter and has been licensed by the board to perform abatements under the supervision of a licensed lead supervisor.

"Licensed lead inspector" or "lead inspector" means an individual who has met the requirements of this chapter, and has been licensed by the board to conduct lead inspections. A licensed inspector may also sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

"Licensed lead project designer" or "lead project designer" means an individual who has met the requirements of this chapter, and has been licensed by the board to prepare abatement project designs, occupant protection plans, and abatement reports.

"Licensed lead risk assessor" or "lead risk assessor" means an individual who has met the requirements of this chapter, and has been licensed by the board to conduct lead inspections and

risk assessments. A licensed risk assessor may also sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

"Licensee" means any person, as defined by § 54.1-500 of the Code of Virginia, who has been issued and holds a currently valid license as a lead abatement worker, lead abatement supervisor, lead inspector, lead risk assessor, lead project designer, or lead abatement contractor under this chapter.

"Living area" means any area of a residential dwelling used by one or more children age six and under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

"Multi-family dwelling" means target housing that contains more than one separate residential dwelling unit, in which one or more units is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

"OSHA" means the United States Department of Labor, Occupational Safety and Health Administration.

"Paint in poor condition" means more than ten square feet of deteriorated paint on exterior components with large surface areas; or more than two square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than ten percent of the total surface area of the component is deteriorated on the interior or exterior components with small surface area (e.g., window sills, baseboards, soffits, trim).

"Permanently covered soil" means soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable material, such as pavement or concrete. Grass, mulch and other landscaping materials are not considered permanent covering.

"Person" means any natural or judicial person including any individual, corporation, partnership, or association; any Indian tribe, state or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the federal government.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching a particular course.

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

"Recognized laboratory" means any environmental laboratory recognized by the EPA as being capable of performing an analysis for lead compounds in paint, soil, and dust.

"Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

"Refresher course" or "refresher training program" means the course of accredited instruction established by this chapter which must be periodically completed as set out in this chapter to maintain an individual's license in a single discipline.

"Residential dwelling" means (i) target housing that is a detached single-family dwelling, including attached structures such as porches and stoops or (ii) target housing that is a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more individuals.

"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 hazards.

"Target housing" means any housing constructed prior to 1978, except for housing for the elderly, or persons with disabilities (unless any one or more children age six years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.

"Training curriculum" means an established set of course topics for instruction in an accredited lead training program for a particular discipline designed to provide specialized knowledge and skills.

"Training hour" means at least 50 minutes of actual instruction, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of the instructors.

"TSCA" means the federal Toxic Substances Control Act, 15 USC § 2601 et seq.

"Visual inspection for clearance testing" means the visual examination of a residential dwelling or a child-occupied facility following an abatement to determine whether the abatement has been successfully completed.

"Visual inspection for risk assessment" means the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-30. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume

19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

18VAC15-30-41. Waiver of the requirements of this chapter.

Except as required by law, the board may, in its reasonable discretion, waive any of the requirements of this chapter when in its judgment it finds that the waiver in no way lessens the protection provided by this chapter and Title 54.1 of the Code of Virginia to the public health, safety and welfare. The burden of proof that demonstrates continued public protection rests with the party requesting the waiver. Documents referenced are in effect as they existed as of the date the act or action has occurred.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-50. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

Part III. Entry

18VAC15-30-51. Application procedures.

All applicants seeking licensure, interim licensure or accredited lead training program approval shall submit an application with the appropriate fee specified in 18VAC15-30-162. Application shall be made on forms provided by the department.

By signing the application or submitting it electronically to the department, the applicant certifies that he has read and understands the board's statutes and regulations.

The receipt of an application and the deposit of fees by the board does not indicate approval by the board.

The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied.

Applicants will be notified if their application is incomplete. Applicants who fail to complete the process within 12 months after the date the department receives the application shall submit a

new application and fee.

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.

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.

18VAC15-30-53. Qualifications for licensure

A. General. Every business entity shall secure a license before transacting business.

B. Name. The business name shall be disclosed on the application. The name under which the entity conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also be disclosed on the application. Business entities shall register their trade or fictitious names with the State Corporation Commission in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia before submitting their applications to the board.

C. Address. The applicant shall disclose the firm's mailing address and the firm's physical address. A post office box is only acceptable as a mailing address when a physical address is also provided.

D. Form of organization. Applicants shall meet the additional requirements listed below for their business type:

1. Corporations. All applicants shall have been incorporated in the Commonwealth of Virginia or, if a foreign corporation, shall have obtained a certificate of authority to conduct business in Virginia from the State Corporation Commission in accordance with § 13.1-544.2 of the Code of Virginia. The corporation shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

2. Limited liability companies. All applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign limited liability company, shall have obtained a certificate of registration to do business in Virginia from the State Corporation Commission in accordance with § 13.1-1105 of the Code of Virginia. The company shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

3. Partnerships. All applicants shall have a written partnership agreement. The partnership agreement shall state that all professional services of the partnership shall be under the direction and control of a licensed or certified professional.

4. Sole proprietorships. Sole proprietorships desiring to use an assumed or fictitious name, that is a name other than the individual's full name, shall have their assumed or fictitious name recorded by the clerk of the court of the county or jurisdiction wherein the business is to be conducted.

E. Qualifications.

1. Lead contractor. Each applicant for lead contractor licensure shall:

a. Hold a valid Virginia contractor license with a lead specialty issued by the Virginia Board for Contractors and comply with the provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.

b. Certify that:

(1) Only properly licensed lead abatement supervisors and workers will be employed to conduct lead-based paint activities;

(2) A licensed lead abatement supervisor is present at each job site during all work site preparation and during post-abatement cleanup, and shall be on site or available by telephone, pager, or answering service and able to be present at the work site in no more than two hours when abatement activities are being conducted;

(3) The standards for conducting lead-based paint activities established in this chapter and standards established by EPA and OSHA shall be followed at all times during the conduct of lead-based paint activities; and

(4) The company is in compliance with all other occupational and professional licenses and standards as required by Virginia statute and local ordinance to transact the business of a lead abatement contractor.

F. Conviction or guilt. Neither the firm nor the owners, officers, or directors shall have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having lapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. A certified copy of the final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision shall be admissible as prima facie evidence of such conviction or discipline. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

G. 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.) and Part IX (18VAC15-30-760 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.

H. Standing. Both the firm and the owners, officers, and directors 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 to any applicant based on disciplinary action by any jurisdiction.

I. Denial of license. The board may refuse to issue a license to any lead contractor applicant if the applicant or its owners, officers, or directors have a financial interest in a lead contractor whose

lead license has been revoked, suspended, or denied renewal in any jurisdiction.

Statutory Authority

§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 36, Issue 15, eff. May 1, 2020.

18VAC15-30-54. Qualifications for accredited lead training program approval.

A. For a training program to obtain accreditation from the board to teach lead-based paint activities, the program shall demonstrate through its application material that it meets the minimum requirements for principal instructor qualifications, required topic review, length of training, and recordkeeping for each discipline for which the program is seeking accreditation. Training programs shall offer courses that teach the standards for conducting lead-based paint activities contained in this chapter and other such standards adopted by the EPA.

B. Each applicant for approval as an accredited lead training provider shall meet the requirements established by this chapter before being granted approval to offer an accredited lead training program. Applicants requesting approval of a lead training program to prepare participants for licensure shall apply on a form provided by the board. The application form shall be completed in accordance with the instructions supplied and shall include the following:

1. The course for which it is applying for accreditation.
2. A statement signed by the training program manager, which certifies that the training program meets the minimum requirements established in this chapter.
3. The names and qualifications, including education and experience, of each principal instructor.
4. A copy of the student manuals and instructor manuals or other materials to be used.
5. A copy of the course agenda that includes the time allocation for each course topic.
6. A copy of the test and answer sheet.
7. A description of the facilities and equipment to be used for lecture and hands-on training.
8. A description of the activities and procedures that will be used for conducting the assessment of hands-on skills.
9. A copy of the quality control plan as described in this chapter.
10. An example of a certificate that will be issued to students who successfully complete the course.
11. A proposed course date for auditing purposes.
12. The application fee required by 18VAC15-30-162.

C. The completed application form with attachments and fee shall be received by the board no later than 45 days before the desired audit date.

D. An applicant may seek approval for as many initial and refresher courses as it chooses, but shall submit a separate application and fee for each program.

E. Applicants may seek accreditation to offer lead-based paint activities initial or refresher courses in any of the following disciplines: lead abatement worker, lead project designer, lead abatement supervisor, lead inspector, and lead risk assessor.

F. Each training program shall be conducted in compliance with this chapter to qualify for and maintain approval as an accredited lead training program.

G. Upon receipt of an application, the board shall conduct a preliminary review and shall notify the applicant in writing of any deficiencies in the submittal packages. Applicants will have one year from the board's receipt of the application to correct any problems noted in the review.

H. After the application has been found to be complete and in compliance with this chapter, an on-site audit of the training program shall be conducted. The board shall conduct an additional on-site audit, grant approval or deny approval based on the board's evaluation of the level of compliance with this chapter found during the initial on-site audit.

I. Applicants denied approval shall have one year from the date of receipt of the application by the board to correct any deficiencies and notify the board in writing.

J. An accredited training provider shall have been approved by the board before its training certificates shall be accepted by the board as evidence that an individual has completed an accredited lead training program.

K. Each accredited lead training program that is granted approval shall be sent a form indicating the discipline approved and an expiration date that shall be maintained at the business address listed on the application.

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.

18VAC15-30-60. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-100. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

Part IV. Fees

18VAC15-30-161. General fee requirements.

A. All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

B. Fees for approval and renewal of an accredited lead training program and an accredited lead refresher training program shall not be imposed on any state, local government, or nonprofit training program.

C. The examination fee is subject to contracted charges to the department by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees will be adjusted and charged to the candidate in accordance with this contract.

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 32, Issue 1, eff. November 1, 2015.

18VAC15-30-162. Application fees.

Application fees are as follows:

Fee Type	Fee Amount	When Due
Application for worker, supervisor, inspector, risk assessor or project designer license	\$80	With application
Application for a lead contractor license	\$110	With application
Application for accredited lead training program approval	\$500 per day of training	With application
Application for accredited lead	\$500	With

refresher training program approval except for project designer refresher		application
Application for accredited lead project designer refresher training program approval	\$250	With application

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.

18VAC15-30-163. Renewal and late renewal fees.

A. Renewal and late renewal fees are as follows:

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$45	With renewal application
Renewal for lead contractor license	\$70	With renewal application
Renewal for accredited lead training program approval	\$125	With renewal application
Late renewal for worker, supervisor, inspector, risk assessor, or project designer license (includes a \$35 late renewal fee in addition to the regular \$45 renewal fee)	\$80	With renewal application
Late renewal for lead contractor license (includes a \$35 late renewal fee in addition to the regular \$70 renewal fee)	\$105	With renewal application
Late renewal for accredited lead training program approval (includes a \$35 late renewal fee in addition to the regular \$125 renewal fee)	\$160	With renewal application

B. For licenses expiring after February 1, 2021, and before February 1, 2023, the renewal fees shall be as follows:

Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$25
Renewal for lead contractor license	\$30
Renewal for accredited lead training program approval	\$40

For late renewals received after March 1, 2021, and on or before February 28, 2023, the late renewal fees shall be as follows:

Late renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$60
Late renewal for lead contractor license	\$65
Late renewal for accredited lead training program approval	\$75

C. For licenses expiring after February 1, 2023, and before February 1, 2025, the renewal fees shall be as follows:

Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$25
Renewal for lead contractor license	\$30
Renewal for accredited lead training program approval	\$40

For late renewals received after March 1, 2023, and on or before February 28, 2025, the late renewal fees shall be as follows:

Late renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$60
Late renewal for lead contractor license	\$65
Late renewal for accredited lead training program approval	\$75

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 34, Issue 8, eff. February 1, 2018; Volume 36, Issue 9, eff. February 1, 2020; Volume 37, Issue 14, eff. April 1, 2021; Volume 39, Issue 12, eff. March 1, 2023.

Part V. Renewal

18VAC15-30-164. Renewal required.

A. Interim licenses shall expire six months from the last day of the month during which the individual completed the board-approved initial or refresher accredited lead training program required by 18VAC15-30-52 regardless of the date on which the board received the application for initial licensure or the date the board issued the license.

B. Interim licenses shall not be renewed or extended.

C. Individual licenses shall expire 12 months from the last day of the month wherein issued.

D. Contractor licenses shall expire 12 months from the last day of the month wherein issued.

E. Accredited lead training programs approval shall expire 24 months from the last day of the month in which the board granted approval.

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.

18VAC15-30-165. Procedures for renewal.

A. The board shall mail a renewal notice to the licensee or accredited lead training provider at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee or accredited lead training provider of the obligation to renew.

B. Prior to the expiration date shown on the license or approval, each licensee or accredited lead training provider desiring to renew the license or approval shall return to the board the renewal notice and the renewal fee. Documentation of refresher training programs for individuals and of the requirements in 18VAC15-30-166 C for accredited lead training programs shall be sent to the board.

C. Should the licensee or accredited lead training provider fail to receive the renewal notice, a photocopy of the current lead license or accredited lead training program approval may be substituted for the renewal notice and mailed with the required fee to the board.

D. Interim licensure shall not be renewed or extended. Each applicant who wishes a second interim license must provide to the board evidence of having retaken and satisfactorily completed the initial training requirements and make a new application to the board.

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.

18VAC15-30-166. Qualifications for renewal.

A. Individuals.

1. Licensees desiring to maintain an individual license shall satisfactorily complete the required board-approved refresher training course within 36 months after the date that the initial or most recent refresher training course was completed and at least once every 36 months thereafter. In the case of a proficiency-based course completion, refresher training is required every 60 months instead of 36 months.

2. Licensees are responsible for ensuring that the board receives proof of completion of the required board-approved training. Prior to the expiration date shown on the individual's current license, the individual desiring to renew that license shall provide evidence of meeting

the board-approved refresher training requirement for license renewal.

3. Refresher training shall be specific to the discipline of the license being renewed.

4. The board shall renew an individual license for an additional 12 months upon receipt of a renewal application and fee in compliance with 18VAC15-30-163 and 18VAC15-30-165, provided that the licensee has complied with subdivisions 1 through 3 of this subsection.

B. Contractors. The board shall renew a contractor license for an additional 12 months upon receipt of a renewal application and the renewal fee in compliance with 18VAC15-30-163 and 18VAC15-30-165. Return of the renewal application and renewal fee to the board shall constitute a certification that the licensee is in full compliance with the board's regulations.

C. Accredited training programs.

1. Accredited lead training providers desiring to maintain approval of their accredited lead training program shall cause the board to receive the following no later than 24 months after the date of initial approval and not less often than once each 24 months thereafter:

a. The training provider's name, address, and telephone number.

b. A statement signed by the training program manager that certifies that:

(1) The course materials for each course meet the requirements of Part VII (18VAC15-30-440 et seq.) of this chapter.

(2) The training manager and principal instructors meet the qualifications listed in 18VAC15-30-340.

(3) The training program manager complies at all times with all requirements of this chapter.

(4) The quality control program meets the requirements noted in 18VAC15-30-410.

(5) The recordkeeping requirements of this chapter will be followed.

2. Return of the renewal application and renewal fee to the board shall constitute a certification that the accredited lead training provider is in full compliance with the board's regulations.

3. An audit by a board representative may be performed to verify the certified statements and the contents of the application before relicensure is granted.

4. Accredited lead training programs determined by the board to have met the renewal requirements shall be issued an approval for an additional 24 months.

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.

18VAC15-30-167. Late renewal.

A. If the renewal fee is not received by the board within 30 days after the expiration date printed on the license or accredited lead training program approval, a late renewal fee shall be required in addition to the renewal fee.

B. Any licensee or accredited lead training provider who fails to renew his license or accredited lead training program approval within 12 months after the expiration date on the license or approval shall not be permitted to renew and shall apply as a new applicant.

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 15, eff. May 1, 2015.

18VAC15-30-170. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

18VAC15-30-190. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-205. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

18VAC15-30-210. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-225. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

18VAC15-30-230. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-245. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; derived from or amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

18VAC15-30-310. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-330. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Statutory Authority

Historical Notes

Part VI. Standards of Practice and Conduct for Accredited Lead Training Programs

18VAC15-30-332. Changes to an approved course.

Once a training course has been approved, substantial changes in any of the approved items must be submitted to the board for review and approval prior to the continuation of the training course. These items include, but are not limited to:

1. Course curriculum.
2. Course examination.
3. Course materials.
4. Training manager and principal instructor or instructors.
5. Certificate of completion.

The board shall communicate its approval or disapproval in the same manner as for initial applications for accreditation approval.

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.

18VAC15-30-334. Change of ownership.

When an accredited lead training provider offering an accredited lead training program has a change of ownership, the new owner shall apply anew.

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.

18VAC15-30-340. Qualifications of training managers and principal instructors.

A. The training program shall employ a training manager who:

1. Has at least two years experience, education, or training in teaching workers or adults; has a bachelor's or graduate level degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, program management, or a related field; or has two years experience in managing a training program that specialized in environmental hazards; and
2. Has demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

B. The training program shall employ a qualified principal instructor, designated by the training manager, for each course who:

1. Demonstrates experience, education or training in teaching workers or adults;
2. Successfully completed a minimum of 16 hours of any EPA-accredited or board-approved lead-specific training; and
3. Demonstrated experience, education or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

C. Documentation of all principal instructor qualifications shall be reviewed and approved by the board prior to the principal instructor teaching in an accredited lead training program.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-350. Responsibilities of the training manager.

A. The training program shall employ a training manager who shall be responsible for ensuring that the training program complies at all times with the requirements of this chapter and who is responsible for maintaining:

1. The validity and integrity of the hands-on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics.
2. The validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

B. The training manager shall, for each course offered, designate a principal instructor. Principal instructors are responsible for the organization of the course and oversight of the teaching of all

course material.

C. Guest instructors may be designated by the training manager as needed to provide instruction specific to the lecture, hand-on activities, or work practice components of a course.

D. Any training manager who intends to also serve as a principal instructor shall meet the requirements of subsection B of 18VAC15-30-340 and provide documentation to the board prior to instructing.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-360. Training manager and principal instructor documentation.

The following documents shall be recognized by the board as proof that training managers and principal instructors meet the relevant educational, work experience, and training requirements specifically listed in 18VAC15-30-340:

1. Official academic transcripts or diplomas as proof of meeting the educational requirements.
2. Resumes, letters of reference, or documentation of work experience as proof of meeting the work experience requirements.
3. Certificates from lead-specific training courses as proof of meeting the training requirements.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-370. Training facilities.

The training program shall provide adequate facilities for the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices, and maintaining or updating the equipment and facilities as needed.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-380. Length of training courses.

A. The length of training courses are as follows:

1. The training course for lead inspector shall last a minimum of 24 training hours, with a minimum of eight hours devoted to hands-on training activities.
2. The training course for lead risk assessor shall last a minimum of 16 training hours with a minimum of four hours devoted to hands-on training activities. As a prerequisite, the 24 training hours provided for in subdivision 1 of this subsection for lead inspector shall be required.
3. The training course for lead project designer shall last a minimum of eight training hours. As a prerequisite, the 32 training hours provided for in subdivision 4 of this subsection for lead abatement supervisor shall be required.
4. The training course for lead abatement supervisor shall last a minimum of 32 training hours, with a minimum of eight hours devoted to hands-on activities.
5. The training course for lead abatement worker shall last a minimum of 16 training hours, with a minimum of eight hours devoted to hands-on activities.
6. All lead refresher courses shall last a minimum of eight training hours, except the project designer refresher course which shall last a minimum of four training hours.

B. In no case shall actual training exceed eight hours during any single 24-hour period, exceed four hours when conducted during evening hours (after 5 p.m. and before 8 a.m.) except training that is conducted during the student's normal second or third shift working hours, or exceed 16 hours during any weekend (Friday after 5 p.m. to Monday 8 a.m.).

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-390. Course examination.

A. For each course, the accredited lead training program shall conduct a monitored, written course test at the completion of the course and a hands-on skills assessment, or as an alternative, a proficiency test. Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course, or successfully complete a proficiency test. Refresher training programs are not required to conduct a hands-on skills assessment.

B. The course test is an evaluation of the overall effectiveness of the training which shall test the trainee's knowledge and retention of the topics covered during the course. An oral course test may be administered in lieu of a written course test for lead abatement worker only.

C. Seventy percent shall be the passing score on the course test.

D. The hands-on skills assessment is an evaluation of the effectiveness of the hands-on training which shall test the ability of the trainees to demonstrate satisfactory performance of work practices and procedures specified in Part VIII (18VAC15-30-440 et seq.) of this chapter, as well as any other skills demonstrated in the course.

E. The use of a proficiency test in lieu of a hands-on assessment and course test may be considered by the training provider. An accredited lead training program that offers a proficiency test shall assure that the test consists primarily of an evaluation of the effectiveness and reliability of a student's ability to conduct a particular lead-based paint activity. The proficiency test must also cover all of the topics and skills addressed in a particular course. For instance, a proficiency-based course in inspection could involve a mix of lecture material with students conducting a mock inspection in a residential dwelling with known lead-based paint concentrations. The student would be evaluated on the accuracy of the results of their inspection. For a training program to make use of a proficiency-based course, that course must be approved by the board in the same manner as approval for any other course, including fees.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-400. Certificates of completion.

Accredited lead training programs shall issue unique course completion certificates to each individual who successfully completes the course requirements. The course completion certificate shall include:

1. A unique certificate number.
2. The name and address of the individual.
3. The name of the particular course that the individual completed.
4. Dates of course completion/test passage.
5. Expiration date. Training certificates shall expire three years from the date of course completion. If the accredited lead training program offers a proficiency test, the training certificates shall expire five years from the date of course completion.
6. Name, address, and telephone number of the training provider.

7. Name and signature of the training manager and principal instructor.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 31, Issue 15, eff. May 1, 2015.

18VAC15-30-410. Quality control plan.

The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the accredited lead training program over time. This plan shall contain at least the following elements:

1. Procedures for periodic revision of training materials and course test to reflect innovations in the field.
2. Procedures for the training manager's annual review of principal instructor competency.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-420. Recordkeeping and provision of records to the board.

A. Each accredited lead training program shall maintain and make available upon request from the board the following records:

1. All documents specified in 18VAC15-30-360 that demonstrate the qualifications listed in 18VAC15-30-340 of the training manager and principal instructors.
2. Current curriculum/course materials and documents reflecting any changes made to these materials.
3. Course examination.
4. Information on how the hands-on assessment is conducted including, but not limited to, who conducts the assessment, how the skills are graded, what facilities are used, and the pass/fail rate.
5. The quality control plan described in 18VAC15-30-410.

6. Results of the student's hands-on skills assessments and course examination and a copy of each student's course completion certificate.

7. Any other material not listed in this chapter that was submitted to the board as part of the

application for accreditation.

The accredited lead training provider shall retain these records at the location specified on the training program application for a minimum of three years and six months.

B. The training manager shall notify the board at least 48 hours prior to the start date of any accredited lead training program.

C. The training manager shall provide an updated notification when an accredited lead training program will begin on a date other than the start date specified in the original notification as follows:

1. For accredited lead training programs beginning prior to the start date provided to the board, an updated notification must be received by the board at least 48 hours before the new start date.
2. For accredited lead training programs beginning after the start date provided to the board, an updated notification must be received by the board at least 48 hours before the start date provided to the board.

D. The training manager shall update the board of any change in location of an accredited lead training program at least seven business days prior to the start date provided to the board.

E. The training manager shall update the board regarding any accredited lead training program cancellations or any other change to the original notification at least two business days prior to the start date provided to the board. This requirement shall not apply to situations or circumstances beyond the control of the training provider.

F. Each notification, including updates, shall include the following:

1. Notification type (original, update, cancellation).
2. Training program name, Virginia accreditation number, address, and telephone number.
3. Course discipline, type (initial/refresher), and the language in which the instruction will be given.
4. Dates and times of training.
5. Training locations, telephone number, and address.
6. Principal instructor's name.
7. Training manager's name and signature.

G. The training program participant list shall be completed by the training provider and training program participants daily.

H. The training program participant list shall be retained by the training provider for three years following the date of completion of the training program.

I. The training manager shall provide to the board the accredited lead training program participant list no later than 10 business days following the training program completion. For the

purposes of this section, a business day shall mean Monday through Friday with the exception of federal holidays.

J. The training program participant list shall include the following:

1. Training program name, Virginia accreditation number, address, and telephone number.
2. Course discipline and type (initial/refresher).
3. Dates of training.
4. Each participant's name, address, social security number, course completion certificate number, and course test score.
5. Training manager's name and signature.

K. Notifications and training program participant lists shall be submitted electronically in the manner established by the board specifically to receive this documentation using a sample form designed by and available from the board. Any variation upon this procedure shall be approved by the board prior to submission.

L. The training provider shall retain all examinations completed by training program participants for a period of three years.

M. The department shall not recognize training certificates from approved training providers that fail to notify or fail to provide a training program participant list.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-430. Change of address.

The accredited lead training provider shall notify the board 30 days prior to relocating its business or transferring the records.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part VII. Training Course Curricula Requirements

18VAC15-30-440. General.

Training programs shall ensure that their courses of study for various lead-based paint activities disciplines cover the mandatory subject areas. Requirements listed in this part ending in an asterisk (*) indicate areas that require hands-on training as an integral component of the course. All training courses shall be discipline specific.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-450. Initial training criteria for lead abatement worker.

The lead abatement workers course shall last a minimum of 16 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Role and responsibilities of an abatement worker.
2. Background information and health effects of lead.
3. Background information on federal, state and local regulations and guidance that pertains to lead-based paint activities.
4. Lead-based paint hazard recognition and control methods.*
5. Lead-based paint abatement and lead hazard reduction methods, including restricted work practices.*
6. Interior dust abatement methods/clean-up or lead hazard reduction.*
7. Soil and exterior dust abatement methods or lead hazard reduction.*
8. Course review.
9. Examination.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-460. Initial training criteria for lead abatement supervisor.

The lead abatement supervisor course shall last a minimum of 32 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Role and responsibilities of an abatement supervisor.
2. Background information on lead and the adverse health effects.
3. Background information on federal, state and local regulations and guidance that pertains to lead-based paint activities including distribution and thorough review of the Virginia Lead-Based Paint Activities Regulations.
4. Liability and insurance issues relating to lead-based paint abatement.
5. Risk assessment and inspection report interpretation.*
6. Development and implementation of an occupant protection plan and abatement report.
7. Lead-based paint hazard recognition and control methods.*
8. Lead-based paint abatement or lead hazard reduction methods, including restricted work practices.*
9. Interior dust abatement/clean-up or lead hazard reduction.*
10. Soil and exterior dust abatement or lead hazard reduction.*
11. Clearance standards and testing.
12. Clean-up and waste disposal.
13. Recordkeeping.
14. Course review.
15. Examination.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-470. Initial training criteria for lead inspector.

The lead inspector course shall last a minimum of 24 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Background information on lead.
2. Health effects of lead.
3. Regulatory review. This entails a discussion of applicable federal, state and local regulations that pertains to lead-based paint, including distribution and thorough review of this chapter.
4. Roles and responsibilities of the lead-based paint inspector.

5. Lead-based paint inspection methods, including selection of rooms and components for sampling or testing.*
6. Paint, dust, and soil sampling methodologies.*
7. Preparation of the final inspection report.*
8. Clearance standards and testing, including random sampling.*
9. Recordkeeping.
10. Course review.
11. Examination.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-480. Initial training criteria for lead risk assessors.

The lead risk assessor course shall last a minimum of 16 hours and shall address the following topics with a minimum of four hours devoted to hands-on training, which includes site visits:

1. Role and responsibilities of a risk assessor.
2. Regulatory review. This entails a discussion of applicable federal, state and local regulations that pertain to lead-based paint, including distribution and thorough review of this chapter.
3. Collection of background information to perform risk assessment.
4. Visual inspection for the purpose of identifying potential sources of lead-based hazards.*
5. Sources of environmental lead contamination such as paint, surface dust, water, air, packaging, and food.
6. Lead hazard screen protocol.
7. Sampling for other sources of lead exposure.*
8. Interpretation of lead-based paint and other sampling results.
9. Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.
10. Preparation of a final risk assessment report.
11. Course review.
12. Examination.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-490. Initial training criteria for lead project designer.

The lead project designer course shall last a minimum of eight hours and shall address the following topics:

1. Role and responsibilities of a project designer.
2. Development and implementation of an occupant protection plan for large scale abatement projects.
3. Lead-based paint abatement and lead-based paint hazard reduction methods for large scale abatement projects.
4. Interior dust abatement/clean-up or lead hazard control and reduction methods for large scale abatement projects.
5. Clearance standards and testing for large scale abatement projects.
6. Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.
7. Course review.
8. Examination.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-500. Refresher training criteria.

The refresher course for all disciplines shall address the following topics:

1. An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
2. Current federal, state, and local laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline including distribution and thorough review of the Virginia Lead-Based Paint Activities Regulations.

3. Current technologies relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part VIII. Standards for Conducting Lead-Based Paint Activities

18VAC15-30-510. General requirements.

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

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

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

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

E. When performing a lead-based paint inspection, lead-hazard screen, risk assessment, or abatement, a licensed individual must perform that activity in compliance with documented methodologies. The following documented methodologies that are appropriate for this chapter are incorporated by reference:

1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Second Edition, July 2012.
2. 40 CFR Part 745, Subpart D (January 6, 2020, update).
3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-

Contaminated Soil (60 FR 47248-47257, September 11, 1995).

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

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

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

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

Statutory Authority

§§54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006; Volume 39, Issue 23, eff. September 1, 2023.

18VAC15-30-511. Determination of the presence of lead-based paint, a paint-lead hazard, a dust-lead hazard, and a soil-lead hazard.

A. Lead-based paint is present:

1. On any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and
2. On any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

B. A paint-lead hazard is present:

1. On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified by EPA, pursuant to 15 USC § 2683;
2. On any chewable lead-based paint surface on which there is evidence of teeth marks;
3. Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame); and
4. If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

C. A dust-lead hazard is present in a residential dwelling or child-occupied facility:

1. In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than identified by EPA, pursuant to 15 USC § 2683 for floors and interior window sills;
2. On floors or interior window sills in an unsampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and
3. On floors or interior window sills in an unsampled common area in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled common area in the same common area group on the property.

D. A soil-lead hazard is present:

1. In a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than identified by EPA pursuant to 15 USC § 2683; or
2. In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., nonplay areas) for each residential building on a property is equal to or greater than identified by EPA pursuant to 15 USC § 2683.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8, 2003.

18VAC15-30-520. Inspections.

A. Inspections shall be conducted only by persons licensed by the board as an inspector or risk assessor.

B. When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:

1. In a residential dwelling or child-occupied facility, each testing combination with a distinct painting history and each exterior testing combination with a distinct painting history shall be tested for lead-based paint, except those testing combinations that the inspector or risk assessor determines to have been replaced after 1978, or do not contain lead-based paint.
2. In a multi-family dwelling or child-occupied facility, each testing combination with a distinct painting history in every common area, except those testing combinations that the inspector or risk assessor determines to have been replaced after 1978, or do not contain lead-based paint.

C. Paint shall be sampled in the following manner:

1. The analysis of paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures; and/or
2. Collected paint chips shall be sent to a laboratory recognized by EPA as being capable of performing the analysis.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-530. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-540. Written inspection report.

The licensed inspector or risk assessor shall prepare an inspection report that shall include the following information:

1. Date of each inspection.
2. Address of buildings.
3. Date of construction.
4. Apartment numbers (if applicable).
5. Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.
6. Name, signature, and license number of each licensed inspector or risk assessor conducting testing.
7. Name, address, and telephone number of the firm employing each inspector or risk assessor.
8. Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data, and, if used, the serial number of any X-Ray Fluorescence Spectroscopy (XRF) device.
9. Specific locations of each painted testing combination tested for the presence of lead-based

paint.

10. The results of the inspection expressed in terms appropriate to the sampling methods used.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8, 2003.

18VAC15-30-541. Lead hazard screen.

A. A lead hazard screen shall only be conducted by individuals licensed by the board as a risk assessor.

B. If conducted, a lead hazard screen shall be conducted as follows:

1. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under shall be collected.

2. A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

a. Determine if any deteriorated paint is present; and

b. Locate at least two dust sampling locations.

3. If deteriorated paint is present, each surface with deteriorated paint, which is determined to be in poor condition by using documented methodologies and to have a distinct painting history, shall be tested for the presence of lead.

4. In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways, or stairwells where one or more children, age six and under, are likely to come in contact with dust.

5. In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in 18VAC15-30-550 B 4, the risk assessor shall also collect composite dust samples from common areas where children, age six and under, are most likely to come into contact with dust.

C. Dust samples shall be collected in the following manner:

1. All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

2. All dust samples shall be sent to a laboratory recognized by EPA as being capable of performing the analysis to determine if they contain detectable levels of lead that can be quantified numerically.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-542. Written lead hazard screen report.

After a lead hazard screen has been conducted, a written hazard screen report shall be prepared by the risk assessor. A lead hazard screen report shall contain the following minimum information:

1. The information identified in a risk assessment report as specified in 18VAC15-30-610, including 18VAC15-30-610 1 through 18VAC15-30-610 14. Additionally, any background information collected pursuant to 18VAC15-30-541 B 1 of this chapter shall be included in the report.
2. Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-550. Risk assessment.

A. A risk assessment shall only be conducted by individuals licensed by the board as risk assessors.

B. If conducted, a risk assessment shall be conducted as follows:

1. A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of deterioration, and other potential lead-based paint hazards.
2. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under shall be collected.
3. The following surfaces that are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead:
 - a. Each friction surface or impact surface with visibly deteriorated paint; and
 - b. All other surfaces with visibly deteriorated paint.

4. In residential dwellings, dust samples (either composite or single-surface samples) from the

interior window sill(s) and floor shall be collected and analyzed for lead concentration in living areas where one or more children, age six and under, are most likely to come into contact with dust.

5. For multi-family dwellings and child-occupied facilities, the samples required in 18VAC15-30-550 B (3) shall be taken. In addition, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in the following locations:

- a. Common areas adjacent to the sampled residential dwelling or child-occupied facility; and
- b. Other common areas in the building where the risk assessor determines that one or more children, age six and under, are likely to come into contact with dust.

6. For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in each room, hallway or stairwell utilized by one or more children, age six and under, and in other common areas in the child-occupied facility where one or more children, age six and under, are likely to come into contact with dust.

7. Soil samples shall be collected and analyzed for lead concentrations in the following locations:

- a. Exterior play areas where bare soil is present;
- b. The rest of the yard (i.e., nonplay areas) where bare soil is present; and
- c. Dripline/foundation areas where bare soil is present.

8. Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.

9. Any collected paint chip, dust, or soil sample shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-560. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

18VAC15-30-610. Written risk assessment report.

After an assessment has been conducted, a written assessment report shall be completed. A risk assessment report shall contain the following minimum information:

1. Date of assessment.
2. Address of each building.
3. Date of construction of each building.
4. Apartment numbers (if applicable).
5. Name, address, and telephone number of each owner of each building.
6. Name, signature, and license number of the licensed risk assessor conducting the assessment.
7. Name, address, and telephone number of the firm employing each risk assessor.
8. Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.
9. Results of the visual inspection.
10. Testing method and sampling procedures for paint analysis employed.
11. Specific locations of each painted testing combination tested for the presence of lead-based paint.
12. All data collected from on-site testing, including quality control and, if used, the serial number of any XRF device.
13. All results of laboratory analysis on collected paint, soil, and dust samples.
14. Any other sampling results.
15. Any background information collected pursuant to 18VAC15-30-550 B 2.
16. To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint related hazards.
17. A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazard.
18. A description of interim controls or abatement options, or both, for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-620. Abatement.

A. Abatement shall be conducted only by individuals licensed by the board as supervisors or workers and employed by a licensed lead abatement contractor.

B. A licensed lead abatement supervisor is required for each abatement project and shall be on-site during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the licensed supervisor shall be on-site or available by telephone, pager or answering service, and able to be present at the work site in no more than two hours.

C. The licensed lead abatement supervisor and the licensed lead abatement contractor employing the supervisor shall ensure that all abatement activities are conducted according to the requirements of this chapter and all other federal, state and local regulations.

D. A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:

1. The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazard.

2. A licensed lead abatement supervisor or lead project designer shall prepare the occupant protection plan.

E. The following work practices shall be restricted during an abatement:

1. Open-flame burning or torching of lead-based paint is prohibited.

2. Machine sanding or grinding or abrasive blasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

3. Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or stairwell or totaling no more than 20 square feet on exterior surfaces.

4. Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.

F. If the soil is removed:

1. The soil shall be replaced by soil with a lead concentration as close to local background as practicable, but no greater than 400 ppm.
2. The soil that is removed shall not be used as top soil at another residential property or child-occupied facility.
3. If soil is not removed, the soil shall be permanently covered as defined in 18VAC15-30-20.

G. An abatement report shall be prepared by a licensed lead abatement supervisor or lead project designer. The abatement report shall include the following information:

1. Start and completion dates of abatement.
2. The name and address of each licensed lead abatement contractor conducting the abatements, and the name of each licensed lead abatement supervisor assigned to the abatement project.
3. The occupant protection plan prepared pursuant to subsection D of this section.
4. The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing.
5. The results of clearance testing, the name of each recognized laboratory that conducted the analysis, and the name and signature of the person conducting the analysis.
6. A detailed written description of the abatement, including abatement methods used, locations of rooms and components where abatement occurred, and reason for selecting particular abatement methods for each component and any suggested monitoring of encapsulants or enclosures.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-630. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

18VAC15-30-650. Post-abatement clearance procedures.

The following post-abatement clearance procedures shall be performed by a licensed inspector or

licensed risk assessor:

1. Following an abatement, a visual inspection shall be performed by the licensed inspector or licensed risk assessor to determine if there are any deteriorated painted surfaces or visible amounts of dust, debris, or residue still present. If deteriorated painted surfaces or visible amounts of dust, debris, or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

2. Following a successful visual inspection for clearance, but no sooner than one hour after completion of final post abatement clean-up, clearance sampling shall be conducted.

3. Clearance sampling may be conducted by employing single-surface or composite sampling techniques, and shall be taken using documented methodologies that incorporate adequate quality control procedures.

4. The following post-abatement clearance activities shall be conducted, as appropriate, based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility.

a. After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

b. After conducting an abatement with no containment, two dust samples shall be taken from each of no less than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior window sill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are less than four rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled.

c. Following an exterior paint abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surfaces shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable federal, state, and local requirements.

5. The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies.

6. The licensed inspector or licensed risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each single surface dust sample with the clearance levels, as established in 40 CFR Part 745 Subpart D, for lead in dust on floors, interior window

sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance level or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested.

7. In multi-family dwellings with similarly constructed and maintained residential dwellings, random sampling for the purpose of clearance may be conducted provided:

- a. The licensed individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random sample.
- b. A sufficient number of residential dwellings are selected for dust sampling to provide a 95% level of confidence that no more than 5.0% or 50 dwellings (whichever is less) in the randomly sampled population exceed the appropriate clearance levels.
- c. The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in this chapter.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-651. Composite dust sampling.

Composite dust sampling may be used in situations specified in 18VAC15-30-520 through 18VAC15-30-610. If such sampling is conducted, the following conditions shall apply:

1. Composite dust samples shall consist of at least two aliquots;
2. Every component that is being tested shall be included in the sampling; and
3. Composite dust samples shall not consist of aliquots taken from more than one type of component.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-660. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

Part IX. General Standards of Practice and Conduct

18VAC15-30-760. Responsibility to the public.

The primary obligation of the licensee is to the public. If the licensee's judgment is overruled under circumstances when the safety, health, property, and welfare of the public are endangered, the licensee shall inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. The licensee shall take such action only when his authority to correct a problem has been ignored or overruled.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-770. Public statements.

A. The licensee shall be truthful in all matters relating to the performance of lead abatement or lead consulting services.

B. When serving as an expert or technical witness, the licensee shall express an opinion only when it is based on an adequate knowledge of the facts in issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the licensee shall issue no statements, reports, criticisms, or arguments on matters relating to practices which are inspired or paid for by an interested party or parties, unless one has prefaced the comment by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing any self-interest.

C. Licensees or applicants shall not knowingly make a materially false statement, submit falsified documents, or fail to disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for licensure or renewal.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-780. Solicitation of work.

In the course of soliciting work:

1. The licensee shall not bribe.
2. The licensee shall not falsify or permit misrepresentation of the licensee's work or an associate's academic or professional qualifications, nor shall the licensee misrepresent the degree of responsibility for prior assignments.
3. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associate joint ventures, or past accomplishments of any kind.
4. Materials used in the solicitation of services shall not misrepresent facts of approval, federal, or state requirements.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-790. Professional responsibility.

- A. The licensee or accredited lead training provider shall, upon request or demand, produce to the board, or any of its representatives, any plan, document, book, record or copy thereof in his possession concerning a transaction covered by this chapter, and shall cooperate in the investigation of a complaint filed with the board against a licensee or accredited lead training provider.
- B. A licensee shall not use the design, plans, or work of another licensee with the same type of license without the original's knowledge and consent, and after consent, a thorough review to the extent that full responsibility shall be assumed by the user.
- C. Accredited lead training providers shall admit board representatives for the purpose of conducting an on-site audit, or any other purpose necessary to evaluate compliance with this chapter and other applicable laws and regulations.
- D. Each licensee shall keep his board-approved training and license current.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 31, Issue 20, eff. August 1, 2015.

18VAC15-30-800. Good standing in other jurisdictions.

A. Licensees, accredited lead training providers, training managers, or principal instructors who perform lead project designs, lead inspections, lead risk assessments, lead-based paint abatement training, lead contracting or lead abatement supervisor work in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or approved and shall not have had a license, certification, or approval suspended, revoked, or surrendered in connection with a disciplinary action.

B. Licensees, accredited lead training providers, training managers, or principal instructors shall notify the board in writing no later than 10 days after the final disciplinary action taken by another jurisdiction against their license or approval to conduct lead-based paint activities.

C. Licensees, accredited lead training providers, training managers, or principal instructors may be subject to disciplinary action or removal of a lead training program accreditation for disciplinary actions taken by another jurisdiction.

Statutory Authority

§ 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-810. Grounds for denial of application, denial of renewal, or discipline.

A. The board shall have the authority to fine any licensee or accredited lead training provider, training manager or principal instructor, and to deny renewal, to suspend, to revoke or to deny application for any license or approval as an accredited lead training program, accredited lead training provider, training manager or principal instructor provided for under Chapter 5 of Title 54.1 of the Code of Virginia for:

1. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.
2. Obtaining a license, approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor through fraudulent means.
3. Altering, falsifying or issuing a fraudulent Virginia lead license or a training certificate issued by an accredited lead training provider.
4. Violating any provision of any federal or state regulation pertinent to lead-based paint activities.
5. Having been found guilty by the board, another regulatory authority, or by a court, of any misrepresentation in the course of performing his operating duties.

6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.

7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent threat of significant harm to human health or the environment.

8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which a lead license is held.

9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.

10. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of lawful compliance inspections.

11. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the Code of Virginia or of the regulations of the board by any lead abatement supervisor or lead abatement worker may be cause for disciplinary action against the lead abatement contractor for whom he works if it appears to the satisfaction of the board that the lead abatement contractor knew or should have known of the unlawful act or violation.

12. Failing to notify the board in writing within 30 days after any change in address or name.

13. Acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business.

14. Failing to keep board-approved training and license current.

B. Any individual or firm whose license, approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm shall meet all education, experience, and training requirements, complete the application, and submit the required fee for consideration as a new applicant.

C. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-4021 of the Administrative Process Act.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006; Volume 31, Issue 20, eff. August 1, 2015.

18VAC15-30-820. Suspension or revocation of approval of an accredited lead training provider.

A. The board may suspend, revoke, or modify an accredited lead training program's approval if an accredited lead training provider, training manager, or other person with supervisory authority over the training program has:

1. Misrepresented the contents of a training course to the board or the student population.
2. Failed to submit required information or notification in a timely manner.
3. Failed to submit training program notifications as required and in the manner described in 18VAC15-30-420.
4. Failed to submit training program participant lists as required and in the manner described in 18VAC15-30-420.
5. Failed to maintain required records.
6. Falsified accreditation records, qualifications of the training manager and principal instructors, or other accreditation information.
7. Failed to comply with the federal, state, or local lead-based paint statutes or regulations.
8. Acted as an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the accredited lead training provider's business.

B. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-4021 of the Administrative Process Act.

Statutory Authority

§§ 54.1-201 and 54.1-501 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-830. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Volume 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Statutory Authority

Historical Notes

FORMS (18VAC15-30).

[Lead Abatement Worker License Application, A506-3351LIC-v4 \(eff. 12/2021\)](#)

[Lead Abatement Supervisor License Application, A506-3353LIC-v5 \(eff. 12/2021\)](#)

[Lead Abatement Inspector License Application, A506-3355LIC-v4 \(eff. 12/2021\)](#)

[Lead Abatement Risk Assessor License Application, A506-3356LIC-v6 \(eff. 12/2021\)](#)

[Lead Abatement Project Designer License Application, A506-3357LIC-v4 \(eff. 12/2021\)](#)

[Lead Abatement Contractor License Application, A506-3358LIC-v6 \(eff. 12/2021\)](#)

[Contractor - Asbestos & Lead License Renewal Form, A506-33CONREN-vs9 \(rev. 4/2021\)](#)

[Individual - Lead License Renewal Form, A506-33LREN-vs6 \(rev. 4/2021\)](#)

[Lead - Education Verification Application, A506-33LED-v3 \(rev. 8/2015\)](#)

[Lead - Experience Verification Application, A506-33LEXP-v3 \(rev. 8/2015\)](#)

[Lead Training Course Application, 3331LCRS-v5 \(eff. 5/2020\)](#)

[Inspector/Risk Assessor/Project Designer/Contractor Disclosure Form, A506-33LDIS-v2 \(eff. 8/2013\)](#)

[Virginia Lead Licensing Consumer Information Sheet, A506-33LCIS-v2 \(eff. 8/2013\)](#)

Statutory Authority

Historical Notes

Documents Incorporated by Reference (18VAC15-30).

[Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Second Edition, July 2012, U.S. Department of Housing and Urban Development.](#)

[EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil \(60 FR 47248-47257, September 11, 1995\).](#)

[Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report \(EPA 747-R-95-001, March 1995\).](#)

Statutory Authority

Historical Notes

40 CFR PART 745

LEAD-BASED PAINT POISONING
PREVENTION IN CERTAIN
RESIDENTIAL STRUCTURES

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

HUD GUIDELINES
FOR THE EVALUATION AND
CONTROL OF LEAD-BASED PAINT
HAZARDS IN HOUSING

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

EPA GUIDANCE ON
IDENTIFICATION OF LEAD-
BASED HAZARD

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

EPA RESIDENTIAL SAMPLING OF
LEAD: PROTOCOLS FOR DUST AND
SOIL SAMPLING

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

RESIDENTIAL LEAD-BASED PAINT
HAZARD REDUCTION ACT OF 1992
(PUBLIC LAW 102-550), AS AMENDED
THROUGH APRIL 21, 2005

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1 **Total Number of Requirements: 669**

2 **Part I. Scope**

3
4 **18VAC15-30-10. Scope. (0)**

5
6 This chapter contains procedures and requirements for the accreditation of lead-based
7 paint activities training programs and providers, procedures and requirements for the
8 licensure of individuals and firms engaged in lead-based paint activities in target
9 housing and child-occupied facilities, and standards for performing such activities. (0)
10 This chapter is applicable to all individuals and firms who are engaged in lead-based
11 paint activities as defined in 18VAC15-30-20, except persons who perform these
12 activities within residences which they own, unless the residence is occupied by a
13 person or persons other than the owner or the owner's immediate family while these
14 activities are being conducted or a child residing in the building has been identified as
15 having an elevated blood-lead level. (0)

16 **Statutory Authority**

17 § 54.1-501 of the Code of Virginia.

18 **Historical Notes**

19 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
20 19, Issue 24, eff. October 1, 2003.

21 **Part II. Definitions and General Requirements**

22
23 **18VAC15-30-20. Definitions. (0)**

24
25 A. Section 54.1-500 of the Code of Virginia provides definitions of the following
26 terms and phrases as used in this chapter:

27 "Accredited lead training program"

28 "Board"

29 The following words and terms when used in this chapter shall have the following
30 meanings unless the context clearly indicates otherwise:

31 "Abatement" or "abatement project" means any measure or set of measures designed
32 to permanently eliminate lead-based paint hazards.

- 33 1. "Abatement" includes, but is not limited to:

Formatted: Numbering: Continuous

Commented [HJ(1)]: Relevant terms that are defined in statute should be incorporated by reference. Those definitions would govern the regulated activity.

Formatted: Highlight

34 a. The removal of paint, and dust, the permanent enclosure or encapsulation of
35 lead-based paint, the replacement of painted surfaces or fixtures, or the removal or
36 permanent covering of soil, when lead-based paint hazards are present in such
37 paint, dust or soil; and

38 b. All preparation, cleanup, disposal, and post-abatement clearance testing
39 activities associated with such measures.

40 2. Specifically, "abatement" includes, but is not limited to:

41 a. Lead-based paint activities for which there is a written contract or other
42 documentation that provides that an individual or firm will be conducting activities
43 in or to a residential dwelling or child-occupied facility that:

44 (1) Shall result in the permanent elimination of lead-based paint hazards; or

45 (2) Are designed to permanently eliminate lead-based paint hazards and are
46 described in subdivision 1 of this definition;

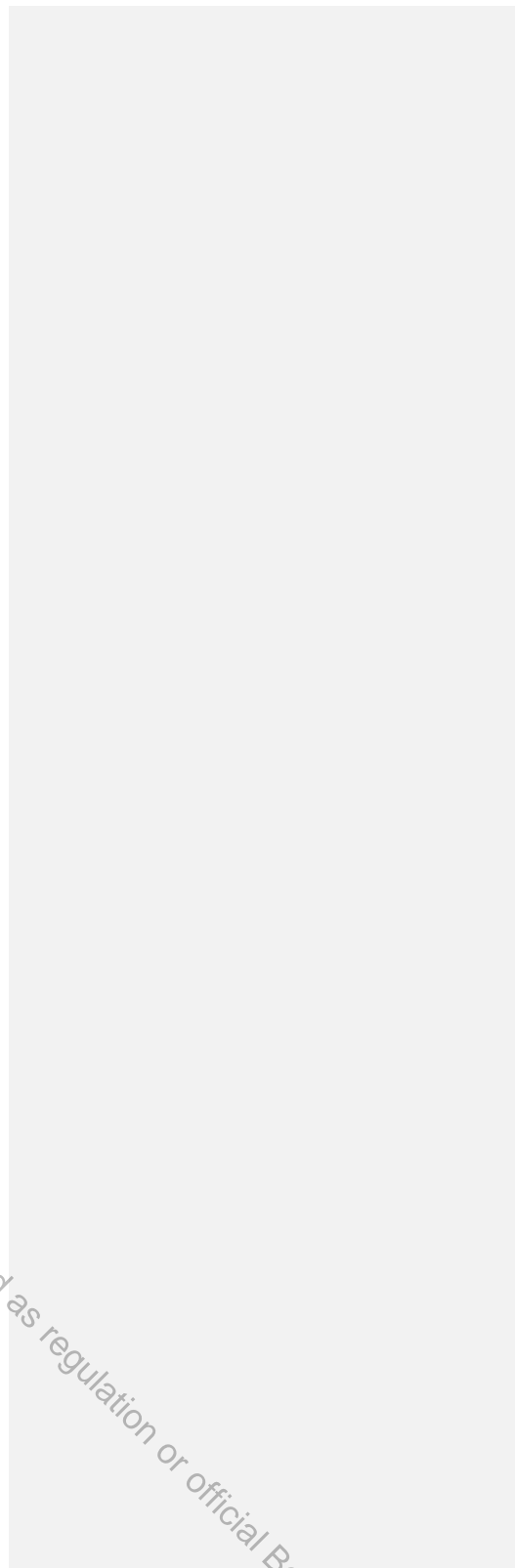
47 b. Lead-based paint activities resulting in the permanent elimination of lead-based
48 paint hazards, conducted by firms or individuals licensed in accordance with this
49 chapter, unless such projects are covered by subdivision 3 of this definition;

50 c. Lead-based paint activities resulting in the permanent elimination of lead-based
51 paint hazards, unless such projects are covered by subdivision 3 of this definition;
52 or

53 d. Lead-based paint activities resulting in the permanent elimination of lead-based
54 paint hazards that are conducted in response to state or local abatement orders.

55 3. Abatement does not include renovation, remodeling, landscaping or other
56 activities when such activities are not designed to permanently eliminate lead-based
57 paint hazards, but instead are designed to repair, restore, or remodel a given
58 structure or dwelling, even though these activities may incidentally result in a
59 reduction or elimination of lead-based paint hazards. Abatement does not include
60 interim controls, operations and maintenance activities, or other measures and
61 activities designed to temporarily, but not permanently, reduce lead-based paint
62 hazards. Furthermore, federally assisted housing and community development
63 programs conducted in compliance with the U.S. Department of Housing and Urban
64 Development Lead-Safe Final Rule 24 CFR Part 35 shall be considered to meet the
65 requirements of this chapter.

66 ~~"Accredited lead training program" means a training program that has been approved~~
67 ~~by the board to provide training for individuals engaged in lead-based paint activities.~~



DRAFT AGENDA
Materials contained in this agenda are for discussion purposes only. Not intended for dissemination as regulation or official Board position.

68 "Accredited lead training provider" means a firm, individual, state or local
69 government, or nonprofit training program that has met the requirements of this
70 chapter and has been approved by the board to offer an accredited lead training
71 program.

72 "Applicant" means any person defined in this chapter who has applied for but has not
73 been granted an interim license, a license or approval as an accredited lead training
74 program, approval as an accredited lead training provider or approval as a training
75 manager or principal instructor by the board.

76 "Application" means a completed board-prescribed form submitted with the
77 appropriate fee and other required documentation.

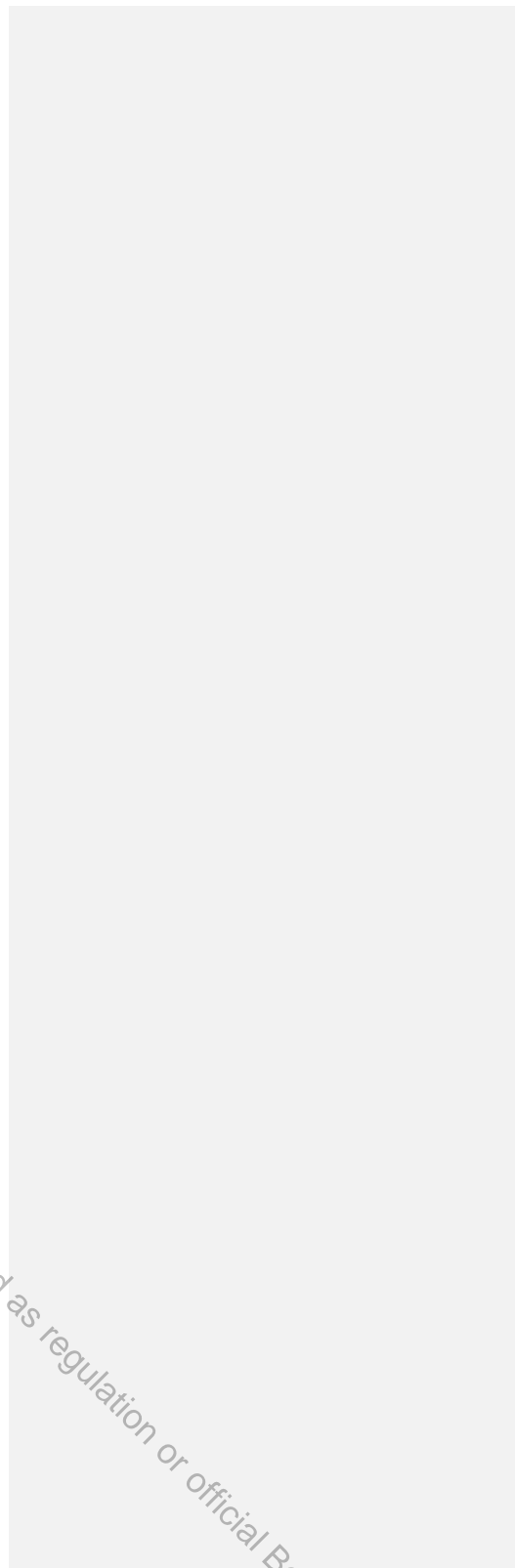
78 ~~"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.~~

79 "Child-occupied facility" means a building, or portion of a building, constructed prior
80 to 1978, visited regularly by the same child, six years of age or under, on at least two
81 different days, within any week (Sunday through Saturday period), provided that each
82 day's visit lasts at least three hours and the combined weekly visit lasts six hours, and
83 the combined annual visits last at least 60 hours. Child-occupied facilities may
84 include, but are not limited to, day-care centers, preschools and kindergarten
85 classrooms.

86 "Clearance levels" means values that indicate the maximum amount of lead permitted
87 in dust on a surface following completion of an abatement activity as identified by
88 EPA, pursuant to 15 USC § 2683.

89 "Common area" means a portion of a building generally accessible to all occupants,
90 including, but not limited to, hallways, stairways, laundry and recreational rooms,
91 playgrounds, community centers, garages and boundary fences.

92 "Component or building component" means specific design or structural elements or
93 fixtures of a building or residential dwelling or child-occupied facility which are
94 distinguished from each other by form, function, and location. These include, but are
95 not limited to, interior components such as ceilings, crown molding, walls, chair rails,
96 doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf
97 supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades,
98 windows and trim (including sashes, window heads, jambs, sills, stools, and troughs),
99 built-in cabinets, columns, beams, bathroom vanities, counter tops and air
100 conditioners, and exterior components such as painted roofing, chimneys, flashing,
101 gutters and downspouts, ceilings, soffits, facias, rake boards, corner boards,
102 bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing
103 caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades,
104 window sills, casings, sashes, wells, stools and troughs.



DRAFT AGENCY MATERIALS FOR DISCUSSION AND COMMENT ONLY. NOT TO BE CONSTRUED AS REGULATION OR OFFICIAL BOARD POSITION.

105 "Containment" means a process to protect workers and the environment by controlling
106 exposures to the lead-contaminated dust and debris created during an abatement.

107 "Course agenda" means an outline of the key topics to be covered during a training
108 course, including the time allotted to teach each topic.

109 "Course test" means an evaluation of the overall effectiveness of the training which
110 shall test the trainees' knowledge and retention of the topics covered during the
111 course.

112 "Course test blue print" means written documentation identifying the proportion of
113 course test questions devoted to each major topic in the course curriculum.

114 "Department" means the Department of Professional and Occupational Regulation or
115 any successor agency.

116 "Deteriorated paint" means paint that is cracking, flaking, chipping, peeling or
117 otherwise separating from the substrate building component.

118 "Discipline" means one of the specific types or categories of lead-based paint
119 activities established in this chapter for which individuals must receive training from
120 accredited lead training providers, as defined in this chapter, and become licensed by
121 the board. For example, "lead abatement worker" is a discipline.

122 "Distinct painting history" means application history, as indicated by its visual
123 appearance or a record of application, over time, of paint or other surface coatings to a
124 component or room.

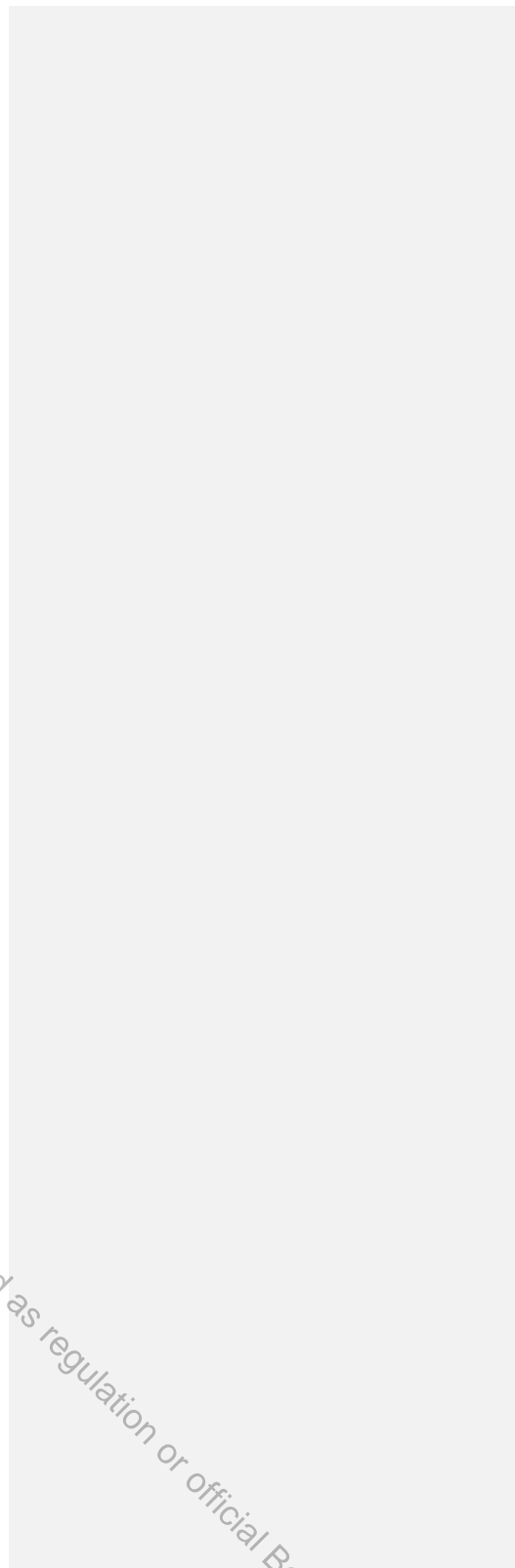
125 "Documented methodologies" means methods or protocols used to sample for the
126 presence of lead in paint, dust, and soil.

127 "Elevated blood-lead level (EBL)" means an excessive absorption of lead that is a
128 confirmed concentration of lead in whole blood of 20 ⁽⁵⁰⁸⁾ %e2 80 9d (micrograms of lead
129 per deciliter of whole blood) for a single venous test or of 15-19 ⁽⁵⁰⁸⁾ %e2 80 9d in two
130 consecutive tests taken three to four months apart.

131
132 "Encapsulant" means a substance that forms a barrier between lead-based paint and
133 the environment using a liquid-applied coating (with or without reinforcement
134 materials) or an adhesively bonded covering material.

135 "Encapsulation" means the application of an encapsulant.

136 "Enclosure" means the use of rigid, durable construction materials that are
137 mechanically fastened to the substrate in order to act as a barrier between lead-based
138 paint and the environment.



DRAFT ACP/PA
Materials contained herein are for discussion purposes only and not to be construed as regulation or official Board position.

139 "Environmental remediation activity" means any activity planned or carried out for
140 the purpose of reducing or eliminating any environmental hazard, including activities
141 necessary to train individuals in the proper or lawful conduct of such activities, which
142 are regulated by federal or state law or regulation.

143 "EPA" means the United States Environmental Protection Agency.

144 "Financial interest" means financial benefit accruing to an individual or to a member
145 of his immediate family. Such interest shall exist by reason of (i) ownership in a
146 business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual
147 gross income that exceeds, or may be reasonably anticipated to exceed \$1,000 from
148 ownership in real or personal property or a business; (iii) salary, other compensation,
149 fringe benefits, or benefits from the use of property, or a combination thereof, paid or
150 provided by a business that exceeds or may reasonably be expected to exceed \$1,000
151 annually; or (iv) ownership of real or personal property if the interest exceeds \$1,000
152 in value.

153 "Firm" means any company, partnership, corporation, sole proprietorship, association,
154 or other business entity.

155 "Guest instructor" means an individual designated by the training program manager or
156 principal instructor to provide instruction specific to the lecture, hands-on activities,
157 or work practice components of a course.

158 "Hands-on skills assessment" means an evaluation that tests the trainees' ability to
159 satisfactorily perform the work practices and procedures identified in this chapter, as
160 well as any other skills taught in a training course.

161 "Hazardous waste" means any waste as defined in 40 CFR 261.3.

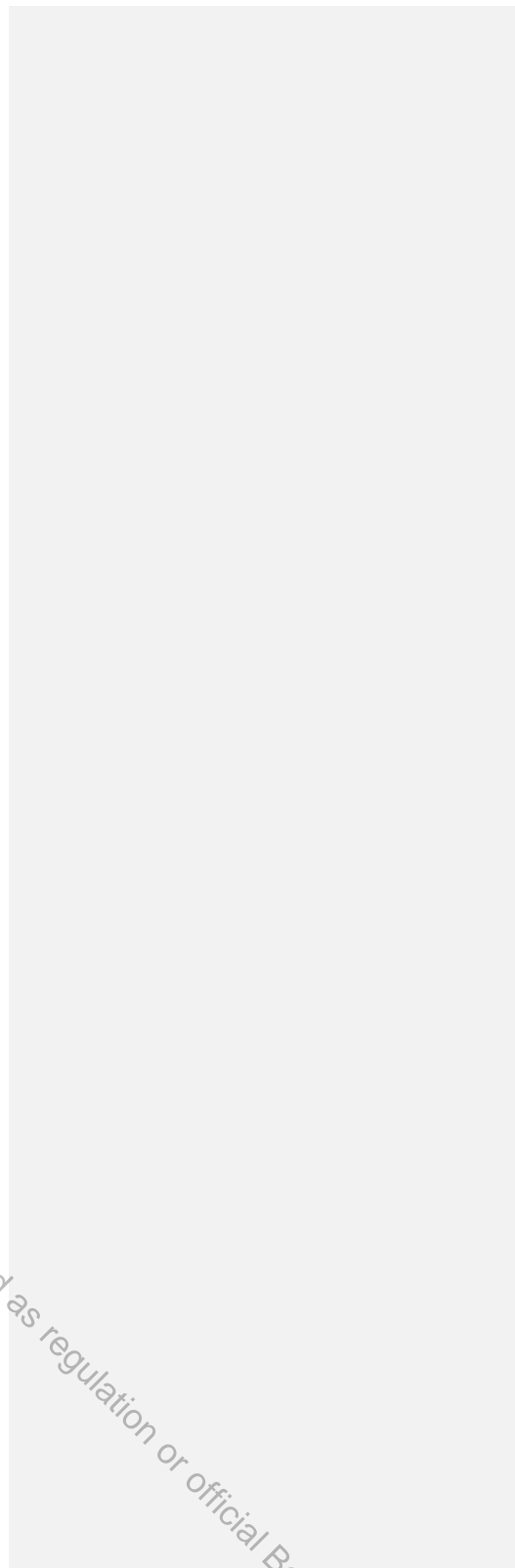
162 "HUD" means the United States Department of Housing and Urban Development.

163 "Individual" means a single human being, not a firm or other group or organization.

164 "Initial course" means the course of instruction established by this chapter to prepare
165 an individual for licensure in a single discipline.

166 "Inspection" means a surface-by-surface investigation to determine the presence of
167 lead-based paint and the provision of a report explaining the results of the
168 investigation.

169 "Interim controls" means a set of measures designed to temporarily reduce human
170 exposure or likely exposure to lead-based paint hazards, including specialized
171 cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring



DRAFT AGENCY MATERIALS CONTAINED HEREIN ARE PROPOSED TOPICS FOR DISCUSSION AND ARE NOT TO BE CONSTRUED AS REGULATION OR OFFICIAL BOARD POSITION.

172 of lead-based paint hazards or potential hazards, and the establishment and operation
173 of management and resident education programs.

174 "Interim license" means the status of an individual who has successfully completed
175 the appropriate training program in a discipline from an accredited lead training
176 provider, as defined by this chapter, and has applied to the board, but has not yet
177 received a formal license in that discipline from the board. Each interim license
178 expires six months after the completion of the training program, and is equivalent to a
179 license for the six-month period.

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

182 "Lead-based paint activities" means risk assessment, inspection, project design and
183 abatement as defined in this chapter that affects or relates to target housing and child-
184 occupied facilities.

185 "Lead-based paint hazard" means any condition that causes exposure to lead from
186 lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is
187 deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that
188 would result in adverse human health effects as identified by EPA, pursuant to 15
189 USC § 2683.

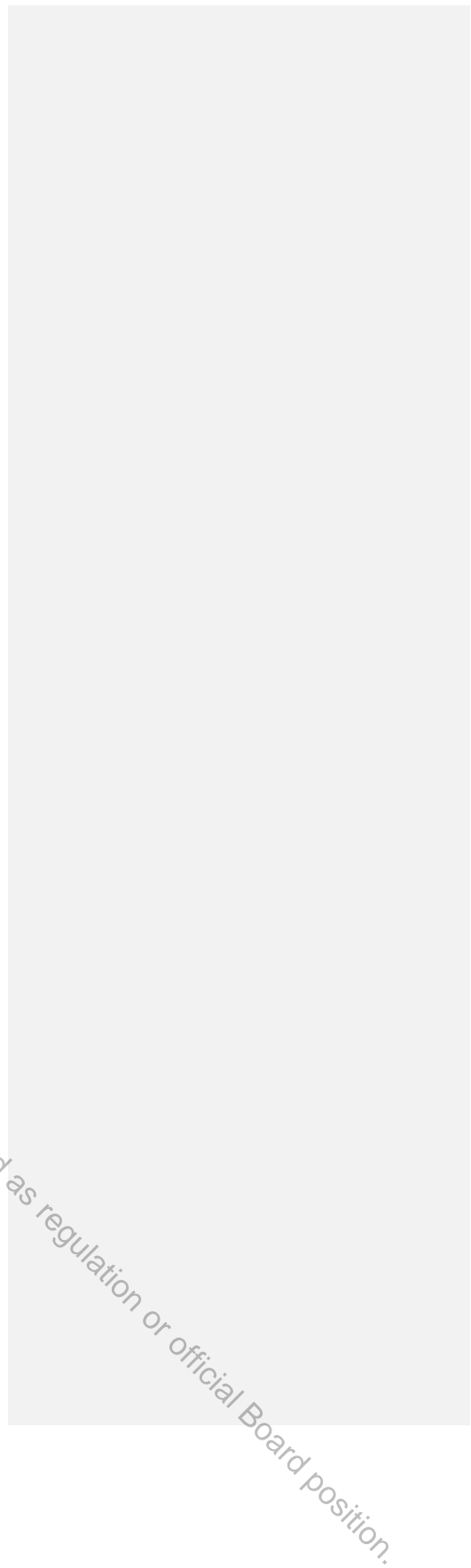
190 "Lead-hazard screen" means a limited risk assessment activity that involves limited
191 paint and dust sampling as defined in this chapter.

192 "Licensed lead abatement contractor" or "lead contractor" means a firm that has met
193 the requirements of this chapter, and has been issued a license by the board to perform
194 lead abatements.

195 "Licensed lead abatement supervisor" or "lead supervisor" means an individual who
196 has met the requirements of this chapter, and has been licensed by the board to
197 supervise and conduct abatements, and to prepare occupant protection plans and
198 abatement reports.

199 "Licensed lead abatement worker" or "lead worker" means an individual who has met
200 the requirements of this chapter and has been licensed by the board to perform
201 abatements under the supervision of a licensed lead supervisor.

202 "Licensed lead inspector" or "lead inspector" means an individual who has met the
203 requirements of this chapter, and has been licensed by the board to conduct lead
204 inspections. A licensed inspector may also sample for the presence of lead in dust and
205 soil for the purposes of abatement clearance testing.



206 "Licensed lead project designer" or "lead project designer" means an individual who
207 has met the requirements of this chapter, and has been licensed by the board to
208 prepare abatement project designs, occupant protection plans, and abatement reports.

209 "Licensed lead risk assessor" or "lead risk assessor" means an individual who has met
210 the requirements of this chapter, and has been licensed by the board to conduct lead
211 inspections and risk assessments. A licensed risk assessor may also sample for the
212 presence of lead in dust and soil for the purposes of abatement clearance testing.

213 "Licensee" means any person, as defined by § 54.1-500 of the Code of Virginia, who
214 has been issued and holds a currently valid license as a lead abatement worker, lead
215 abatement supervisor, lead inspector, lead risk assessor, lead project designer, or lead
216 abatement contractor under this chapter.

217 "Living area" means any area of a residential dwelling used by one or more children
218 age six and under, including, but not limited to, living rooms, kitchen areas, dens, play
219 rooms, and children's bedrooms.

220 "Multi-family dwelling" means target housing that contains more than one separate
221 residential dwelling unit, in which one or more units is used or occupied, or intended
222 to be used or occupied, in whole or in part, as the home or residence of one or more
223 persons.

224 "OSHA" means the United States Department of Labor, Occupational Safety and
225 Health Administration.

226 "Paint in poor condition" means more than ten square feet of deteriorated paint on
227 exterior components with large surface areas; or more than two square feet of
228 deteriorated paint on interior components with large surface areas (e.g., walls,
229 ceilings, floors, doors); or more than ten percent of the total surface area of the
230 component is deteriorated on the interior or exterior components with small surface
231 area (e.g., window sills, baseboards, soffits, trim).

232 "Permanently covered soil" means soil that has been separated from human contact by
233 the placement of a barrier consisting of solid, relatively impermeable material, such as
234 pavement or concrete. Grass, mulch and other landscaping materials are not
235 considered permanent covering.

236 "Person" means any natural or judicial person including any individual, corporation,
237 partnership, or association; any Indian tribe, state or political subdivision thereof; any
238 interstate body; and any department, agency, or instrumentality of the federal
239 government.

240 "Principal instructor" means the individual who has the primary responsibility for
241 organizing and teaching a particular course.

242 "Project design" means any descriptive form written as instructions or drafted as a
243 plan describing the construction or set-up of a lead abatement project area and work
244 practices to be utilized during the lead abatement project.

245 "Recognized laboratory" means any environmental laboratory recognized by the EPA
246 as being capable of performing an analysis for lead compounds in paint, soil, and dust.

247 "Reduction" means measures designed to reduce or eliminate human exposure to lead-
248 based paint hazards through methods including interim controls and abatement.

249 "Refresher course" or "refresher training program" means the course of accredited
250 instruction established by this chapter which must be periodically completed as set out
251 in this chapter to maintain an individual's license in a single discipline.

252 "Residential dwelling" means (i) target housing that is a detached single-family
253 dwelling, including attached structures such as porches and stoops or (ii) target
254 housing that is a single-family dwelling unit in a structure that contains more than one
255 separate residential dwelling unit, which is used or occupied, or intended to be used or
256 occupied, in whole or in part, as the home or residence of one or more individuals.

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

261 "Target housing" means any housing constructed prior to 1978, except for housing for
262 the elderly, or persons with disabilities (unless any one or more children age six years
263 or under resides or is expected to reside in such housing for the elderly or persons
264 with disabilities) or any zero-bedroom dwelling.

265 "Training curriculum" means an established set of course topics for instruction in an
266 accredited lead training program for a particular discipline designed to provide
267 specialized knowledge and skills.

268 "Training hour" means at least 50 minutes of actual instruction, including, but not
269 limited to, time devoted to lecture, learning activities, small group activities,
270 demonstrations, evaluations, and/or hands-on experience.

271 "Training manager" means the individual responsible for administering a training
272 program and monitoring the performance of the instructors.

273 "TSCA" means the federal Toxic Substances Control Act, 15 USC § 2601 et seq.

DRAFT AGENCY PROPOSED RULES FOR DISCUSSION AND COMMENT. DO NOT BE CONSTRUED AS REGULATION OR OFFICIAL BOARD POSITION.

274 "Visual inspection for clearance testing" means the visual examination of a residential
275 dwelling or a child-occupied facility following an abatement to determine whether the
276 abatement has been successfully completed.

277 "Visual inspection for risk assessment" means the visual examination of a residential
278 dwelling or a child-occupied facility to determine the existence of deteriorated lead-
279 based paint or other potential sources of lead-based paint hazards.

280 **Statutory Authority**

281 § 54.1-501 of the Code of Virginia.

282 **Historical Notes**

283 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
284 19, Issue 24, eff. October 1, 2003.

285 **18VAC15-30-25. Applicability.**

286
287 A. A licensed lead abatement supervisor may perform the duties of a licensed lead
288 abatement worker. (0)

289

290

291 **18VAC15-30-30. (Repealed.)**

292 **Historical Notes**

293 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
294 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 25, Issue 3, eff. December 1, 2006.

295

296 **18VAC15-30-41. Waiver of the requirements of this chapter. +1**

297

298 Except as required by law, the board may, in its reasonable discretion, waive any of
299 the requirements of this chapter when in its judgment it finds that the waiver in no
300 way lessens the protection provided by this chapter and Title 54.1 of the Code of
301 Virginia to the public health, safety and welfare. (0) The burden of proof that
302 demonstrates continued public protection rests with the party requesting the waiver.
303 (+1) (R/D) Documents referenced are in effect as they existed as of the date the act or
304 action has occurred. (0)

305 **Statutory Authority**

306 § 54.1-501 of the Code of Virginia.

307 **Historical Notes**

Commented [HJ(2): On what basis does the Board have the authority to waive its regulations?

Consider repealing this section.

308 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

309 **18VAC15-30-50. (Repealed.)**

310 **Historical Notes**

311 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
312 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

313

314

*DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.*

315 Part III. Entry

316

317 **18VAC15-30-51. Application procedures. +7**

318

319 ~~A. All applicants seeking licensure, interim licensure or accredited lead training~~
320 ~~program approval shall~~ must submit an application (+1) (R/D) with the appropriate
321 fee specified in 18VAC15-30-162. (+1) (R/D) Application ~~shall~~ must be made on
322 forms provided by the ~~department~~ board or its agent. (+1) (R/D)

323 1. By ~~signing the application or~~ submitting it electronically the application to
324 the department, the applicant certifies that ~~he~~ the applicant has read and
325 understands the ~~board's~~ board's statutes and the board's regulations. (+1) (R/D)

326 2. The receipt of an application and the deposit of fees by the board does not
327 indicate approval by the board. (0)

328 B. The board may make further inquiries and investigations with respect to the
329 applicant's qualifications to confirm or amplify information supplied. (0)

330 C. Applicants ~~The applicant~~ will be notified if ~~their~~ the application is incomplete. (+1)
331 (G/D) ~~Applicants~~ A person who ~~fail~~ fails to complete the process within 12 months
332 after the date (+1) (R/D) the department receives the application ~~shall~~ must submit a
333 new application and fee. (+1) (R/D)

334 D. The applicant must immediately report all changes in information supplied with the
335 application, if applicable, prior to issuance of the license or expiration of the
336 application.

337 **Statutory Authority**

338 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

339 **Historical Notes**

340 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

341 **18VAC15-30-52. General requirements for licensure: individuals.**

342

343 A. In addition to the specific qualifications for each license type, each applicant for
344 individual licensure must meet the requirements provided in this section.

345

346 B. The applicant must disclose the applicant's full legal name.

347

348 C. The applicant must be at least 18 years old.

349

Formatted: Indent: Left: 0.5"

Formatted: Font: Not Bold

Formatted: Font: Not Bold

DRAFT AGENCY REGULATIONS FOR DISCUSSION AND ARE NOT TO BE CONSTRUED AS REGULATION OR OFFICIAL BOARD POSITION.
Material contained herein is for discussion purposes only.

350 D. The applicant must disclose the applicant’s mailing address. A post office box is
351 only acceptable as a mailing address when a physical address is also provided.

352
353 E. In accordance with § 54.1-204 of the Code of Virginia, each applicant must
354 disclose the following information:

355
356 a. All felony convictions.

357
358 b. All misdemeanor convictions related to environmental remediation activity.

359
360 c. All misdemeanor convictions, excluding marijuana convictions, that occurred
361 within three years of the date of application.

362
363 d. Any finding of guilt regardless of adjudication or deferred adjudication will be
364 considered a conviction for the purposes of this section. The record of conviction
365 certified or authenticated in such form as to be admissible in evidence under the laws
366 of the jurisdiction where convicted will be admissible as prima facie evidence of a
367 conviction or finding of guilt.

368
369 The board, at its discretion, may deny licensure to any applicant in accordance with §
370 54.1-204 of the Code of Virginia.

371
372 F. The applicant must report any action taken by any board or administrative body in
373 any jurisdiction against a professional or occupational license, certification, or
374 registration issued to the applicant, to include any suspension, revocation, or surrender
375 of a license, certification, or registration, imposition of a monetary penalty, or
376 requirement to take remedial education or other corrective action. The board, in its
377 discretion, may deny licensure to any applicant for any prior action taken by any
378 board or administrative body in any jurisdiction.

379
380 G. Applicants must be in compliance with the standards of practice and conduct set
381 forth in Part VIII, (18VAC15-30-510 et seq.) and Part IX, (18VAC15-30-760 et seq.)
382 of this chapter at the time of application to the board, while the application is under
383 review by the board, and at all times when the license is in effect.

384
385 **18VAC15-30-52. Qualifications for licensure - individuals. +56**

386
387 A. Each applicant for individual licensure must meet the requirements provided in this
388 section.

389
390 B. The applicant must disclose the applicant’s full legal name.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Commented [HJ(3): Under applicable statute, the Board is required to adopt regulations "...consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulation..." and requires the regulations not be more stringent than EPA regulations.

The training, examination, education, and experience requirements in this section are, essentially, mandatory and not within the discretion of the Board per the statute.

391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428

C. The applicant must be at least 18 years old.

D. The applicant must disclose the applicant’s mailing address. A post office box is only acceptable as a mailing address when a physical address is also provided.

E. In accordance with § 54.1-204 of the Code of Virginia, each applicant must disclose the following information:

a. All felony convictions.

b. All misdemeanor convictions related to environmental remediation activity.

c. All misdemeanor convictions, excluding marijuana convictions, that occurred within three years of the date of application.

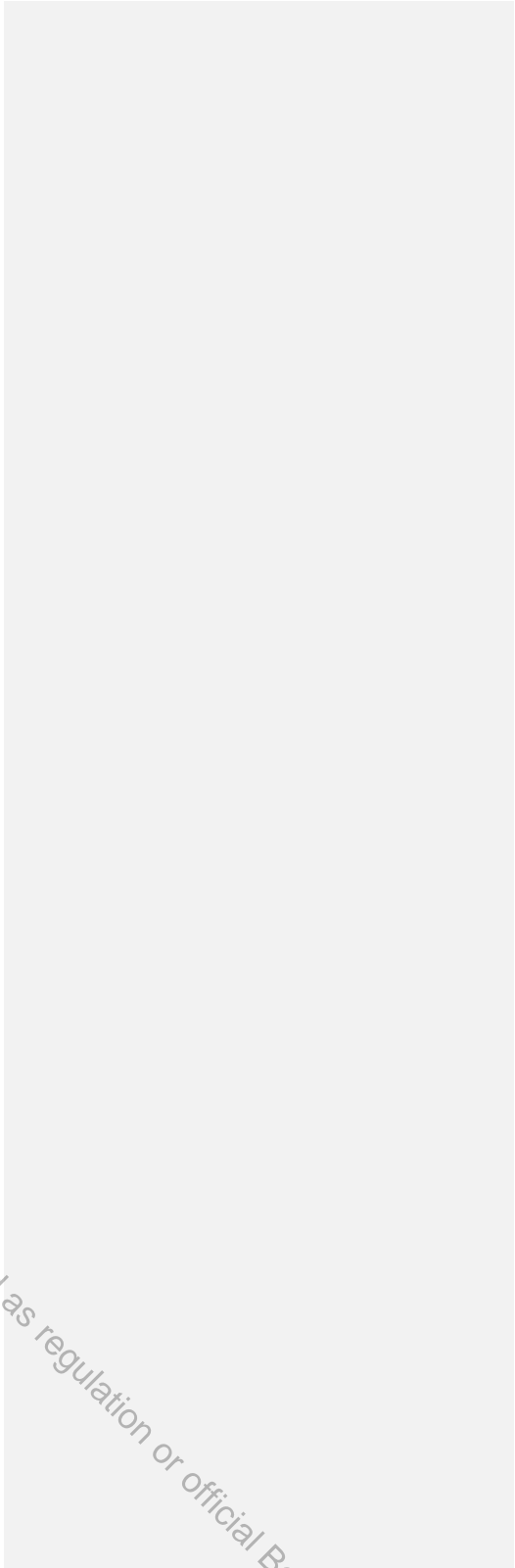
The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

F. The applicant must report any action taken by any board or administrative body in any jurisdiction against a professional or occupational license, certification, or registration issued to the applicant, to include any suspension, revocation, or surrender of a license, certification, or registration, imposition of a monetary penalty, or requirement to take remedial education or other corrective action. The board, in its discretion, may deny licensure to any applicant for any prior action taken by any board or administrative body in any jurisdiction.

G. Applicants must be in compliance with the standards of practice and conduct set forth in Part VIII (18VAC15-30-510 et seq.) and Part IX (18VAC15-30-760 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.

~~A. General. Applicants shall meet all applicable entry requirements at the time application is made. (+1) (R/D)~~

~~B. Name. The applicant shall disclose the applicant's full legal name. (+1) (R/D)~~



DRY-DRAFT AGENCY Material contained in this agency are proposed for discussion and are not to be construed as regulation or official Board position.

429 C. Age. The applicant shall be at least 18 years old. ~~(+1) (R/D)~~

430 D. Address. The applicant shall disclose a physical address. ~~(+1) (R/D)~~ A post office
431 box is only acceptable when a physical address is also provided. ~~(0)~~

432 E.H. Training. The applicant shall ~~must~~ provide documentation of having
433 satisfactorily completed the board-approved initial training program ~~(+1) (R/D)~~ and
434 all subsequent board-approved refresher training programs applicable to the license
435 sought as specified in subsection ~~F-I~~ of this section. ~~(+1) (R/D)~~ Documentation of
436 training completion will be verified by the board.

Formatted: Font: Not Bold

437
438
439 1. Completion certificates for ~~Board~~ board-approved initial training programs ~~shall~~ are
440 be valid for 36 months ~~after from the last day of the month wherein the date training~~
441 was completed. ~~(0)~~ Board-approved refresher training programs ~~shall~~ must be
442 satisfactorily completed ~~(+1) (R/D)~~ no later than 36 months ~~after the last day of the~~
443 ~~month wherein from the date~~ the board-approved initial training program was
444 completed ~~(+1) (R/D)~~ and ~~once each every~~ every 36 months thereafter. ~~(+1) (R/D)~~

Formatted: Font: Not Bold

Commented [HJ(4)]: Make consistent with renewal.

445 F.I. ~~Specific entry requirements~~ An applicant for individual licensure must meet the
446 education or experience requirements of this subsection that are applicable to the
447 license sought.

448 1. Worker. Each applicant for a lead abatement worker license ~~shall~~ must provide
449 evidence of successful completion of board-approved lead abatement worker
450 training ~~in accordance with subsection E of this section.~~ ~~(+1) (R/S)~~

451 2. Project designer.

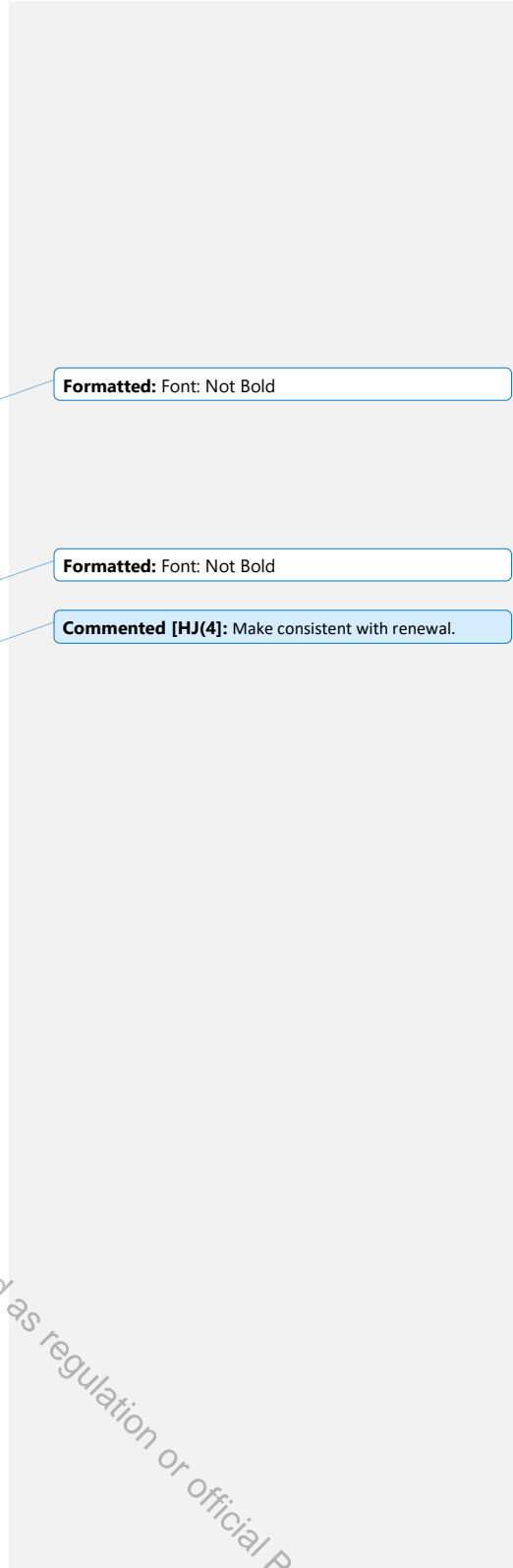
452 a. Each applicant for a lead project designer license ~~shall~~ must provide evidence of
453 successful completion of board-approved lead project designer training ~~(+1) (R/S)~~
454 and board-approved lead abatement supervisor training ~~in accordance with~~
455 ~~subsection E of this section.~~ ~~(+1) (R/S)~~

456 b. Each applicant for a lead project designer license ~~shall~~ must also provide
457 evidence of successful completion of one of the following: ~~(+1) (R/S)~~

458 (1) A bachelor's degree in engineering, architecture, or a related profession, and ~~one~~
459 year experience in building construction and design or a related field; or

460 (2) Four years of experience in building construction and design or a related field.

461 3. Supervisor.



DRAFT AGENCY MATERIALS CONTAINED IN THIS AGENCY FOR DISCUSSION AND REVIEW TO BE CONSTRUED AS REGULATION OR OFFICIAL BOARD POSITION.

462 a. Each applicant for a lead abatement supervisor license ~~shall~~must provide
463 evidence of:

464 (1) Successful completion of board-approved lead abatement supervisor training ~~in~~
465 ~~accordance with subsection E of this section~~; and (+1) (R/S)

466 (2) One year of experience as a licensed lead abatement worker or two years of
467 experience in a related field (~~e.g., including~~ lead, asbestos, or environmental
468 remediation) ~~or~~ in the building trades. (+1) (R/S)

469 b. Each applicant ~~shall~~for a lead abatement supervisor license must pass a board-
470 approved licensing examination for supervisors (+1) (R/S) within 36 months after
471 completion of the board-approved lead abatement supervisor initial training course
472 or the board-approved lead supervisor refresher course. (+1) (R/S) Applicants who
473 fail the examination three times must provide to the board evidence, after the date
474 of ~~their~~the third examination failure, of having retaken (+1) (R/S) and satisfactorily
475 completed the initial training requirements (+1) (R/S) ~~and make new application to~~
476 ~~the board. (+1) (R/D)~~ The applicant is then eligible to sit for the examination an
477 additional three times. (+1) ~~(G/D)~~ (+1) (R/D)

478 ~~e. A licensed lead abatement supervisor may perform the duties of a licensed lead~~
479 ~~abatement worker. (0)~~

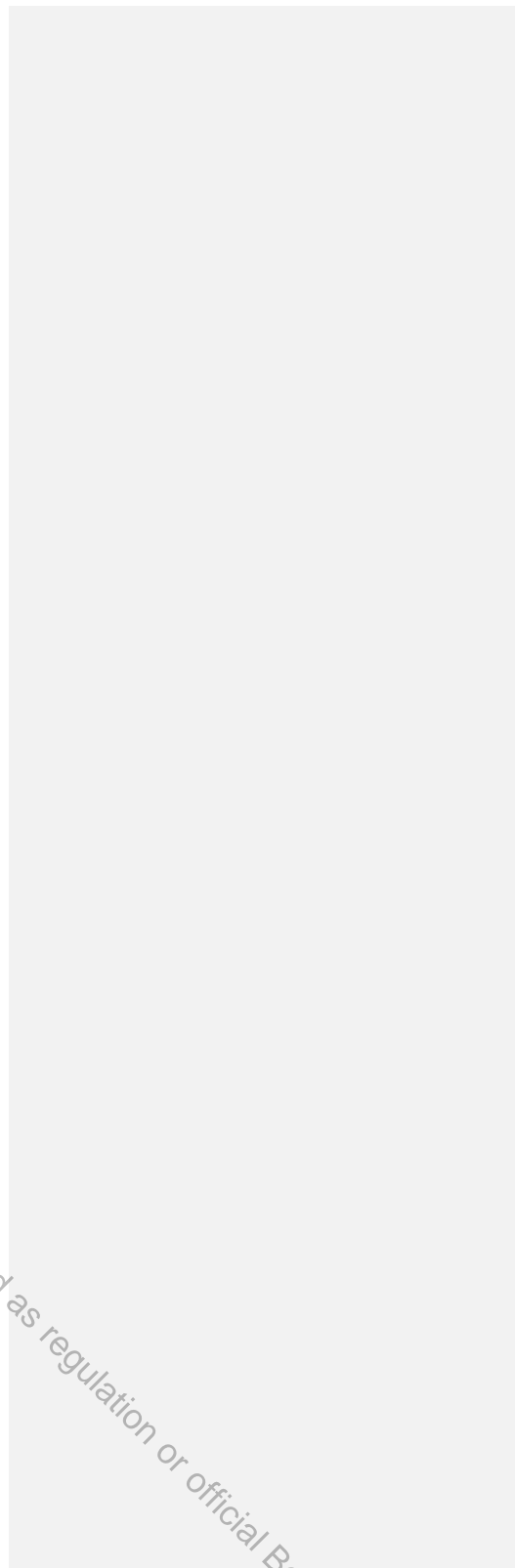
480 4. Inspector.

481 a. Each applicant for a lead inspector license ~~shall~~must provide evidence of
482 successful completion of board-approved lead inspector training ~~in accordance with~~
483 ~~subsection E of this section~~. (+1) (R/S)

484 b. Each applicant ~~shall~~for a lead inspector license must pass a board-approved
485 licensing examination for lead inspector (+1) (R/S) within 36 months after
486 completion of the board-approved lead inspector initial training course or the
487 board-approved lead inspector refresher course. (+1) (R/S) Applicants who fail the
488 examination three times must provide to the board evidence, after the date of ~~their~~
489 the third examination failure, of having retaken (+1) (R/S) and satisfactorily
490 completed the initial training requirements (+1) (R/S) ~~and make new application to~~
491 ~~the board. (+1) (R/D)~~ The applicant is then eligible to sit for the examination an
492 additional three times. (+1) (G/D) (+1) (R/D)

493 5. Risk assessor.

494 a. Each applicant for a lead risk assessor license ~~shall~~must provide evidence of
495 successful completion of board-approved lead risk assessor training (+1) (R/S) and
496 successful completion of board-approved lead inspector training ~~in accordance with~~
497 ~~subsection E of this section~~. (+1) (R/S)



DRAFT AGRVFA
Materials contained herein are proposed topics for discussion and are not to be construed as regulation or official Board position.

498 b. Each applicant for a lead risk assessor license ~~shall~~must also provide evidence of
499 successful completion of one of the following: (+1) (R/S)

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

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

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

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

509 c. Each applicant ~~shall~~must pass a board-approved licensure examination for risk
510 assessor (+1) (R/S) within 36 months after completion of the board-approved lead
511 risk assessor initial training course or the board-approved lead risk assessor
512 refresher course. (+1) (R/S) Applicants who fail the examination three times must
513 provide to the board evidence, after the date of ~~their~~the third examination failure,
514 of having retaken (+1) (R/S) and satisfactorily completed the initial training
515 requirements (+1) (R/S) ~~and make new application to the board. (+1) (R/D)~~ The
516 applicant is then eligible to sit for the examination an additional three times. (+1)
517 (G/D) (+1) (R/D)

518 ~~G. Training verification. Training requirements shall be verified by submittal to the~~
519 ~~board of the training certificate issued by the accredited lead training provider for that~~
520 ~~course. (+1) (R/S)~~

521 ~~H. Education verification. Education requirements shall be verified by submittal to the~~
522 ~~board on the Education Verification Form sent directly from the school. (+1) (R/D)~~

523 J. Applicants seeking to qualify for licensure based on completion of degree must
524 submit a transcript from the school where the applicable degree was obtained. Only
525 degrees from a regional or national accreditation association, or by an accrediting
526 agency that is recognized by the U.S. Secretary of Education will be considered.

527 ~~I. Experience verification.~~ Experience requirements shall be verified by resumes,
528 letters of reference, or other documentation of work experience acceptable to the
529 board. (+1) (R/S)

530

Commented [JH5]: Provision clarified and moved to subsection H.

Commented [HJ(6)]: Expand to include submission of transcript.

Materials contained herein are for discussion and are not to be construed as regulation or official Board position.

Formatted: Font: Not Bold

531 L. Individuals who are required to pass a board-approved license examination may be
532 issued an interim license provided the required initial or refresher training was
533 completed no later than six months prior to the application being received by the
534 board.

535 ~~1. Conviction or guilt. The applicant shall disclose the following information:~~

536 ~~1. A conviction in any jurisdiction of any felony. (+1) (R/D)~~

537 ~~2. A conviction in any jurisdiction of any misdemeanor except marijuana~~
538 ~~convictions. (+1) (R/D)~~

539 ~~3. Any disciplinary action taken in another jurisdiction in connection with the~~
540 ~~applicant's environmental remediation practice including monetary penalties, fines,~~
541 ~~suspension, revocation, or surrender of a license in connection with a disciplinary~~
542 ~~action. (+1) (R/D)~~

543 ~~4. Any current or previously held environmental remediation certifications,~~
544 ~~accreditations, or licenses issued by Virginia or any other jurisdiction. (+1) (R/D)~~

545 ~~Subject to the provisions of § 54.1-204 of the Code of Virginia, the board may deny~~
546 ~~any application for licensure or accreditation as a lead training provider when any of~~
547 ~~the parties listed in this subsection have been convicted of any offense listed in this~~
548 ~~subsection or has been the subject of any disciplinary action listed in subdivision 3 of~~
549 ~~this subsection. (+1) (G/S) Any plea of nolo contendere shall be considered a~~
550 ~~conviction for the purposes of this subsection. (+1) (G/D) (+1) (R/D) A certified copy~~
551 ~~of a final order, decree, or case decision by a court or regulatory agency with the~~
552 ~~lawful authority to issue such order shall be admissible as prima facie evidence of~~
553 ~~such conviction or discipline. (+1) (G/D)~~

554 ~~K. Standards of conduct and practice. Applicants shall be in compliance with the~~
555 ~~standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) of~~
556 ~~this chapter at the time of application to the board (+1) (R/D), while the application is~~
557 ~~under review by the board (+1) (R/D), and at all times when the license is in effect.~~
558 ~~(+1) (R/D)~~

559 L. Standing. The applicant shall be in good standing in every jurisdiction where
560 licensed (+1) (R/D), and the applicant shall not have had a license that was
561 suspended, revoked, or surrendered in connection with any disciplinary action in any
562 jurisdiction prior to applying for licensure in Virginia. (+1) (R/D) The board, at its
563 discretion, may deny licensure or approval to any applicant based on disciplinary
564 action by any jurisdiction. (0)

Commented [HJ(7)]: Match ASB Regs action.

565 Statutory Authority

Not to be construed as regulation or official Board position.

566 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

567 **Historical Notes**

568 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,
569 Issue 20, eff. August 1, 2015; Volume 38, Issue 7, eff. December 22, 2021.

570 **18VAC15-30-53. Qualifications for ~~licensee business entities~~ lead contractors.**
571 **+32**

Commented [HJ(8)]: Match ASB Regs action.

572
573 A. Each firm applying for a license must meet the requirements of this section.

574
575 B. The applicant must disclose the name under which the firm conducts business and
576 holds itself out to the public. In accordance with Chapter 5 (§ 59.1-69 et seq.) of Title
577 59.1 of the Code of Virginia, the firm must register any trade or fictitious names,
578 when applicable, with the State Corporation Commission before submitting an
579 application to the board.

580
581 C. The applicant must disclose the firm's mailing address and the firm's physical
582 address.

583
584 D. In accordance with § 54.1-204 of the Code of Virginia, the applicant must disclose
585 the following information about the firm and its owners, officers, managers, members,
586 directors, as applicable:

587
588 1. All felony convictions;

589
590 2. All misdemeanor convictions, except marijuana convictions, within the last three
591 years; and

592
593 3. Any conviction involving environmental remediation activity that resulted in the
594 significant harm or the imminent and substantial threat of significant harm to human
595 health or the environment.

DRAFT AGENCY MATERIALS COMMENTED IN THIS AGENDA PROPOSED TOPICS FOR DISCUSSION AND ARE NOT TO BE CONSTRUED AS REGULATION OR OFFICIAL BOARD POSITION.

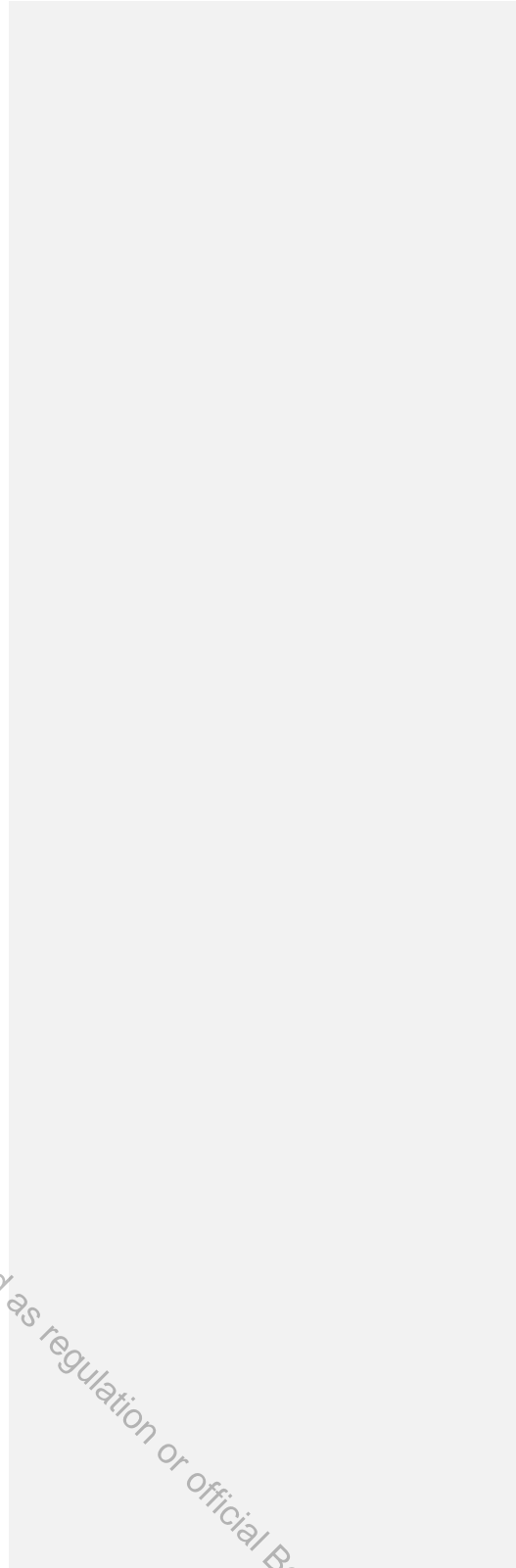
596
597 E. The board, at its discretion, may deny licensure to any applicant in accordance with
598 § 54.1-204 of the Code of Virginia. The applicant has the right to request further
599 review of any such action by the board under the Administrative Process Act (§ 2.2-
600 4000 et seq. of the Code of Virginia).

601
602 F. The applicant must report any disciplinary action taken by any board or
603 administrative body in any jurisdiction against a professional or occupational license,
604 certification, or registration issued to the firm, its owners, officers, managers,
605 members, directors, and, as applicable, any reprimand, suspension, revocation, or
606 surrender of a license, certification, or registration, imposition of a monetary penalty
607 or requirement to take remedial education or other corrective action. The board, in its
608 discretion, may deny licensure to any applicant based on disciplinary action taken by
609 any board or administrative body in any jurisdiction.

610
611 G. The board may deny the application of an applicant who is shown to have a
612 substantial identity of interest with a person whose license or certificate has been
613 revoked or not renewed by the board. A substantial identity of interest includes (i) a
614 controlling financial interest by the individual or corporate principals of the person
615 whose license or certificate has been revoked or has not been renewed or (ii)
616 substantially identical owners, officers, managers, members, or directors, as
617 applicable.

618
619
620 ~~A. General. Every business entity shall secure a license before transacting business.~~
621 ~~(+1) (R/D)~~

622 ~~B. Name. The business name shall be disclosed on the application. (+1) (R/D) The~~
623 ~~name under which the entity conducts business and holds itself out to the public (i.e.,~~
624 ~~the trade or fictitious name) shall also be disclosed on the application. (+1) (R/D)~~
625 ~~Business entities shall register their trade or fictitious names with the State~~
626 ~~Corporation Commission in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title~~
627 ~~59.1 of the Code of Virginia before submitting their applications to the board. (+1)~~
628 ~~(R/D)~~



DRAFT AGENDA
Materials contained herein

Proposed items for discussion and are not to be construed as regulation or official Board position.

629 ~~C. Address. The applicant shall disclose the firm's mailing address (+1) (R/D) and the~~
630 ~~firm's physical address. (+1) (R/D) A post office box is only acceptable as a mailing~~
631 ~~address when a physical address is also provided. (0)~~

632 ~~D. Form of organization. Applicants shall meet the additional requirements listed~~
633 ~~below for their business type:~~

634 ~~1. Corporations. All applicants shall have been incorporated in the Commonwealth~~
635 ~~of Virginia or, if a foreign corporation, shall have obtained a certificate of authority~~
636 ~~to conduct business in Virginia from the State Corporation Commission in~~
637 ~~accordance with § 13.1-544.2 of the Code of Virginia. (+1) (R/D) The corporation~~
638 ~~shall be in good standing with the State Corporation Commission at the time of~~
639 ~~application to the board and at all times when the license is in effect. (+1) (R/D)~~

640 ~~2. Limited liability companies. All applicants shall have obtained a certificate of~~
641 ~~organization in the Commonwealth of Virginia or, if a foreign limited liability~~
642 ~~company, shall have obtained a certificate of registration to do business in Virginia~~
643 ~~from the State Corporation Commission in accordance with § 13.1-1105 of the~~
644 ~~Code of Virginia. (+1) (R/D) The company shall be in good standing with the State~~
645 ~~Corporation Commission at the time of application to the board and at all times~~
646 ~~when the license is in effect. (+1) (R/D)~~

647 ~~3. Partnerships. All applicants shall have a written partnership agreement. (+1)~~
648 ~~(R/D) The partnership agreement shall state that all professional services of the~~
649 ~~partnership shall be under the direction and control of a licensed or certified~~
650 ~~professional. (+1) (R/D)~~

651 ~~4. Sole proprietorships. Sole proprietorships desiring to use an assumed or fictitious~~
652 ~~name, that is a name other than the individual's full name, shall have their assumed~~
653 ~~or fictitious name recorded by the clerk of the court of the county or jurisdiction~~
654 ~~wherein the business is to be conducted. (+1) (R/D)~~

655 E. Qualifications. **PARKING LOT**

656 1. Lead contractor. Each applicant for lead contractor licensure shall:

657 a. Hold a valid Virginia contractor license with a lead specialty issued by the
658 Virginia Board for Contractors (+1) (R/D) and comply with the provisions of
659 Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the
660 regulation of contractors. (+1) (R/D)

661 b. Certify that:

662 (1) Only properly licensed lead abatement supervisors and workers will be
663 employed to conduct lead-based paint activities; (+1) (R/S)

Commented [HJ(9)]: Requirements as follows:

Corporations;
+1 R/D for be incorporated in VA or have certificate of authority.
+1 R/D for being in good standing with SCC.

LLCs:
+1 R/D for be organized in VA or have certificate of registration.
+1 R/D for being in good standing with SCC.

Partnerships:
+1 R/D for have written partnership agreement.
+1 R/D for agreement to state professional services under control of licensee.

Commented [HJ(10)]: Address 36 month training certificate cycle.

Formatted: Highlight

664 (2) A licensed lead abatement supervisor is present at each job site during all work
665 site preparation and during post-abatement cleanup, and shall be on site or available
666 by telephone, pager, or answering service and able to be present at the work site in
667 no more than two hours when abatement activities are being conducted; **(+1) (R/S)**

668 (3) The standards for conducting lead-based paint activities established in this
669 chapter and standards established by EPA and OSHA shall be followed at all times
670 during the conduct of lead-based paint activities; and **(+1) (R/S)**

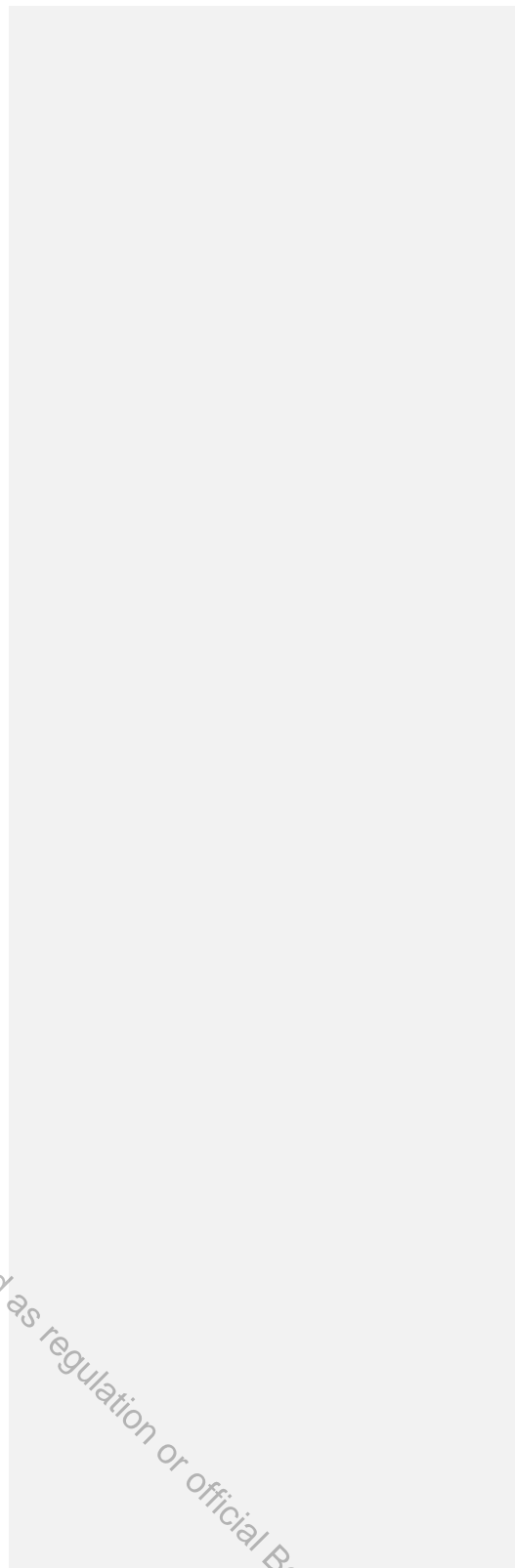
671 ~~(4) The company is in compliance with all other occupational and professional~~
672 ~~licenses and standards as required by Virginia statute **(+1) (R/D)** and local~~
673 ~~ordinance to transact the business of a lead abatement contractor. **(+1) (R/D)**~~

674 ~~F. Conviction or guilt. Neither the firm nor the owners, officers, or directors shall~~
675 ~~have been convicted or found guilty, regardless of adjudication, in any jurisdiction of~~
676 ~~any felony **(+1) (R/D)** or of any misdemeanor involving lying, cheating, or stealing or~~
677 ~~of any violation while engaged in environmental remediation activity that resulted in~~
678 ~~the significant harm or the imminent and substantial threat of significant harm to~~
679 ~~human health or the environment, there being no appeal pending therefrom or the time~~
680 ~~of appeal having lapsed. **(+1) (R/D)** Any plea of nolo contendere shall be considered a~~
681 ~~conviction for the purposes of this section. **(+1) (G/D) (+1) (R/D)** A certified copy of~~
682 ~~the final order, decree, or case decision by a court or regulatory agency with lawful~~
683 ~~authority to issue such order, decree, or case decision shall be admissible as prima~~
684 ~~facie evidence of such conviction or discipline. **(+1) (G/D)** The board, at its~~
685 ~~discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the~~
686 ~~Code of Virginia. **(+1) (G/S)**~~

687 ~~G. Standards of conduct and practice. Applicants shall be in compliance with the~~
688 ~~standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) and~~
689 ~~Part IX (18VAC15-30-760 et seq.) of this chapter at the time of application to the~~
690 ~~board **(+1) (R/D)**, while the application is under review by the board **(+1) (R/D)**, and~~
691 ~~at all times when the license is in effect. **(+1) (R/D)**~~

692 ~~H. Standing. Both the firm **(+1) (R/D)** and the owners, officers, and directors shall be~~
693 ~~in good standing in every jurisdiction where licensed **(+1) (R/D)**, and the applicant~~
694 ~~shall not have had a license that was suspended, revoked, or surrendered in connection~~
695 ~~with any disciplinary action in any jurisdiction prior to applying for licensure in~~
696 ~~Virginia. **(+1) (R/D)** The board, at its discretion, may deny licensure to any applicant~~
697 ~~based on disciplinary action by any jurisdiction. **(0)**~~

698 ~~I. Denial of license. The board may refuse to issue a license to any lead contractor~~
699 ~~applicant if the applicant or its owners, officers, or directors have a financial interest~~
700 ~~in a lead contractor whose lead license has been revoked, suspended, or denied~~
701 ~~renewal in any jurisdiction. **(0)**~~



DRIFT AG
Materials contained in this appeal are for discussion only and are not to be construed as regulation or official Board position.

Materials contained in this appeal are for discussion only and are not to be construed as regulation or official Board position.

702 **Statutory Authority**

703 §54.1-501 of the Code of Virginia.

704 **Historical Notes**

705 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 36,
706 Issue 15, eff. May 1, 2020.

707

708 **18VAC15-30-54. Qualifications for accredited lead training program approval.**

709 +40

710

711 A. For a training program to obtain accreditation from the board to teach lead-based
712 paint activities, the program ~~shall~~ must demonstrate through its application material
713 that it meets the minimum requirements for principal instructor qualifications (+1)
714 (R/S), required topic review (+1) (R/S), length of training (+1) (R/S), and
715 recordkeeping for each discipline for which the program is seeking accreditation. (+1)
716 (R/S) Training programs ~~shall~~ must offer courses that teach the standards for
717 conducting lead-based paint activities contained in this chapter and other such
718 standards adopted by the EPA. (+1) (R/S)

719 B. Each applicant for approval as an accredited lead training provider ~~shall~~ must meet
720 the requirements established by this chapter ~~before being granted approval to offer an~~
721 ~~accredited lead training program.~~ (+1) (R/D) Applicants ~~requesting approval of a lead~~
722 ~~training program to prepare participants for licensure shall~~ must apply on a form
723 provided by the board. (+1) (R/D) The application ~~form shall~~ must be completed in
724 accordance with the instructions supplied (+1) (R/D) and ~~shall~~ must include the
725 following:

726 1. The course for which ~~it~~ the training provider is applying for accreditation. (+1)
727 (R/S)

728 2. A statement signed by the training program manager, which certifies that the
729 training program meets the minimum requirements established in this chapter. (+1)
730 (R/S)

731 3. The names (+1) (R/S) and qualifications, including education and experience, of
732 each principal instructor. (+1) (R/S)

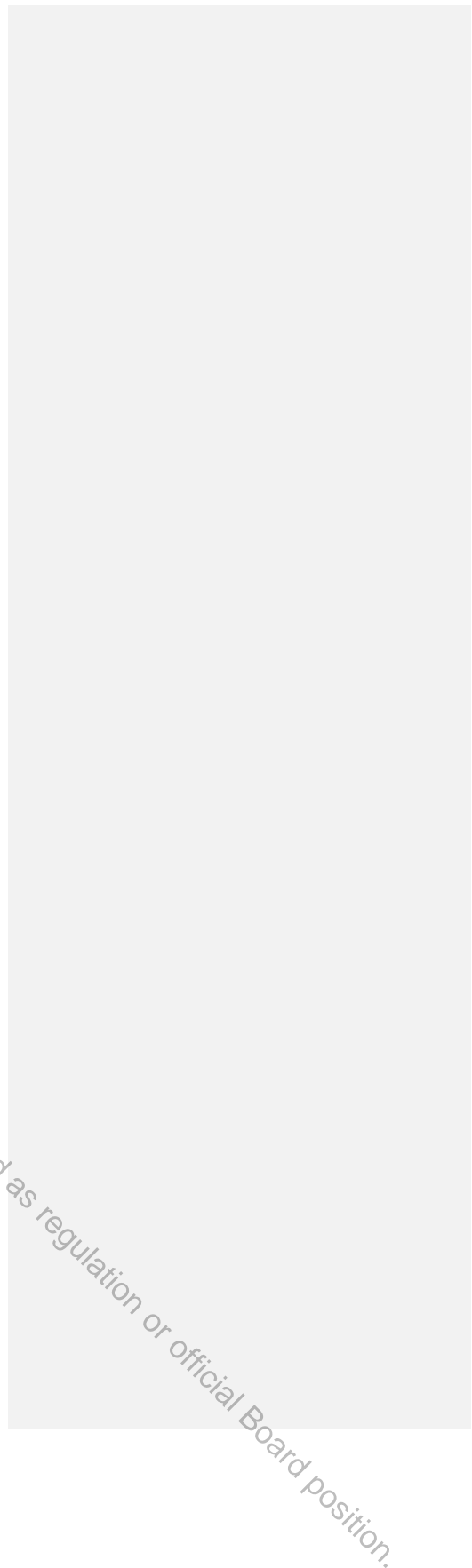
733 4. A copy of the student manuals (+1) (R/S) and instructor manuals or other
734 materials to be used. (+1) (R/S)

Commented [HJ(11)]: Add in Board guidance re: virtual training.

Commented [HJ(12)]: Under applicable statute, the Board is required to adopt regulations "...consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulation..." and requires the regulations not be more stringent than EPA regulations.

Much of the training program requirements in this section are, essentially, mandatory and not within the discretion of the Board per the statute.

- 735 5. A copy of the course agenda that includes the time allocation for each course
736 topic. **(+1) (R/S)**
- 737 6. A copy of the test **(+1) (R/S)** and answer sheet. **(+1) (R/S)**
- 738 7. A description of the facilities and equipment to be used for lecture and hands-on
739 training. **(+1) (R/S)**
- 740 8. A description of the activities **(+1) (R/S)** and procedures that will be used for
741 conducting the assessment of hands-on skills. **(+1) (R/S)**
- 742 9. A copy of the quality control plan as described in this chapter. **(+1) (R/S)**
- 743 10. ~~An example~~ A sample of a certificate that will be issued to students who
744 successfully complete the course. **(+1) (R/D)**
- 745 11. A proposed course date for auditing purposes. **(+1) (R/D)**
- 746 12. The application fee required by 18VAC15-30-162. **(+1) (R/D)**
- 747 C. The ~~completed~~ application ~~form with attachments and fee shall~~ must be received by
748 the board no later than 45 days before the desired audit date. **(+1) (R/D)**
- 749 D. An applicant may seek approval for as many initial and refresher courses as it
750 chooses, but ~~shall~~ must submit a separate application **(+1) (R/D)** ~~and fee~~ for each
751 program. **(+1) (R/D)**
- 752 E. Applicants may seek accreditation to offer lead-based paint activities initial or
753 refresher courses in any of the following disciplines: lead abatement worker, lead
754 project designer, lead abatement supervisor, lead inspector, and lead risk assessor. **(0)**
- 755 ~~F. Each training program shall be conducted in compliance with this chapter to qualify
756 for and maintain approval as an accredited lead training program. **(+1) (R/D)**~~
- 757
- 758 F. Upon receipt of an application, a preliminary review will be conducted to ensure
759 compliance with this chapter. The applicant will be notified if the application is
760 incomplete or is deficient. All deficiencies must be corrected prior to the on-site audit.
- 761
- 762 G. Upon completion of the preliminary review, the board will conduct an on-site
763 audit. The applicant will be notified of any deficiencies identified during the audit. All
764 deficiencies must be corrected prior to approval of the application.
- 765



DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

766 ~~G. Upon receipt of an application, the board shall conduct a preliminary review (+1)~~
 767 ~~(G/D) and shall notify the applicant in writing of any deficiencies in the submittal~~
 768 ~~packages. (+1) (G/D) Applicants will have one year from the board's receipt of the~~
 769 ~~application to correct any problems noted in the review. (+1) (R/D)~~

770 ~~H. After the application has been found to be complete and in compliance with this~~
 771 ~~chapter, an on-site audit of the training program shall be conducted. (+1) (G/D) The~~
 772 ~~board shall conduct an additional on-site audit, grant approval or deny approval based~~
 773 ~~on the board's evaluation of the level of compliance with this chapter found during the~~
 774 ~~initial on-site audit. (+1) (G/D)~~

775 ~~I. Applicants denied approval shall have one year (+1) (R/D) from the date of receipt~~
 776 ~~of the application by the board to correct any deficiencies (+1) (R/D) and notify the~~
 777 ~~board in writing. (+1) (R/D)~~

778 ~~J. An accredited A training provider program shall have been must be approved by the~~
 779 ~~board before its the training program's training certificates shall will be accepted by~~
 780 ~~the board as evidence that an individual has completed an accredited lead training~~
 781 ~~program. (+1) (R/D)~~

782 ~~K. Each accredited lead training program that is granted approval shall will be sent a~~
 783 ~~form letter indicating the discipline approved (+1) (G/D) and an expiration date (+1)~~
 784 ~~(G/D) that shall be maintained at the business address listed on the application. (+1)~~
 785 ~~(R/D)~~

786 **Statutory Authority**

787 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

788 **Historical Notes**

789 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

790 **18VAC15-30-60. (Repealed.)**

791 **Historical Notes**

792 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
 793 19, Issue 24, eff. October 1, 2003.

794 **18VAC15-30-100. (Repealed.)**

795 **Historical Notes**

796 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
 797 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; Volume 19, Issue 24, eff. October 1, 2003;
 798 repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

800

Commented [HJ(13)]: Training location and business address.

Commented [JH14]: Move to record keeping section for training programs in standards of practice.

DRAFT AGENCY COMMENTS AND PROPOSED CHANGES FOR DISCUSSION AND ARE NOT TO BE CONSTRUED AS REGULATION OR OFFICIAL BOARD POSITION.

801 Part IV. Fees

802
803 **18VAC15-30-161. General fee requirements. +7**
804

805 A. All fees are nonrefundable (+1) (G/D) and ~~shall~~ will not be prorated. (+1) (G/D)
806 The date on which the fee is received by the department or its agent will determine
807 whether the fee is on time. (+1) (G/D) (+1) (R/D) Checks or money orders ~~shall~~ must
808 be made payable to the Treasurer of Virginia. (+1) (R/D)

809 B. Fees for approval and renewal of an accredited lead training program and an
810 accredited lead refresher training program shall not be imposed on any state, local
811 government, or nonprofit training program. (+1) (G/D)

812
813 C. The fee for examination or reexamination is subject to charges to the department
814 by an outside vendor based on a contract entered into in compliance with the Virginia
815 Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be
816 adjusted and charged to the candidate in accordance with this contract.

817 ~~C. The examination fee is subject to contracted charges to the department by an~~
818 ~~outside vendor. (+1) (R/D) These contracts are competitively negotiated and~~
819 ~~bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et~~
820 ~~seq. of the Code of Virginia). (0) Fees will be adjusted and charged to the candidate in~~
821 ~~accordance with this contract. (0)~~

822 **Statutory Authority**

823 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

824 **Historical Notes**

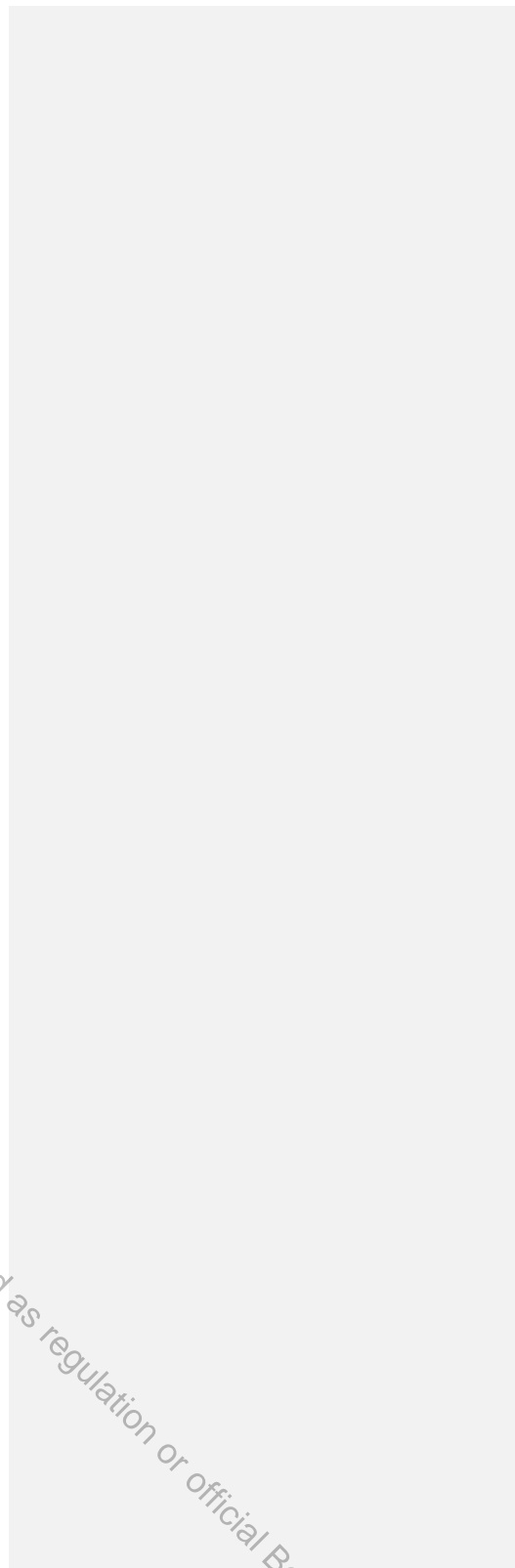
825 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 32,
826 Issue 1, eff. November 1, 2015.

827 **18VAC15-30-162. Application fees. +0**

828

829 Application fees are as follows: (0)

Fee Type	Fee Amount	When Due
----------	------------	----------



DRAFT AGENDA
Material contained in this agenda is proposed for discussion and are not to be construed as regulation or official Board position.

Application for worker, supervisor, inspector, risk assessor or project designer license	\$80	With application
Application for a lead contractor license	\$110	With application
Application for accredited lead training program approval	\$500 per day of training	With application
Application for accredited lead refresher training program approval except for project designer refresher	\$500	With application
Application for accredited lead project designer refresher training program approval	\$250	With application

830 **Statutory Authority**

831 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

832 **Historical Notes**

833 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,

834 Issue 20, eff. August 1, 2015.

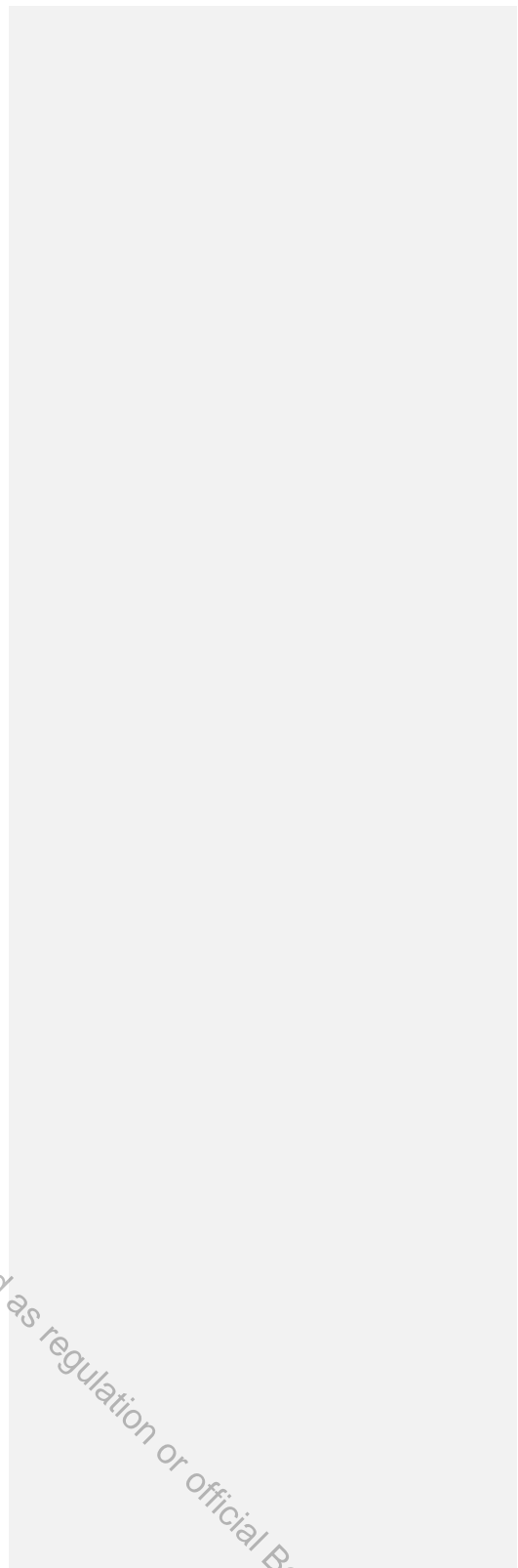
835

836 **18VAC15-30-163. Renewal and late renewal fees. +0**

837

838 A. Renewal and late renewal fees are as follows: **(0)**

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, risk assessor, or project designer license	\$45	With renewal application
Renewal for lead contractor license	\$70	With renewal application
Renewal for accredited lead training program approval	\$125	With renewal application
Late renewal for worker, supervisor, inspector, risk assessor, or project designer license (includes a \$35 late renewal fee in addition to the regular \$45 renewal fee)	\$80	With renewal application



DRAFT AGENCY MATERIALS CONTAINED HEREIN ARE PROPOSED TOPICS FOR DISCUSSION AND SHOULD NOT BE CONSTRUED AS REGULATION OR OFFICIAL BOARD POSITION.

DRAFT AGENCY MATERIALS CONTAINED HEREIN ARE PROPOSED TOPICS FOR DISCUSSION AND SHOULD NOT BE CONSTRUED AS REGULATION OR OFFICIAL BOARD POSITION.

850 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

851 **Historical Notes**

852 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,

853 Issue 20, eff. August 1, 2015; Volume 34, Issue 8, eff. February 1, 2018; Volume 36, Issue 9, eff. February 1, 2020;

854 Volume 37, Issue 14, eff. April 1, 2021 Volume 39, Issue 12, eff. March 1, 2023.

855 **Part V. Renewal**

856

857 **18VAC15-30-164. Renewal required. +2**

858

859 ~~A. Interim licenses shall expire six months from the last day of the month during~~
860 ~~which the individual completed the board-approved initial or refresher accredited lead~~
861 ~~training program required by 18VAC15-30-52 regardless of the date on which the~~
862 ~~board received the application for initial licensure or the date the board issued the~~
863 ~~license. (0)~~

864 ~~B. Interim licenses shall not be renewed or extended. (+1) (R/D) (+1) (G/D)~~

865 C. Individual licenses shall will expire 12 months from the last day of the month
866 wherein issued. (0)

867 1. Interim licenses issued to individuals will expire six months from the last day
868 of the month the individual completed the board-approved initial or refresher
869 accredited lead training program required by 18VAC15-30-52. Interim licenses
870 cannot be renewed.

871 D. Contractor licenses shall will expire 12 months from the last day of the month
872 wherein issued. (0)

873 E. Accredited lead training programs approval shall will expire 24 months from the
874 last day of the month in which the board granted approval. (0)

875 **Statutory Authority**

876 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

877 **Historical Notes**

878 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,

879 Issue 20, eff. August 1, 2015.

880 **18VAC15-30-165. Procedures for renewal. +12**

881

Commented [JH15]: Discuss 36 month term for individual licensees.

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.5"

Commented [JH16]: Discuss whether to tether to Board for Contractors license.

Commented [JH17]: Note: EPA regulation requires re-accreditation every four years. However, based on state budgeting requirements, these approvals operate on a two-year cycle.

Discuss whether to go to four year cycle.

DRAFT AGENDA
Materials contained herein are proposed topics for discussion and are not to be construed as regulation or official Board position.

882 A. The board ~~shall mail~~will send a renewal notice to the licensee or accredited lead
883 training provider at the ~~last known~~ address of record. (+1) (G/D) ~~The notice shall~~
884 ~~outline the procedures for renewal and the renewal fee amount.~~ (+1) (G/D) ~~Failure to~~
885 ~~receive the notice shall not relieve the licensee or accredited lead training provider of~~
886 ~~the obligation to renew.~~ (+1) (R/D)

887 B. ~~Prior to the expiration date shown on the license or approval, each licensee or~~
888 ~~accredited lead training provider desiring to renew the license or approval shall return~~
889 ~~to the board the renewal notice~~ (+1) (R/D) ~~and the renewal fee.~~ (+1) (R/D)
890 ~~Documentation of refresher training programs for individuals~~ (+1) (R/S) ~~and of the~~
891 ~~requirements in 18VAC15-30-166 C for accredited lead training programs shall be~~
892 ~~sent to the board.~~ (+1) (R/S) Prior to the license expiration date, each licensee desiring
893 to renew a license must return to the board the appropriate fee specified in 18VAC15-
894 30-163. Individual licensees must provide evidence of meeting the annual refresher
895 training requirement for license renewal and meet the requirements of 18VAC15-30-
896 166 A.

897 C. Prior to the expiration date on the approval letter, each accredited lead training
898 program desiring to renew the approval must return to the board the appropriate fee
899 specified in 18VAC15-30-163 and the documentation required by 18VAC15-30-166
900 B.

901 D. By making application for renewal, the licensee or accredited lead training
902 program is certifying continued compliance with the requirements of this chapter.

904 ~~C. Should the licensee or accredited lead training provider fail to receive the renewal~~
905 ~~notice, a photocopy of the current lead license or accredited lead training program~~
906 ~~approval may be substituted for the renewal notice and mailed with the required fee to~~
907 ~~the board.~~ (0)

908 ~~D. Interim licensure shall not be renewed or extended.~~ (+1) (R/D) (+1) (G/D) ~~Each~~
909 ~~applicant who wishes a second interim license must provide to the board evidence of~~
910 ~~having retaken~~ (+1) (R/D) ~~and satisfactorily completed the initial training~~
911 ~~requirements~~ (+1) (R/D) ~~and make a new application to the board.~~ (+1) (R/D)

912 **Statutory Authority**

913 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

914 **Historical Notes**

915 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

916 **18VAC15-30-166. Qualifications for renewal. +24**

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

917

918 A. Individuals.

919 1. Licensees desiring to maintain an individual license shall must satisfactorily
920 successfully complete ~~the required~~ board-approved refresher training course (+1)
921 (R/S) within 36 months after the date that the initial or most recent refresher
922 training course was completed (+1) (R/S) and at least once every 36 months
923 thereafter. (+1) (R/S) In the case of a proficiency-based course completion,
924 refresher training is required every 60 months instead of 36 months. (+1) (R/S)

925 ~~2. Licensees are responsible for ensuring that the board receives proof of~~
926 ~~completion of the required board-approved training. (+1) (R/D) Prior to the~~
927 ~~expiration date shown on the individual's current license (+1) (R/D), the individual~~
928 ~~desiring to renew that license shall provide evidence of meeting the board-approved~~
929 ~~refresher training requirement for license renewal. (+1) (R/D)~~

Commented [HJ18]: These appear to be duplicative of requirements in -165.

930 ~~3~~2. Refresher training shall must be specific to the discipline of the license being
931 renewed. (+1) (R/S)

932
933 4. The board shall renew an individual license for an additional 12 months upon
934 receipt of a renewal application and fee in compliance with 18VAC15-30-163 and
935 18VAC15-30-165, provided that the licensee has complied with subdivisions 1
936 through 3 of this subsection. (+1) (G/D)

Commented [JH19]: Discuss whether this is necessary.

937 ~~B. Contractors. The board shall renew a contractor license for an additional 12 months~~
938 ~~upon receipt of a renewal application and the renewal fee in compliance with~~
939 ~~18VAC15-30-163 and 18VAC15-30-165. (+1) (G/D) Return of the renewal~~
940 ~~application and renewal fee to the board shall constitute a certification that the~~
941 ~~licensee is in full compliance with the board's regulations. (+1) (R/D)~~

Commented [JH20]: Discuss whether this is necessary.

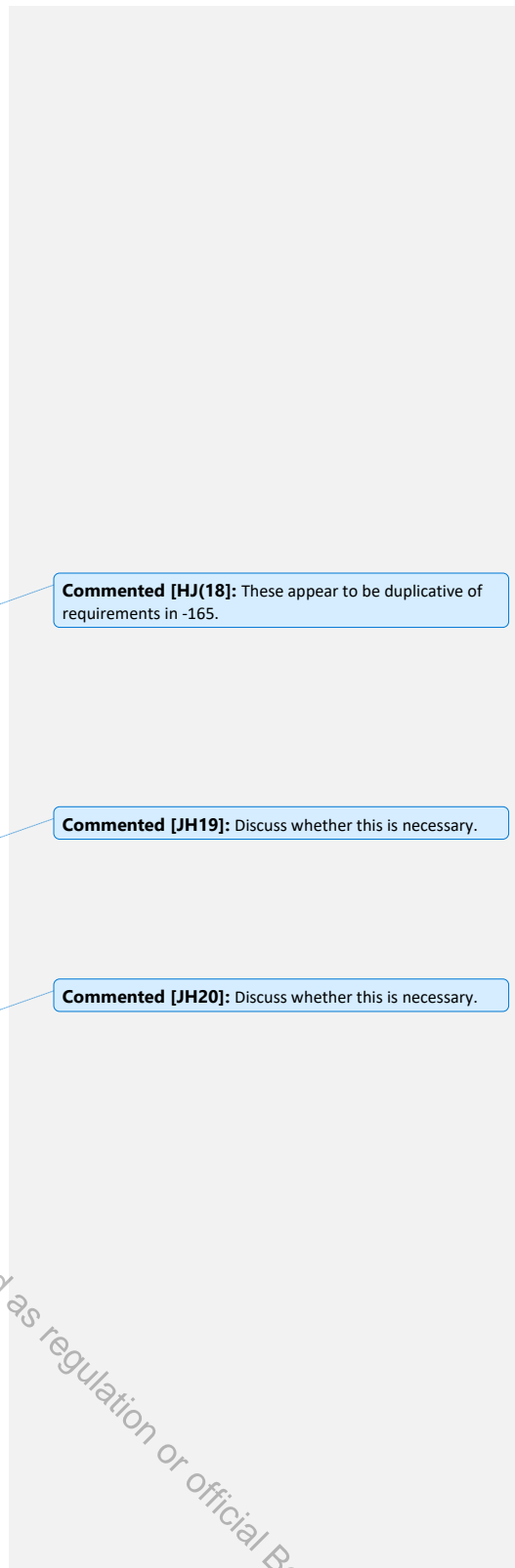
942 ~~C~~B. Accredited training programs.

943 1. Accredited lead training providers desiring to ~~maintain~~ renew approval of ~~their~~ a
944 accredited lead training program shall ~~cause the board to receive the following no~~
945 ~~later than 24 months after the date of initial approval (+1) (R/D) and not less often~~
946 ~~than once each 24 months thereafter~~ must provide the following: (+1) (R/D)

947 a. The training provider's name (+1) (R/S), address (+1) (R/S), and telephone
948 number. (+1) (R/S)

949 b. A statement signed by the training program manager that certifies that:

950 (1) The course materials for each course meet the requirements of Part VII
951 (18VAC15-30-440 et seq.) of this chapter. (+1) (R/S)



- 952 (2) The training manager **(+1) (R/S)** and principal instructors meet the
953 qualifications listed in 18VAC15-30-340. **(+1) (R/S)**
- 954 (3) The training program manager complies at all times with all requirements of
955 this chapter. **(+1) (R/S)**
- 956 (4) The quality control program meets the requirements noted in 18VAC15-30-410.
957 **(+1) (R/S)**
- 958 (5) The recordkeeping requirements of this chapter will be followed. **(+1) (R/S)**
- 959 ~~2. Return of the renewal application and renewal fee to the board shall constitute a~~
960 ~~certification that the accredited lead training provider is in full compliance with the~~
961 ~~board's regulations. **(+1) (R/D)**~~
- 962 3. An audit by a board representative may be performed to verify the certified
963 statements and the contents of the application before relicensure is granted. **(0)**
- 964 4. Accredited lead training programs determined by the board to have met the
965 renewal requirements shall ~~will~~ be issued an approval for an additional 24 months.
966 **(+1) (G/D)**

967 **Statutory Authority**

968 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

969 **Historical Notes**

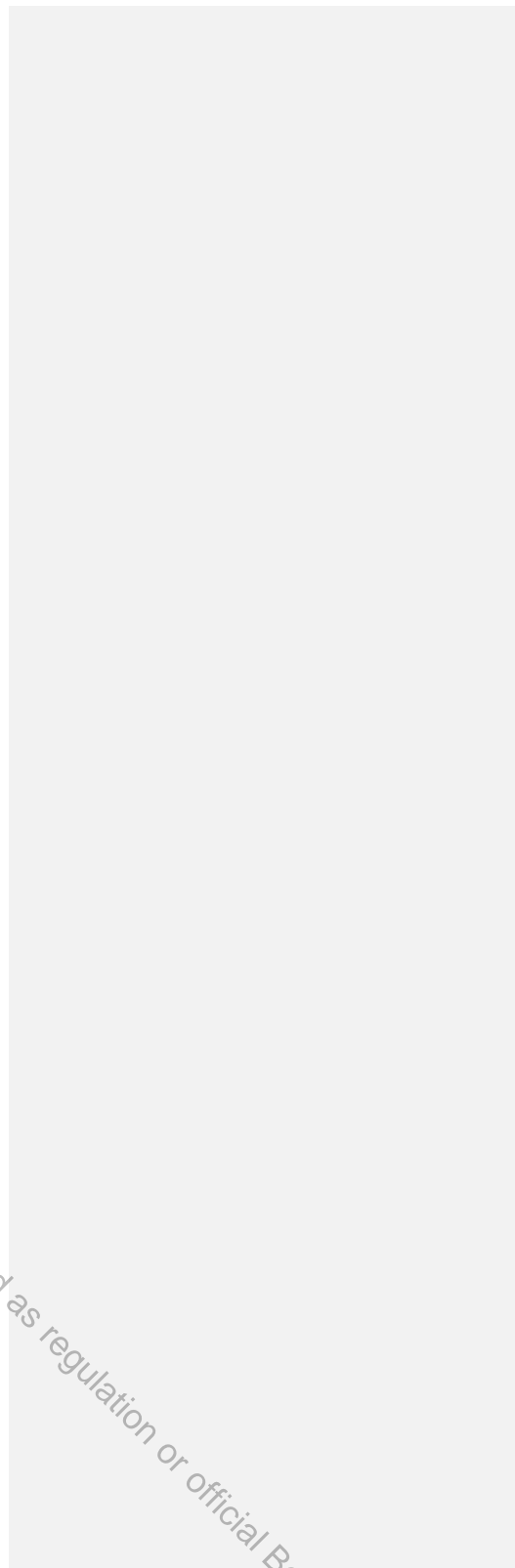
970 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,
971 Issue 20, eff. August 1, 2015.

972 **18VAC15-30-167. Late renewal. +3**

973

974 A. Each license and each accredited lead training program approval that is not
975 renewed within 30 days of the expiration date on the license or approval letter will be
976 subject to late renewal fees as established in 18VAC15-30-162. ~~If the renewal fee is~~
977 ~~not received by the board within 30 days after the expiration date printed on the~~
978 ~~license or accredited lead training program approval, a late renewal fee shall be~~
979 ~~required in addition to the renewal fee. **(+1) (R/D)**~~

980 B. Each license and each approved accredited lead training program that is not
981 renewed within 12 months after the expiration date will not be renewed. The
982 individual or firm must apply for a new license or approval and meet entry
983 requirements current at the time the new application is submitted. ~~Any licensee or~~
984 ~~accredited lead training provider who fails to renew his license or accredited lead~~



DRAFT AGENCY Materials contained herein are proposed topics for discussion and are not to be construed as regulation or official Board position.

985 ~~training program approval within 12 months after the expiration date on the license or~~
986 ~~approval shall not be permitted to renew (+1) (R/D) and shall apply as a new~~
987 ~~applicant. (+1) (R/D)~~

988 **Statutory Authority**

989 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

990 **Historical Notes**

991 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; amended, Virginia Register Volume 31,
992 Issue 15, eff. May 1, 2015.

993 **18VAC15-30-170. (Repealed.)**

994 **Historical Notes**

995 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
996 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

997 **18VAC15-30-190. (Repealed.)**

998 **Historical Notes**

1000 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1001 19, Issue 24, eff. October 1, 2003.

1002 **18VAC15-30-205. (Repealed.)**

1003 **Historical Notes**

1004 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23,
1005 Issue 3, eff. December 1, 2006.

1006 **18VAC15-30-210. (Repealed.)**

1007 **Historical Notes**

1008 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1009 19, Issue 24, eff. October 1, 2003.

1010 **18VAC15-30-225. (Repealed.)**

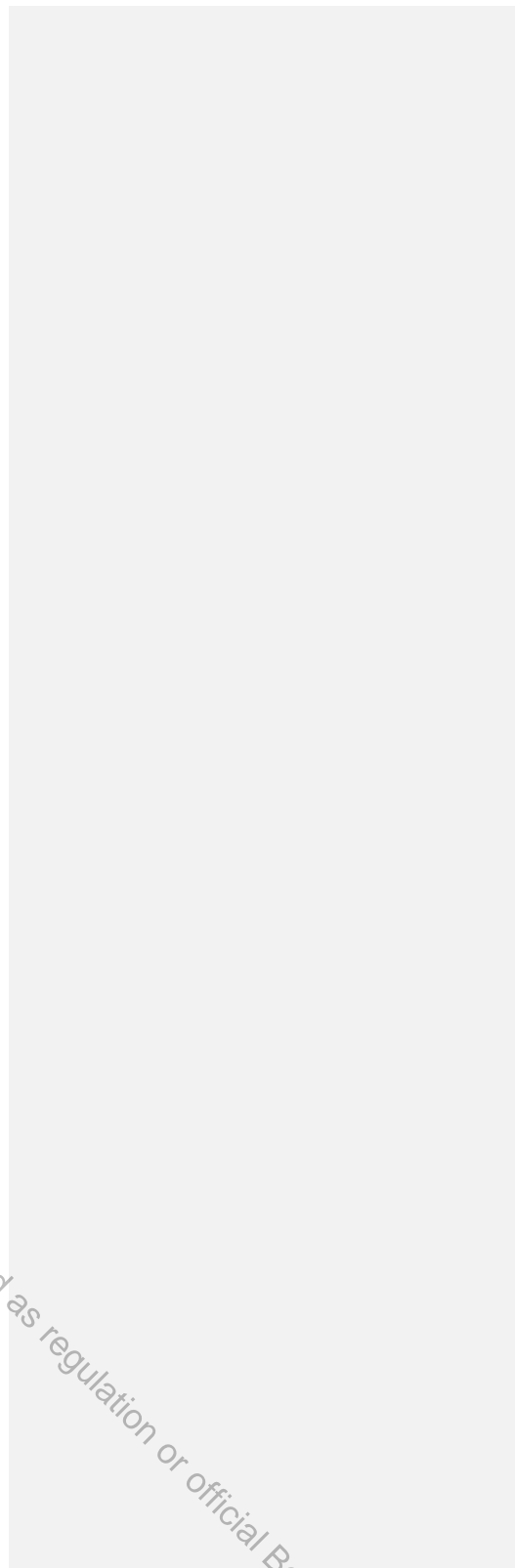
1011 **Historical Notes**

1012 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23,
1013 Issue 3, eff. December 1, 2006.

1014 **18VAC15-30-230. (Repealed.)**

1015 **Historical Notes**

1016 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1017 19, Issue 24, eff. October 1, 2003.



DRAFT AGENDA
Material contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1022

1023 **18VAC15-30-245. (Repealed.)**

1024 **Historical Notes**

1025 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; derived from or amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1029 **18VAC15-30-310. (Repealed.)**

1030 **Historical Notes**

1031 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

1034 **18VAC15-30-330. (Repealed.)**

1035 **Historical Notes**

1036 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1039 **Part VI. Standards of Practice and Conduct for Accredited Lead Training Programs**

1042 **18VAC15-30-332. Changes to an approved course. +2**

1044 Once a training course has been approved, substantial changes in any of the approved items must be submitted to the board for review and approval prior to the continuation of the training course. (+1) (R/S) These items include, ~~but are not limited to:~~ (0)

- 1047 1. Course curriculum.
- 1048 2. Course examination.
- 1049 3. Course materials.
- 1050 4. Training manager and principal instructor or instructors.
- 1051 5. Certificate of completion.

1052 The board ~~shall~~ will communicate its approval or disapproval in the same manner as for initial applications for accreditation approval. (+1) (G/D)

1055 **Statutory Authority**

Commented [HJ21]: Under applicable statute, the Board is required to adopt regulations "...consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulation..." and requires the regulations not be more stringent than EPA regulations.

Much of the training program requirements in this part are, essentially, mandatory and not within the discretion of the Board per the statute.

Commented [JH22]: Any others?

Commented [TP23R22]: Any new permanent training location.

Per Title 40 Ch 1 Sub R Part 745 Subpart L (j): a change may also require provider to provide proof of EPA's approval of certain changes to the course.

DRAFT AGENDA Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1056 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1057 **Historical Notes**

1058 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1059 **18VAC15-30-334. Change of ownership. +1**

1060

1061 When an accredited lead training provider offering an accredited lead training
1062 program has a change of ownership, the new owner shall apply anew. (+1) (R/D)

1063 **Statutory Authority**

1064 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1065 **Historical Notes**

1066 Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

1067 **18VAC15-30-340. Qualifications of training managers and principal instructors.**

1068 +6

1069

1070 A. The training program ~~shall~~will employ a training manager who:

1071 1. Has at least two ~~years'~~years of experience, education, or training in teaching
1072 workers or adults; has a bachelor's or graduate level degree in building
1073 construction technology, engineering, industrial hygiene, safety, public health,
1074 education, business administration, program management, or a related field; or has
1075 two ~~years'~~years of experience in managing a training program that specialized in
1076 environmental hazards; and (+1) (R/S)

1077 2. Has demonstrated experience, education, or training in the construction industry
1078 including: lead or asbestos abatement, painting, carpentry, renovation, remodeling,
1079 occupational safety and health, or industrial hygiene. (+1) (R/S)

1080 B. The training program ~~shall~~will employ a qualified principal instructor, designated
1081 by the training manager, for each course who:

1082 1. Demonstrates experience, education or training in teaching workers or adults,
1083 (+1) (R/S)

1084 2. Successfully completed a minimum of 16 hours of any EPA-accredited or board-
1085 approved lead-specific training; and (+1) (R/S)

Commented [JH24]: Is this requirement necessary?

Commented [TP25R24]: I think this would depend on how the requirements of the SCC would be affected. If there is a change to the entire entity, essentially the old one would not exist, so yes, there would have to be a new application. But the fed regs don't speak to this.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1086 3. ~~Demonstrated~~ Has demonstrated experience, education or training in lead or
1087 asbestos abatement, painting, carpentry, renovation, remodeling, occupational
1088 safety and health, or industrial hygiene. (+1) (R/S)

1089 C. Documentation of all principal instructor qualifications ~~shall will~~ be reviewed and
1090 approved by the board prior to the principal instructor teaching in an accredited lead
1091 training program. (+1) (R/D)

1092 **Statutory Authority**

1093 § 54.1-501 of the Code of Virginia.

1094 **Historical Notes**

1095 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1096 19, Issue 24, eff. October 1, 2003.

1097 **18VAC15-30-350. Responsibilities of the training manager. +7**

1098

1099 A. The training program ~~shall will~~ employ a training manager who ~~shall will~~ be
1100 responsible for ensuring that the training program complies at all times with the
1101 requirements of this chapter (+1) (R/S) and who is responsible for maintaining:

1102 1. The validity and integrity of the hands-on skills assessment or proficiency test to
1103 ensure that ~~it the assessment or test~~ accurately evaluates ~~the~~ trainees' performance of
1104 the work practices and procedures associated with the course topics. (+1) (R/S)

1105 2. The validity and integrity of the course test to ensure that ~~it the test~~ accurately
1106 evaluates the trainees' knowledge and retention of the course topics. (+1) (R/S)

1107 B. The training manager ~~shall will~~, for each course offered, designate a principal
1108 instructor. (+1) (R/S) Principal instructors are responsible for the organization of the
1109 course and oversight of the teaching of all course material. (+1) (R/S)

1110 C. Guest instructors may be designated by the training manager as needed to provide
1111 instruction specific to the lecture, hand-on activities, or work practice components of a
1112 course. (0)

1113 D. Any training manager who intends to also serve as a principal instructor ~~shall must~~
1114 meet the requirements of subsection B of 18VAC15-30-340 (+1) (R/D) ~~and provide~~
1115 ~~documentation to the board prior to instructing. (+1) (R/D)~~

1116 **Statutory Authority**

1117 § 54.1-501 of the Code of Virginia.

Commented [JH26]: Would application and reporting requirements be sufficient to establish this?

Commented [TP27R26]: Yes.

1118 **Historical Notes**

1119 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume

1120 19, Issue 24, eff. October 1, 2003.

1121
1122 **18VAC15-30-360. Training manager and principal instructor documentation. +3**
1123

1124 The following documents ~~shall~~ will be recognized by the board as proof that training
1125 managers and principal instructors meet the ~~relevant~~ applicable educational, work
1126 experience, and training requirements specifically listed in 18VAC15-30-340:

1127 1. Official academic transcripts or diplomas as proof of meeting the educational
1128 requirements. **(+1) (R/S)**

1129 2. Resumes, letters of reference, or documentation of work experience as proof of
1130 meeting the work experience requirements. **(+1) (R/S)**

1131 3. Certificates from lead-specific training courses as proof of meeting the training
1132 requirements. **(+1) (R/S)**

Commented [TP28]: Guidance document

1133 **Statutory Authority**

1134 § 54.1-501 of the Code of Virginia.

1135 **Historical Notes**

1136 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume

1137 19, Issue 24, eff. October 1, 2003.

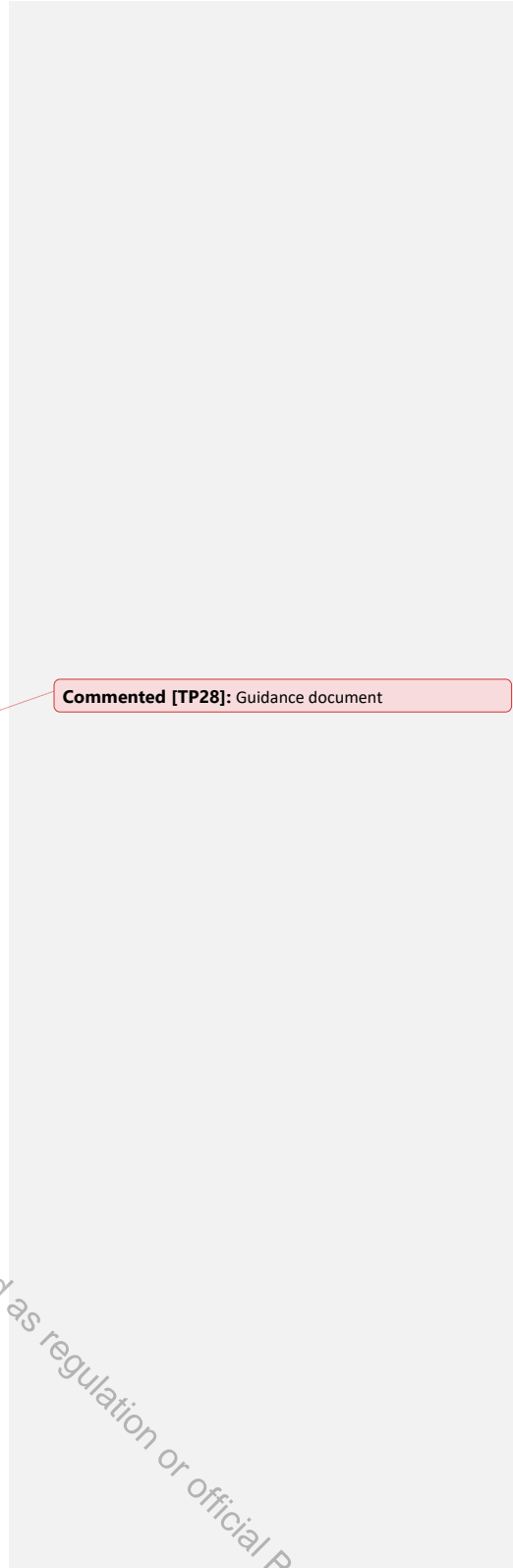
1138 **18VAC15-30-370. Training facilities. +5**

1139
1140 The training program ~~shall~~ will provide adequate facilities for the delivery of the
1141 lecture **(+1) (R/S)**, course test **(+1) (R/S)**, hands-on training **(+1) (R/S)**, and
1142 assessment activities. **(+1) (R/S)** This includes providing training equipment that
1143 reflects current work practices, and maintaining or updating the equipment and
1144 facilities as needed. **(+1) (R/S)**

1145 **Statutory Authority**

1146 § 54.1-501 of the Code of Virginia.

1147 **Historical Notes**



DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1148 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1149 19, Issue 24, eff. October 1, 2003.

1150 **18VAC15-30-380. Length of training courses. +14**

1151

1152 A. The length of training courses ~~are~~ will be as follows:

1153 1. The training course for lead inspector ~~shall~~ must last a minimum of 24 training
1154 hours (+1) (R/S), with a minimum of eight hours devoted to hands-on training
1155 activities. (+1) (R/S)

1156 2. The training course for lead risk assessor ~~shall~~ must last a minimum of 16
1157 training hours (+1) (R/S) with a minimum of four hours devoted to hands-on
1158 training activities. (+1) (R/S) As a prerequisite, the 24 training hours provided for in
1159 subdivision 1 of this subsection for lead inspector ~~shall be~~ is required. (+1) (R/S)

1160 3. The training course for lead project designer ~~shall~~ must last a minimum of eight
1161 training hours. (+1) (R/S) As a prerequisite, the 32 training hours provided for in
1162 subdivision 4 of this subsection for lead abatement supervisor ~~shall be~~ is required.
1163 (+1) (R/S)

1164 4. The training course for lead abatement supervisor ~~shall~~ must last a minimum of
1165 32 training hours (+1) (R/S), with a minimum of eight hours devoted to hands-on
1166 activities. (+1) (R/S)

1167 5. The training course for lead abatement worker ~~shall~~ must last a minimum of 16
1168 training hours (+1) (R/S), with a minimum of eight hours devoted to hands-on
1169 activities. (+1) (R/S)

1170 6. All lead refresher courses ~~shall~~ must last a minimum of eight training hours (+1)
1171 (R/S), except the project designer refresher course which ~~shall~~ must last a minimum
1172 of four training hours. (+1) (R/S)

1173 B. In no case ~~shall~~ will actual training exceed eight hours during any single 24-hour
1174 period, exceed four hours when conducted during evening hours (after 5 p.m. and
1175 before 8 a.m.) except training that is conducted during the student's normal second or
1176 third shift working hours, or exceed 16 hours during any weekend (Friday after 5 p.m.
1177 to Monday 8 a.m.). (+1) (R/D)

1178 **Statutory Authority**

1179 § 54.1-501 of the Code of Virginia.

1180 **Historical Notes**

Commented [JH29]: Discuss whether this is necessary.

1181 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1182 19, Issue 24, eff. October 1, 2003.

1183 **18VAC15-30-390. Course examination. +10**
1184

1185 A. For each course, the accredited lead training program ~~shall~~will conduct a
1186 monitored, written course test at the completion of the course **(+1) (R/S)** and a hands-
1187 on skills assessment, or as an alternative, a proficiency test. **(+1) (R/S)** Each
1188 individual must successfully complete the hands-on skills assessment **(+1) (R/S)** and
1189 receive a passing score on the course test to pass any course, or successfully complete
1190 a proficiency test. **(+1) (R/S)** Refresher training programs are not required to conduct
1191 a hands-on skills assessment. **(0)**

Commented [HJ30]: This may not be consistent with current federal requirements. Under the federal regulation, all disciplines except project designer must conduct a hands-on assessment for refresher courses.

1192 B. The course test is an evaluation of the overall effectiveness of the training which
1193 ~~shall~~must test the trainee's knowledge and retention of the topics covered during the
1194 course. **(+1) (R/S)** ~~An oral course test may be administered in lieu of a written course~~
1195 ~~test for lead abatement worker only.~~ **(0)**

1196 1. For a lead abatement worker training program, an oral course test may be
1197 administered in lieu of a written course test.

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.5"

1198 C. Seventy percent ~~shall~~will be the passing score on the course test. **(+1) (R/D)**

Commented [JH31]: Should this remain 70%. Not clear this is tied to a federal standard.

1199 D. The hands-on skills assessment is an evaluation of the effectiveness of the hands-
1200 on training which ~~shall~~will test the ability of the trainees to demonstrate satisfactory
1201 performance of work practices and procedures specified in Part VIII (18VAC15-30-
1202 440 et seq.) of this chapter, as well as any other skills demonstrated in the course. **(+1)**
1203 **(R/S)**

1204 E. ~~The use of a proficiency test in lieu of a hands-on assessment and course test may~~
1205 ~~be considered by the training provider.~~ **(0)** An accredited lead training program that
1206 offers a proficiency test ~~shall~~must assure that the test consists primarily of an
1207 evaluation of the effectiveness and reliability of a student's ability to conduct a
1208 particular lead-based paint activity. **(+1) (R/D)** The proficiency test must also cover
1209 all of the topics and skills addressed in a particular course. **(+1) (R/D)** For instance, a
1210 proficiency-based course in inspection could involve a mix of lecture material with
1211 students conducting a mock inspection in a residential dwelling with known lead-
1212 based paint concentrations. **(0)** The student would be evaluated on the accuracy of the
1213 results of their inspection. **(0)** For a training program to make use of a proficiency-
1214 based course, that course must be approved by the board in the same manner as
1215 approval for any other course, including fees. **(+1) (R/D)**

Commented [JH32]: Is this necessary?

Would this be better in a guidance document?

Commented [TP33R32]: Suggest striking.

Commented [JH34]: Is this necessary?

Commented [TP35R34]: No.

1216 Statutory Authority

1217 § 54.1-501 of the Code of Virginia.

1218 **Historical Notes**

1219 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume

1220 19, Issue 24, eff. October 1, 2003.

1221

1222 **18VAC15-30-400. Certificates of completion. +14**

1223

1224 Accredited lead training programs ~~shall~~will issue unique course completion
1225 certificates to each individual who successfully completes the course requirements.

1226 (+1) (R/S) The course completion certificate ~~shall~~must include:

1227 1. A unique certificate number. (+1) (R/S)

1228 2. The name (+1) (R/S) and address of the individual. (+1) (R/S)

1229 3. The name of the particular course that the individual completed. (+1) (R/S)

1230 4. Dates of course completion/test passage. (+1) (R/S)

1231 5. Expiration date. (+1) (R/S) Training certificates ~~shall~~will expire three years from
1232 the date of course completion. (0) If the accredited lead training program offers a
1233 proficiency test, ~~the~~such training certificates ~~shall~~will expire five years from the
1234 date of course completion. (0)

1235 6. Name (+1) (R/S), address (+1) (R/S), and telephone number of the training
1236 provider. (+1) (R/S)

1237 7. Name (+1) (R/D) and signature (+1) (R/D) of the training manager (+1) (R/D)
1238 and principal instructor. (+1) (R/D)

1239 **Statutory Authority**

1240 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

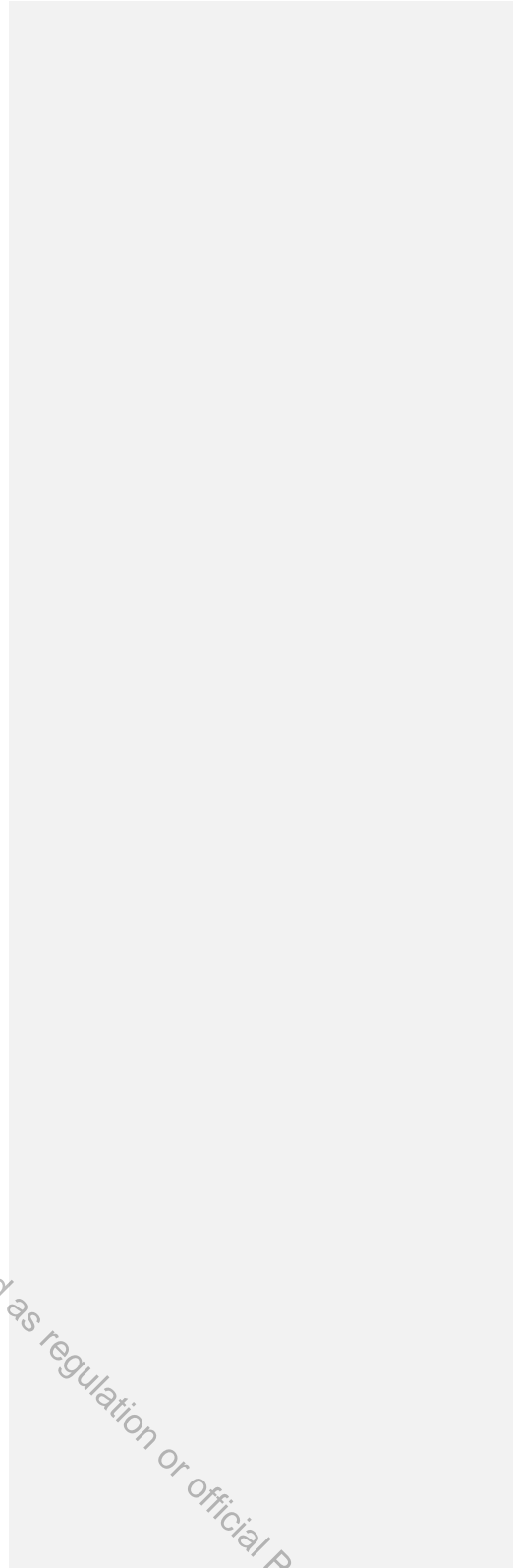
1241 **Historical Notes**

1242 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume

1243 19, Issue 24, eff. October 1, 2003; Volume 31, Issue 15, eff. May 1, 2015.

1244 **18VAC15-30-410. Quality control plan. +7**

1245



DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1246 The training manager ~~shall~~will develop (+1) (R/S) and implement a quality control
1247 plan. (+1) (R/S) The plan ~~shall~~will be used to maintain (+1) (R/S) and improve the
1248 quality of the accredited lead training program over time. (+1) (R/S) ~~This~~The plan
1249 ~~shall~~must contain at least the following elements:

1250 1. Procedures for periodic revision of training materials (+1) (R/S) and course test
1251 to reflect innovations in the field. (+1) (R/S)

1252 2. Procedures for the training manager's annual review of principal instructor
1253 competency. (+1) (R/S)

1254 **Statutory Authority**

1255 § 54.1-501 of the Code of Virginia.

1256 **Historical Notes**

1257 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1258 19, Issue 24, eff. October 1, 2003.

1259 **18VAC15-30-420. Recordkeeping and provision of records to the board. +69**

1260

1261 A. Each accredited lead training program ~~shall~~will maintain and make available upon
1262 request from the board the following records: (+1) (R/S)

1263 1. All documents specified in 18VAC15-30-360 that demonstrate the qualifications
1264 listed in 18VAC15-30-340 of the training manager and principal instructors. (+1)
1265 (R/S)

1266 2. Current curriculum ~~or~~or course materials (+1) (R/S) and documents reflecting any
1267 changes made to these materials. (+1) (R/S)

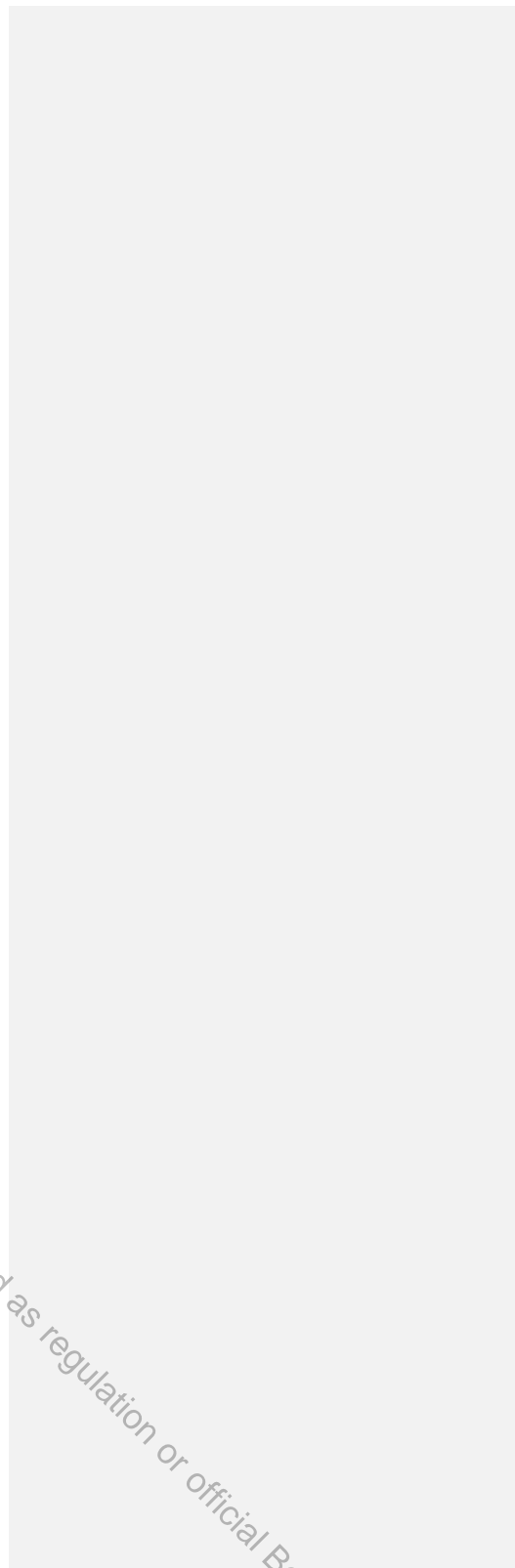
1268 3. Course examination. (+1) (R/S)

1269 4. Information on how the hands-on assessment is conducted including, ~~but not~~
1270 ~~limited to~~, who conducts the assessment, (+1) (R/S) how the skills are graded, (+1)
1271 (R/S) what facilities are used, (+1) (R/S) and the pass/fail rate. (+1) (R/S)

1272 5. The quality control plan described in 18VAC15-30-410. (+1) (R/S)

1273 6. Results of ~~the~~each student's hands-on skills assessments (+1) (R/S) and course
1274 examination (+1) (R/S) and a copy of each student's course completion certificate.
1275 (+1) (R/S)

1276 7. Any other material not listed in this chapter that was submitted to the board as
1277 part of the application for accreditation. (+1) (R/S)



DRAFT AGENDA Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

- 1278 The accredited lead training provider ~~shall~~ must retain these records at the location
1279 specified on the training program application (+1) (R/S) for a minimum of three years
1280 and six months. (+1) (R/S)
- 1281 B. The training manager ~~shall~~ must notify the board (+1) (R/S) at least 48 hours prior
1282 to the start date of any accredited lead training program. (+1) (R/S)
- 1283 C. The training manager ~~shall~~ must provide an updated notification when an
1284 accredited lead training program will begin on a date other than the start date specified
1285 in the original notification as follows:
- 1286 1. For accredited lead training programs beginning prior to the start date provided to
1287 the board, an updated notification must be received by the board (+1) (R/S) at least
1288 48 hours before the new start date. (+1) (R/S)
 - 1289 2. For accredited lead training programs beginning after the start date provided to
1290 the board, an updated notification must be received by the board (+1) (R/S) at least
1291 48 hours before the start date provided to the board. (+1) (R/S)
- 1292 D. The training manager ~~shall~~ must update the board of any change in location of an
1293 accredited lead training program (+1) (R/S) at least seven business days prior to the
1294 start date provided to the board. (+1) (R/S)
- 1295 E. The training manager ~~shall~~ must update the board regarding any accredited lead
1296 training program cancellations or any other change to the original notification (+1)
1297 (R/S) at least two business days prior to the start date provided to the board. (+1)
1298 (R/S) This requirement ~~shall~~ will not apply to situations or circumstances beyond the
1299 control of the training provider. (0)
- 1300 F. Each notification, ~~including updates,~~ shall must include the following:
- 1301 1. Notification type (original, update, cancellation). (+1) (R/S)
 - 1302 2. Training program name (+1) (R/S), Virginia accreditation number (+1) (R/S),
1303 address (+1) (R/S), and telephone number. (+1) (R/S)
 - 1304 3. Course discipline (+1) (R/S), type (initial/refresher) (+1) (R/S), and the language
1305 in which the instruction will be given. (+1) (R/S)
 - 1306 4. Dates (+1) (R/S) and times of training. (+1) (R/S)
 - 1307 5. Training locations (+1) (R/S), telephone number (+1) (R/S), and address. (+1)
1308 (R/S)
 - 1309 6. Principal instructor's name. (+1) (R/S)
 - 1310 7. Training manager's name (+1) (R/S) and signature. (+1) (R/S)

DRAFT AGENDA
Materials contained herein are for discussion purposes only and are not to be construed as regulation or official Board position.

1311 G. The training program participant list ~~shall~~must be completed by the training
1312 provider (+1) (R/D) and training program participants daily. (+1) (R/D)

1313 H. The training program participant list ~~shall~~must be retained by the training provider
1314 (+1) (R/D) for three years following the date of completion of the training program.
1315 (+1) (R/D)

1316 I. The training manager ~~shall~~must provide to the board the accredited lead training
1317 program participant list (+1) (R/S) no later than 10 business days following the
1318 training program completion. (+1) (R/S) For the purposes of this section, a business
1319 day shall mean Monday through Friday with the exception of federal holidays. (0)

1320 J. The training program participant list ~~shall~~must include the following:

- 1321 1. Training program name (+1) (R/S), Virginia accreditation number (+1) (R/S),
1322 address (+1) (R/S), and telephone number. (+1) (R/S)
- 1323 2. Course discipline (+1) (R/S) and type (initial/refresher). (+1) (R/S)
- 1324 3. Dates of training. (+1) (R/S)
- 1325 4. Each participant's name (+1) (R/S), address (+1) (R/S), social security number
1326 (+1) (R/D), course completion certificate number (+1) (R/S), and course test score.
1327 (+1) (R/S)
- 1328 5. Training manager's name (+1) (R/S) and signature. (+1) (R/S)

1329 K. Notifications (+1) (R/D) and training program participant lists ~~shall~~must be
1330 submitted electronically in the manner established by the board specifically to receive
1331 this documentation using a sample form designed by and available from the board.
1332 (+1) (R/D) Any variation upon this procedure ~~shall~~must be approved by the board
1333 prior to submission. (+1) (R/D)

1334 L. The training provider ~~shall~~must retain all examinations completed by training
1335 program participants (+1) (R/D) for a period of three years. (+1) (R/D)

1336 M. The department ~~shall~~will not recognize training certificates from approved
1337 training providers that fail to ~~notify to comply with the notification requirements of~~
1338 this section or fail to provide a training program participant list as required by this
1339 section. (+1) (G/D) (+1) (R/D)

1340 Statutory Authority

1341 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1342 Historical Notes

Commented [HJ(36)]: This provision does not appear necessary. Business days is an understood term.

Commented [TP37R36]: Agreed.

Commented [HJ(38)]: May need to make the sample form part of the regulation if we are specifying it.

not to be construed as regulation or official Board position.

1343 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1344 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December
1345 1, 2006.

1346
1347 **18VAC15-30-430. Change of address. +2**
1348

1349 The accredited lead training provider shall notify the board (+1) (R/S) 30 days prior to
1350 relocating its business or transferring the records. (+1) (R/S)

1351 **Statutory Authority**
1352 § 54.1-501 of the Code of Virginia.

1353 **Historical Notes**
1354 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1355 19, Issue 24, eff. October 1, 2003.

1356 **Part VII. Training Course Curricula Requirements**

1357
1358 **18VAC15-30-440. General. +2**
1359

1360 Training programs shall will ensure that their courses of study for various lead-based
1361 paint activities disciplines cover the mandatory subject areas. (+1) (R/D)
1362 Requirements listed in this part ending in an asterisk (*) indicate areas that require
1363 hands-on training as an integral component of the course. (0) All training courses shall
1364 must be discipline specific. (+1) (R/D)

1365 **Statutory Authority**
1366 § 54.1-501 of the Code of Virginia.

1367 **Historical Notes**
1368 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1369 19, Issue 24, eff. October 1, 2003.

1370 **18VAC15-30-450. Initial training criteria for lead abatement worker. +11**
1371

Commented [HJ(39)]: The requirement to provide notice prior to relocating may be more stringent than current federal regulation, which specifies notification must occur within 30 days.

Commented [HJ(40)]: Under applicable statute, the Board is required to adopt regulations "...consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulation..." and requires the regulations not be more stringent than EPA regulations.

Much of the training program requirements in this part are, essentially, mandatory and not within the discretion of the Board per the statute.

Commented [HJ(41)]: Consider whether this section is necessary.

Commented [HJ(42)]: Do not use asterisk format.

In each course curriculum section, specify with components require hands-on training.

Commented [HJ(43)]: Consider proposed format for this section for other course standards.

1372 A. The lead abatement workers course ~~shall~~must last a minimum of 16 hours (+1)
1373 (R/S) with a minimum of eight hours devoted to hands-on training. (+1) (R/S) The
1374 training course ~~shall~~must address the following topics:

- 1375 1. Role and responsibilities of an abatement worker. (+1) (R/S)
- 1376 2. Background information and health effects of lead. (+1) (R/S)
- 1377 3. Background information on federal, state and local regulations and guidance that
1378 pertains to lead-based paint activities. (+1) (R/S)
- 1379 4. Lead-based paint hazard recognition and control methods.* (+1) (R/S)
- 1380 5. Lead-based paint abatement and lead hazard reduction methods, including
1381 restricted work practices.* (+1) (R/S)
- 1382 6. Interior dust abatement methods/clean-up or lead hazard reduction.* (+1) (R/S)
- 1383 7. Soil and exterior dust abatement methods or lead hazard reduction.* (+1) (R/S)
- 1384 8. Course review. (+1) (R/D)
- 1385 9. Examination. (+1) (R/S)

1386 B. The topics in subdivisions A 4, A 6, and A 7 must include hands-on training.

1387 **Statutory Authority**

1388 § 54.1-501 of the Code of Virginia.

1389 **Historical Notes**

1390 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1391 19, Issue 24, eff. October 1, 2003.

1392 **18VAC15-30-460. Initial training criteria for lead abatement supervisor. +18**

1393

1394 The lead abatement supervisor course shall last a minimum of 32 hours (+1) (R/S)
1395 with a minimum of eight hours devoted to hands-on training. (+1) (R/S) The training
1396 course shall address the following topics:

- 1397 1. Role and responsibilities of an abatement supervisor. (+1) (R/S)
- 1398 2. Background information on lead and the adverse health effects. (+1) (R/S)
- 1399 3. Background information on federal, state and local regulations (+1) (R/S) and
1400 guidance that pertains to lead-based paint activities including distribution and

Commented [HJ(44)]: This is redundant of -380.

Commented [TP45R44]: Are we able to repeal 380 and incorporate these requirements here?

Formatted: Font: Not Bold

Commented [HJ(46)]: This is redundant of -380.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

- 1401 thorough review of the Virginia Lead-Based Paint Activities Regulations. (+1)
 1402 (R/D)
- 1403 4. Liability and insurance issues relating to lead-based paint abatement. (+1) (R/S)
- 1404 5. Risk assessment and inspection report interpretation.* (+1) (R/S)
- 1405 6. Development and implementation of an occupant protection plan and abatement
 1406 report. (+1) (R/S)
- 1407 7. Lead-based paint hazard recognition and control methods.* (+1) (R/S)
- 1408 8. Lead-based paint abatement or lead hazard reduction methods, including
 1409 restricted work practices.* (+1) (R/S)
- 1410 9. Interior dust abatement/clean-up or lead hazard reduction.* (+1) (R/S)
- 1411 10. Soil and exterior dust abatement or lead hazard reduction.* (+1) (R/S)
- 1412 11. Clearance standards and testing. (+1) (R/S)
- 1413 12. Clean-up and waste disposal. (+1) (R/S)
- 1414 13. Recordkeeping. (+1) (R/S)
- 1415 14. Course review. (+1) (R/D)
- 1416 15. Examination. (+1) (R/S)

1417 **Statutory Authority**

1418 § 54.1-501 of the Code of Virginia.

1419 **Historical Notes**

1420 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
 1421 19, Issue 24, eff. October 1, 2003.

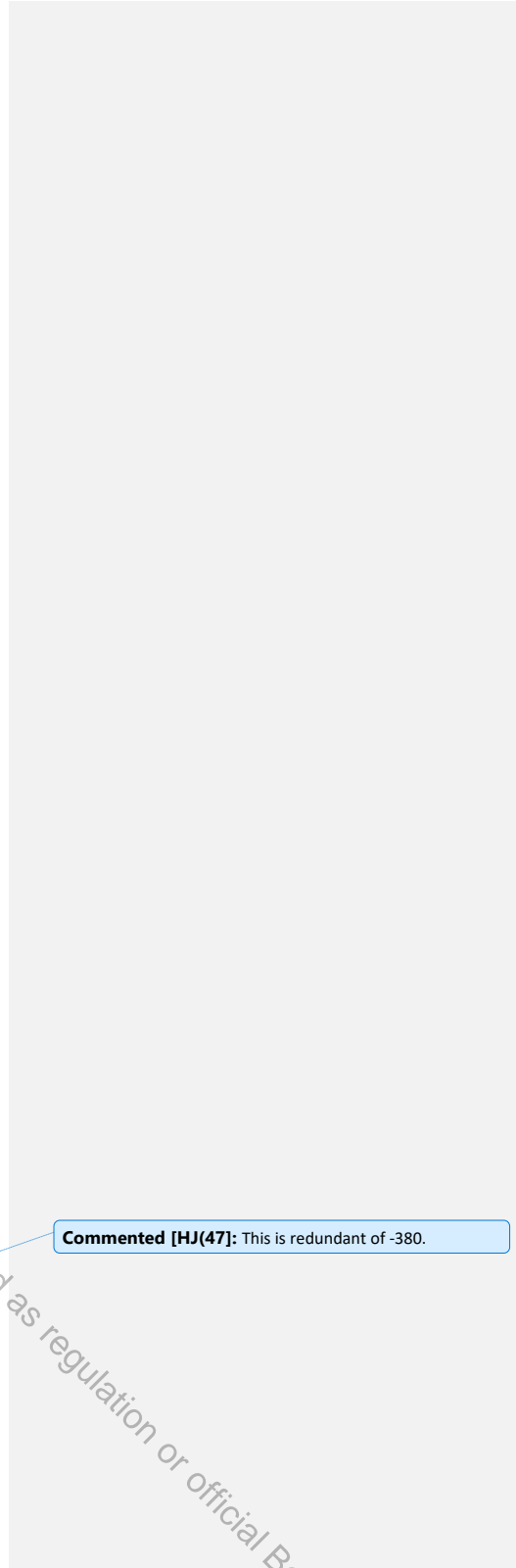
1422 **18VAC15-30-470. Initial training criteria for lead inspector. +13**

1423

1424 The lead inspector course shall last a minimum of 24 hours (+1) (R/S) with a
 1425 minimum of eight hours devoted to hands-on training. (+1) (R/S) The training course
 1426 shall address the following topics:

- 1427 1. Background information on lead. (+1) (R/S)
- 1428 2. Health effects of lead. (+1) (R/S)

Commented [HJ(47)]: This is redundant of -380.



DRAFT AGENDA Materials contained herein are proposed topics for discussion and are not to be construed as regulation or official Board position.

- 1429 3. Regulatory review. (+1) (R/D) This entails a discussion of applicable federal,
- 1430 state and local regulations that pertain to lead-based paint, including distribution
- 1431 and thorough review of this chapter. (0)
- 1432 4. Roles and responsibilities of the lead-based paint inspector. (+1) (R/S)
- 1433 5. Lead-based paint inspection methods, including selection of rooms and
- 1434 components for sampling or testing.* (+1) (R/S)
- 1435 6. Paint, dust, and soil sampling methodologies.* (+1) (R/S)
- 1436 7. Preparation of the final inspection report.* (+1) (R/S)
- 1437 8. Clearance standards and testing, including random sampling.* (+1) (R/S)
- 1438 9. Recordkeeping. (+1) (R/S)
- 1439 10. Course review. (+1) (R/D)
- 1440 11. Examination. (+1) (R/S)

1441 **Statutory Authority**

1442 § 54.1-501 of the Code of Virginia.

1443 **Historical Notes**

1444 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
 1445 19, Issue 24, eff. October 1, 2003.

1446 **18VAC15-30-480. Initial training criteria for lead risk assessors. +14**

1447

1448 The lead risk assessor course shall last a minimum of 16 hours (+1) (R/S) and shall
 1449 address the following topics with a minimum of four hours devoted to hands-on
 1450 training (+1) (R/S), which includes site visits:

- 1451 1. Role and responsibilities of a risk assessor. (+1) (R/S)
- 1452 2. Regulatory review. (+1) (R/D) This entails a discussion of applicable federal,
- 1453 state and local regulations that pertain to lead-based paint, including distribution
- 1454 and thorough review of this chapter. (0)
- 1455 3. Collection of background information to perform risk assessment. (+1) (R/S)
- 1456 4. Visual inspection for the purpose of identifying potential sources of lead-based
- 1457 hazards.* (+1) (R/S)

Commented [HJ(48)]: This topic does not appear to be consistent with requirement of federal regulation.

Commented [HJ(49)]: This is redundant of -380.

Commented [HJ(50)]: This topic does not appear to be consistent with requirement of federal regulation.

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
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

- 1458 5. Sources of environmental lead contamination such as paint, surface dust, water,
 1459 air, packaging, and food. (+1) (R/S)
- 1460 6. Lead hazard screen protocol. (+1) (R/S)
- 1461 7. Sampling for other sources of lead exposure.* (+1) (R/S)
- 1462 8. Interpretation of lead-based paint and other sampling results. (+1) (R/S)
- 1463 9. Development of hazard control options, the role of interim controls, and
 1464 operations and maintenance activities to reduce lead-based paint hazards. (+1) (R/S)
- 1465 10. Preparation of a final risk assessment report. (+1) (R/S)
- 1466 11. Course review. (+1) (R/D)
- 1467 12. Examination. (+1) (R/S)

1468 **Statutory Authority**

1469 § 54.1-501 of the Code of Virginia.

1470 **Historical Notes**

1471 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
 1472 19, Issue 24, eff. October 1, 2003.

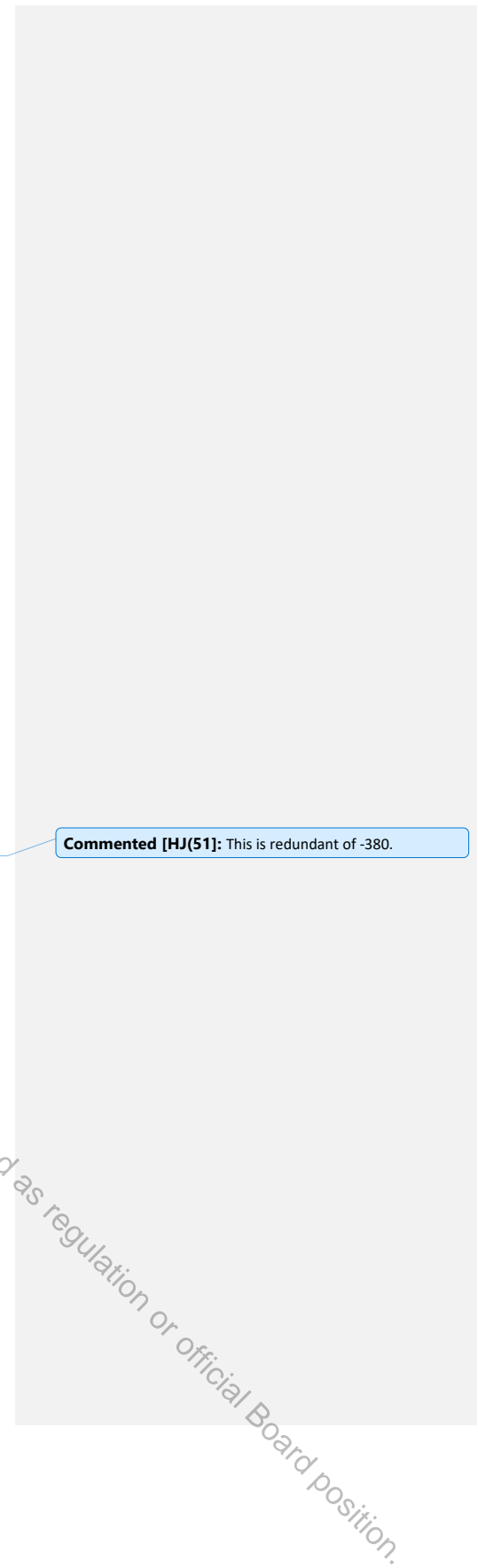
1473 **18VAC15-30-490. Initial training criteria for lead project designer. +9**

1474

1475 The lead project designer course shall last a minimum of eight hours (+1) (R/S) and
 1476 shall address the following topics:

Commented [HJ(51)]: This is redundant of -380.

- 1477 1. Role and responsibilities of a project designer. (+1) (R/S)
- 1478 2. Development and implementation of an occupant protection plan for large scale
 1479 abatement projects. (+1) (R/S)
- 1480 3. Lead-based paint abatement and lead-based paint hazard reduction methods for
 1481 large scale abatement projects. (+1) (R/S)
- 1482 4. Interior dust abatement/clean-up or lead hazard control and reduction methods for
 1483 large scale abatement projects. (+1) (R/S)
- 1484 5. Clearance standards and testing for large scale abatement projects. (+1) (R/S)
- 1485 6. Integration of lead-based paint abatement methods with modernization and
 1486 rehabilitation projects for large scale abatement projects. (+1) (R/S)



DRAFT AGENDA. Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1487 7. Course review. (+1) (R/D)

1488 8. Examination. (+1) (R/S)

1489 **Statutory Authority**

1490 § 54.1-501 of the Code of Virginia.

1491 **Historical Notes**

1492 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1493 19, Issue 24, eff. October 1, 2003.

1494

1495 **18VAC15-30-500. Refresher training criteria. +6**

1496

1497 The refresher course for all disciplines ~~shall~~must address the following topics:

1498 1. An overview of current safety practices relating to lead-based paint activities in
1499 general (+1) (R/S), as well as specific information pertaining to the appropriate
1500 discipline. (+1) (R/S)

1501 2. Current federal, state, and local laws and regulations relating to lead-based paint
1502 activities in general (+1) (R/S), as well as specific information pertaining to the
1503 appropriate discipline including distribution and thorough review of the Virginia
1504 Lead-Based Paint Activities Regulations. (+1) (R/D)

1505 3. Current technologies relating to lead-based paint in general (+1) (R/S), as well as
1506 specific information pertaining to the appropriate discipline. (+1) (R/S)

1507 **Statutory Authority**

1508 § 54.1-501 of the Code of Virginia.

1509 **Historical Notes**

1510 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1511 19, Issue 24, eff. October 1, 2003.

1512 **Part VIII. Standards for Conducting Lead-Based Paint Activities**

1513

1514 **18VAC15-30-510. General requirements. +17**

1515

1516 A. This part establishes work practice standards for conducting lead-based paint
1517 activities in target housing and child-occupied facilities. (0)

Commented [TP52]: Maybe add in language regarding the hands-on assessment/component here?

Formatted: Highlight

1518 B. Notification shall be sent by the licensed lead abatement contractor to the Virginia
1519 Department of Labor and Industry prior to the commencement of any lead-based paint
1520 abatement activities. **(+1) (R/D)** The notification shall be sent in a manner prescribed
1521 by the Virginia Department of Labor and Industry. **(+1) (R/D)**

1522 C. No licensed lead abatement contractor shall enter into a contract to perform a lead
1523 abatement project if the lead inspection or project design is to be performed by
1524 individuals with an employer/employee relationship with, or financial interest in, the
1525 lead abatement contractor unless the contractor provides the building owner with a
1526 "Virginia Lead Consumer Information and Disclosure Sheet," which is available from
1527 the board. **(+1) (R/D)** Persons licensed to perform post-abatement clearance
1528 procedures shall be independent of and have no financial interest in or an
1529 employer/employee relationship with the licensed lead abatement contractor. **(+1)**
1530 **(R/D)**

1531 D. The relationships described in subsection C of this section must be disclosed **(+1)**
1532 **(R/D)** and the disclosure form must be signed **(+1) (R/D)** and dated by the building
1533 owner, or his agent, **(+1) (R/D)** and the contracting entity prior to the signing of any
1534 contract to conduct lead-based paint activities. **(+1) (R/D)** The contractor must
1535 provide the disclosure form to all parties involved in the lead abatement project. **(+1)**
1536 **(R/D)** The disclosure form shall be kept on the lead abatement project site **(+1) (R/D)**
1537 and available for review. **(+1) (R/D)**

1538 E. When performing a lead-based paint inspection, lead-hazard screen, risk
1539 assessment or abatement, a licensed individual must perform that activity in
1540 compliance with documented methodologies. **(+1) (R/S)** Documented methodologies
1541 that are appropriate for this chapter include the following: **(0)**

1542 1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the
1543 Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995
1544 edition, including the 1997 Revision to Chapter 7: Lead-Based Paint Inspection.

1545 2. 40 CFR Part 745, Subpart D.

1546 3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and
1547 Lead-Contaminated Soil (60 FR 47248-47257).

1548 4. EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final
1549 Report (EPA 747-R-95-001, March 1995).

1550 5. Any future EPA or HUD guidance that may replace the above methodologies.

1551 6. Regulations, guidance, methods or protocols authorized by the board.

Commented [HJ(53)]: This notification requirement may be found in 16VAC25-35.

Consider whether the requirement needs to be in this regulation.

Commented [HJ(54)]: Refer to 40 CFR § 745.227(a)(3).

Commented [HJ(55)]: Refer to 40 CFR § 745.227(a)(3).

Commented [HJ(56)]: Refer to 40 CFR § 745.227(a)(3).

1552 F. Individuals conducting lead-based paint activities shall comply with the work
1553 practice standards enumerated in this chapter. (+1) (R/D)

1554 G. Any lead-based paint activities, as described in this chapter, shall be performed
1555 only by individuals licensed by the board to perform such activities. (+1) (R/S)

1556 H. All reports and plans required by 18VAC15-30-520 through 18VAC15-30-651
1557 shall be maintained by the licensed firm or individual who prepared the report (+1)
1558 (R/S) for at least three years. (+1) (R/S) The licensed firm or individual also shall
1559 provide copies of these reports to the building owner or person who contracted for its
1560 services. (+1) (R/S)

Commented [HJ(57)]: Refer to 40 CFR 745.227(i).

1561 **Statutory Authority**

1562 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

1563 **Historical Notes**

1564 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1565 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006.

1566 **18VAC15-30-511. Determination of the presence of lead-based paint, a paint-lead**
1567 **hazard, a dust-lead hazard, and a soil-lead hazard. (0)**
1568

Commented [HJ(58)]: Refer to 40 CFR 745.227(h) for federal standards to determine the presence of lead-based paint and hazards.

1569 A. Lead-based paint is present: (0)

1570 1. On any surface that is tested and found to contain lead equal to or in excess of 1.0
1571 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and

1572 2. On any surface like a surface tested in the same room equivalent that has a
1573 similar painting history and that is found to be lead-based paint.

1574 B. A paint-lead hazard is present: (0)

1575 1. On any friction surface that is subject to abrasion and where the lead dust levels
1576 on the nearest horizontal surface underneath the friction surface (e.g., the window
1577 sill or floor) are equal to or greater than the dust hazard levels identified by EPA,
1578 pursuant to 15 USC § 2683;

Commented [HJ(59)]: Consider whether to refer to the specific section of federal regulation that provides for the requisite concentration level.

1579 2. On any chewable lead-based paint surface on which there is evidence of teeth
1580 marks;

1581 3. Where there is any damaged or otherwise deteriorated lead-based paint on an
1582 impact surface that is caused by impact from a related building component (such as
1583 a door knob that knocks into a wall or a door that knocks against its door frame);
1584 and

DRAFT AGENDA
Materials.com/VA/Agenda are proposed for discussion and are not to be construed as regulation or official Board position.

1585 4. If there is any other deteriorated lead-based paint in any residential building or
1586 child-occupied facility or on the exterior of any residential building or child-
1587 occupied facility.

1588 C. A dust-lead hazard is present in a residential dwelling or child-occupied facility:
1589 **(0)**

1590 1. In a residential dwelling on floors and interior window sills when the weighted
1591 arithmetic mean lead loading for all single surface or composite samples of floors
1592 and interior window sills are equal to or greater than identified by EPA, pursuant to
1593 15 USC § 2683 for floors and interior window sills;

1594 2. On floors or interior window sills in an unsampled residential dwelling in a
1595 multi-family dwelling, if a dust-lead hazard is present on floors or interior window
1596 sills, respectively, in at least one sampled residential unit on the property; and

1597 3. On floors or interior window sills in an unsampled common area in a multi-
1598 family dwelling, if a dust-lead hazard is present on floors or interior window sills,
1599 respectively, in at least one sampled common area in the same common area group
1600 on the property.

1601 D. A soil-lead hazard is present: **(0)**

1602 1. In a play area when the soil-lead concentration from a composite play area
1603 sample of bare soil is equal to or greater than identified by EPA pursuant to 15 USC
1604 § 2683; or

1605 2. In the rest of the yard when the arithmetic mean lead concentration from a
1606 composite sample (or arithmetic mean of composite samples) of bare soil from the
1607 rest of the yard (i.e., nonplay areas) for each residential building on a property is
1608 equal to or greater than identified by EPA pursuant to 15 USC § 2683.

1609 **Statutory Authority**

1610 § 54.1-501 of the Code of Virginia.

1611 **Historical Notes**

1612 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8,
1613 2003.

1614 **18VAC15-30-520. Inspections. +7**

1615

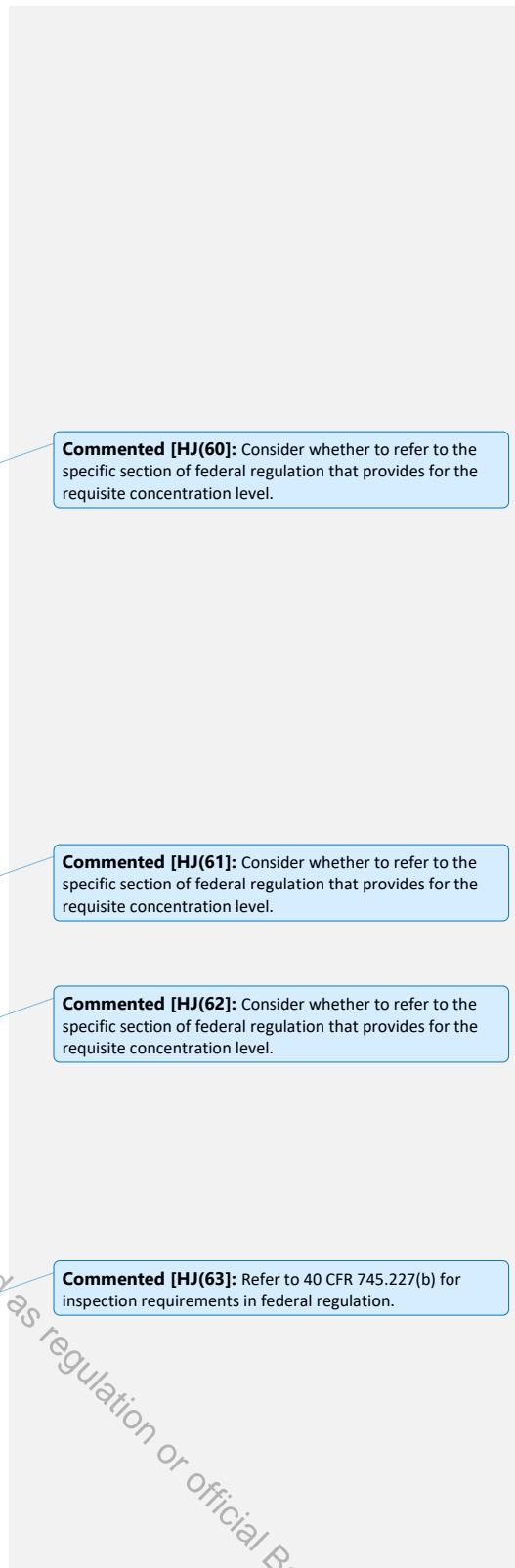
1616 A. Inspections shall be conducted only by persons licensed by the board as an
1617 inspector or risk assessor. **(+1) (R/S)**

Commented [HJ(60): Consider whether to refer to the specific section of federal regulation that provides for the requisite concentration level.

Commented [HJ(61): Consider whether to refer to the specific section of federal regulation that provides for the requisite concentration level.

Commented [HJ(62): Consider whether to refer to the specific section of federal regulation that provides for the requisite concentration level.

Commented [HJ(63): Refer to 40 CFR 745.227(b) for inspection requirements in federal regulation.



DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1618 B. When conducting an inspection, the following locations shall be selected according
1619 to documented methodologies **(+1) (R/S)** and tested for the presence of lead-based
1620 paint:

1621 1. In a residential dwelling or child-occupied facility, each testing combination with
1622 a distinct painting history **(+1) (R/S)** and each exterior testing combination with a
1623 distinct painting history shall be tested for lead-based paint, except those testing
1624 combinations that the inspector or risk assessor determines to have been replaced
1625 after 1978, or do not contain lead-based paint. **(+1) (R/S)**

1626 2. In a multi-family dwelling or child-occupied facility, each testing combination
1627 with a distinct painting history in every common area, except those testing
1628 combinations that the inspector or risk assessor determines to have been replaced
1629 after 1978, or do not contain lead-based paint. **(+1) (R/S)**

1630 C. Paint shall be sampled in the following manner:

1631 1. The analysis of paint to determine the presence of lead shall be conducted using
1632 documented methodologies that incorporate adequate quality control procedures;
1633 and/or **(+1) (R/S)**

1634 2. Collected paint chips shall be sent to a laboratory recognized by EPA as being
1635 capable of performing the analysis. **(+1) (R/S)**

1636 **Statutory Authority**

1637 § 54.1-501 of the Code of Virginia.

1638 **Historical Notes**

1639 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1640 19, Issue 24, eff. October 1, 2003.

1641 **18VAC15-30-530. (Repealed.)**

1642 **Historical Notes**

1643 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
1644 19, Issue 24, eff. October 1, 2003.

1645 **18VAC15-30-540. Written inspection report. +18**

1648 The licensed inspector or risk assessor shall prepare an inspection report that shall
1649 include the following information:

1650 1. Date of each inspection. **(+1) (R/S)**

Commented [HJ(64)]: Refer to 40 CFR 745.227(b)(4).

- 1651 2. Address of buildings. (+1) (R/S)
- 1652 3. Date of construction. (+1) (R/S)
- 1653 4. Apartment numbers (if applicable). (+1) (R/S)
- 1654 5. Name (+1) (R/S), address (+1) (R/S), and telephone number of the owner or
1655 owners of each residential dwelling or child-occupied facility. (+1) (R/S)
- 1656 6. Name (+1) (R/S), signature (+1) (R/S), and license number of each licensed
1657 inspector or risk assessor conducting testing. (+1) (R/S)
- 1658 7. Name (+1) (R/S), address (+1) (R/S), and telephone number of the firm
1659 employing each inspector or risk assessor. (+1) (R/S)
- 1660 8. Each testing method (+1) (R/S) and device and/or sampling procedure employed
1661 for paint analysis, including quality control data, (+1) (R/S) and, if used, the serial
1662 number of any X-Ray Fluorescence Spectroscopy (XRF) device. (+1) (R/S)
- 1663 9. Specific locations of each painted testing combination tested for the presence of
1664 lead-based paint. (+1) (R/S)
- 1665 10. The results of the inspection expressed in terms appropriate to the sampling
1666 methods used. (+1) (R/S)

1667 **Statutory Authority**

1668 § 54.1-501 of the Code of Virginia.

1669 **Historical Notes**

1670 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996, amended, Virginia Register Volume
1671 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8, 2003.

1672 **18VAC15-30-541. Lead hazard screen. +10**

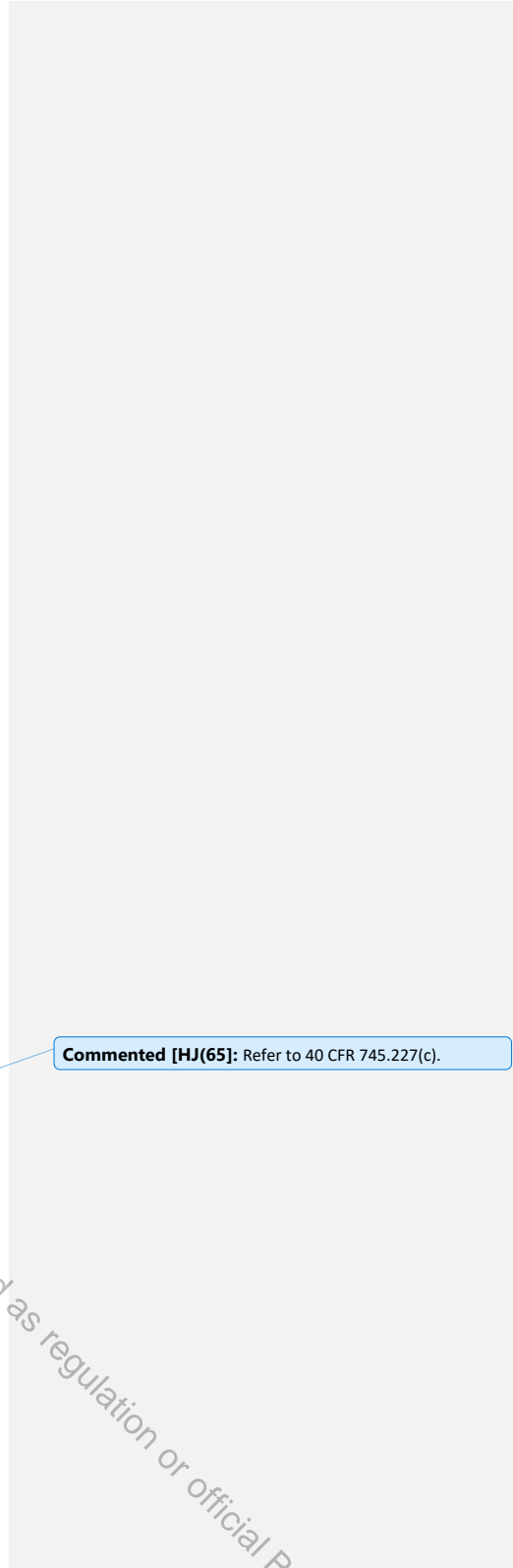
1673

1674 A. A lead hazard screen shall only be conducted by individuals licensed by the board
1675 as a risk assessor. (+1) (R/S)

1676 B. If conducted, a lead hazard screen shall be conducted as follows:

1677 1. Background information regarding the physical characteristics of the residential
1678 dwelling or child-occupied facility (+1) (R/S) and occupant use patterns that may
1679 cause lead-based paint exposure to one or more children age six years and under
1680 shall be collected. (+1) (R/S)

Commented [HJ(65)]: Refer to 40 CFR 745.227(c).



DRAFT AGENDA Material contained herein is proposed for discussion and are not to be construed as regulation or official Board position.

1681 2. A visual inspection of the residential dwelling or child-occupied facility shall be
1682 conducted to: **(+1) (R/S)**

1683 a. Determine if any deteriorated paint is present; and

1684 b. Locate at least two dust sampling locations.

1685 3. If deteriorated paint is present, each surface with deteriorated paint, which is
1686 determined to be in poor condition by using documented methodologies and to have
1687 a distinct painting history, shall be tested for the presence of lead. **(+1) (R/S)**

1688 4. In residential dwellings, two composite dust samples shall be collected, one from
1689 the floors **(+1) (R/S)** and the other from the windows, in rooms, hallways, or
1690 stairwells where one or more children, age six and under, are likely to come in
1691 contact with dust. **(+1) (R/S)**

1692 5. In multi-family dwellings and child-occupied facilities, in addition to the floor
1693 and window samples required in 18VAC15-30-550 B 4, the risk assessor shall also
1694 collect composite dust samples from common areas where children, age six and
1695 under, are most likely to come into contact with dust. **(+1) (R/S)**

1696 C. Dust samples shall be collected in the following manner:

1697 1. All dust samples shall be taken using documented methodologies that incorporate
1698 adequate quality control procedures. **(+1) (R/S)**

1699 2. All dust samples shall be sent to a laboratory recognized by EPA as being
1700 capable of performing the analysis to determine if they contain detectable levels of
1701 lead that can be quantified numerically. **(+1) (R/S)**

1702 **Statutory Authority**

1703 § 54.1-501 of the Code of Virginia.

1704 **Historical Notes**

1705 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

1706 **18VAC15-30-542. Written lead hazard screen report. +30**

1707

1708 After a lead hazard screen has been conducted, a written hazard screen report shall be
1709 prepared by the risk assessor. **(+1) (R/S)** A lead hazard screen report shall contain the
1710 following minimum information:

1711 1. The information identified in a risk assessment report as specified in 18VAC15-
1712 30-610, including 18VAC15-30-610 1 through 18VAC15-30-610 14. **(+26) (R/S)**

Commented [HJ(66)]: Refer to 40 CFR 745.227(c)(5).

1713 Additionally, any background information collected pursuant to 18VAC15-30-541
1714 B 1 of this chapter shall be included in the report. (+2) (R/S)

1715 2. Recommendations, if warranted, for a follow-up risk assessment, and as
1716 appropriate, any further actions. (+1) (R/S)

1717 **Statutory Authority**

1718 § 54.1-501 of the Code of Virginia.

1719 **Historical Notes**

1720 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

1721 **18VAC15-30-550. Risk assessment.** +28

Commented [HJ(67)]: Refer to 40 CFR 745.227(d).

1722

1723 A. A risk assessment shall only be conducted by individuals licensed by the board as
1724 risk assessors. (+1) (R/S)

1725 B. If conducted, a risk assessment shall be conducted as follows:

1726 1. A visual inspection for risk assessment of the residential dwelling or child-
1727 occupied facility shall be undertaken to locate the existence of deteriorated paint,
1728 assess the extent and causes of deterioration, and other potential lead-based paint
1729 hazards. (+1) (R/S)

1730 2. Background information regarding the physical characteristics of the residential
1731 dwelling or child-occupied facility and occupant use patterns that may cause lead-
1732 based paint exposure to one or more children age six years and under shall be
1733 collected. (+1) (R/S)

1734 3. The following surfaces that are determined, using documented methodologies, to
1735 have a distinct painting history, shall be tested for the presence of lead:

1736 a. Each friction surface or impact surface with visibly deteriorated paint; and (+1)
1737 (R/S)

1738 b. All other surfaces with visibly deteriorated paint. (+1) (R/S)

1739 4. In residential dwellings, dust samples (either composite or single-surface
1740 samples) from the interior window sill(s) (+1) (R/S) and floor (+1) (R/S) shall be
1741 collected (+1) (R/S) and analyzed for lead concentration in living areas where one
1742 or more children, age six and under, are most likely to come into contact with dust.
1743 (+1) (R/S)

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

1744 5. For multi-family dwellings and child-occupied facilities, the samples required in
1745 18VAC15-30-550 B (3) shall be taken. (+1) (R/S) In addition, interior window sill
1746 (+1) (R/S) and floor dust samples (either composite or single-surface samples) (+1)
1747 (R/S) shall be collected (+1) (R/S) and analyzed for lead concentration in the
1748 following locations:

- 1749 a. Common areas adjacent to the sampled residential dwelling or child-occupied
1750 facility; and (+1) (R/S)
- 1751 b. Other common areas in the building where the risk assessor determines that one or
1752 more children, age six and under, are likely to come into contact with dust. (+1) (R/S)

1753 6. For child-occupied facilities, interior window sill (+1) (R/S) and floor dust
1754 samples (either composite or single-surface samples) (+1) (R/S) shall be collected
1755 (+1) (R/S) and analyzed for lead concentration in each room, hallway or stairwell
1756 utilized by one or more children, age six and under, (+1) (R/S) and in other
1757 common areas in the child-occupied facility where one or more children, age six
1758 and under, are likely to come into contact with dust. (+1) (R/S)

1759 7. Soil samples shall be collected and analyzed for lead concentrations in the
1760 following locations:

- 1761 a. Exterior play areas where bare soil is present; (+2) (R/S)
- 1762 b. The rest of the yard (i.e., nonplay areas) where bare soil is present; and (+2)
1763 (R/S)
- 1764 c. Dripline/foundation areas where bare soil is present. (+2) (R/S)

1765 8. Any paint, dust, or soil sampling or testing shall be conducted using documented
1766 methodologies that incorporate adequate quality control procedures. (+1) (R/S)

1767 9. Any collected paint chip, dust, or soil sample shall be sent for analysis to a
1768 laboratory recognized by EPA as being capable of performing these activities. (+1)
1769 (R/S)

1770 **Statutory Authority**

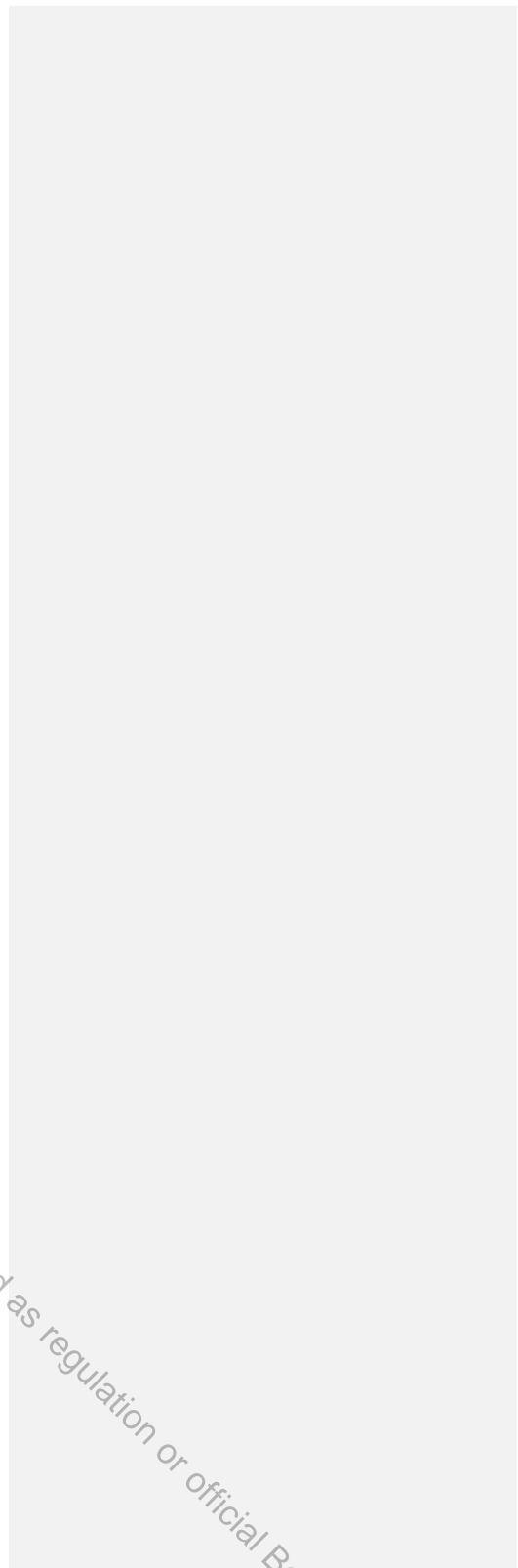
1771 § 54.1-501 of the Code of Virginia.

1772 **Historical Notes**

1773 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1774 19, Issue 24, eff. October 1, 2003.

1775 **18VAC15-30-560. (Repealed.)**

1776 **Historical Notes**



DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

- 1777 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
- 1778 19, Issue 24, eff. October 1, 2003.
- 1779
- 1780

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1781 **18VAC15-30-610. Written risk assessment report. +38**

Commented [HJ(68)]: Refer to 40 CFR 745.227(d)(11).

- 1782
- 1783 After an assessment has been conducted, a written assessment report shall be
1784 completed. **(+1) (R/S)** A risk assessment report shall contain the following minimum
1785 information:
- 1786 1. Date of assessment. **(+1) (R/S)**
 - 1787 2. Address of each building. **(+1) (R/S)**
 - 1788 3. Date of construction of each building. **(+1) (R/S)**
 - 1789 4. Apartment numbers (if applicable). **(+1) (R/S)**
 - 1790 5. Name **(+1) (R/S)**, address **(+1) (R/S)**, and telephone number of each owner of
1791 each building. **(+1) (R/S)**
 - 1792 6. Name **(+1) (R/S)**, signature **(+1) (R/S)**, and license number of the licensed risk
1793 assessor conducting the assessment. **(+1) (R/S)**
 - 1794 7. Name **(+1) (R/S)**, address **(+1) (R/S)**, and telephone number of the firm
1795 employing each risk assessor. **(+1) (R/S)**
 - 1796 8. Name **(+1) (R/S)**, address **(+1) (R/S)**, and telephone number of each recognized
1797 laboratory conducting analysis of collected samples. **(+1) (R/S)**
 - 1798 9. Results of the visual inspection. **(+1) (R/S)**
 - 1799 10. Testing method **(+1) (R/S)** and sampling procedures for paint analysis
1800 employed. **(+1) (R/S)**
 - 1801 11. Specific locations of each painted testing combination tested for the presence of
1802 lead-based paint. **(+1) (R/S)**
 - 1803 12. All data collected from on-site testing, including quality control **(+1) (R/S)** and,
1804 if used, the serial number of any XRF device. **(+1) (R/S)**
 - 1805 13. All results of laboratory analysis on collected paint **(+1) (R/S)**, soil **(+1) (R/S)**,
1806 and dust samples. **(+1) (R/S)**
 - 1807 14. Any other sampling results. **(+1) (R/S)**
 - 1808 15. Any background information collected pursuant to 18VAC15-30-550 B 2. **(+2)**
1809 **(R/S)**
 - 1810 16. To the extent that they are used as part of the lead-based paint hazard
1811 determination, the results of any previous inspections or analyses for the presence

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

1812 of lead-based paint, or other assessments of lead-based paint related hazards. (+1)
1813 (R/S)

1814 17. A description of the location (+1) (R/S), type (+1) (R/S), and severity of
1815 identified lead-based paint hazards (+1) (R/S) and any other potential lead hazard.
1816 (+1) (R/S)

1817 18. A description of interim controls or abatement options, or both, for each
1818 identified lead-based paint hazard (+1) (R/S) and a suggested prioritization for
1819 addressing each hazard. (+1) (R/S) If the use of an encapsulant or enclosure is
1820 recommended, the report shall recommend a maintenance (+1) (R/S) and
1821 monitoring schedule for the encapsulant or enclosure. (+1) (R/S)

1822 **Statutory Authority**

1823 § 54.1-501 of the Code of Virginia.

1824 **Historical Notes**

1825 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1826 19, Issue 24, eff. October 1, 2003.

1827 **18VAC15-30-620. Abatement.** +37

1828

1829 A. Abatement shall be conducted only by individuals licensed by the board as
1830 supervisors or workers (+1) (R/S) and employed by a licensed lead abatement
1831 contractor. (+1) (R/S)

1832 B. A licensed lead abatement supervisor is required for each abatement project (+1)
1833 (R/S) and shall be on-site during all work site preparation (+1) (R/S) and during the
1834 post-abatement cleanup of work areas. (+1) (R/S) At all other times when abatement
1835 activities are being conducted, the licensed supervisor shall be on-site or available by
1836 telephone, pager or answering service (+1) (R/S), and able to be present at the work
1837 site in no more than two hours. (+1) (R/S)

1838 C. The licensed lead abatement supervisor and the licensed lead abatement contractor
1839 employing the supervisor shall ensure that all abatement activities are conducted
1840 according to the requirements of this chapter and all other federal, state and local
1841 regulations. (+2) (R/S)

1842 D. A written occupant protection plan shall be developed for all abatement projects
1843 and shall be prepared according to the following procedures:

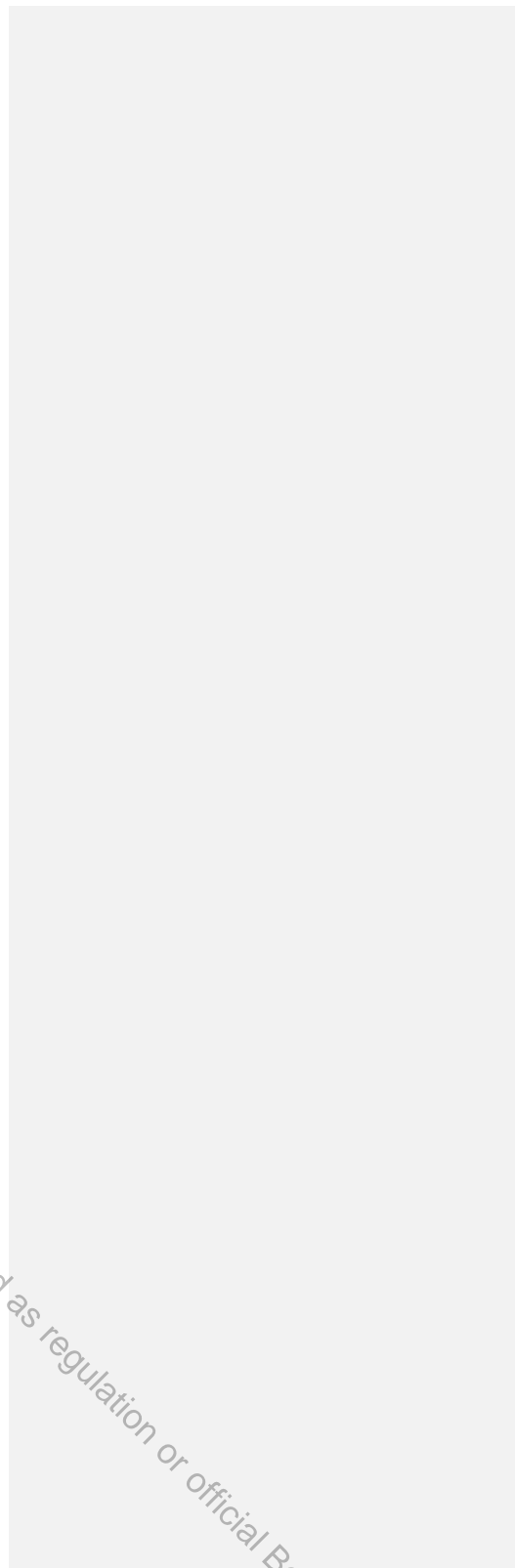
1844 1. The occupant protection plan shall be unique to each residential dwelling or
1845 child-occupied facility (+1) (R/S) and be developed prior to the abatement. (+1)

Commented [HJ(69)]: Refer to 40 CFR 745.227(e).

Commented [HJ(70)]: Discrete requirements in subsection C:

+1 R/S - Supervisor ensure abatement conducted according to laws and regulations.
+1 R/S - Contractor ensure abatement conducted according to laws and regulations.

- 1846 (R/S) The occupant plan shall describe the measures (+1) (R/S) and management
1847 procedures that will be taken during the abatement to protect the building occupants
1848 from exposure to any lead-based paint hazard. (+1) (R/S)
- 1849 2. A licensed lead abatement supervisor or lead project designer shall prepare the
1850 occupant protection plan. (+1) (R/S)
- 1851 E. The following work practices shall be restricted during an abatement:
- 1852 1. Open-flame burning or torching of lead-based paint is prohibited. (+1) (R/S)
- 1853 2. Machine sanding or grinding or abrasive blasting of lead-based paint is
1854 prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control
1855 that removes particles of 0.3 microns or larger from the air at 99.97 percent or
1856 greater efficiency. (+1) (R/S)
- 1857 3. Dry scraping of lead-based paint is permitted only in conjunction with heat guns
1858 or around electrical outlets or when treating defective paint spots totaling no more
1859 than two square feet in any one room, hallway, or stairwell or totaling no more than
1860 20 square feet on exterior surfaces. (+1) (R/S)
- 1861 4. Operating a heat gun on lead-based paint is permitted only at temperatures below
1862 1100 degrees Fahrenheit. (+1) (R/S)
- 1863 F. If the soil is removed:
- 1864 1. The soil shall be replaced by soil with a lead concentration as close to local
1865 background as practicable, but no greater than 400 ppm. (+1) (R/S)
- 1866 2. The soil that is removed shall not be used as top soil at another residential
1867 property or child-occupied facility. (+1) (R/S)
- 1868 3. If soil is not removed, the soil shall be permanently covered as defined in
1869 18VAC15-30-20. (+1) (R/S)
- 1870 G. An abatement report shall be prepared by a licensed lead abatement supervisor or
1871 lead project designer. (+1) (R/S) The abatement report shall include the following
1872 information:
- 1873 1. Start (+1) (R/S) and completion dates of abatement. (+1) (R/S)
- 1874 2. The name (+1) (R/S) and address of each licensed lead abatement contractor
1875 conducting the abatements, (+1) (R/S) and the name of each licensed lead
1876 abatement supervisor assigned to the abatement project. (+1) (R/S)
- 1877 3. The occupant protection plan prepared pursuant to subsection D of this section.
1878 (+1) (R/S)



DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

- 1879 4. The name **(+1) (R/S)**, address **(+1) (R/S)**, and signature of each licensed risk
 1880 assessor or inspector conducting clearance sampling **(+1) (R/S)** and the date of
 1881 clearance testing. **(+1) (R/S)**
- 1882 5. The results of clearance testing **(+1) (R/S)**, the name of each recognized
 1883 laboratory that conducted the analysis **(+1) (R/S)**, and the name **(+1) (R/S)** and
 1884 signature of the person conducting the analysis. **(+1) (R/S)**
- 1885 6. A detailed written description of the abatement, including abatement methods
 1886 used, locations of rooms and components where abatement occurred, and reason for
 1887 selecting particular abatement methods for each component and any suggested
 1888 monitoring of encapsulants or enclosures. **(+1) (R/S)**

1889 **Statutory Authority**
 1890 § 54.1-501 of the Code of Virginia.

1891 **Historical Notes**
 1892 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
 1893 19, Issue 24, eff. October 1, 2003.

1894 **18VAC15-30-630. (Repealed.)**

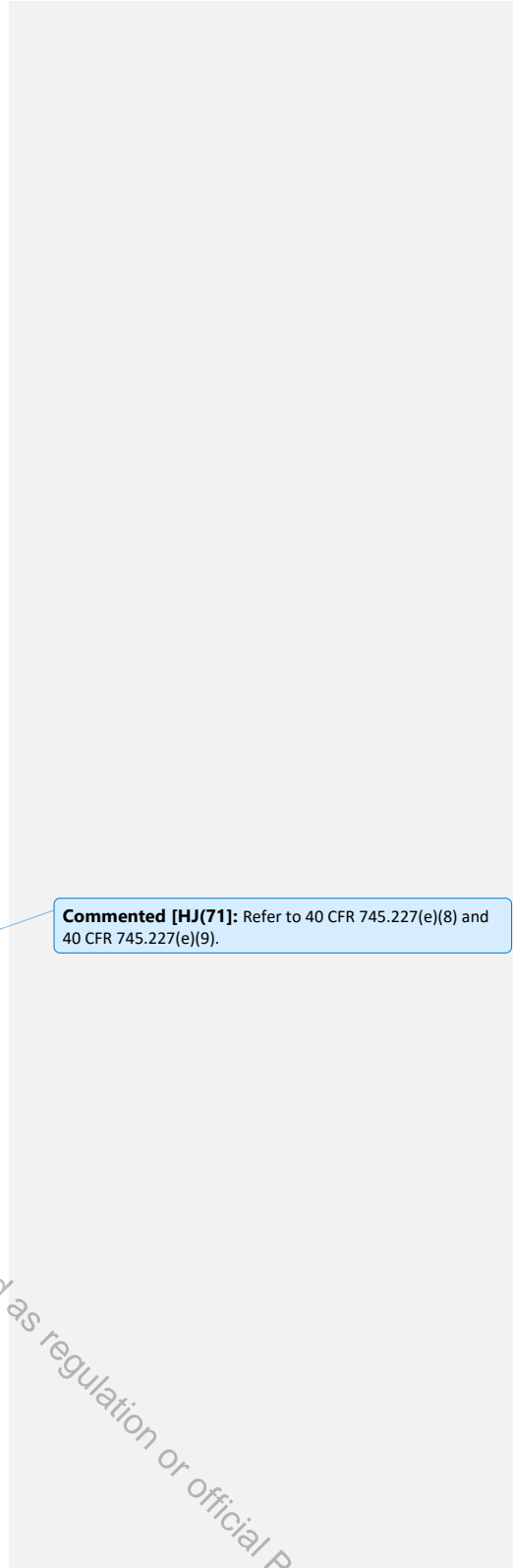
1895 **Historical Notes**
 1896 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume
 1897 19, Issue 24, eff. October 1, 2003.

1899 **18VAC15-30-650. Post-abatement clearance procedures.** +24

Commented [HJ(71): Refer to 40 CFR 745.227(e)(8) and 40 CFR 745.227(e)(9).

1901 The following post-abatement clearance procedures shall be performed by a licensed
 1902 inspector or licensed risk assessor:

- 1903 1. Following an abatement, a visual inspection shall be performed by the licensed
 1904 inspector or licensed risk assessor to determine if there are any deteriorated painted
 1905 surfaces or visible amounts of dust, debris, or residue still present. **(+1) (R/S)** If
 1906 deteriorated painted surfaces or visible amounts of dust, debris, or residue are
 1907 present, these conditions must be eliminated prior to the continuation of the
 1908 clearance procedures. **(+1) (R/S)**
- 1909 2. Following a successful visual inspection for clearance, but no sooner than one
 1910 hour after completion of final post abatement clean-up, clearance sampling shall be
 1911 conducted. **(+1) (R/S)**



Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

1912 3. Clearance sampling may be conducted by employing single-surface or composite
1913 sampling techniques, and shall be taken using documented methodologies that
1914 incorporate adequate quality control procedures. **(+1) (R/S)**

1915 4. The following post-abatement clearance activities shall be conducted, as
1916 appropriate, based upon the extent or manner of abatement activities conducted in
1917 or to the residential dwelling or child-occupied facility. **(+1) (R/S)**

1918 a. After conducting an abatement with containment between abated and unabated
1919 areas, one dust sample shall be taken from one interior window sill **(+1) (R/S)** and
1920 from one window trough (if present) **(+1) (R/S)** and one dust sample shall be taken
1921 from the floors of each of no less than four rooms, hallways, or stairwells within the
1922 containment area. **(+1) (R/S)** In addition, one dust sample shall be taken from the
1923 floor outside the containment area. **(+1) (R/S)** If there are less than four rooms,
1924 hallways, or stairwells within the containment area, then all rooms, hallways or
1925 stairwells shall be sampled. **(+1) (R/S)**

1926 b. After conducting an abatement with no containment, two dust samples shall be
1927 taken from each of no less than four rooms, hallways, or stairwells in the residential
1928 dwelling or child-occupied facility. **(+1) (R/S)** One dust sample shall be taken from
1929 one interior window sill **(+1) (R/S)** and window trough (if present) **(+1) (R/S)** and
1930 one dust sample shall be taken from the floor of each room, hallway, or stairwell
1931 selected. **(+1) (R/S)** If there are less than four rooms, hallways, or stairwells within
1932 the residential dwelling or child-occupied facility, then all rooms, hallways, or
1933 stairwells shall be sampled. **(+1) (R/S)**

1934 c. Following an exterior paint abatement, a visual inspection shall be conducted.
1935 **(+1) (R/S)** All horizontal surfaces in the outdoor living area closest to the abated
1936 surfaces shall be found to be cleaned of visible dust and debris. **(+1) (R/S)** In
1937 addition, a visual inspection shall be conducted to determine the presence of paint
1938 chips on the dripline or next to the foundation below any exterior surface abated.
1939 **(+1) (R/S)** If paint chips are present, they must be removed from the site **(+1) (R/S)**
1940 and properly disposed of, according to all applicable federal, state, and local
1941 requirements. **(+1) (R/S)**

1942 5. The rooms, hallways, or stairwells selected for sampling shall be selected
1943 according to documented methodologies. **(+1) (R/S)**

1944 6. The licensed inspector or licensed risk assessor shall compare the residual lead
1945 level (as determined by the laboratory analysis) from each single surface dust
1946 sample with the clearance levels, as established in 40 CFR Part 745 Subpart D, for
1947 lead in dust on floors, interior window sills, and window troughs or from each
1948 composite dust sample with the applicable clearance levels for lead in dust on
1949 floors, interior window sills, and window troughs divided by half the number of

Commented [HJ(72): Consider referring to specific section of federal regulation.

1950 subsamples in the composite sample. **(+1) (R/S)** If the residual lead level in a single
1951 surface dust sample equals or exceeds the applicable clearance level or if the
1952 residual lead level in a composite dust sample equals or exceeds the applicable
1953 clearance level divided by half the number of subsamples in the composite sample,
1954 the components represented by the failed sample shall be recleaned **(+1) (R/S)** and
1955 retested. **(+1) (R/S)**

1956 7. In multi-family dwellings with similarly constructed and maintained residential
1957 dwellings, random sampling for the purpose of clearance may be conducted
1958 provided: **(0)**

1959 a. The licensed individuals who abate or clean the residential dwellings do not
1960 know which residential dwelling will be selected for the random sample.

1961 b. A sufficient number of residential dwellings are selected for dust sampling to
1962 provide a 95% level of confidence that no more than 5.0% or 50 dwellings
1963 (whichever is less) in the randomly sampled population exceed the appropriate
1964 clearance levels.

1965 c. The randomly selected residential dwellings shall be sampled and evaluated for
1966 clearance according to the procedures found in this chapter.

1967 **Statutory Authority**

1968 § 54.1-501 of the Code of Virginia.

1969 **Historical Notes**

1970 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
1971 19, Issue 24, eff. October 1, 2003.

1972 **18VAC15-30-651. Composite dust sampling. +3**

Commented [HJ(73)]: Refer to 40 CFR 745.227(g).

1974 Composite dust sampling may be used in situations specified in 18VAC15-30-520
1975 through 18VAC15-30-610. **(0)** If such sampling is conducted, the following
1976 conditions shall apply:

1977 1. Composite dust samples shall consist of at least two aliquots; **(+1) (R/S)**

1978 2. Every component that is being tested shall be included in the sampling; and **(+1)**
1979 **(R/S)**

1980 3. Composite dust samples shall not consist of aliquots taken from more than one
1981 type of component. **(+1) (R/S)**

1982 **Statutory Authority**

1983 § 54.1-501 of the Code of Virginia.

1984 **Historical Notes**

1985 Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

1986 **18VAC15-30-660. (Repealed.)**

1987 **Historical Notes**

1988 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume

1989 19, Issue 24, eff. October 1, 2003.

1990

1991 **Part IX. General Standards of Practice and Conduct**

1992

1993 **18VAC15-30-760. Responsibility to the public. +4**

1994

1995 The primary obligation of the licensee is to the public. **(+1) (R/D)** If the licensee's
1996 judgment is overruled under circumstances when the safety, health, property, and
1997 welfare of the public are endangered, the licensee shall inform the employer or client
1998 of the possible consequences **(+1) (R/D)** and notify appropriate authorities if the
1999 situation is not resolved. **(+1) (R/D)** The licensee shall take such action only when his
2000 authority to correct a problem has been ignored or overruled. **(+1) (R/D)**

2001 **Statutory Authority**

2002 § 54.1-501 of the Code of Virginia.

2003 **Historical Notes**

2004 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume

2005 19, Issue 24, eff. October 1, 2003.

2006 **18VAC15-30-770. Public statements. +5**

2007

2008 A. The licensee shall be truthful in all matters relating to the performance of lead
2009 abatement or lead consulting services. **(+1) (R/D)**

2010 B. When serving as an expert or technical witness, the licensee shall express an
2011 opinion only when it is based on an adequate knowledge of the facts in issue **(+1)**
2012 **(R/D)** and on a background of technical competence in the subject matter. **(+1) (R/D)**

2013 Except when appearing as an expert witness in court or an administrative proceeding
2014 when the parties are represented by counsel, the licensee shall issue no statements,
2015 reports, criticisms, or arguments on matters relating to practices which are inspired or
2016 paid for by an interested party or parties, unless one has prefaced the comment by

Commented [HJ(74): Consider whether all of the requirements in this section are necessary, or even applicable, to conducting lead-based paint activities.

2017 disclosing the identities of the party or parties on whose behalf the licensee is
2018 speaking, and by revealing any self-interest. **(+1) (R/D)**

2019 C. Licensees or applicants shall not knowingly make a materially false statement,
2020 submit falsified documents, or fail to disclose a material fact requested in connection
2021 with an application submitted to the board by any individual or business entity for
2022 licensure or renewal. **(+1) (R/D)**

2023 **Statutory Authority**

2024 § 54.1-501 of the Code of Virginia.

2025 **Historical Notes**

2026 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2027 19, Issue 24, eff. October 1, 2003.

2028 **18VAC15-30-780. Solicitation of work.** **+5**

2029

2030 In the course of soliciting work:

2031 1. The licensee shall not bribe. **(+1) (R/D)**

2032 2. The licensee shall not falsify or permit misrepresentation of the licensee's work
2033 or an associate's academic or professional qualifications **(+1) (R/D)**, nor shall the
2034 licensee misrepresent the degree of responsibility for prior assignments. **(+1) (R/D)**

2035 3. Materials used in the solicitation of employment shall not misrepresent facts
2036 concerning employers, employees, associate joint ventures, or past
2037 accomplishments of any kind. **(+1) (R/D)**

2038 4. Materials used in the solicitation of services shall not misrepresent facts of
2039 approval, federal, or state requirements. **(+1) (R/D)**

2040 **Statutory Authority**

2041 § 54.1-501 of the Code of Virginia.

2042 **Historical Notes**

2043 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2044 19, Issue 24, eff. October 1, 2003.

2045

Commented [HJ(75): Consider whether all of the requirements in this section are necessary, or even applicable, to lead-based paint activities.

2046 **18VAC15-30-790. Professional responsibility. +7**

2047
2048 A. The licensee or accredited lead training provider shall, upon request or demand,
2049 produce to the board, or any of its representatives, any plan, document, book, record
2050 or copy thereof in his possession concerning a transaction covered by this chapter **(+1)**
2051 **(R/D)**, and shall cooperate in the investigation of a complaint filed with the board
2052 against a licensee or accredited lead training provider. **(+1) (R/D)**

2053 B. A licensee shall not use the design, plans, or work of another licensee with the
2054 same type of license without the original's knowledge and consent **(+1) (R/D)**, and
2055 after consent, a thorough review to the extent that full responsibility shall be assumed
2056 by the user. **(+1) (R/D)**

2057 C. Accredited lead training providers shall admit board representatives for the purpose
2058 of conducting an on-site audit, or any other purpose necessary to evaluate compliance
2059 with this chapter and other applicable laws and regulations. **(+1) (R/S)**

2060 D. Each licensee shall keep his board-approved training **(+1) (R/D)** and license
2061 current. **(+1) (R/D)**

2062 **Statutory Authority**

2063 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

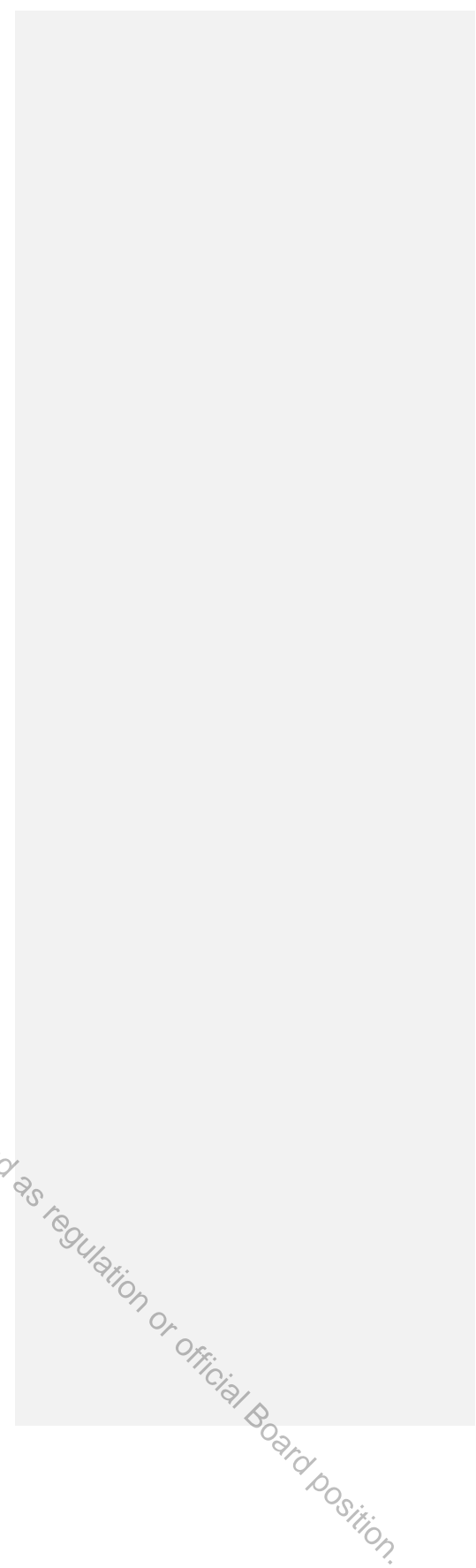
2064 **Historical Notes**

2065 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2066 19, Issue 24, eff. October 1, 2003; Volume 31, Issue 20, eff. August 1, 2015.

2067 **18VAC15-30-800. Good standing in other jurisdictions. +4**

2068
2069 A. Licensees, accredited lead training providers, training managers, or principal
2070 instructors who perform lead project designs, lead inspections, lead risk assessments,
2071 lead-based paint abatement training, lead contracting or lead abatement supervisor
2072 work in other jurisdictions shall be in good standing in every jurisdiction where
2073 licensed, certified, or approved **(+1) (R/D)** and shall not have had a license,
2074 certification, or approval suspended, revoked, or surrendered in connection with a
2075 disciplinary action. **(+1) (R/D)**

2076 B. Licensees, accredited lead training providers, training managers, or principal
2077 instructors shall notify the board in writing **(+1) (R/D)** no later than 10 days after the
2078 final disciplinary action taken by another jurisdiction against their license or approval
2079 to conduct lead-based paint activities. **(+1) (R/D)**



DRAFT AGENDA
Material contained in this agenda is proposed topics for discussion and are not to be construed as regulation or official Board position.

Proposed topics for discussion and are not to be construed as regulation or official Board position.

2080 C. Licensees, accredited lead training providers, training managers, or principal
2081 instructors may be subject to disciplinary action or removal of a lead training program
2082 accreditation for disciplinary actions taken by another jurisdiction. **(0)**

2083 **Statutory Authority**

2084 § 54.1-501 of the Code of Virginia.

2085 **Historical Notes**

2086 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2087 19, Issue 24, eff. October 1, 2003.

2088 **18VAC15-30-810. Grounds for denial of application, denial of renewal, or**
2089 **discipline. +25**
2090

2091 A. The board shall have the authority to fine any licensee or accredited lead training
2092 provider, training manager or principal instructor, and to deny renewal, to suspend, to
2093 revoke or to deny application for any license or approval as an accredited lead training
2094 program, accredited lead training provider, training manager or principal instructor
2095 provided for under Chapter 5 of Title 54.1 of the Code of Virginia for:

2096 1. Violating or inducing another person to violate any of the provisions of Chapter
2097 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this
2098 chapter. **(+1) (R/D)**

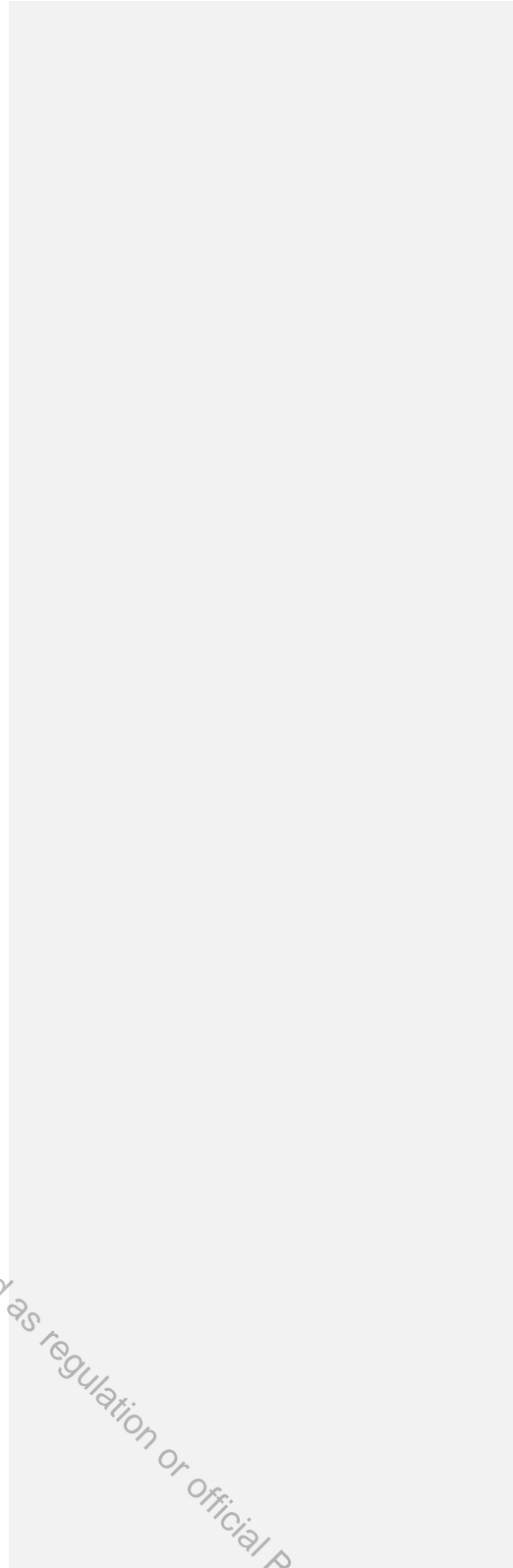
2099 2. Obtaining a license, approval as an accredited lead training program, approval as
2100 an accredited lead training provider or approval as a training manager or principal
2101 instructor through fraudulent means. **(+1) (R/D)**

2102 3. Altering, falsifying or issuing a fraudulent Virginia lead license or a training
2103 certificate issued by an accredited lead training provider. **(+1) (R/D)**

2104 4. Violating any provision of any federal or state regulation pertinent to lead-based
2105 paint activities. **(+1) (R/D)**

2106 5. Having been found guilty by the board, another regulatory authority, or by a
2107 court, of any misrepresentation in the course of performing his operating duties.
2108 **(+1) (R/D)**

2109 6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been
2110 convicted or found guilty, regardless of adjudication in any jurisdiction of the
2111 United States, of any felony or of any misdemeanor involving lying, cheating, or
2112 stealing, or of any violation while engaged in environmental remediation activity
2113 that resulted in the significant harm or the imminent and substantial threat of



DRAFT AGENDA
Materials contained in this agenda are prepared for discussion and are not to be construed as regulation or official Board position.

2114 significant harm to human health or the environment, there being no appeal pending
2115 therefrom or the time for appeal having elapsed. **(+1) (R/D)** Any plea of nolo
2116 contendere shall be considered a conviction for the purposes of this chapter. **(+1)**
2117 **(G/D) (+1) (R/D)** A certified copy of the final order, decree or case decision by a
2118 court or regulatory agency with lawful authority to issue such order, decree or case
2119 decision shall be admissible as prima facie evidence of such conviction or
2120 discipline. **(+1) (G/D)**

2121 7. Failing to notify the board in writing within 30 days of pleading guilty or nolo
2122 contendere or being convicted or found guilty of any felony or of any misdemeanor
2123 involving lying, cheating, or stealing or of any violation while engaged in
2124 environmental remediation activity that resulted in the significant harm or the
2125 imminent threat of significant harm to human health or the environment. **(+1) (R/D)**

2126 8. Negligence, or a continued pattern of incompetence, in the practice of the
2127 discipline in which a lead license is held. **(+1) (R/D)**

2128 9. Failing or neglecting to send any information or documentation that was
2129 requested by the board or its representatives. **(+1) (R/D)**

2130 10. Refusing to allow state or federal representatives access to any area of an
2131 abatement site for the purpose of lawful compliance inspections. **(+1) (R/D)**

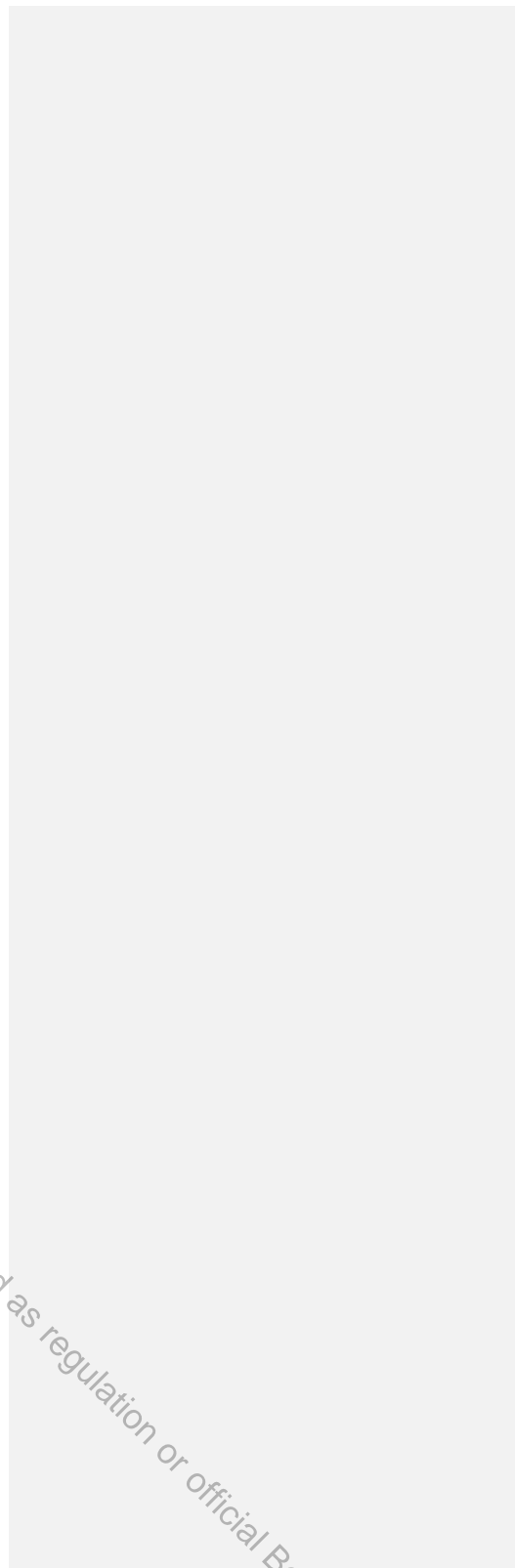
2132 11. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the
2133 Code of Virginia or of the regulations of the board by any lead abatement
2134 supervisor or lead abatement worker may be cause for disciplinary action against
2135 the lead abatement contractor for whom he works if it appears to the satisfaction of
2136 the board that the lead abatement contractor knew or should have known of the
2137 unlawful act or violation. **(+1) (R/D)**

2138 12. Failing to notify the board in writing within 30 days after any change in address
2139 or name. **(+1) (R/D)**

2140 13. Acting as or being an ostensible licensee for undisclosed persons who do or will
2141 control or direct, directly or indirectly, the operations of the licensee's business. **(+1)**
2142 **(R/D)**

2143 14. Failing to keep board-approved training and license current. **(+1) (R/D)**

2144 B. Any individual or firm whose license, approval as an accredited lead training
2145 program, approval as an accredited lead training provider or approval as a training
2146 manager or principal instructor is revoked under this section shall not be eligible to
2147 reapply for a period of one year from the effective date of the final order of
2148 revocation. **(+1) (R/D) (+1) (G/D)** The individual or firm shall meet all education **(+1)**
2149 **(R/D)**, experience **(+1) (R/D)**, and training requirements **(+1) (R/D)**, complete the



DRAFT AGENCY REGULATIONS
Materials contained herein are preliminary and are not to be construed as regulation or official Board position.

2150 application **(+1) (R/D)**, and submit the required fee for consideration as a new
2151 applicant. **(+1) (R/D)**

2152 C. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019
2153 and 2.2-4021 of the Administrative Process Act. **(+1) (G/S)**

2154 **Statutory Authority**

2155 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

2156 **Historical Notes**

2157 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2158 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006; Volume 31, Issue 20, eff. August 1,
2159 2015.

2160 **18VAC15-30-820. Suspension or revocation of approval of an accredited lead**
2161 **training provider.** **+1**
2162

Commented [HJ(76): Many of the requirements here are in 40 CFR 745.225(g).

2163 A. The board may suspend, revoke, or modify an accredited lead training program's
2164 approval if an accredited lead training provider, training manager, or other person
2165 with supervisory authority over the training program has:

2166 1. Misrepresented the contents of a training course to the board or the student
2167 population. **(+1) (R/S)**

2168 2. Failed to submit required information or notification in a timely manner. **(+1)**
2169 **(R/S)**

2170 3. Failed to submit training program notifications as required **(+1) (R/D)** and in the
2171 manner described in 18VAC15-30-420. **(+1) (R/D)**

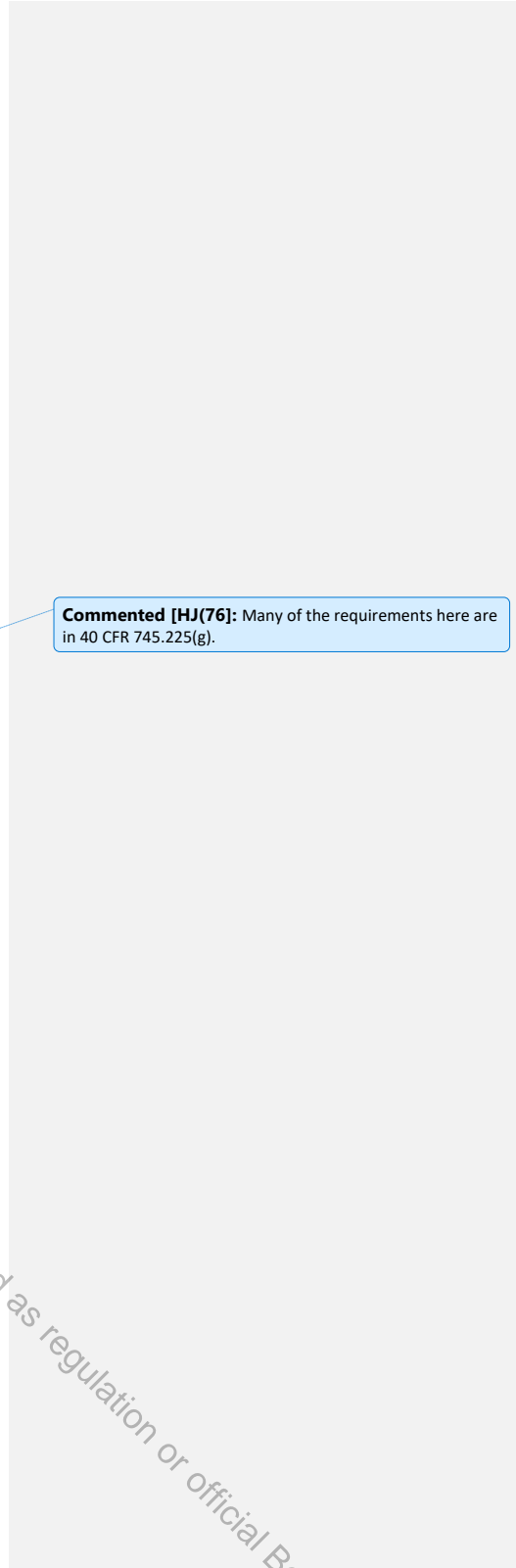
2172 4. Failed to submit training program participant lists as required **(+1) (R/D)** and in
2173 the manner described in 18VAC15-30-420. **(+1) (R/D)**

2174 5. Failed to maintain required records. **(+1) (R/S)**

2175 6. Falsified accreditation records, qualifications of the training manager and
2176 principal instructors, or other accreditation information. **(+1) (R/S)**

2177 7. Failed to comply with the federal, state, or local lead-based paint statutes or
2178 regulations. **(+1) (R/S)**

2179 8. Acted as an ostensible licensee for undisclosed persons who do or will control or
2180 direct, directly or indirectly, the operations of the accredited lead training provider's
2181 business. **(+1) (R/D)**



DRAFT AGENCY Materials contained in this agency proposal are for discussion and are not to be construed as regulation or official Board position.

2182 B. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019
2183 and 2.2-4021 of the Administrative Process Act. **(+1) (G/S)**

2184 **Statutory Authority**

2185 §§ 54.1-201 and 54.1-501 of the Code of Virginia.

2186 **Historical Notes**

2187 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume
2188 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December
2189 1, 2006.

2190 **18VAC15-30-830. (Repealed.)**

2191 **Historical Notes**

2192 Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Volume 13, Issue 10, eff.
2193 April 1, 1997; Volume 16, Issue 14, eff. May 1, 2000; repealed, Virginia Register Volume 19, Issue 24, eff. October
2194 1, 2003.

2195
2196 **DOCUMENTS INCORPORATED BY REFERENCE (18VAC15-30).**

2198 Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,
2199 June 1995, including the 1997 revision to Chapter 7: Lead-Based Paint Inspection,
2200 U.S. Department of Housing and Urban Development.

2201 EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-
2202 Contaminated Soil (60 FR 47248-47257).

2203 Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report
2204 (EPA 747-R-95-001, March 1995).

Commented [HJ(77)]: These will be scored as R/S requirements since the federal regulation requires these methodologies be followed.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

OTHER BUSINESS

*DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.*

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 or official Board position.*

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.*