BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, August 10, 2026, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia.

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

Sathish Anabathula
Jackson Dyer
Grace Flores-Hughes
Jemmalyn Hewlett
Carrie Sheffield
Tim Taylor

Board members Ron Bledsoe, Gaby Rengifo, and Charles Vaughters were not present at the meeting. The following agency staff was present for all or part of the meeting:

Laura McClintock, Director
Steve Kirschner, Director LRPD
Joe Haughwout, Regulatory Affairs Manager
Eric Beidel, Communications & Digital Media Manager
Jennifer Sayegh, Policy & Legislative Affairs Manager
Amy Goobic, Executive Assistant

James Flaherty, Assistant Attorney General, was present from the Office of the Attorney General.

Call to Order

Mr. Anabathula called the meeting to order at 10:04 a.m.

Emergency Evacuation Procedures

Mr. Haughwout reviewed the emergency evacuation procedures.

Approval of Agenda

Mr. Dyer moved to approve the agenda as presented. Ms. Sheffield seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Approval of Minutes

Mr. Haughwout informed the Board there were minor technical changes to the minutes from the April 13, 2026, Board meeting, no substantive changes. Mr. Dyer moved to approve the minutes of the April 13, 2026, Board meeting as amended. Mr. Taylor seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Ms. Sheffield moved to approve the minutes of the June 16, 2026, Public Hearing. Mr. Taylor seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Mr. Taylor moved to approve the minutes of the July 15, 2026, Public Hearing.

Mr. Dyer seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Sheffield, and Taylor.

Arrival of Board Member

Ms. Hewlett arrived at 10:13 a.m.

Communications

Board Members were provided an email from "John Doe," regarding licensee information available on the DPOR website. 'John Doe' had concerns with personal licensee information being collected by data brokers and sold to scammers who target professionals with fraudulent compliance offers and phishing schemes.

Mr. Kirschner stated that licensee lists and information are all available under the Freedom of Information Act. He further explained that previously DPOR staff provided licensee lists if requested, the system is now automated so lists may be downloaded from the website, freeing up staff work time.

Public Comment

John Davis, President of the Virginia Chapter of the Indoor Environments Association (VIEA), was present to address the Board regarding VIEA's petition to license radon professionals. Mr. Davis provided a handout (attached) with statistics on radon induced lung cancer in Virginia, as well as other information on radon policies.

Jane Malone, Director of Government Affairs for Indoor Environments Association (IEA), was present to address the Board. Ms. Malone provided information on the prevalence of radon in homes, stating that 30% of homes have unacceptable levels, and that there is no requirement for homes to be tested, or mitigated, for mortgage loans except FHA and HUD loans. Ms. Malone explained that the Virginia Department of Health (VDH) has some oversight of the certification of radon professionals, but the IEA feels it needs to be stronger to prevent unqualified persons from doing shoddy work. They are petitioning for the radon professionals to be licensed under the Virginia Board for Asbestos, Lead, and Home Inspectors.

Update on DPOR Operations

Mr. Haughwout provided an update on DPOR operations, including license application processing times, ongoing regulatory actions, and the implementation of 2026 legislative actions. Compliance and investigation statistics were provided, as well as DPOR in the media highlights.

Mr. Kirschner informed the Board that there had been a change in the method for calculating license application processing times to be more accurate. He also stated that staff was using Microsoft PowerBI reports to calculate and report processing times, and focus is being given on the customer perspective with respect to measuring application processing. Ms. McClintock added that the agency's outdated licensing system is not adept at determining time metrics.

**Presentation attached*

Board members were provided reports from the regulatory board Executive Directors for informational purposes.

Real Estate Appraiser Online Licensing System

Mr. Kirschner and Mr. Haughwout informed Board members of an online license application pilot program created by DPOR IT staff and VITA, for the Real Estate Appraiser Board. The program provides the ability to process same day applications, and provides a potential path forward for other boards. Board Members watched a video that shows how the public side of the system appears. Ms. McClintock explained that Real Estate Appraisers were selected as it has a smaller population of licensees, and there was federal grant money available to offset the cost to the agency for the development. Ms. McClintock also stated that the Spanberger administration has appointed the first Chief Transformation Officer, Dave Wilkinson, that five million dollars has been approved to create a digital services team to address technology issues within the state, and that DPOR is high on the list.

Board Member Reporting

Mr. Dyer reported he attended the Board for Professional Soil Scientists, Wetland Professionals, and Geologists meeting on June 3, 2026. Mr. Dyer stated the Board discussed regulatory issues and concerns with the low pass rate of the Soil Scientist exam. The Board formed a committee to further discuss the exam. Mr. Dyer also attended the June 24, 2026, Real Estate Appraiser Board meeting. Mr. Dyer remarked that most of the meeting was spent discussing disciplinary cases. He also stated that the Board formed a committee to discuss emerging issues and trends in the industry.

Mr. Haughwout asked Board members if they had any recommendations for staff or had any items for the Director or the Administration to consider. No additional comments were provided by Board members.

Recess

The Board recessed from 11:34 a.m. until 11:51 a.m.

DPOR Fees and Budget

Mr. Haughwout provided information on DPOR fees. He explained that the 2026 General Assembly changed the process by which DPOR regulatory boards can set license fees:

- Effective July 1, 2026, regulatory boards may annually revise fees so that fees are sufficient but not excessive to cover expenses.
- Regulatory boards may also adjust fees to account for inflation up to 1.5 times inflation rate from date fees were last set.
- Fee increases are prohibited if regulatory board expenditures plus anticipated costs do not justify a fee increase.
- Effective July 1, 2028, regulatory boards are prohibited from accumulating fund balances larger than previous renewal cycle's expenditures.

**Presentation attached.*

Mr. Haughwout also provided an overview of a new rulemaking process for changing fees that allows DPOR regulatory boards to make changes to fees using a process that is exempt from the Administrative Process Act. The new process requires notification and a public hearing before a regulatory board may change fees, but will allow a board to make changes to fees faster than the standard rulemaking process.

Ms. McClintock informed the Board that the agency finance team was building out a new fee structure to ensure that each board was solvent and not dependent on another board's fee revenue. She further commented that some licensing fees had not increased in decades. Ms. McClintock stated that the new fee structure should be ready by next fiscal year, with the boards voting by spring/summer on the options and fee actions becoming effective in the fall.

Mr. Haughwout provided information on the different types of state boards, explaining that Board for Professional and Occupational Regulation (BPOR) appears to be policy board. Policy boards have the power to review and comment on agency budgets. BPOR's enabling law was amended in 2025 and the Board now has the power to review and comment on DPOR's budget. Board members were presented a proposed policy to consider which outlines the policy and process of the Board with regards to budget review. The proposed policy provides that the process is intended and designed to be consultative and that the DPOR Director and Cabinet Secretary have final authority over budget requests. The proposed policy also provided for the process, including documents that will be provided to the Board when reviewing the DPOR budget. The proposed policy was amended to stipulate that documentation regarding the DPOR budget that will be provided to the Board when it performs its review will also include such other additional information as required for the Board to perform its review.

Mr. Taylor moved to adopt the policy as amended. Ms. Flores-Hughes seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Hewlett, Sheffield, and Taylor.

Departure of the Director

Ms. McClintock departed the meeting at 12:33 p.m., apologizing that she had a scheduling conflict.

DPOR Fees and Budget

Mr. Haughwout provided information on DPOR's budget expenses and revenues, explaining that DPOR is funded through non-general fund revenue, and does not receive any general funds. Information was provided on DPOR's sources of revenue and how expenses are categorized. Review of the budget included an review of DPOR's expenditures from the fiscal year that concluded June 2026. Discussion was held on the appropriation from the General Assembly and unexpended funds. Mr. Haughwout explained reasons for the unexpended funds, including savings from a canceled licensing software project and staff vacancies.

Board members reviewed the 2026-2028 Biennium Budget numbers from the budget bill. Mr. Haughwout reviewed a new “Technology Fee” authorized in the budget, which allows DPOR to collect a fee equal to $7.25 per year with each initial application, renewal, or reinstatement. This is effective July 1, 2026, through June 30, 2030, to support the upgrade or replacement of software systems used by DPOR. The fee is estimated revenue of $2.5 million per year for next four years. Mr. Haughwout also provided information regarding adjustments to DPOR’s budget, including adjustments for increases to salaries for state employees, state health insurance premiums, and information technology costs.

Petition for Regulation Update – Licensure of Radon Professionals

Mr. Haughwout provided background information on the process for petitions to the Board from those seeking regulation of a profession or occupation, including applicable provisions in state law and Board guidelines on how such petitions are to be reviewed and considered. Board members were provided background information regarding the petition for regulation of radon professionals from the VIEA. The Board was provided with information regarding the study undertaken following receipt of VIEA’s petition in December 2025, including the study methodology. The Board was provided with staff analysis, including issues raised during the study, the current level of regulation of radon professionals, and an evaluation of the petition based on criteria established in the Board’s guidelines. The criteria to be considered in evaluating a petition are (i) risk for harm to the consumer; (ii) specialized skills and training; (iii) autonomous practice; (iv) scope of practice; (v) economic impact; (vi) alternatives to regulation; and (vii) least restrictive regulation.

Mr. Haughwout provided the various options for the Board to consider before making their recommendations.

Option 0 – recommend no change to existing statute

Option 1 – Recommend statutory change to allow consumers to sue individuals that perform radon measurement or mitigation services (i) without having required certification; or (ii) that do not follow EPA standards.

Option 2 – Recommend statutory change to (i) require certified radon professionals to register with VDH to provide services in Virginia; and (ii) give VDH authority to enforce existing law, to include for imposition of penalties for violations.

Option 3 – Recommend statutory change to require those who design and install radon mitigation systems to obtain mandatory state licensure from the Board for Contractors.

Option 4 – Recommend statutory change to require those who (i) perform radon testing using a standard device or analytical device; or (ii) design and install radon mitigation systems to obtain mandatory state licensure from ALHI Board.

Departure of Board Member

Ms. Hewlett departed the meeting at 2:18 p.m.

The Board discussed the petition, the staff evaluation, and potential recommendations. The Board also heard from representatives from VIEA and IEA.

Board members each voiced their recommendation. Members Taylor, Flores-Hughes, Sheffield, Dyer, and Anabathula recommended Option 0, no change. Ms. Hewlett did provide a recommendation. Ms. Sheffield suggested recommending VDH provide education to the public. Staff indicated that information regarding a potential change to the Virginia Consumer Protection Act could be included in the Board's final report.

**Presentation attached.*

Return of the Director

Ms. McClintock returned to the meeting at 2:00 p.m.

Consideration of 2027 Meeting Dates

Board members considered the following 2027 meeting dates:

- April 12, 2027
- August 9, 2027
- December 6, 2027

Ms. Flores-Hughes moved to accept the 2027 meeting dates. Ms. Sheffield seconded the motion, which was unanimously approved by members: Anabathula, Dyer, Flores-Hughes, Hewlett, Sheffield, and Taylor.

Other Business

Mr. Haughwout reminded Board members of the Board Member Training Conference, October 22-23.

Conflict of Interest Forms & Travel Vouchers

Board members signed Conflict of Interest forms and travel vouchers.

Adjourn

The meeting was adjourned at 2:35 p.m.

____
Sathish Anabathula, Chair

____
Laura V. McClintock, Director

Department of Professional and Occupational Regulation

Update on Department Operations

Department of Professional and Occupational Regulation

August 10, 2026

Department of Professional & Occupational Regulation

Licensing and Regulatory Operations – Licensing

License Application Processing

Average processing time from application receipt to issuing of license: 11.2 days (as of 8/5/26).

- 2026: 15.2 days (as of 4/8/26)
- 2025: 8.3 days
- 2024: 4.6 days

Licensing and Regulatory Operations - Regulations

Summary of Regulatory Actions

- 12 regulatory actions underway on Town Hall (as of 8/8/26)
  - ≈ 4% of all regulatory actions across the state are DPOR actions.
  - 5 general regulatory review actions.
  - 3 actions related to 2024 and 2025 legislation.
  - 2 fee-related actions.
- 19 actions that are pending filing.

Department of Professional & Occupational Regulation

Licensing and Regulatory Operations – Regulatory Actions of Note

- HB 2154/SB 1310 Amendment (Architect Education Alternative) - effective 9/1/26.
  - Implements 2025 legislation requiring an alternative pathway for applicants for architect license to meet education qualification without have NAAB-accredited degree.
  - Applicants may use combination of 10 years of education experience or work experience to qualify.
- Cosmetology Compact Amendment – final regulation adopted on 5/18/26.
  - Implements 2024 legislation that made Virginia a participant in the multistate Cosmetology Licensure Compact.
  - Individuals with a multistate license can practice in other Compact member states without needing to obtain a separate license.

Department of Professional & Occupational Regulation

Licensing and Regulatory Operations – 2026 Legislative Implementation

- HB 796/SB 680 – Changes to Callahan Act.
- Numerous regulatory actions in development or process.
  - Esthetics Licensure Compact Amendment.
  - HB 1439/SB 823 Amendment (Solar Energy Systems Contracts).
  - HB 1254 Amendment (Hearing Aid Specialist Training and Work Permits)
  - SB 803 Amendment (Define Terms Related to Unlawful Conduct under Virginia Fair Housing Law)
  - Changes to real estate appraiser regulations.
- SB 613 – Review of real estate salesperson licensure process.

Department of Professional & Occupational Regulation

Compliance and Investigations

Complaint Analysis and Resolution (CAR)			
Metric Statement	**FY 2024**	**FY 2025**	**FY 2026**
Complaints Received	2,174	2,235	2,858 (+27.9%)
Consent Orders Offered	415	398	322

Department of Professional & Occupational Regulation

Compliance and Investigations

Investigations (INV)			
Metric Statement	**FY 2024**	**FY 2025**	**FY 2026**
Regulatory Investigations Completed	863	889	686
Unlicensed (U/L) Cases Completed**	308	275	232
Total Investigations Cases Completed	1,171	1,164	918
Unlicensed (U/L) Restitution	$225,424.35 (68 convictions)	$ 97,400.00 (21 convictions)	$178,520.89 (29 convictions)

Department of Professional & Occupational Regulation

Compliance and Investigations

Adjudication (ADJ)			
Metric Statement	**FY 2024**	**FY 2025**	**FY 2026**
Disciplinary IFFs Conducted	145	129	130
Recovery Fund Claims Processed	91	92	77
Recovery Fund Claim Approvals	$639,264.77	$783,154.34	$1,121,241.06

Department of Professional & Occupational Regulation

Compliance and Investigations

Licensing Adjudication Section (LAS)* *formerly the Post-Adjudication & Licensing Section (PAL)			
Metric Statement	**FY 2024**	**FY 2025**	**FY 2026**
Licensing IFF Referrals	201	182	164
Licensing Adjudication Cases Completed	161	158	155

Department of Professional & Occupational Regulation

Compliance and Investigations

Fair Housing Office (FHO)			
Metric Statement	**FY 2024***	**FY 2025**	**FY 2026**
Complaints Received	348	620**	657**
Complaints Assigned for Investigation	54	34	39
Complaints Closed Administratively (No investigation or assignment)	207	545	580
Complaints Assigned For Investigation and Closed Administratively	94	58	28
Complaints Assigned, Investigated and Closed with a Board Finding, Administrative Closure, or Approved Conciliation	54	107	26

* Please note that because of the rolling nature of the FHO complaints, complaints may be received in one fiscal year but then closed in the subsequent fiscal years. Also, reasons for administrative closure can vary from lack of jurisdiction, the complainant ceased cooperating, parties reached a private settlement, etc.

** This large increase reflected HUD's then-current practice of sending all fair housing complaint inquiries for Virginia (less a few jurisdictions, e.g., Fairfax, that have their own HUD partnership agreement) to the FHO for complaint intake processing, which means that HUD conducts no intake to weed out non-jurisdictional complaints.

Department of Professional & Occupational Regulation

Compliance and Investigations

Alternative Dispute Resolution (ADR)			
Metric Statement	**FY 2024**	**FY 2025**	**FY 2026**
Conciliation Cases, New	50	38	54
Conciliation Cases, Resolved*	58	58	44
Conciliation Cases Closed Successful	9	14	13
Monetary Relief to Complainants/Aggrieved Persons	$238,030.22	$95,400.00	$374,756.00

*Because conciliation cases are opened and assigned to ADR from other sections, ADR does not actually “close” a case. Case are either resolved with a successful conciliation effort or by the referring section’s closure of the case because of the successful mediation, a board decision, or administrative closure.

Compliance and Investigations

Common Interest Community Ombudsman (CICO)*			
Metric Statement	**2024 Reporting Year****	**2025 Reporting Year**	**2026 Reporting Year** (through 07/31/2026)
Communications Received (Calls and Emails Combined)	3,542	3,572	2,953
Complaints Received	171	310	307
Notices of Final Adverse Decision (NFADs) Received	69	88	100
CICO Determinations Issued	45	11	59

* Note: After being vacant since January 2025, the CIC Ombudsman position was filled on February 10, 2026. Budget issues delayed filling this vacancy.

**Note: The CICO reporting period is based on the CICO annual report year, Nov. 1, through Oct. 31.

Department of Professional & Occupational Regulation

Communications & Media Relations

May

- DPOR's highest-grossing boxing event covered by ESPN and other national media.

June

- WRIC ABC 8 features Contractor Transaction Recovery Fund, how to verify licenses, and how to file complaints in consumer protection stories.
- LinkedIn Post on APELS Board Member Tim Colley sees most engagement ever for DPOR.

July

- VirginiaHasJobs.com/veterans launches with DPOR support.
- Board for Contractors Compliance Analyst Ryan Cudahy profiled in Style Weekly for his personal passion to screen independent films at local breweries.

Department of Professional and Occupational Regulation

DPOR Fees and Budget

August 10, 2026

New Changes to How Boards Set Fees

- Chapters 971 and 1071 enacted by the General Assembly this year changed the process by which DPOR regulatory boards can set license fees.
- Effective July 1, 2026, regulatory boards may annually revise fees so that fees are sufficient but not excessive to cover expenses.
- Regulatory boards may also adjust fees to account for inflation up to 1.5 times inflation rate from date fees last set.
- Fee increases prohibited if regulatory board expenditures plus anticipated costs do not justify fee increase.
- Effective July 1, 2028, regulatory boards prohibited from accumulating fund balances larger than previous renewal cycle's expenditures.

Department of Professional & Occupational Regulation

Expedited Fee Change Process

- Legislation allows regulatory boards to use an APA-exempt rulemaking process to set fees in regulation.
  - Requires regulatory boards to conduct public hearing prior to undertaking a regulatory fee action.
  - Notice of intended fee action must be published in the *Virginia Register* at least 30 days prior to hearing. Notice must include the increase in fees to be considered and evidence demonstrating the need for the increase.

Department of Professional & Occupational Regulation

DPOR Budget – Revenue Funds

- DPOR is funded through non-general fund revenue and is designed to be self-funded. Revenue funds are:
  - DPOR Dedicated Special Revenue Fund – principal fund for DPOR.
  - DPOR Special Revenue Fund – fund for DPOR's Boxing, Martial Arts, and Wrestling (BMAW) Events program.
  - Common Interest Community Management Information Fund – fund for specific expenses, including Office of Common Interest Community Ombudsman.
  - Federal Trust – federal funds received to cover cost of administering Fair Housing program.

DPOR Budget - Expenses

DPOR's expenses can be broadly grouped into two (2) categories:

1. Fixed costs. These costs reflect obligations that DPOR must meet and include items such as (i) staff salaries and benefits; and (ii) building rental. These costs constitute about 80% of DPOR's expenses.
2. Non-fixed costs. These costs reflect other obligations for which DPOR has discretion to adjust.

DPOR's expense areas typically fall within three (3) areas: (i) Licensure, Certification, and Registration of Professions and Occupations; (ii) Enforcement of Licensing, Regulating and Certifying Professions and Occupations; and (iii) Administrative Services.

DPOR Revenue and Service Codes

DPOR Revenue Funds Detail Codes:

- 09222 – DPOR Dedicated Special Revenue Fund – This is DPOR's principal revenue fund.
- 02222 – DPOR Special Revenue Fund – This is the fund for DPOR's BMAW program.
- 02590 – Common Interest Community Management Information Fund.
- 10000 – Federal Trust.

DPOR Service Area Codes:

- 56046 – Licensure, Certification, and Registration of Professions and Occupations.
- 56047 – Enforcement of Licensing, Regulating and Certifying Professions and Occupations
- 56048 – Administrative Services

Department of Professional & Occupational Regulation

DPOR Object Codes

DPOR Major Object Codes:

- 1100 – Personal Services – Employee salaries, wages, benefits, etc.
- 1200 – Contractual Services – Transportation, Management Services, Communication Services, Contractual Services, IT, and Legal Services
- 1300 – Supplies and Materials.
- 1400 – Transfer Payments
- 1500 – Continuous Charges – e.g. building lease
- 2200 – Equipment

These codes are further broken down into more specific object codes and sub-object codes.

Department of Professional & Occupational Regulation

DPOR Fiscal Year 2026

- Fiscal Year 2026 concluded on June 30, 2026.
  - DPOR's Appropriation for the fiscal year ≈ $32.3 million.
  - DPOR's Revenue for fiscal year: ≈$30.5 million.
    - Included $600,000 in federal grant money.
  - DPOR's Expenses for fiscal year ≈ $26.3 million.
  - DPOR's Unexpended Appropriation for fiscal year ≈ $6 million.

- Cost savings due to canceled licensing software project, other savings, including staff vacancies.

DPOR Fiscal Year 2026 – Expenses

- Expenses by Major Object
  - Personal Services: ≈$20.4 million (77.4%)
  - Contractual Services: ≈$4.2 million (15.9%)
    - Technical Services: ≈$2.2 million
  - Continuous Charges: ≈$1.6 million (6.2%)
    - Building lease ≈$1.4 million
  - Supplies and Materials: ≈$105,000 (.4%)
  - Equipment: ≈$38,000 (.1%)
  - Transfer Payments: ≈$5,000 (>.1%)

Department of Professional & Occupational Regulation

DPOR 2026-2028 Biennium Budget

Service Area	Fiscal Year 2027	Fiscal Year 2028
Licensure, Certification, and Registration of Professions and Occupations	$8,983,577 (30.5%)	$8,983,577 (30.5%)
Enforcement of Licensing, Regulating and Certifying Professions and Occupations	$9,864,638 (33.5%)	$9,864,638 (33.5%)
Administrative Services	$10,564,929 (36%)	$10,564,929 (36%)
Total	**$29,413,144**	**$29,413,144**

- DPOR is authorized to have 204 non-general funded positions.

Department of Professional & Occupational Regulation

DPOR 2026-2028 Biennium Budget – Technology Fee

- Authorizes DPOR to collect a “Technology Fee” equal to $7.25 per year with each initial application, renewal, or reinstatement.
  - Effective July 1, 2026, through June 30, 2030.
  - To support the upgrade or replacement of software systems used by DPOR.
  - Estimated revenue of $2.5 million per year for next four years.

DPOR 2026-2028 Biennium Budget – Budget Adjustments

- DPOR's approved budget includes adjustments for:
  - Increases to salaries for state employees: ≈$924,000
  - Increases to state health insurance premiums: ≈$291,000
  - Information technology costs: ≈$93,000
  - Removal of one-time funding for software upgrade: ≈($4.0 million)
  - Adjustment for retirement rate changes: ≈($101,000)

Department of Professional and Occupational Regulation

Petition for Regulation – Licensure of Radon Professionals

Department of Professional and Occupational Regulation

August 10, 2026

Background – Occupational Licensure in Virginia

Section 54.1-100 of the Code of Virginia provides for the Commonwealth's general policy on occupational regulation:

The right of every person to engage in any lawful profession, trade, or occupation of his choice is clearly protected by both the Constitution of the United States and the Constitution of the Commonwealth of Virginia. The Commonwealth cannot abridge such rights except as a reasonable exercise of its police powers when (i) it is clearly found that such abridgment is necessary for the protection or preservation of the health, safety, and welfare of the public and (ii) any such abridgment is no greater than necessary to protect or preserve the public health, safety, and welfare.

Background – Petitions for Regulation

Section 54.1-310.1 of the Code of Virginia allows for any professional or occupational group or organization, or any other interested party, to propose regulation of an unregulated professional or occupational group.

This law requires the Board to "…conduct an analysis and evaluation of any proposed regulation based on the criteria enumerated in § 54.1-311 [of the Code of Virginia]…" and report "…its findings on whether the public interest requires the requested professional or occupational group be regulated…"

Background – The VIEA Petition

On December 1, 2025, BPOR received a petition from the Virginia Chapter of the Indoor Environments Association (“VIEA”) proposing licensure of:

- Radon measurement professionals.
- Radon mitigation specialists.

VIEA contends licensure would address:

1. Lack of VDH authority and capacity to enforce certification requirements and measurement and mitigation standards.
2. Lack of ability of private credentialing organizations to conduct inspections in response to complaints and impose fines or similar sanctions.
3. A widespread pattern of noncompliance with standards.

Background – Evaluation Criteria

The Board's adopted guidelines layout the criteria for conducting evaluations:

1. Risk for Harm to the Consumer.
2. Specialized Skills and Training.
3. Autonomous Practice.
4. Scope of Practice.
5. Economic Impact.
6. Alternatives to Regulation.
7. Least Restrictive Regulation.

Background – Study Methodology

On January 12, 2026, the Board adopted a work plan for the study.

The approved work plan included:

- A comprehensive review of literature.
- Interviews.
- Public comment opportunity.
- Draft report for Board review.
- Adoption of a final report.
- General study timeline.

Department of Professional & Occupational Regulation

Analysis – Issues Raised During the Study

- Effectiveness of Current Virginia Regulation.
- Effectiveness of Private Credentialing.
- Radon Mitigation and New Residential Construction.
- Records of Complaint.
- Potential Economic Impacts.

Analysis – Current Level of Regulation for Radon Professionals

The current level of regulation for radon professionals appears to be private civil action.

- VDH has no apparent legal authority to enforce private certification requirement or EPA-approved standards.
- Consumers can sue if person misrepresents their proficiency.
- Consumers may be able to sue under other types of civil claims.
- Consumers may be able to get some redress through private credentialing organizations.

Analysis – Risk for Harm to the Consumer – Radon Measurement

Risk for Harm to the Consumer (Risk Potential): Low to Moderate Risk.

- “False high” measurements, potentially resulting in unnecessary mitigation (financial harm).
- “False low” measurements, resulting in lack of mitigated radon gas and potential high exposure (health/safety harm).
- Cost to consumer of re-testing. (financial harm).
- Likely due to lack of appropriate training and expertise.
- Potential for harm due to individuals lacking character or ethics.
- Information asymmetry contributes to risk.
- Private accreditation appears to provide some assurance of minimum competency to perform.

Analysis – Risk for Harm to the Consumer – Radon Mitigation

Risk for Harm to the Consumer (Risk Potential): Low to Moderate Risk.

- Improper installation of radon mitigation systems may result in insufficiently mitigated radon (health/safety).
- Cost of repair or replacement of defective mitigation system (financial harm).
- Likely due to lack of training or expertise.
- Potential for harm due to individuals lacking character or ethics.
- Information asymmetry contributes to risk.
- Private accreditation appears to provide some assurance of minimum competency to perform.

Analysis – Skill and Training

Specialized Skills and Training: Radon measurement and radon mitigation can be differentiated from ordinary labor.

- Requires specialized training and skills through established private credentialing programs that have been reviewed and approved by EPA.
- Individuals must demonstrate competency through passing required certification examination.
- Those holding certification must complete continuing education to maintain credential.

Department of Professional & Occupational Regulation

Analysis – Autonomy

Autonomous Practice: Radon professionals operate autonomously.

- Radon measurement professionals and radon mitigation specialists typically operate independently and without supervision.
- Functions and responsibilities require independent judgment.
- Some may operate within company structure where “junior level” staff may perform limited functions under supervision of accredited professional.

Analysis – Scope of Practice

Scope of Practice: The scopes of practice for radon measurement and radon mitigation are largely distinguishable from other licensed, certified, or registered occupations.

- Occupations are similar to asbestos remediation and lead abatement occupations. Key difference is the nature of the toxic substance. Radon can only be mitigated below recommended action level. No requirement for permanent removal or remediation.
- Relationship between home inspection and radon measurement.
- Radon mitigation is contracting work, but specialized from other types of contracting work. Some overlap in the area of new residential construction.

Analysis – Economic Impact

Economic Impact: The economic costs of requiring licensure of radon measurement professionals and radon mitigation specialists do not appear justified.

- Substantial costs for individuals to obtain and maintain private certification.
- Potential for additional costs to individuals if required to have private certification and state license. May also wrap in those who are not currently required to meet private certification requirement.
- Costs to DPOR and regulatory board for licensure program and enforcing applicable laws and regulations.
- Potential for market impact on (i) costs for services; and (ii) availability of radon professionals to provide services to public.

Analysis – Alternatives to Regulation

Alternatives to Regulation: There are alternatives to the additional regulation of radon professionals.

- Keep current private accreditation framework.
- Provide for additional civil remedies to aggrieved consumers.
- Provide for enhanced VDH authority to enforce existing law.

Analysis – Least Restrictive Regulation

Least Restrictive Regulation: To the extent additional regulation of radon professionals is determined to be necessary, the least restrictive level of regulation necessary to achieve public protection would likely be mandatory registration.

Options for Consideration: Option 0 (Status Quo)

Recommend no change to existing statute.

+ No additional costs to regulated parties.
+ Private credentialing appears sufficient to provide public assurance of minimum competence.
- Does not address existing lack of VDH enforcement authority.
- Actual and potential harm to consumers may not be addressed.
    - Unqualified individuals performing services.
    - Services that do adhere to EPA-standards.
    - Actual and potential harm to consumers may not be addressed.
- Contractors that do not need a license not subject to regulatory discipline.

Options for Consideration: Option 1 (Expanded Civil Action)

Recommend statutory change to allow consumers to sue individuals that perform services (i) without having required certification; or (ii) that do not follow EPA standards.

+ No additional costs to regulated parties.
+ Private credentialing appears sufficient to provide public assurance of minimum competence.
+ Provides expanded remedy to consumers who may be harmed.
+ May reduce some risk of actual or potential harm to consumers through deterrence.
- Does not address existing lack of VDH enforcement authority.
- Actual and potential harm to consumers may not be addressed.
- Potential impact on availability or cost of insurance.
- Costs of civil action may exceed benefits to consumers.
- Contractors that do not need a license not subject to regulatory discipline.

Options for Consideration: Option 2 (VDH Registration + Enforcement)

Recommend statutory change to (i) require certified radon professionals to register with VDH to provide services in Virginia; and (ii) give VDH authority to enforce existing law, to include for imposition of penalties for violations.

+ Permits VDH to investigate and address non-compliance with law.
+ Consumers could have recourse beyond court system.
+ Registration would provide some revenue to administer program and enforce law.
+ Allow for better determination of impact of profession on the public.
+ Private credentialing training standards sufficient to provide assurance of competency.
+ Potential for increase in demand for services by consumers.
+ Some level of regulation for contractors that do not need license.
- Additional costs on regulated parties. Costs could be passed on to consumers.
- Low regulant population may not generate enough revenue to pay for program.
- May negatively impact participation, causing shortages.

Options for Consideration: Option 3 (License Radon Mitigators Only)

Recommend statutory change to require those who design and install radon mitigation systems to obtain mandatory state licensure from the Board for Contractors.

+ Address public harm from unqualified individuals performing radon mitigation.
+ Regulates those who do not need contractor license.
+ Potential for increase in demand for services by consumers.
- Does not address radon measurement performed by unqualified persons or improper radon measurement. VDH would still lack enforcement authority.
- VDH may still be responsible for oversight of EPA mitigation standards and no enforcement authority.
- Licensure may be duplicative of private credentialing bodies.
- May rope in those who do mitigation in new construction.
- Additional costs on regulated parties. Costs could be passed on to consumers.
- Low regulant population may not generate enough revenue to pay for program.
- May negatively impact participation, causing shortages.
- Local authorities may not prosecute unlicensed activity.

Department of Professional & Occupational Regulation

Options for Consideration: Option 4 (License Radon Professionals)

Recommend statutory change to require those who (i) perform radon testing using a standard device or analytical device; or (ii) design and install radon mitigation systems to obtain mandatory state licensure from ALHI Board.

+ Address public harm from unqualified individuals performing radon measurement and radon mitigation.
+ Regulatory board could address regulatory violations.
+ Regulates those who do not need contractor license.
+ Potential for increase in demand for services by consumers.
- VDH may still be responsible for oversight of EPA standards and no enforcement authority.
- Licensure may be duplicative of private credentialing bodies.
- May rope in those who do mitigation in new construction.
- Additional costs on regulated parties. Costs could be passed on to consumers.
- Low regulant population may not generate enough revenue to pay for program.
- May impact market for radon systems in new construction.
- May negatively impact participation, causing shortages.
- Local authorities may not prosecute unlicensed activity.

VIRGINIA

The Radon Report Card: Risk and Response

Population and Lung Cancer

Total Population: 8,501,286

Lung Cancer Deaths: **3,657**

Age-Adjusted Lung Cancer Incidence Rate (per 100,000) **51**

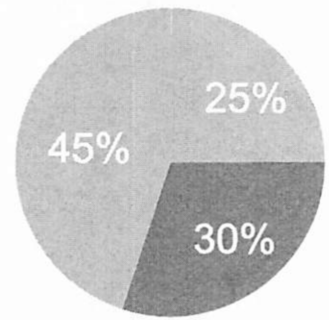
Lung Cancer Cases	5,283
Radon-Induced Lung Cancer Cases	695
* Medical Costs (hospital, medicine, doctors)	$140,000,000
* Economic Costs (lost wages / productivity)	$147,000,000

Statewide Radon Policies

Credential Required	✓	Private Certification
Radon Standards in Effect	✓	ANSI/AARST
Homebuyer Protection Required	✗	None
Radon System Requirement for New Homes	✗	No
Type of New Home Where Required		N/A
Standard/Code for Radon System in New Homes	✓	IRC Appendix F
School Testing Required	✓	Yes
Radon System Requirement for New Schools	✗	No

Buildings and Exposure Potential

Pre-Mitigation Radon Tests: 53,199



Percent by Radon Level

< 2 pCi/L

≥ 2 to < 4 pCi/L

≥ 4 pCi/L

Housing Units by Structure Type

	1 to 4 Units	5 or More Units	Total
Existing	2,883,929	628,959	3,512,888
New	21,754	10,664	32,418

Public Schools: 2,124

EPA and ANSI-AARST Radon Measurement Standards recommend fixing a building with a radon level ≥ (above or equal to) 4 pCi/L and consider fixing it if any radon level is ≥ 2 and < (below) 4 pCi/L.

Total Population; Lung Cancer Deaths; Age-Adjusted Lung Cancer Rate (per 100,000); Lung Cancer Deaths: CDC US Cancer Statistics (2018). Estimated Radon-Induced Lung Cancer Cases: Lung Cancer Cases weighted by scaled mean radon levels, CDC Environmental Public Health Tracking Network (2008-2017). National Cancer Institute, Cancer Trends Progress Report (2022) and Productivity Costs of Cancer Mortality in the US (2008). Statewide Radon Policies: IEA staff compilation, 2026. Pre-Mitigation Radon Tests from Labs: CDC Environmental Public Health Tracking Network (2008-2017). Existing Housing Units and New Housing Units: US Census (2019). Public Schools: National Center for Educational Statistics (2020-2021).