



[townhall.virginia.gov](http://townhall.virginia.gov)

## Proposed Regulation Agency Background Document

<b>Agency name</b>	Virginia Board for Asbestos, Lead, and Home Inspectors
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18 VAC15-30
<b>VAC Chapter title(s)</b>	Virginia Lead-Based Paint Activities Regulations
<b>Action title</b>	General Review of Virginia Lead-Based Paint Activities Regulations
<b>Date this document prepared</b>	March 26, 2025 (revised May 27, 2025)

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Board for Asbestos, Lead, and Home Inspectors (“the Board”) has undertaken a general regulatory review of the Virginia Lead-Based Paint Activities Regulations. The regulation establishes (i) the entry requirements for licensure for lead abatement workers, lead project designers, lead abatement supervisors, lead inspectors, lead risk assessors and, lead contractors; (ii) the qualifications for approval of accredited lead training programs; (iii) requirements for the renewal and maintenance of licenses; (iv) qualifications of training managers and principal instructors and responsibilities of those individuals as they relate to approved training programs; (v) training course curricula requirements; and (vi) standards for conducting lead-based paint activities.

This action proposes to (i) make revisions to ensure the regulation complements current Virginia law and meets applicable federal requirements; (ii) make the regulation more organized, clear, and understandable; (iii) ensure the regulation provides minimal burdens on regulants while still protecting the public; and (iv) reduce regulatory requirements.

## Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

---

“APA” means Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia.)

“CFR” means Code of Federal Regulations.

“DOLI” means Department of Labor and Industry.

“DPOR” means Department of Professional and Occupational Regulation.

“EPA” means the U.S. Environmental Protection Agency.

“HUD” means U.S. Department of Housing and Urban Development.

“OSHA” means Occupational Safety and Health Administration.

“TSCA” means Toxic Substances Control Act (15 USC § 2601 et seq.)

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

---

The impetus for this regulatory action is Executive Directive Number One (2022), which directs Executive Branch entities under the authority of the Governor “...to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.”

This action is not the result of a mandate.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

---

The promulgating agency is the Virginia Board for Asbestos, Lead, and Home Inspectors. Chapters 2 and 5 of Title 54.1 of the Code of Virginia enumerate the legal authority for the Board to administer the licensure program for lead-based paint activities.

Section 54.1-201 of the Code of Virginia provides, in part:

- A. The powers and duties of regulatory boards shall be as follows:

1. To establish the qualifications of applicants for certification or licensure by any such board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.) of this title.

Section 54.1-501 of the Code of Virginia provides, in part:

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 and lead licenses, and governing conflicts of interest among various categories of asbestos and lead licenses;

2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, training managers, and principal instructors;

3. Approve accredited asbestos training programs, accredited lead training programs, examinations and the grading system for testing applicants for asbestos and lead licensure;

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 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.

In addition, 40 CFR, Part 745, Subpart Q (§ 745.320 et seq.) outlines the requirements for authorization of state programs "...to administer and enforce the standards, regulations, or other requirements established under TSCA..." Requirements for lead-based paint activities regulation are established under 40 CFR § 745.325.

## Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

---

The regulation is necessary to comply with the applicable requirements of the Residential Lead-based Paint Hazard Reduction Act and 40 CFR Part 745.

The General Assembly has charged the Board with the responsibility for regulating those who engage in lead abatement work, prepare abatement project designs, supervise lead abatement projects, conduct lead inspections, and perform lead risk assessments in target housing and child-occupied facilities. The General Assembly has also charged the Board with the responsibility for regulating firms that perform lead abatement in target housing and child-occupied facilities as well as the accreditation of lead-based paint activities training programs.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation (i) the minimum qualifications of applicants for certification or licensure, provided that all qualifications are necessary to ensure either competence or integrity to engage in the profession or occupation; (ii) minimum standards to assure continued competency and to prevent deceptive or misleading practices by practitioners; and (iii) requirements to effectively administer the regulatory system administered by the Board.

The Board, in accordance with Executive Directive Number One (2022), reviewed discretionary requirements imposed on regulated parties to determine whether such requirements impose burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to effectively administer the licensure program. To the extent any such current requirement may not be necessary to protect the public health, safety, and welfare, or not necessary to effectively administer the licensure program, the Board proposes to eliminate the requirement.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.*

---

Changes to this regulation incorporate revisions and corrections to ensure the chapter is well organized, clear to understand, and reduces unnecessary regulatory burdens while remaining consistent with Virginia Code and applicable federal regulations. Several sections are repealed, and new sections are added to reorganize and clarify existing provisions.

Details specific to the regulatory change are included in the “Detail of Changes” section at the end of this document. A brief summary of substantive changes is listed below.

The title of the regulation is revised to Lead-Based Paint Activities Regulations.

### Part I: Scope

- This section is revised to remove any ambiguity from the section in regard to exemptions from licensure for those who perform lead-based paint activities within residences they own.

### Part II: Definitions and General Requirements

- Definitions from § 54.1-500 of the Code of Virginia are incorporated in the regulation; terms used within the regulation but not currently defined are added; existing definitions are amended for

clarity; definitions for terms that are not used within the regulation and are not incorporated by reference are removed and the section is restructured into subsections.

- The monetary amount constituting financial interest is adjusted from \$1,000 to \$2,000.
- A new section (-25) has been created to provide clarity and better organization within the regulation. The new section addresses (i) the applicability of licensure requirements for lead abatement supervisors who perform lead abatement work; and (ii) the applicability of the regulation to federally assisted housing and community development programs. Existing provisions in the regulation are relocated to this new section.
- Section -41 has been repealed as the provisions contained therein are not consistent with the Board's authority.

### Part III: Entry

- Provisions contained in various sections throughout Part III are revised to provide clarity. Additionally, provisions are relocated to better organize the regulation.
- Sections have been retitled to better reflect the requirements contained therein. Additionally, several sections have been restructured.
- Provisions pertaining to application procedures are revised to require that an applicant immediately report any changes to information supplied with the application.
- The requirement for an applicant to provide a physical address on a license application is replaced with a requirement for an applicant to provide a mailing address and only provide a physical address if using a post office box as a mailing address.
- Criminal history disclosure requirements for initial licensure of individuals are revised to (i) reduce the "look back" period for most reportable misdemeanor offenses; (ii) require reporting of all misdemeanor convictions related to environmental remediation activity; (iii) remove provisions that provide that a plea of *nolo contendere* is considered a conviction; (iv) provide that any finding of guilt is considered a conviction; and (v) provide that a certified or authenticated record of conviction is *prima facie* evidence of a conviction of finding of guilt.
- Prior disciplinary history disclosure requirements for initial licensure are revised to require disclosure of any disciplinary action taken against a professional or occupational license issued to the applicant. Provisions that require an applicant to be "in good standing" in all jurisdictions where licensed are removed.
- Training requirements for initial licensure of lead inspectors are revised to incorporate current Board guidance which allows applicants to complete either lead inspector training or risk assessor training to qualify for licensure.
- Provisions regarding verification of education for those who seek to qualify on the basis of completing a degree are revised to be less restrictive.
- Requirements for licensure of lead contractors are revised to (i) remove requirements that are repetitive of statutory requirements; and (ii) remove unnecessary requirements specific to the applicant's business entity type.
- Criminal history disclosure requirements for initial licensure of lead contractors are revised to (i) reduce the "look back" period for most reportable misdemeanor offenses; (ii) expand the scope of reportable misdemeanor convictions to include all misdemeanor convictions other than marijuana convictions; (iii) remove provisions that provide that a plea of *nolo contendere* is considered a conviction; and (iv) remove provisions that provide that a certified copy of a final order, decree, or case decision is *prima facie* evidence of a criminal conviction.
- Prior disciplinary history disclosure requirements for initial licensure are revised to require disclosure of any disciplinary action taken against a professional or occupational license issued to the applicant. Provisions that require an applicant to be "in good standing" in all jurisdictions where licensed are removed.
- Provisions regarding the Board's authority to deny licensure due to an applicant's interest in a lead contractor whose license was previously revoked are revised to be more consistent with similar provisions in the Board's asbestos regulation (18VAC15-20).
- Unnecessary requirements pertaining to the certification a lead contractor applicant must make on its license application are removed.

- Procedures regarding the preliminary review of the application and auditing of a training program have been revised to remove timeframes for an applicant to correct a training program application or program prior to approval.
- A provision requiring a training provider to maintain the training program's approval letter from the Board at its business address is removed.

#### **Part IV: Fees**

- Language related to some temporarily reduced renewal fees and late renewal fees is removed as it is no longer applicable.

#### **Part V: Renewal**

- Renewal procedures are revised to provide clarity, remove redundant or unnecessary language, and better organize the regulation.
- Provisions regarding renewal of licenses and training program approvals are revised to (i) allow for email or electronic delivery of renewal notices to regulants; and (ii) remove the requirement that regulants submit a copy of the renewal notice to the Board.

#### **Part VI: Standards of Practice and Conduct for Accredited Lead Training Programs**

- A provision related to reporting a change in permanent training location is added to section -332 to make the regulation consistent with applicable federal regulation.
- Section -380, which provides for the minimum length of training programs, is repealed as they are duplicative of other provisions in the regulation or are unnecessary.
- A provision that refresher training programs are not required to conduct a hands-on skills assessment is removed from section -390 as it inconsistent with applicable federal requirements.
- Section -400 is revised to incorporate Board guidance regarding (i) the non-acceptability of initial training program completion certificates where the course participant, training manager, and principal instructor are the same; and (ii) verification of refresher training program certificates awarded to training program managers and principal instructors taking a refresher training program.
- Provisions in section -420 regarding training the electronic submission of notifications and participant lists are revised to make these provisions less restrictive.
- Provisions in section -430 regarding the requirement for a training provider to notify the Board when relocating its business or transferring records are revised to be more consistent with applicable federal regulation.
- A new section, -435, is added to establish that training providers must allow DPOR representatives to attend, evaluate, and monitor any accredited training program. This new section contains provisions that are relocated from section -790.
- A new section, -437, is added to provide for the Board's authority to discipline a training program for non-compliance with the regulation. These provisions are relocated from section -820.
- Additional revisions are made to promote clarity, better organize the regulation, incorporate board guidance, and to eliminate redundant or otherwise unnecessary provisions.

#### **Part VII: Training Course Curricula Requirements**

- Sections throughout this part have been revised for clarity. The requirement that training courses address "course review" as a topic is removed from each section related to specific training course requirements.
- Sections providing for initial training for each of the disciplines are revised to more clearly indicate which topics must include hands-on training.
- Section -500, which addresses refresher training program criteria, is (i) reorganized; and (ii) revised to add provisions regarding a federally required hands-on training component.

- Section -440 is repealed. Training criteria specific to various disciplines is established in separate sections specific to each respective discipline.

#### **Part VIII: Standards for Conducting Lead-Based Paint Activities**

- Section -510 is revised to (i) remove an unnecessary requirement related to a lead contractor's notification to DOLI regarding the commencement of lead-based paint activities; (ii) reorganize existing provisions; and (iii) remove other unnecessary requirements.
- Other revisions to this part include stylistic and technical revisions made to promote clarity.

#### **Part IX: General Standards of Practice and Conduct**

- Sections in the current chapter relating to public statements, solicitation of work, and professional responsibility are removed. Certain provisions within these sections are incorporated into language contained under the prohibited acts; other provisions are relocated existing sections.
- A new section, -795, is created to provide for requirements regulants to respond to complaints and produce records.
- Section -800 is revised to (i) remove requirements for a regulant to be "in good standing" in all other jurisdictions; and (ii) provide for regulants to notify the Board of criminal convictions and regulatory discipline.
- Section -810 is revised to (i) remove provisions related to prohibited acts to a new section; (ii) align the Board's disciplinary powers in the regulation with those specified in § 54.1516 of the Code of Virginia; (iii) remove unnecessary provisions regarding the adjudication of disciplinary matters; and (iv) provide for the Board's authority to impose regulatory discipline against a lead contractor when a violation is committed by an employed lead worker or lead supervisor.
- Prohibited acts are relocated to a new section, -815 and significantly revised. Prohibited acts are reorganized to group similar types of offenses together. Several prohibited acts are also revised, including:
  - The prohibited act regarding obtaining a license or training program approval by fraudulent means is revised to add language to specify that the prohibited act (i) applies to false or fraudulent representation; (ii) extends beyond initial application to maintaining, renewing, or reinstating a license or training program approval; and (iii) applies to attempting to obtain, a license or training program approval.
  - Streamlined prohibited acts related to (i) a regulant being criminally convicted or subjected to regulatory discipline; and (ii) failure to comply with requirements to report these adverse actions.
  - A revised prohibited act that proscribes negligence, misconduct, and incompetence in the practice of the profession, and specifies actions that would constitute a violation.
- A new prohibited act that proscribes improper, fraudulent, and dishonest conduct, and specifies actions that would constitute a violation.
- Several sections are retitled to better reflect the requirements contained therein.

### **Issues**

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

---

The primary advantages to the public and the regulated community are that the amendments to the regulation will:

1. Provide needed updating and clarification by reorganizing the regulation;
2. Reduce regulatory burdens while still protecting the public health, safety, and welfare.
3. Remove requirements in the regulation that are not necessary to protect the public welfare;
4. Ensure the regulation is consistent with federal requirements.

There are no identifiable disadvantages to the public. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

The primary advantage of the regulatory change to the Commonwealth is that it will allow the agency to administer the licensure program more ably and in compliance with federal requirements.

**Requirements More Restrictive than Federal**

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

---

The proposed amendments to the regulation are not more restrictive than applicable federal requirements.

**Agencies, Localities, and Other Entities Particularly Affected**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

---

Other State Agencies Particularly Affected

No other state agencies are particularly affected.

Localities Particularly Affected

No other localities are particularly affected.

Other Entities Particularly Affected

No other entities are particularly affected.

**Economic Impact**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.*

---

**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:                  a) fund source / fund detail;                  b) delineation of one-time versus on-going expenditures; and                  c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>No anticipated financial impact to DPOR resulting from this change.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>No anticipated financial impact to other state agencies resulting from this change.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>No anticipated benefits to state agencies resulting from this change.</p>

**Impact on Localities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.*

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>No anticipated financial impact to localities resulting from this change.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>No anticipated benefits to localities resulting from this change.</p>

**Impact on Other Entities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.*

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>The proposed regulatory changes will affect all individual licensees, all lead contractors, and all training program providers.</p> <p>It is not likely or anticipated that the regulatory changes will affect non-regulants.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:                  a) is independently owned and operated, and;                  b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>As of February 1, 2025, there are 4 interim lead supervisors, 7 interim lead inspectors, 2 interim lead risk assessors, 321 lead workers, 130 lead supervisors, 79 lead inspectors, 156 lead risk assessors, and 24 lead project designers. These licenses are issued to individuals and not to businesses or entities; however, many individuals likely own or work for a "small business" as that term is defined in the APA.</p> <p>As of February 1, 2025, there are 59 lead contractors and at least 19 accredited training program providers. Many of the firms that hold a lead contractor license or those that are accredited as a training provider likely fall within the meaning</p>

	of "small business" as that term is defined in the APA.
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</li> <li>b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;</li> <li>c) fees;</li> <li>d) purchases of equipment or services; and</li> <li>e) time required to comply with the requirements.</li> </ul>	<p>There are no anticipated costs to affected individuals, businesses, or other entities.</p> <p>Overall, the action is expected to reduce regulatory requirements and burdens.</p>
Benefits the regulatory change is designed to produce.	<p>The benefit of this regulatory change is designed to produce more organization within the regulation to provide for clear updates and concise language for the regulants. The regulatory change will also reduce regulatory burdens and remove unnecessary requirements while still maintaining the public's health, safety, and welfare. Most importantly, this regulatory change will allow the agency to administer the licensure program more competently and in compliance with federal requirements.</p> <p>The amendment reduces regulatory requirements in accordance with Executive Directive Number One (2022).</p>

**Alternatives to Regulation**

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

Lead contractors are firms and are likely business entities that meet the definition of "small business" as it is defined in § 2.2-4007.1 of the Code of Virginia. In addition, training providers who must obtain approval from the Board are likely business entities that meet the definition of "small business" as it is defined in § 2.2-4007.1 of the Code of Virginia. Licenses for lead abatement workers, lead project designers, lead abatement supervisors, lead inspectors, and lead risk assessors are issued to individuals, and not to business entities. However, many licensed individuals may be owners or employees of business entities that meet the definition of "small business."

The regulation is necessary to comply with the applicable requirements of the Residential Lead-based Paint Hazard Reduction Act and 40 CFR Part 745.

A goal of this regulatory action is to ensure that requirements imposed on regulated parties do not impose burdens that are not necessary to protect the public health, safety, and welfare; or are not necessary to

effectively administer the licensure program, in accordance with the regulatory reduction goal of Executive Directive Number One (2022). During its review of the regulation, the Board did not identify any alternatives to the current regulation and proposed amendments that are less burdensome or intrusive than those identified in this document.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

## Regulatory Flexibility Analysis

*Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

---

Lead contractors are firms and are likely business entities that meet the definition of "small business" as it is defined in § 2.2-4007.1 of the Code of Virginia. In addition, training providers who must obtain approval from the Board are likely business entities that meet the definition of "small business" as it is defined in § 2.2-4007.1 of the Code of Virginia. Licenses for lead abatement workers, lead project designers, lead abatement supervisors, lead inspectors, and lead risk assessors are issued to individuals, and not to business entities. However, many licensed individuals may be owners or employees of business entities that meet the definition of "small business."

The Board protects the public welfare, in part, by establishing through regulation the minimum requirements for the provision of lead-based paint activities, and standards of conduct and practice for licensees. These standards are designed to prevent harm to the public that can be caused by (i) individuals who are not properly qualified to perform lead-based paint activities; (ii) lead-based paint activities that are not performed in compliance with regulations or federal guidelines; and (iii) individuals that lack the minimum competency or character to engage in the profession.

As proposed, the regulatory change seeks to reduce or mitigate unnecessary regulatory burdens placed on applicants and licensees. The regulation is necessary to comply with Virginia law and applicable requirements of the Residential Lead-based Paint Hazard Reduction Act and 40 CFR Part 745. As a result, the agency did not consider any alternative regulatory methods.

The Board considered the potential adverse effects of the proposed amendments on applicants and licensees during the development process. The Board determined the requirements in the proposed amendments are necessary to protect the public welfare. These amendments do not pose an unreasonable administrative or financial burden.

The enabling statute establishing the lead-based paint activities program provides no exemption for small business: therefore there are no such exemptions contained in the proposed change.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

## Periodic Review and Small Business Impact Review Report of Findings

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

---

This form is not being used to announce a periodic review or a small business impact review.

## Public Comment

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

---

No comments were received during the NOIRA public comment period.

## Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

---

The Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>.

Comments may also be submitted by mail, email or fax to:

Cameron Parris  
Regulatory Operations Administrator  
9960 Mayland Drive  
Perimeter Center, Suite 400  
Richmond, VA 23233  
[ALHI@dpor.virginia.gov](mailto:ALHI@dpor.virginia.gov)  
(866) 350-5354 (fax)

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

## Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.*

*If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.*

**Table 1: Changes to Existing VAC Chapter(s)**

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
N/A	N/A	The title of the regulation is "Virginia Lead-Based Paint Activities Regulations."	The title is revised to "Lead-Based Paint Activities Regulations."
30-10	N/A	<p>This section sets forth the general scope of the chapter establishing that the regulation contains the procedures and requirements for (i) the licensure of individuals and firms engaged in lead-based paint activities; and (ii) accreditation of all lead-based paint activities training programs and providers.</p> <p>The section provides that the regulation is not applicable to persons who perform lead-based paint activities within residences they own, unless (i) the residence is occupied by a person other than the owner or the owner's immediate family while lead-</p>	<p>The following verbiage is removed: "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 level" and replaced with "indicated in § 54.1-512 E of the Code of Virginia."</p> <p>As revised, the section would provide that the regulation is not applicable to persons who perform lead-based paint activities within residences they own unless indicated by § 54.1-512 E of the Code of Virginia.</p> <p>Subsection E of § 54.1-512 provides for exclusions to the licensure exemption requirement for persons who perform</p>

		<p>based paint activities are being conducted; or (ii) a child residing in the building has been identified as having an elevated blood-lead level.</p>	<p>lead-based paint activities within residences that they own.</p> <p>This change is made to remove any ambiguity from the section in regard to exemptions from licensure. This change will have no practical effect.</p>
<p>30-20</p>	<p>N/A</p>	<p>This section provides for definitions that are necessary to make the regulation clear and understandable. The section includes definitions for some terms that are defined in statute.</p>	<p>This section is reorganized into subsections.</p> <p>Subsection A incorporates definitions included in § 54.1-500 of the Code of Virginia.</p> <p>These definitions include the terms: “accredited lead training program,” “board,” “dust clearance sampling,” lead-based paint,” “lead-contaminated dust,” “lead-contaminated soil,” “lead contractor,” “lead project design,” “lead risk assessment,” and “person.”</p> <p>The meanings for these terms in the current regulation are essentially the same as their meanings in statute.</p> <p>Subsection B provides definitions for additional words and terms used throughout the regulation.</p> <p>Terms that are not utilized within the regulation or are otherwise unnecessary in this section have been removed.</p> <p>The terms that have been removed include: “course test blue print,” “elevated blood lead level,” “individual,” “initial course,” “interim license,” “refresher course,” or “refresher training program,” and “TSCA.”</p> <p>The following terms are added to the regulation:</p> <ul style="list-style-type: none"> <li>• “Application” which means a completed Board-prescribed form submitted with the appropriate fee and other required documentation. This definition is added to the make this regulation consistent with other regulations of the Board which define this term.</li> <li>• “XRF” which means X-Ray fluorescence.</li> </ul>

			<p>Other terms are amended for clarity, to align with federal definitions in 40 CFR § 745.223, or for style. Those terms include: “abatement,” “applicant,” “clearance levels,” “common area,” “component” or “building component,” “department,” “firm,” “lead-based paint hazard,” “licensee,” “OSHA,” and “training hour.”</p> <p>Language included in the definition of “abatement” regarding federally assisted housing and community development programs has been relocated to a new section -25.</p> <p>As revised, the term “applicant” means a person who submits an application to the Board.</p> <p>As revised, the term “firm” means any company, partnership, corporation, sole proprietorship, association, or any other form of business organization recognized under the laws of the Commonwealth.</p> <p>The term “financial interest” is revised to increase, from \$1,000 to \$2,000 the threshold of value required to establish financial interest. This change is made to reduce the regulatory burden placed on regulants.</p> <p>Changes related to terms and definitions assist in presenting the regulation in a clear and organized manner while incorporating statutory definitions and removing terms that are not used within the regulation.</p>
N/A	30-25	N/A – No current requirements.	<p>This is a new section, titled “Applicability.”</p> <p>Subsection A provides that a licensed lead abatement supervisor may perform the duties of a licensed lead abatement worker. This provision is relocated from subdivision F 3 c of section -52.</p> <p>Subsection B contains language relocated from section -20 and provides that federally assisted housing and community development programs conducted in compliance with the U.S. Department of Housing and Urban</p>

			Development Lead-Safe Final Rule 24 CFR Part 35 will be considered to meet the requirements of this chapter.
30-41	N/A	<p>This section sets forth the Board’s ability to waive requirements of the chapter given certain circumstances.</p> <p>The section provides that the Board, in its reasonable discretion, may waive any requirements of the regulation when it finds that the waiver does not lessen the protection to the public health, safety, and welfare as provided in the regulation and in the Board’s enabling statute.</p> <p>The section further provides that the party requesting the waiver has the burden of proof to show continued public protection.</p>	<p>This section is repealed.</p> <p>Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia does not provide the Board with the discretionary authority to waive licensure requirements for regulants under this chapter.</p>
30-51	N/A	<p>This section sets forth application procedures applicable to all applicants.</p> <p>The section provides that applicants for licensure or approval of an accredited lead training program must submit an application on a DPOR-provided form and pay the appropriate application fee.</p> <p>Receipt of an application and deposit of fees by the Board does not indicate approval of the application.</p> <p>By signing the application or submitting it electronically to DPOR, an applicant certifies that the applicant has read and understands the Board’s statutes and regulations.</p> <p>The section provides that the Board may make further inquiries and investigations with respect to an applicant’s qualifications to confirm or amplify information supplied.</p>	<p>In this section, application procedures remain substantially the same. The section is reorganized into subsections.</p> <p>The section is revised to include an additional provision regarding application procedures, requiring an applicant to immediately report any changes in information supplied with the application prior to issuance of the license or expiration of the application.</p> <p>Minor stylistic and technical changes are made throughout the section.</p> <p>These revisions better organize the section and provide clarity. The revisions also make the provisions of this section consistent with other DPOR regulations.</p>

		<p>The section further provides that applicants will be notified if their application is incomplete. Applicants that fail to complete the application process within 12 months after the date of receipt by DPOR must submit a new application and fee.</p>	
<p>30-52</p>	<p>N/A</p>	<p>This section establishes general requirements for the licensure of individuals engaged in the performance of lead-based paint activities. These include:</p> <ul style="list-style-type: none"> <li>• That the applicant disclose the applicant's full legal name;</li> <li>• That the applicant be at least 18 years old; and</li> <li>• That the applicant disclose a physical mailing address. A post office address is acceptable only when a physical address is also provided.</li> </ul> <p>This section contains the requirement that an applicant submit documentation showing the applicant has completed the Board-approved initial training program and all subsequent Board-approved refresher training programs as specified. Initial training programs are valid for 36 months after the last day of the month in which the program was completed. Refresher training must be completed no later than 36 months after the last day of the month in which the initial training was completed and every 36 months thereafter.</p> <p>This section also contains specific entry requirements for the following lead professionals:</p>	<p>This section is significantly revised.</p> <p>The section catchline is changed to "General requirements for licensure: individuals" and the section is restructured to provide better organization and clarity.</p> <p>Like the current section, the revised section includes subsections A, B, C, and D, which address general requirements for entry and disclosure of information related to an applicant's name, age, and address. No substantive changes are made to most of these provisions.</p> <p>The requirement for an applicant to provide an address is revised to replace the requirement for an applicant to provide a physical address with a requirement for an applicant to provide a mailing address. However, an applicant must provide a physical address when the applicant's mailing address is a post office box.</p> <p>Subsections E, F, and G incorporate provisions contained in the current section and pertain to an applicant's criminal history, disciplinary history, and compliance with standards of practice and conduct.</p> <p>Subsection E addresses criminal history disclosure requirements of an applicant in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Applicants are required to disclose all felony convictions. This requirement is unchanged from the current regulation.</p> <p>Applicants are required to disclose the following misdemeanor convictions:</p>

	<ul style="list-style-type: none"> <li>• Worker;</li> <li>• Project Designer;</li> <li>• Supervisor;</li> <li>• Inspector; and</li> <li>• Risk assessor.</li> </ul> <p>Training requirements are verified by submittal to the Board of the training certificate issued by the accredited lead training provider for that course.</p> <p>This section further provides requirements for the verification of education and experience. Education requirements are verified by submission of an Education Verification Form sent directly from a school. Experience requirements are verified by resumes, letters of reference, or documentation of work experience.</p> <p>Applicants must disclose all felony convictions, all misdemeanor convictions except marijuana convictions, and any disciplinary action taken in another jurisdiction in connection with the applicant’s environmental remediation practice. The applicant must also disclose any current or previously held environmental remediation certifications, accreditations, or licenses issued by Virginia or another jurisdiction.</p> <p>The Board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Any plea of <i>nolo contendere</i> will be considered a conviction; and a certified copy of a final order, decree, or case decision will be considered <i>prima facie</i> evidence of a conviction or</p>	<ul style="list-style-type: none"> <li>• All misdemeanor convictions related to environmental remediation activity; and</li> <li>• All misdemeanor convictions, excluding marijuana convictions, that occurred within three (3) years of the date of application.</li> </ul> <p>This change reduces the “look back” period for most reportable misdemeanor offenses. The exclusion of misdemeanor offenses related to marijuana convictions aligns the regulation with statute. This change should allow individuals with older criminal histories and excluded convictions to qualify for licensure without their applicants being subject to review and consideration by the Board.</p> <p>Provisions in the current section that (i) provided that a plea of <i>nolo contendere</i> is considered a conviction; and (ii) a certified copy of a final order, decree, or case decision is <i>prima facie</i> evidence of guilt of a criminal conviction are replaced with provisions which stipulate (i) that any finding of guilt will be considered a conviction; and (ii) that a certified or authenticated record of conviction will be <i>prima facie</i> evidence of a conviction or finding of guilt.</p> <p>Subsection E also provides that the Board may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia. This provision is unchanged from the current regulation.</p> <p>This change reduces regulatory burdens for applicants and presents the regulation in an organized manner.</p> <p>Subsection F requires that an applicant disclose all disciplinary actions taken against a professional or occupational license, certification, or registration issued to the applicant, and specify that disciplinary action includes (i) suspension; (ii) revocation; (iii) surrender; (iv) imposition of a monetary penalty; (v) requirement for remedial education; or (vi) requirement for other remedial action.</p>
--	---	--

		<p>finding of conviction or discipline.</p> <p>The Board, at its discretion, may deny licensure to any applicant based on disciplinary action by any jurisdiction.</p> <p>This section requires that an applicant be in compliance with the standards and practice of conduct enumerated throughout the regulation at the time the application is made, while the application is under review, and while the license is in effect.</p> <p>This section also requires that an applicant be in good standing in every jurisdiction where licensed and not have had a license that was suspended, revoked, or surrendered in connection with any disciplinary action prior to applying for licensure in Virginia.</p>	<p>Provisions in the current regulation regarding prior discipline are removed. Rather than establishing a standard that an applicant must be “in good standing,” the revised provisions require disclosure of prior disciplinary history.</p> <p>The Board, in its discretion, may deny licensure to any applicant for any prior action taken by another board or administrative body. These provisions are unchanged from the current regulation.</p> <p>Subsection G contains the requirement for an applicant to be in compliance with the standards of practice and conduct enumerated throughout the regulation at the time the application is made, while the application is under review, and while the license is in effect. This provision is unchanged from the current regulation.</p> <p>Subsection H requires that an applicant provide documentation of successful completion of the Board-approved initial training program and all subsequent refresher training programs applicable to the license sought and provides that completion certificates for Board-approved training programs are valid for 36 months from when the training was completed. These provisions are essentially unchanged from those currently in the section, but are revised for purposes of clarity.</p> <p>Qualifications for each type of individual license are addressed in subsection I. Qualifications for licensure are essentially unchanged.</p> <p>Board guidance, which can be viewed <a href="#">here</a>, is incorporated under the requirements for an inspector applicant allowing an applicant to provide successful completion of a Board-approved lead inspector training or lead risk assessor training for initial licensure.</p> <p>Subsection J provides for verification of education for those seeking to qualify on the basis of completing a degree. The subsection provides that applicants</p>
--	--	--	---

			<p>must submit a transcript from the school where the applicable degree was obtained. These new provisions are less restrictive than the current requirement.</p> <p>Subsection K provides for verification of work experience. The subsection provides that experience requirements will be verified by resumes, letters of reference, or other documentation of work experience acceptable to the Board. Experience verification provisions are essentially unchanged.</p> <p>Subsection L provides for the issuing of interim licenses. Individuals who are required to pass a Board-approved examination may be issued an interim license provided the required initial or refresher training was completed no later than six (6) months prior to the application being received by the Board. These provisions reflect current agency practice, which allows for the issuing of interim licenses.</p> <p>There are no new general licensure requirements established in this section. The section has been reorganized to provide clarity and to include elements related to general requirements for individual licensure.</p> <p>Stylistic changes are made throughout the section to include replacing “shall” with “must” where appropriate.</p>
30-53	N/A	<p>This section identifies qualifications for licensure for business entities, which includes (i) general requirements for obtaining a lead contractor license; (ii) specific qualifications for obtaining a lead contractor license; and (iii) other universal requirements applicable to all applicants seeking a lead contractor license.</p> <p>Every business entity must secure a license before transacting business.</p>	<p>This section catchline is retitled to “Qualifications for lead contractors” to more accurately reflect the content in the section.</p> <p>The section is significantly revised and restructured to provide better organization and clarity.</p> <p>Subsection A provides that each firm applying for a license meet the requirements enumerated in this section. The existing provision stipulating that a business entity obtain a license before transacting business is unnecessary. Section 54.1-503 of the Code of Virginia provides that a lead contractor must obtain a license to</p>

	<p>The business name must be disclosed in the application. The name under which the entity conducts business and holds itself out to the public must also be disclosed on the application. Fictitious names must be registered with the State Corporation Commission.</p> <p>Both the firm’s mailing and physical addresses must be disclosed. A post office box is only acceptable as a mailing address when a physical address is also provided.</p> <p>Applicants must meet additional requirements specific to their business entity type (i.e., corporation, limited liability company, partnership, or sole proprietorship).</p> <p>Corporations and limited liability companies must be incorporated or organized in Virginia or have received authorization from the SCC to conduct business in Virginia. Corporations and limited liability companies must be in good standing with the SCC at the time of application and at all times while licensed.</p> <p>Partnership applicants must have a written partnership agreement. The agreement must state that all professional services of the partnership will be under the direction and control of the appropriate licensed or certified professional.</p> <p>Sole proprietorships that operate under an assumed or fictitious name must have such name recorded by the clerk of the court in the county or jurisdiction where business is to be conducted.</p>	<p>contract to perform lead abatement activity.</p> <p>Subsection B requires that the applicant disclose the name under which the firm conducts business and holds itself out to the public. In accordance with Chapter 5 of Title 59.1 of the Code of Virginia, all firms must register any trade or fictitious names, when applicable, with the State Corporation Commission.</p> <p>Subsection C provides that an applicant must disclose the firm’s mailing address and the firm’s physical address. Provisions regarding post office box addresses are removed, as the regulation requires both a mailing address and a physical address.</p> <p>Provisions imposing requirements specific to the applicant’s business entity type are removed. These requirements are not necessary.</p> <p>Subsection D provides for disclosure of criminal convictions.</p> <p>In accordance with § 54.1-204 of the Code of Virginia applicants are required to disclose the following about the firm and its owners, officers, managers, members, and directors:</p> <ul style="list-style-type: none"> <li>• All felony convictions;</li> <li>• All misdemeanor convictions, excluding marijuana convictions, that occurred within the last three (3) years; and</li> <li>• Any conviction involving environmental remediation activity that resulted in significant harm or the imminent and substantial threat of significant harm to human health or environment.</li> </ul> <p>Changing the regulation to only require disclosure of misdemeanor convictions within three years of the application will help reduce barriers to licensure for individuals with a prior criminal history.</p> <p>An applicant would be required to disclose all misdemeanor convictions, excluding marijuana convictions, during the three-year period prior to</p>
--	--	--

	<p>Each applicant for lead contractor licensure must hold a valid Virginia contractor license with a lead specialty issued by the Virginia Board for Contractors and certify that: (i) only properly licensed lead abatement supervisors and workers will be employed to conduct lead-based paint activities; (ii) a licensed lead abatement supervisor is present at each job site during all work site preparation and during post-abatement cleanup and no more than two (2) hours away during all times that abatement activity is being conducted; (iii) the standards for conducting lead-based paint activities established by the Board, the EPA, and OSHA will be followed at all times during the conduct of lead-based paint activities; and (iv) the company is in compliance with all other occupational and professional standards as required by statute and local ordinance to transact and conduct business as a lead abatement contractor.</p> <p>The section provides for entry standards related to criminal convictions.</p> <p>Neither the firm nor the owners, officers, or directors must have been convicted or found guilty in any jurisdiction of (i) any felony; (ii) any misdemeanor involving lying, cheating, or stealing; or (iii) 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.</p> <p>These provisions also provide that pleas of <i>nolo contendere</i></p>	<p>application, instead of specified types of offenses. This makes the regulation easier to understand and removes the burden on an applicant with misdemeanor convictions to make a determination as to which criminal convictions should or should not be disclosed. It will also enhance the Board's protection of the public welfare to address an applicant's fitness for licensure, as applicants with a more recent criminal history may not be fit for licensure.</p> <p>As a result of recent changes to statute and to comply with statute, misdemeanor marijuana convictions are no longer required to be disclosed during application.</p> <p>The Board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia. Further, an applicant has the right to request further review of such action by the Board under the APA.</p> <p>Provisions in the current section that (i) provided that a plea of <i>nolo contendere</i> is considered a conviction; and (ii) a certified copy of a final order, decree, or case decision is <i>prima facie</i> evidence of guilt of a criminal conviction are removed.</p> <p>Subsection E provides for the disclosure of prior disciplinary action. an applicant must disclose any action taken by a board or administrative body in any against a professional or occupational license, certificate, or registration issued to the firm, its owners, officers, managers, members, directors, and, as applicable, (i) any reprimand, suspension, revocation, or surrender of a license, certification, or registration; (ii) imposition of a monetary penalty; or (iii) requirement to take remedial education or other corrective action.</p> <p>Subsection E also provides the Board may deny licensure based on any prior disciplinary action taken by any board or administrative body.</p>
--	---	---

	<p>are considered convictions and that a certified copy of a final order, decree, or case decision is admissible as <i>prima facie</i> evidence of a conviction.</p> <p>The Board has the discretion to deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Applicants must be in compliance with the standards of conduct and practice set forth in Parts VIII and IX of the regulation at the time of application, at all times while the application is under review by the Board, and at all times the license is in effect.</p> <p>The firm and its owners, officers, and directors must be in good standing in every jurisdiction where licensed and not have had a license suspended, revoked, or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The Board may, in its discretion, deny a license based on prior disciplinary action.</p> <p>The Board may refuse to issue a license to any lead contractor applicant if the applicant or its owner, officers, or directors have a financial interest in a lead contractor whose lead license has been revoked, suspended, or denied renewal in any jurisdiction.</p>	<p>The revisions to the disciplinary action disclosure provisions make the regulation clearer as to what disciplinary matters an applicant is required to report to the Board, and make clearer the scope of the Board's authority to deny an application based on prior disciplinary action taken against a professional or occupational license issued to an applicant.</p> <p>Subsection F provides for the Board's authority to deny licensure based on a substantial identity of interest with a person whose license or certificate has been revoked or not renewed by the Board. A substantial identity of interest includes (i) a controlling financial interest by the individual or corporate principals of the person whose license or certificate was revoked or not renewed; or (ii) substantially identical owners, officers, managers, members, or directors, as applicable.</p> <p>These provisions are intended to make the regulation more consistent with similar provisions in the Board's asbestos regulation (18VAC15-20).</p> <p>Subsection G identifies the requirement that applicants for a lead contractor license must hold a valid Virginia contractor license and incorporates through a certification that (i) only properly licensed lead abatement supervisors and workers will be employed to conduct lead-based paint activities; (ii) a licensed lead-abatement supervisor be present onsite for preparation of abatement activities and readily available (e.g. onsite within two (2) hours) when abatement activities are being conducted; and (iii) the standards for conducting lead-based paint activities established by the EPA and OSHA will be followed at all times.</p> <p>However, the contractor license applicant will no longer be required to certify that the company is in compliance with all other occupational and professional licenses and standards as required by Virginia statute and local ordinance. These requirements are not</p>
--	---	---

			<p>necessary and are removed to reduce regulatory burden.</p> <p>Stylistic changes are made throughout the section to include relacing “shall” with “must” where appropriate.</p>
<p>30-54</p>	<p>N/A</p>	<p>This section establishes qualifications for accredited lead training program approval.</p> <p>The section provides that requirements for principal instructor qualifications, required topic review, length of training, and recordkeeping must be demonstrated through application material. Training programs are required to offer courses that teach the standards for conducting lead-based paint activities enumerated in the regulation and other such standards established by the EPA.</p> <p>Applicants must meet the requirements set forth in the regulation before being granted approval to offer a training program.</p> <p>Applicants must submit an application on a form provided by the Board.</p> <p>The application must include the following:</p> <ul style="list-style-type: none"> <li>• The course for which the training provider is applying for accreditation;</li> <li>• A signed statement certifying that the training program meets the minimum requirements established in the regulation;</li> <li>• The names and qualifications, including education and experience, of each principal instructor;</li> </ul>	<p>This section has been revised to remove unnecessary or redundant language and for the purpose of promoting clarity.</p> <p>Procedures regarding preliminary review of the application and auditing of the training program have been revised.</p> <p>Provisions indicating that an applicant has one (1) year from the date of receipt of the application to correct deficiencies noted in the preliminary review have been removed. Instead, applicants will be notified if an application is incomplete or deficient. The on-site audit will not occur until deficiencies are addressed.</p> <p>Provisions indicating that an applicant has one (1) year from the date of receipt of the application to correct deficiencies identified during the audit have been removed. A program will not receive approval until all deficiencies have been addressed.</p> <p>Additionally, the requirement that training program approval letters be maintained at the business address provided on the application is removed.</p> <p>Eliminating the one (1) year expiration date previously placed on applications for training program approval and the recordkeeping of the approval letter reduces the burden placed on applicants.</p> <p>Stylistic changes, such as replacing the word “shall” with “must” or “will” where appropriate, are made throughout the section.</p>

	<ul style="list-style-type: none"> <li>• A copy of the student and instructor manuals or other materials to be used;</li> <li>• A copy of the course agenda that includes time allocated for each course topic;</li> <li>• A copy of the test and answer sheet;</li> <li>• A description of the facilities and equipment to be used for lecture and hands-on training;</li> <li>• A description of the activities and procedures that will be used for conducting the assessment of hands-on skills;</li> <li>• A copy of the quality control plan as described in the regulation;</li> <li>• A sample of a certificate that will be issued to students who successfully complete the course;</li> <li>• A proposed course date (for auditing purposes); and</li> <li>• The application fee required.</li> </ul> <p>An application must be received by the Board no later than 45 days before the desired audit date.</p> <p>Applicants must submit a separate application for each initial and refresher course it wishes to have approved; there is no limit to the number of courses for which an applicant may seek approval.</p> <p>Applicants may seek accreditation for the following disciplines: lead abatement worker, lead project designer, lead abatement supervisor, lead inspector, and lead risk assessor.</p>	
--	--	--

		<p>Upon receipt of an application, a preliminary review will be conducted to ensure compliance. An applicant has one (1) year from receipt of the application to correct any deficiencies.</p> <p>Once preliminary review has been completed the Board will conduct an on-site audit of the training program. Should approval be denied, an applicant has one (1) year from receipt of the application to correct any deficiencies.</p> <p>The Board will not accept training certificates as evidence that an individual has completed an accredited lead training program until the program has been approved by the Board.</p> <p>Each program that is approved by the Board will receive a form, which must be maintained at the business address provided on the application, indicating the discipline approved and the expiration date.</p>	
30-161	N/A	<p>This section establishes general fee requirements.</p> <p>The section provides that fees are nonrefundable and will not be prorated. Checks and money orders must be made payable to the Treasurer of Virginia.</p> <p>The section provides that the date on which a fee is received by DPOR or its agent will determine whether the fee is on time.</p> <p>The section also provides that fees for approval and renewal of accredited lead training programs and refresher training programs will not be imposed on any state, local</p>	<p>Provisions regarding the charging of examination fees are revised to make clarifying wordsmithing changes.</p> <p>Otherwise, there are no substantive changes to this section.</p> <p>Stylistic changes are made and include replacing the word “shall” with “must” or “will” where appropriate.</p>

		<p>government, or nonprofit training program.</p> <p>The section further provides for examination fees which are subject to contracted charges to DPOR by an outside vendor. Contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act. Fees are adjusted and charged to the candidate in accordance with the contract.</p>	
30-163	N/A	<p>This section sets forth renewal and late renewal fees for the following:</p> <ul style="list-style-type: none"> <li>• Individual licenses (worker, supervisor, inspector, risk assessor, and project designer);</li> <li>• Lead contractor license.</li> <li>• Accredited lead training program approval.</li> </ul> <p>The section also includes provisions for temporary reduction of renewal and late renewal fees for licenses and training program approvals. This includes (i) a fee schedule of temporary fees effective until 2023; and (ii) a fee schedule of temporary fees effective until 2025.</p>	<p>Provisions for temporary fees that expired in 2023 are removed. This language is no longer applicable.</p> <p>Stylistic changes are made to replace the word “shall” throughout the section.</p>
30-164	N/A	<p>This section identifies the expiration of licenses by establishing the requirement for renewal.</p> <p>The section establishes provisions for the expiration, renewal, or extension of interim licenses.</p> <p>This section also identifies the expiration time for individual licenses, lead contractor licenses, and training program approvals.</p>	<p>There are no substantive changes to this section.</p> <p>The section is reorganized to promote clarity.</p> <p>Stylistic changes are made to include replacing the word “shall” with “will” where appropriate.</p>

		<p>Individual licenses and lead contractor licenses expire 12 months from the last day of the month in which they were issued.</p> <p>Approvals for lead training programs expire 24 months from the last day of the month in which the Board granted approval.</p> <p>Interim licenses expire six months from the last day of the month during which the individual completed the Board-approved initial or refresher lead training program. Interim licenses cannot be renewed or extended.</p>	
30-165	N/A	<p>This section sets forth procedures for renewal.</p> <p>The section provides that the Board will mail a renewal notice to the licensee or accredited lead training provider at the last known address. The notice will outline procedures for renewal and the renewal fee amount. Failure to receive renewal notice does not relieve the licensee or training provider of the obligation to renew.</p> <p>Each licensee or training provider desiring to renew their license or training program approval must return to the Board the renewal notice and the renewal fee prior to the expiration date of the license or training program approval. In addition, individuals must submit documentation of having completed refresher training; and training providers must submit the documentation required by subsection C of section -166.</p>	<p>This section is reorganized to promote clarity.</p> <p>The section is revised to provide that the Board will send, rather than mail, renewal notices to licensees and training providers. Provisions regarding sending of notices are also revised to provide that notices will be sent to the regulant's address of record.</p> <p>Provisions regarding the renewal notice containing procedures for renewal and the renewal fee amount are removed, as are provisions stipulating that failure to receive the renewal notice does not relieve the regulant of the obligation to renew.</p> <p>Provisions that allow a regulant to renew a license by submitting a copy of the license or training program approval, along with required documentation and fees in the event the renewal notice is not received are removed.</p> <p>These provisions are revised in anticipation of DPOR's new, paperless, application process, which will become effective with the implementation of a new licensing system currently in development.</p>

		<p>The section also provides that should a regulant fail to receive the renewal notice, the regulant may mail a photocopy of the current license or training program approval to the Board as a substitute for the renewal notice, along with the required fee.</p> <p>The section further provides that interim licenses will not be renewed or extended. Each applicant who wishes a second interim license must (i) provide the Board with evidence of having retaken and satisfactorily completed initial training requirements; and (ii) submit a new application to the Board.</p>	<p>Procedures for renewal of licenses and training program approvals are also revised for purposes of clarity.</p> <p>As revised, licensees desiring to renew a license must return to the Board the appropriate fee specified in section -163. Individual licensees must provide evidence of meeting the annual refresher training requirement for license renewal and meet the requirements specified in subsection A of section -166.</p> <p>Training programs must return to the Board the appropriate fee specified in section -163 and documentation that is required by subsection B of section -166.</p> <p>The provision related to interim licensure is removed as it is redundant. The expiration and renewal of interim licenses is addressed in section -164.</p> <p>A provision is added to ensure licensees and accredited training programs are aware that by submitting a renewal, a licensee or an accredited training program is certifying continued compliance with the regulations. This provision is relocated from section -166.</p>
30-166	N/A	<p>This section establishes qualifications for renewal for individuals and accredited training programs.</p> <p>Individual licensees are required to satisfactorily complete required Board-approved refresher training within 36 months after the initial or most recent refresher training course was completed and at least once every 36 months thereafter. For cases in which the individual completed a proficiency-based course, refresher training is required every 60 months instead of every 36 months.</p> <p>Refresher training must be specific to the discipline of the license being renewed (e.g. a</p>	<p>There are no new requirements added to this section.</p> <p>The section is revised to remove unnecessary or duplicative language. These include:</p> <ul style="list-style-type: none"> <li>• Provisions regarding the submission of refresher training, which is duplicative of provisions in section -165.</li> <li>• Provisions regarding the issuing of renewed licenses, which are unnecessary.</li> <li>• Provisions stipulating when licensees and training providers must renew, which are duplicative of provisions in section -165.</li> </ul> <p>A provision that establishes that by submitting a renewal, a licensee or an accredited training program is certifying continued compliance with the</p>

	<p>licensed worker must complete Board-approved worker refresher training.).</p> <p>Individual licensees are responsible for ensuring the Board receives proof of completion of required training. Individual licensees must provide evidence of meeting the refresher training requirement prior to the expiration of the license.</p> <p>The section provides that the Board will renew an individual license for 12 months upon receipt of a renewal application and fee, provided the individual has complied with the renewal qualifications established in the section.</p> <p>Contractor licenses will be renewed for an additional 12 months upon receipt of a renewal application and renewal fee. Return of the renewal application and fee to the Board constitutes a certification that the licensee is in full compliance with the Board's regulation.</p> <p>Training program providers must provide the Board with:</p> <ul style="list-style-type: none"> <li>• The training provider's name, address, and telephone number.</li> <li>• A statement signed by the training provider certifying that:             <ul style="list-style-type: none"> <li>○ The course materials for each course meet the requirements of Part VII of the regulation.</li> <li>○ The training manager and principal instructor meet the qualifications of section -340.</li> <li>○ The training manager complies at</li> </ul> </li> </ul>	<p>regulations has been relocated to section -165.</p> <p>Minor stylistic changes are made, including to replace the word "shall" with "must" or "will" where appropriate.</p>
--	--	--

		<p>all times with the requirements of the regulation.</p> <ul style="list-style-type: none"> <li>○ The quality control program meets the requirements of section -410.</li> <li>○ The recordkeeping requirements in the regulation will be followed.</li> </ul> <p>Training program providers must submit the above information to the Board no later than 24 months after initial approval and not less than once each 24 months after approval.</p> <p>The section provides that return of the renewal application and fee to the Board by the training provider constitutes a certification that the training provider is in full compliance with the Board's regulations.</p> <p>The section also provides a representative of the Board may perform an audit to verify the certified statements of the training provider and the contents of the training provider's renewal application before renewal is approved.</p> <p>The section further provides that training programs which meet renewal requirements will be issued an approval for an additional 24 months.</p>	
30-167	N/A	<p>This section addresses late renewal for individuals and accredited training programs.</p> <p>The section provides that a late renewal fee is required if the renewal fee is not received by the Board within 30 days after the expiration date of a license or training program approval.</p>	<p>The provisions of this section are revised for purposes of clarity.</p> <p>As revised, subsection A of the section provides that each license and each training program approval that is not renewed within 30 days of the expiration date will be subject to late renewal fees established in section -162.</p> <p>As revised, subsection B of the section provides that each license or approved</p>

		The section further provides that a licensee or training provider that does not renew their license or training program approval within 12 months after the expiration date will be permitted to renew and must apply as a new applicant.	training program that is not renewed within 12 months after the expiration date will not be renewed. The individual or firm must apply for a new license or approval and meet entry requirements current at the time the new application is submitted.
30-332	N/A	<p>This section establishes the requirement that substantial changes to a training course must be reported to the Board prior to continuation of the training course.</p> <p>This includes changes to:</p> <ul style="list-style-type: none"> <li>• course curriculum;</li> <li>• course examination;</li> <li>• course materials;</li> <li>• training manager and principal instructor; and</li> <li>• certificate of completion.</li> </ul> <p>Approval or disapproval of reported changes will be communicated in the same manner as for initial applications for accreditation approval.</p>	<p>A provision is added that requires that the Board be notified of any change in permanent training location. This is currently a requirement of 40 CFR § 745.225(j)(3).</p> <p>A provision requiring that a change in ownership of a training program be reported to the Board is added. This is not a new requirement; rather a current requirement that has been relocated from section -334. However, the requirement is revised to be less restrictive. Currently, a training provider that has a change in ownership must apply for a new training program approval.</p> <p>The provision establishing that approval or disapproval of reported changes will be communicated in the same manner as for initial applications for accreditation approval is eliminated as it is not necessary.</p> <p>A minor stylistic change is made.</p>
30-334	N/A	This section addresses change of ownership as it relates to a training provider offering an accredited training program and provides that, in the event ownership changes, the new owner must apply to the Board for approval of the program.	<p>This section is repealed.</p> <p>The requirement that any change in ownership of an approved training provider be reported to the Board is relocated to section -332. The requirement for the new owner to apply for approval from the Board is removed.</p> <p>New ownership of a training program no longer requires that a new application be submitted to the Board, which reduces the burden placed on regulants.</p>
30-340	N/A	This section establishes qualifications of training managers and principal instructors.	There are no new requirements or other substantive changes made to this section.

		<p>The section requires training programs employ a training manager who (i) has at least two (2) years of experience, education, or training in teaching adults; (ii) has a bachelor's or graduate level degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, program management, or related field; or (iii) two (2) years of experience in managing a training program that specialized in environmental hazards; and (iv) 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.</p> <p>The section also provides that the training program employ a qualified principal instructor, designated by the training manager, for each course who (i) demonstrates experience, education or training in teaching workers or adults; (ii) has successfully completed a minimum of 16 hours of any EPA-accredited or board-approved lead-specific training; and (iii) demonstrated experience, education or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.</p> <p>Documentation of principal instructor qualifications must be reviewed and approved by the Board prior to the principal instructor teaching in an</p>	<p>Minor stylistic changes are made to replace the word "shall" with "must" or "will" where appropriate.</p>
--	--	--	--

		<p>accredited lead training program.</p>	
<p>30-350</p>	<p>N/A</p>	<p>This section provides that a training program employ a training manager responsible for ensuring the training program complies with the requirements set forth in the regulation.</p> <p>The training manager is also responsible for maintaining:</p> <ul style="list-style-type: none"> <li>• 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; and</li> <li>• The validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.</li> </ul> <p>Subsection B provides that the training manager is responsible for designating a principal instructor for each course offered who will be responsible for the organization and oversight of the course and course materials.</p> <p>Subsection C allows for guest instructors to be designated by the training manager as needed to provide lecture specific instruction, hands-on activities, or work practice components of a course.</p> <p>Subsection D establishes that training managers that who intend to also serve as principal instructors must meet the requirements for principal instructors set forth in section - 340 and provide</p>	<p>Language included in Subsection D, which states, "...and provide documentation to the Board prior to instructing" regarding training managers that intend to be principal instructors has been eliminated as such requirement is already established by application and reporting requirements.</p> <p>Minor stylistic changes are made, including to replace the word "shall" with "must" or "will" where appropriate.</p>

		documentation to the Board prior to instructing.	
30-360	N/A	<p>This section establishes that the following documents be recognized by the Board as proof that training managers and principal instructors meet requirements set forth in section -340:</p> <ul style="list-style-type: none"> <li>• Official academic transcripts or diplomas as proof of meeting the educational requirements;</li> <li>• Resumes, letters of reference, or documentation of work experience as proof of meeting the work experience requirements;</li> <li>• Certificates from lead-specific training courses as proof of meeting the training requirements.</li> </ul>	<p>There are no new requirements or other substantive changes made to this section.</p> <p>Minor stylistic changes are made, including to replace the word “shall” with “will” and “relevant” to “applicable.”</p>
30-370	N/A	<p>This section provides that training programs must provide adequate training facilities for all aspects of delivering an accredited training course.</p> <p>This includes providing training equipment that reflects current work practices, and maintaining or updating the equipment and facilities as needed.</p>	<p>There are no new requirements or other substantive changes made to this section.</p> <p>A minor stylistic change is made to replace the word “shall” with “must” where applicable.</p>
30-380	N/A	<p>This section establishes requirements related to the length of various training courses.</p> <p>Subsection A provides that the minimum length of training courses are as follows:</p> <ul style="list-style-type: none"> <li>• The initial training course for lead inspector must last a minimum of 24 training hours with a minimum of eight (8) hours devoted to hands-on training activities;</li> </ul>	<p>This section is repealed.</p> <p>Provisions in subsection A regarding the minimum length of initial training courses are duplicative of provisions in the following sections which provide for minimum training length:</p> <ul style="list-style-type: none"> <li>• Section -450 (lead abatement worker training).</li> <li>• Section -460 (lead abatement supervisor training).</li> <li>• Section -470 (lead inspector training).</li> <li>• Section -480 (lead risk assessor training).</li> </ul>

		<ul style="list-style-type: none"> <li>• The initial training course for lead risk assessor must last a minimum of 16 training hours with a minimum of four (4) hours devoted to hands-on training activities. As a prerequisite, the lead inspector training must also be completed;</li> <li>• The initial training course for lead project designer must last a minimum of eight (8) training hours. As a prerequisite, the training course required for a lead abatement supervisor must also be completed;</li> <li>• The initial training course for a lead abatement supervisor must last a minimum of 32 hours with a minimum of eight (8) hours devoted to hands-on activities;</li> <li>• The initial training course for a lead abatement worker last a minimum of 16 training hours with a minimum of eight (8) hours devoted to hands-on activities;</li> <li>• Lead refresher courses must last a minimum of eight (8) training hours, except for a project designer refresher course, which must last a minimum of four (4) training hours.</li> </ul> <p>Subsection B provides that actual training must not (i) exceed eight (8) hours during and single 24-hour period; (ii) exceed four (4) hours when conducted during evening hours (after 5 p.m. and before 8 a.m.) except for 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.).</p>	<ul style="list-style-type: none"> <li>• Section -490 (lead project designer training).</li> </ul> <p>Provisions in subsection A regarding the minimum length of refresher training are relocated to section -500.</p> <p>Provisions in subsection B regarding the timeframes when training may be held are not necessary.</p>
--	--	--	--

<p>30-390</p>	<p>N/A</p>	<p>This section establishes the requirements for course examinations.</p> <p>Subsection A provides that for each course, the accredited lead training program must conduct a monitored, written course test at the completion of the course and a hands-on skill assessment, or as an alternative, a proficiency test. Refresher training programs are not required to conduct a hands-on skills assessment.</p> <p>Each individual must successfully pass the written course test or successfully complete a proficiency test.</p> <p>Subsection B provides that the course test is an evaluation of the overall effectiveness of the training and must test the trainee’s knowledge and retention of topics covered during the course. For lead abatement worker programs only, an oral course test may be administered in lieu of a written course test.</p> <p>Subsection C establishes that 70% is the passing score of the course test.</p> <p>Subsection D provides that the hands-on skill assessment is an evaluation to the effectiveness of the hands-on training and must test the ability of the trainees to demonstrate satisfactory performance of applicable work practices and procedures.</p> <p>Subsection E provides that a proficiency test may be used in lieu of a hands-on assessment and course test. An accredited lead training program offering a proficiency test must ensure the test consists primarily of an</p>	<p>A provision stating that refresher training programs are not required to conduct a hands-on skills assessment is removed from subsection A as it is inconsistent with 40 CFR § 745.225(e)(2).</p> <p>Clarifying wordsmithing changes are made to the provision in subsection B regarding oral course tests for lead abatement worker programs.</p> <p>Subsection E is revised to remove redundant provisions regarding (i) the use of a proficiency test in lieu of a hands-on skills assessment, and (ii) the requirement that proficiency-based courses be approved by the Board.</p> <p>Subsection E is also revised to remove provisions that provide an example of proficiency-based training. These provisions are not necessary to be in a regulation.</p> <p>Minor stylistic changes are made to replace the word “shall” with “will” or “must” where applicable.</p>
---------------	------------	--	--

		<p>evaluation of the effectiveness and reliability of a student's ability to conduct a particular lead-based activity and must cover topics and skills addressed in a particular course. The subsection contains provisions that provide an example of proficiency-based training.</p> <p>Subsection E further provides that a proficiency-based course be approved by the Board in same manner as approval for any other course.</p>	
30-400	N/A	<p>This section establishes the requirement that an accredited lead training program must issue a course completion certificate to each individual who successfully completes the course requirements.</p> <p>The requirement provides that each certificate include the following:</p> <ul style="list-style-type: none"> <li>• Unique certificate number;</li> <li>• Name and address of individual;</li> <li>• Name of the course completed;</li> <li>• Dates of course completion and test passage;</li> <li>• Expiration date (certificates expire three (3) years from date of course completion or, if a proficiency test is offered, five (5) years from the date of course completion;)</li> <li>• Name, address, telephone number of training provider; and</li> <li>• Name and signature of the training manger and principal instructor.</li> </ul>	<p>The section is reorganized into subsections for organization and clarity.</p> <p>Subsection B is added and provides that “[t]he board will not accept training certificate of completion for initial training courses where the name of the course participant, training manager, and principal instructor are the same.”</p> <p>This provision is added to promote clarity and transparency for a current Board practice.</p> <p>Subsection C is added and addresses verification of course completion certificates awarded to training program managers and principal instructors taking a refresher training program.</p> <p>Course participants in a refresher course who are both the training manager and principal instructor of a refresher training program must be monitored by another instructor if completing the program's examination for the purpose of license renewal. The monitoring individual must sign the certificate of completion as the participant's instructor. Participants who are either the training manager or the principal instructor of a program must be monitored by the other if completing their own program's examination for the purpose of license renewal. The monitoring individual must sign the certificate of completion as the participant's instructor.</p>

			<p>The new provisions for subsections B and C incorporate current Board <a href="#">guidance</a>. The guidance is intended to address circumstances where licensed individuals who are training managers and principal instructors take refresher training courses through their own approved programs. The guidance provides flexibility to these individuals to comply with refresher training requirements for license renewal, while maintaining the integrity of the examination.</p> <p>These changes are not likely to have any impact.</p> <p>Minor stylistic changes are made to replace the word “shall” with “will” or “must” where applicable.</p>
30-410	N/A	<p>This section establishes the requirement that each training manager develop and implement a quality control plan for a training program. The plan is used to maintain and improve the quality of the training program over time.</p> <p>The section provides that a quality control plan must contain at least one of the following:</p> <ul style="list-style-type: none"> <li>• Procedures for periodic revision of training materials and course test to reflect innovations in the field.</li> <li>• Procedures for the training manager’s annual review of principal instructor competency.</li> </ul>	<p>There are no substantive changes to this section.</p> <p>Minor stylistic changes are made, including to replace the word “shall” with “must” where applicable.</p>
30-420	N/A	<p>This section provides training program requirements for recordkeeping and provision of records to the Board.</p> <p>The section provides that training providers maintain the following records:</p> <ul style="list-style-type: none"> <li>• All documentation regarding the qualifications of training</li> </ul>	<p>Changes to this section are largely stylistic and include replacing the word “shall” with “will” or “must” where applicable. Other minor technical revisions are also made throughout the section.</p> <p>A provision indicating the meaning of the term “business day” is removed as it is unnecessary. The dictionary definition of “business day” is sufficient for the purpose of this regulation.</p>

		<p>managers and principal instructors.</p> <ul style="list-style-type: none"> <li>• Current curriculum or course materials and documents reflecting any changes made to these materials.</li> <li>• Course examination.</li> <li>• Information on how the hands-on assessment is conducted.</li> <li>• The quality control plan.</li> <li>• Results of the student's hands-on skills assessments and course examination, and a copy of each student's course completion certificate.</li> <li>• Any other material that was submitted to the Board as part of the application for accreditation.</li> </ul> <p>The section provides that these records be retained by the training provider at the location specified on the training program application for a period of three (3) years and six (6) months.</p> <p>The records must be made available upon request from the Board.</p> <p>The section also provides for notifications to the Board regarding training programs.</p> <p>The training manager must notify the Board at least 48 hours prior to the start of any training program.</p> <p>The training manager must provide an updated notification when a training program will begin on a date other than the start date in the original notification.</p> <ul style="list-style-type: none"> <li>• If the program is going to start earlier than the date in the original notification, an updated notification must be received by the Board at</li> </ul>	<p>Provisions regarding the electronic submission of notifications and participant lists are revised to provide that these submissions be in a manner acceptable to the Board. The requirement for use of a specific form is removed, and is the requirement that any variation of the procedure for submission be approved by the Board prior to submission. This change is intended to provide flexibility to training providers.</p> <p>Clarifying wordsmithing changes are made to provisions regarding the non-acceptance of training certificates that do not comply with the notification and participant list requirements in the section.</p>
--	--	---	--

	<p>least 48 hours prior to the new start date.</p> <ul style="list-style-type: none"> <li>• If the program is going to start later than the date in the original notification, an updated notification must be received by the Board at least 48 hours prior to the start date provided to the Board.</li> </ul> <p>The training manager must update the Board of any change in the location of a training program at least seven (7) business days prior to the start date provided to the Board.</p> <p>The training manager must update the Board regarding any training program cancellations or other change to the original notification at least two (2) business days prior to the start date provided to the Board. However, this requirement does not apply to situations or circumstances beyond the control of the training provider.</p> <p>Notifications to the Board, including updates, must include:</p> <ul style="list-style-type: none"> <li>• Notification type (original, update, cancellation).</li> <li>• Training program name, address, telephone number, and Virginia accreditation number.</li> <li>• Course discipline (e.g. worker, supervisor), type (initial or refresher), and the language of instruction.</li> <li>• Dates and times of training.</li> <li>• Training locations, telephone number, and address.</li> <li>• Principal instructor name.</li> <li>• Training manager name and signature.</li> </ul>	
--	---	--

	<p>The training provider must keep a training program participant list of all participants attending the training program. The participant list must contain:</p> <ul style="list-style-type: none"> <li>• Training program name, address, telephone number, and Virginia accreditation number.</li> <li>• Course discipline and type.</li> <li>• Dates of training.</li> <li>• Each participant's name, address, social security number, course completion certificate number, and course test score.</li> <li>• Training manager name and signature.</li> </ul> <p>The training program participant list must be completed by the training provider and training program participants daily.</p> <p>The training manager must provide the participant list to the Board no later than 10 business days following completion of the training program.</p> <p>Notifications and participant lists must be submitted electronically in the manner established by the Board to receive this documentation using a sample form designed and available from the Board. Any variation of this procedure must be approved by the Board prior to submission.</p> <p>The training provider must retain (i) training program participant lists; and (ii) all examinations completed by training program participants for a period of three (3) years.</p> <p>DPOR will not recognize training certificates from approved providers that fail to</p>	
--	--	--

		notify or fail to provide a training program participant list.	
30-430	N/A	This section establishes the requirement that a training provider notify the Board 30 days prior to relocating its business or transferring records.	<p>The section is revised to clarify that the training provider notify the Board within 30 days prior to relocating or transferring records. This change is intended to make the regulation more consistent with 40 CFR § 745.225(i)(3).</p> <p>Minor stylistic changes are made to this section.</p>
N/A	30-435	N/A – No current requirements.	<p>This new section is titled “Access by the department” and establishes that training providers must allow DPOR representatives to attend, evaluate, and monitor any accredited training program. Prior notice of attendance by DPOR representatives is not required. Further, the provider must allow access to course materials, principal instructor and training manager rosters, participant rosters, and other records as stipulated by the regulation.</p> <p>These new provisions will enhance the Board’s ability to protect the public welfare by ensuring DPOR is able to access training programs to determine whether programs are in compliance with the requirements and standards of the regulation. These provisions are similar to provisions in the Board’s current and proposed asbestos regulations.</p>
N/A	30-437	N/A – No current requirements.	<p>This new section is titled “Suspension or revocation of approval of an accredited lead training provider” and includes provisions that are relocated from section -820.</p> <p>The section establishes circumstances under which the Board may suspend, revoke, or modify an accredited lead training program’s approval.</p> <p>There are no substantive changes made to the relocated provisions.</p> <p>This change is intended to improve the organization of the regulation. Part VI of the regulation includes the standards of practice and conduct for training</p>

			<p>programs. However, the existing provisions establishing the Board's authority to sanction training program approvals are located in a part of the regulation that provides for standards of practice and conduct applicable to licensees.</p>
30-440	N/A	<p>This section contains general provisions related to training course curricula requirements, stating that mandatory subject areas be covered in courses offered, that certain areas include a hands-on training component, and that all courses be discipline specific.</p>	<p>This section is repealed as the provisions are unnecessary. Training criteria for various disciplines is set forth in the section specific to the discipline.</p> <p>For example, training criteria for a lead abatement worker is established in section -450.</p> <p>This section provides that training topics in Part VII indicated with an asterisk are topics which require hands-on training. This provision is inconsistent with style requirements for regulations. The sections pertaining to training course curricula in Part VII will be revised to clearly identify topics for which hands-on training is required.</p>
30-450	N/A	<p>This section establishes requirements for initial training criteria for a lead abatement worker.</p> <p>A lead abatement worker course must last a minimum of 16 hours with a minimum of eight (8) hours devoted to hands-on training and must address the following:</p> <ul style="list-style-type: none"> <li>• Role and responsibilities of an abatement worker;</li> <li>• Background information and health effects of lead;</li> <li>• Background information on federal, state, and local regulations and guidance that pertains to lead-based paint activities;</li> <li>• Lead-based paint hazard recognition and control methods;</li> <li>• Lead-based paint abatement and lead hazard reduction methods,</li> </ul>	<p>The requirement that a training course address "course review" as a topic is removed as it is unnecessary and overly burdensome. Training standards for workers in 40 CFR § 745.225 do not mandate this training topic.</p> <p>Subsection B is added, which provides that topics in subdivisions A 4, A 6, and A 7 of this section must include hands-on training.</p> <p>Minor stylistic changes are made and include replacing the word "shall" with "must" where applicable.</p>

		<p>including restricted work practices;</p> <ul style="list-style-type: none"> <li>• Interior dust abatement methods/clean-up or hazard reduction;</li> <li>• Soil and exterior dust abatement methods or lead hazard reduction;</li> <li>• Course review; and</li> <li>• Examination.</li> </ul>	
30-460	N/A	<p>This section establishes requirements for initial training criteria for a lead abatement supervisor.</p> <p>A lead abatement supervisor course must last a minimum of 32 hours with a minimum of eight (8) hours devoted to hands-on training and must address the following:</p> <ul style="list-style-type: none"> <li>• Role and responsibilities of an abatement supervisor;</li> <li>• Background information and health effects of lead;</li> <li>• Background information on federal, state, and local regulations and guidance that pertains to lead-based paint activities;</li> <li>• Liability and insurance issues relating to lead-based paint abatement;</li> <li>• Risk assessment and inspection report interpretation;</li> <li>• Development and implementation of an occupant protection plan and abatement report;</li> <li>• Lead-based paint hazard recognition and control methods;</li> <li>• Lead-based paint abatement or lead hazard reduction methods, including restricted work practices;</li> <li>• Interior dust abatement/clean-up or lead hazard reduction;</li> </ul>	<p>The requirement that a training course address “course review” as a topic is removed as it is unnecessary and overly burdensome. Training standards for supervisors in 40 CFR § 745.225 do not mandate this training topic.</p> <p>Subsection B is added, which provides that topics in subdivisions A 5, A 7, and A 8, A 9, and A 10 of this section must include hands-on training.</p> <p>Minor stylistic changes are made and include replacing the word “shall” with “must” where applicable.</p>

		<ul style="list-style-type: none"> <li>• Soil and exterior dust abatement or lead hazard reduction</li> <li>• Clearance standards and testing;</li> <li>• Clean-up and waste disposal;</li> <li>• Recordkeeping;</li> <li>• Course review; and</li> <li>• Examination.</li> </ul>	
30-470	N/A	<p>This section establishes requirements for initial training criteria for a lead inspector.</p> <p>A lead inspector course must last a minimum of 24 hours with a minimum of eight (8) hours devoted to hands-on training and must address the following:</p> <ul style="list-style-type: none"> <li>• Background information on lead;</li> <li>• Health effects of lead;</li> <li>• 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 the Board’s regulation;</li> <li>• Roles and responsibilities of the lead-based paint inspector;</li> <li>• Lead-based paint inspection methods, including selection of rooms and components for sampling and testing;</li> <li>• Paint, dust, and soil sampling methodologies;</li> <li>• Preparation of the final inspection report;</li> <li>• Clearance standards and testing, including random sampling;</li> <li>• Recordkeeping;</li> <li>• Course review; and</li> <li>• Examination.</li> </ul>	<p>Wordsmithing changes are made to the provisions regarding the regulatory review training topic so that these provisions are consistent with similar provisions with the other sections of this part.</p> <p>The requirement that a training course address “course review” as a topic is removed as it is unnecessary and overly burdensome. Training standards for inspectors in 40 CFR § 745.225 do not mandate this training topic.</p> <p>Subsection B is added, which provides that topics in subdivisions A 5, A 6, and A 7, and A 8 of this section must include hands-on training.</p> <p>Minor stylistic changes are made and include replacing the word “shall” with “must” where applicable.</p>
30-480	N/A	<p>This section establishes requirements for initial training</p>	<p>Wordsmithing changes are made to the provisions regarding the regulatory review training topic so that these</p>

		<p>criteria for a lead risk assessor.</p> <p>A lead risk assessor course must last a minimum of 16 hours with a minimum of four (4) hours devoted to hands-on training and must address the following:</p> <ul style="list-style-type: none"> <li>• Role and responsibilities of a risk assessor;</li> <li>• 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;</li> <li>• Collection of background information to perform risk assessment;</li> <li>• Visual inspection for the purpose of identifying potential sources of lead-based paint hazards;</li> <li>• Sources of environmental lead contamination such as paint, surface dust, water, air, packaging, and food;</li> <li>• Lead hazard screen protocol;</li> <li>• Sampling for other sources of lead exposure;</li> <li>• Interpretation of lead-based paint and other sampling results;</li> <li>• Development of hazard control options, the role of interim controls, and operations and maintenance of activities to reduce lead-based paint hazards;</li> <li>• Preparation of a final risk assessment report;</li> <li>• Course review; and</li> <li>• Examination.</li> </ul>	<p>provisions are consistent with similar provisions with the other sections of this part.</p> <p>The requirement that a training course address “course review” as a topic is removed as it is unnecessary and overly burdensome. Training standards for risk assessors in 40 CFR § 745.225 do not mandate this training topic.</p> <p>Subsection B is added, which provides that topics in subdivisions A 4 and A 7 of this section must include hands-on training.</p> <p>Minor stylistic changes are made and include replacing the word “shall” with “must” where applicable.</p>
30-490	N/A	<p>This section establishes requirements for initial training criteria for a lead project designer.</p>	<p>The requirement that a training course address “course review” as a topic is removed as it is unnecessary and overly burdensome. Training standards for</p>

		<p>Lead project designer courses must be a minimum of eight (8) hours and address the following:</p> <ul style="list-style-type: none"> <li>• Role and responsibilities of a project designer;</li> <li>• Development and implementation of an occupant protection plan for large scale abatement projects;</li> <li>• Lead-based paint abatement and lead-based paint hazard reduction methods for large scale abatement projects;</li> <li>• Interior dust abatement/clean-up or lead hazard control and reduction methods for large scale abatement projects;</li> <li>• Clearance standards and testing for large scale abatement projects;</li> <li>• Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects;</li> <li>• Course review; and</li> <li>• Examination.</li> </ul>	<p>project designers in 40 CFR § 745.225 do not mandate this training topic.</p> <p>Minor stylistic changes are made and include replacing the word “shall” with “must” where applicable.</p>
30-500	N/A	<p>This section establishes criteria for refresher training and provides that the refresher course for all disciplines address the following topics:</p> <ul style="list-style-type: none"> <li>• An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline;</li> <li>• 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</li> </ul>	<p>The section is reorganized.</p> <p>Subsection A is added and provides that all lead refresher courses must be a minimum of eight (8) hours, except for the project designer course, which must be a minimum of four (4) hours.</p> <p>This provision is relocated from section -380 and does not establish a new rule or requirement.</p> <p>Subsection C is added and provides that refresher courses for all disciplines except project designer must include a hands-on component.</p> <p>This is a current federal regulatory requirement set forth in 40 CFR § 745.225(e)(2).</p>

		<p>review of the Lead-Based Paint Activities Regulations; and</p> <ul style="list-style-type: none"> <li>• Current technologies relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline.</li> </ul>	<p>Minor stylistic changes are made and include replacing the word “shall” with “must” where applicable.</p>
30-510	N/A	<p>This section establishes general requirements for standards for conducting lead-based paint activities in target housing and child-occupied facilities.</p> <p>The licensed lead abatement contractor must send notification to DOLI prior to the commencement of any lead-based paint abatement activities. The notification must be sent in a manner prescribed by DOLI.</p> <p>A lead contractor is not permitted to 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 contractor without providing the owner with a Virginia Lead Consumer Information and Disclosure Sheet.</p> <p>These relationships must be disclosed, and the disclosure form must be signed and dated by the building owner or the owner’s agent and the contracting entity prior to signing a contract to conduct lead-based paint activities. This form must be provided to all parties involved in the abatement project contract. The form must be kept on the abatement project site.</p> <p>In addition, persons licensed to perform post-abatement</p>	<p>The provision specifying that the notification to DOLI be sent in a manner prescribed by DOLI is removed. This provision is unnecessary.</p> <p>The provision prohibiting persons performing post-abatement clearance procedures from having a financial interest in or employer/employee relationship with a lead contractor are relocated from subsection C to a new subsection E.</p> <p>The provision in current subsection F providing that lead-based paint activities be conducted in accordance with the work practice standards in the chapter is removed. This provision is unnecessary.</p> <p>Other changes include minor stylistic changes, to include replacing the word “shall” with “will” or “must” where applicable.</p>

		<p>clearance procedures must be independent of and have neither (i) a financial interest in; nor (ii) an employer/employee relationship with the lead contractor.</p> <p>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. These methodologies are established by EPA and HUD, and are incorporated by reference into the regulation.</p> <p>Individuals conducting lead-based paint activities must do so in accordance with enumerated work practice standards in the regulation.</p> <p>Only licensed individuals are permitted to perform lead-based paint activities as described in the regulation.</p> <p>All reports and plans prepared by a licensed individual must be maintained for a period of three (3) years. Copies must be provided to the building owner or person who contracted for services.</p>	
30-511	N/A	<p>This section provides standards to be used in the determination of the presence of (i) lead-based paint, (ii) a paint-lead hazard, (iii) a dust-lead hazard, and (iv) a soil-lead hazard.</p> <p>The parameter for making such determinations is not established by the Board, rather it is based on federal regulation (40 CFR §§ 745.65 and 745.227).</p>	<p>There are no substantive changes to this section.</p> <p>Minor technical revisions are made, specifically citing the applicable federal regulations, to provide clarity throughout the section.</p>

30-520	N/A	<p>This section establishes requirements for inspections as they relate to lead-based paint activity.</p> <p>Inspections can only be conducted by an individual holding an inspector or risk assessor license.</p> <p>The type of dwelling being inspected dictates the locations from which samples must be taken for testing, which is based on documented methodologies.</p> <p>The section also identifies how paint must be sampled when determining the presence of lead.</p> <p>Inspection requirements in this section are based on those established in 40 CFR § 745.227(b).</p>	<p>There are no substantive changes to this section.</p> <p>Minor stylistic changes are made, which include replacing the word “shall” with “must” where applicable.</p>
30-540	N/A	<p>This section provides the requirements for written inspection reports as they relate to lead-based paint activity.</p> <p>After performing an inspection, the inspector or risk assessor is required to prepare a report that contains the following:</p> <ul style="list-style-type: none"> <li>• Date of inspection;</li> <li>• Address of buildings;</li> <li>• Date of construction;</li> <li>• Apartment numbers (if applicable);</li> <li>• Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;</li> <li>• Name, signature, and license number of each licensed inspector or risk assessor conducting testing;</li> <li>• Name, address, and telephone number of the</li> </ul>	<p>There are no substantive changes made to this section.</p> <p>Minor stylistic changes are made and include replacing the word “shall” with “must” where applicable and replacing “X Ray Fluorescence Spectroscopy” with the abbreviation “XRF,” which is defined in section -20.</p>

		<p>firm employing such inspector or risk assessor;</p> <ul style="list-style-type: none"> <li>• Each testing method and device and/or sampling procedure employed for paint analysis, including quality control date, and, if used, the serial number of any X Ray Fluorescence Spectroscopy device;</li> <li>• Specific locations of each painted testing combination tested for the presence of lead-based paint; and</li> <li>• The results of the inspection expressed in terms appropriate to the sampling methods used.</li> </ul> <p>Inspection report requirements in this section are based on those established in 40 CFR § 745.227(b)(4).</p>	
30-541	N/A	<p>This section establishes requirements for conducting a lead hazard screen.</p> <p>A lead hazard screen must be conducted as follows:</p> <ul style="list-style-type: none"> <li>• 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 aged six (6) and under must be collected;</li> <li>• A visual inspection must be conducted to determine if any deteriorated paint is present and to locate at least two (2) dust sampling locations.</li> </ul> <p>Each surface that is determined to be in poor condition must be tested for the presence of lead when it</p>	<p>There are no substantive changes made to this section.</p> <p>Minor stylistic changes are made and include replacing the word “shall” with “must” where applicable.</p>

		<p>is determined that deteriorated paint is present.</p> <p>In residential dwellings, two (2) composite dust samples must be collected, one from the floors and one from the windows, in rooms, hallways, or stairwells where one or more children aged six (6) and under are likely to come into contact with dust.</p> <p>In multi-family dwellings and child-occupied facilities, in addition to the required floor and window samples, the risk assessor must also collect composite dust samples from common areas.</p> <p>Dust samples must be taken using documented methodologies that incorporate adequate quality control procedures and must be sent to a laboratory recognized by the EPA as being capable of performing the analysis to determine if they contain detectable levels of lead that can be quantified numerically.</p> <p>Lead hazard screen requirements in this section are based on those established in 40 CFR § 745.227(c).</p>	
30-542	N/A	<p>This section provides the requirements for written lead hazard screen reports.</p> <p>After conducting a lead hazard screen, the risk assessor must prepare a written report that includes the following:</p> <ul style="list-style-type: none"> <li>Information identified in a risk assessment report as specified in section -610 and any background information collected pursuant to section -541; and</li> </ul>	<p>There are no substantive changes made to this section.</p> <p>Minor stylistic changes are made and include replacing the word “shall” with “must” where appropriate.</p>

		<ul style="list-style-type: none"> <li>• Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.</li> </ul> <p>Lead hazard screen report requirements in this section are based on those established in 40 CFR § 745.227(c)(5).</p>	
30-550	N/A	<p>This section establishes the requirements for conducting a risk assessment as it relates to lead-based paint activity.</p> <p>Risk assessments must only be conducted by individuals licensed by the Board as risk assessors.</p> <p>A risk assessment must be conducted using visual inspection to locate the existence of deteriorated paint, assess the extent and causes of deterioration, and other potential lead-based paint hazards.</p> <p>Background information regarding physical characteristics of the dwelling or child-occupied facility and occupant use patterns that may cause exposure to lead-based paint must be collected.</p> <p>Surfaces such as friction or impact surfaces and all other surfaces with visibly deteriorated paint that are determined to have a distinct painting history must be tested for the presence of lead.</p> <p>In residential dwellings, dust samples from the interior windowsill and floor must be collected and analyzed for lead concentration in living areas where one or more children, aged six (6) and under, are likely to come into contact with dust.</p>	<p>There are no substantive changes made to this section.</p> <p>Minor stylistic changes are made and include replacing the word “shall” with “must” where applicable.</p>

	<p>For multi-family dwellings and child-occupied facilities samples must be taken in accordance with section -550. Additionally, windowsill and floor samples must be collected and analyzed for lead from common areas adjacent to the sampled residential dwelling or child-occupied facility and other common areas where it is determined that one or more children, aged six (6) and under, are likely to come into contact with dust.</p> <p>For child-occupied facilities, interior windowsill and floor samples must be collected and analyzed for lead concentration in each room, hallway, or stairwell utilized by one or more children, aged six (6) and under, and other common areas where children may come into contact with dust.</p> <p>Soil samples must be collected and analyzed for lead concentrations in exterior play areas where bare soil is present and dripline/foundation areas where bare soil is present.</p> <p>Documented methodologies must be utilized when sampling any paint, dust, or soil.</p> <p>Any paint, dust, or soil collected must be sent for analysis to a laboratory recognized by the EPA as being able to conduct these activities.</p> <p>Lead risk assessment requirements in this section are based on those established in 40 CFR § 745.227(d).</p>	
--	---	--

<p>30-610</p>	<p>N/A</p>	<p>This section provides the requirements for written risk assessment reports.</p> <p>After conducting an assessment, a written assessment report must be completed and contain the following:</p> <ul style="list-style-type: none"> <li>• Date of assessment;</li> <li>• Address of each building;</li> <li>• Date of construction of each building;</li> <li>• Apartment numbers, if applicable;</li> <li>• Name, address, and telephone number of each owner of the building;</li> <li>• Name, signature, and license number of the licensed risk assessor conducting the assessment;</li> <li>• Name, address, and telephone number of the firm employing each risk assessor;</li> <li>• Name, address, and telephone number of each recognized laboratory conducting analysis of the collected samples;</li> <li>• Results of the visual inspection;</li> <li>• Testing method and sampling procedures for paint analysis employed;</li> <li>• Specific locations of each painted testing combination tested for the presence of lead-based paint;</li> <li>• All data collected from on-site testing, including quality control and, if used, the serial number of any XRF device;</li> <li>• All results of laboratory analysis on collected paint, soil, and dust samples;</li> <li>• Any other sampling results;</li> <li>• Results of previous inspections or analyses, or other assessments of lead-</li> </ul>	<p>There are no substantive changes to this section.</p> <p>Minor stylistic changes are made and include replacing the word “shall” with “must” where applicable.</p>
---------------	------------	---	---

		<p>based paint related hazards to the extent they are used as part of the lead-based paint hazard determination;</p> <ul style="list-style-type: none"> <li>• Description of location, type, and severity of identified lead-based paint hazards and any other potential lead hazard; and</li> <li>• A description of interim controls or abatement options, or both, for each identified lead-based paint hazard and suggested prioritization for addressing each hazard.</li> </ul> <p>Lead risk assessment report requirements in this section are based on those established in 40 CFR § 745.227(d)(11).</p>	
30-620	N/A	<p>This section establishes the requirements for conducting abatement as it relates to lead-based paint activity.</p> <p>Only individuals licensed by the Board as supervisors or workers and employed by a lead abatement contractor can conduct an abatement.</p> <p>A licensed supervisor is required for each abatement project and must be on-site during site preparation and during post-abatement cleanup. At all other times when abatement activities are being conducted, the supervisor must be available by telephone, pager or answering service, and able to be present at the work site in no more than two (2) hours.</p> <p>The supervisor and lead contractor employing the supervisor must ensure that all abatement activities are conducted according to the Board’s regulations and all</p>	<p>There are no substantive changes to this section.</p> <p>Minor stylistic changes are made to include replacing the word “shall” with “must” where applicable.</p>

	<p>federal, state, and local regulations.</p> <p>A written occupant protection plan must be developed for all abatement projects and must be prepared in accordance with established procedures.</p> <p>Certain work practices, such as open-flame burning or torching of lead-based paint, are restricted during abatement activities.</p> <p>Certain procedures must be followed when soil is removed.</p> <p>An abatement report must be prepared by a licensed lead abatement supervisor or lead project designer and include the following:</p> <ul style="list-style-type: none"> <li>• Start and completion dates of abatement;</li> <li>• Name and address of each licensed lead abatement contractor conducting abatements and the name of each licensed lead abatement supervisor assigned to the abatement project;</li> <li>• The occupant protection plan prepared in accordance with this section;</li> <li>• The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing;</li> <li>• The results of clearance testing, the name of each recognized laboratory that conducted the analysis, and the name of the person conducting the analysis; and</li> <li>• A written description of the abatement, including abatement methods used, locations of rooms and</li> </ul>	
--	---	--

		<p>components where abatement occurred, and reason for selecting particular abatement methods for each component and any suggested monitoring.</p> <p>Abatement requirements in this section are based on those established in 40 CFR § 745.227(e).</p>	
30-650	N/A	<p>This section provides for post-abatement clearance procedures that must be performed by a licensed inspector or risk assessor following an abatement.</p> <p>Procedures include:</p> <ul style="list-style-type: none"> <li>• Conducting a visual inspection to determine if there are any deteriorated painted surfaces or visible dust, debris, or residue present. Such conditions, if present, must be remediated.</li> <li>• Conducting clearance sampling.</li> <li>• Determining whether minimum clearance levels have been met.</li> </ul> <p>Post-abatement clearance procedure requirements in this section are based on those established in 40 CFR §§ 745.227(e)(8) and 745.227(e)(9).</p>	<p>There are no substantive changes to this section.</p> <p>Minor stylistic changes are made to include replacing the word “shall” with “must” where applicable.</p>
30-651	N/A	<p>This section provides for composite dust sampling requirements.</p> <p>If composite dust sampling is conducted, the following conditions apply:</p> <ul style="list-style-type: none"> <li>• Composite dust samples must consist of at least two (2) aliquots;</li> </ul>	<p>There are no substantive changes made to this section.</p> <p>The word “aliquot” is replaced with “subsample” as these terms effectively have the same meaning. This change is made to make the regulation clearer.</p> <p>Minor stylistic changes are made to include replacing the word “shall” with “must” where applicable.</p>

		<ul style="list-style-type: none"> <li>• Every component that is being tested must be included in the sampling; and</li> <li>• Composite dust samples must not consist of aliquots taken from more than one type of component.</li> </ul> <p>Composite dust sampling requirements in this section are based on those established in 40 CFR § 745.227(g).</p>	
30-760	N/A	<p>This section provides for a licensee’s responsibility to the public when engaged in lead-based paint activities.</p> <p>The section provides that the primary obligation of the licensee is to the public.</p> <p>The section also provides that if the licensee’s judgment is overruled under circumstances when the safety, health, property, and welfare of the public are endangered, the licensee must inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. However, the licensee must only take such action when the licensee’s authority to correct a problem has been ignored or overruled.</p>	<p>The notification requirements in this section are revised to provide that if a licensee’s judgment is overruled and not adhered to when advising appropriate parties of circumstances of a substantial threat to the public health, safety, and welfare, the licensee will inform the employer or client, as applicable, of the possible consequences and notify appropriate authorities. These changes reflect clarifying wordsmithing changes.</p>
30-770	N/A	<p>This section establishes protocol for individuals as it relates to public statements.</p> <p>The section provides that licensees must be truthful in all matters relating to the performance of lead abatement or lead consulting services.</p> <p>The section provides that when serving as an expert or technical witness, the licensee</p>	<p>This section is repealed as it is unnecessary.</p> <p>The requirements imposed by the provisions of the section are not the least restrictive means to protect the health, safety, and welfare of the public. The conduct that is proscribed by the current section can be adequately addressed under the prohibited acts that are outlined in new section -815.</p>

		<p>must 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.</p> <p>A licensee is prohibited from issuing statements, reports, criticisms, or arguments on matters relating to practices which are inspired or paid for by an interested party unless disclosing the identity of the party on whose behalf the licensee is speaking and revealing any self-interest. This requirement does not apply if the licensee is appearing as an expert witness in court or in an administrative proceeding when the parties are represented by counsel.</p> <p>Licensees and applicants are prohibited from knowingly making a materially false statement, submitting falsified documents, or failing 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.</p>	
30-780	N/A	<p>This section provides behavior guidelines applicable to a regulant's conduct in the solicitation of work.</p> <p>The section provides that in course of soliciting work that a licensee is prohibited from:</p> <ul style="list-style-type: none"> <li>• Bribery.</li> <li>• Falsifying or permitting misrepresentation of the licensee's work or an associate's academic or professional qualifications, or misrepresenting the</li> </ul>	<p>This section is repealed as it is no longer necessary.</p> <p>The requirements imposed by the provisions of the current section are not the least restrictive means to protect the health, safety, and welfare of the public. The conduct that is proscribed by the current section can be adequately addressed under the prohibited acts that are outlined in new section -815.</p>

		<p>degree of responsibility for prior assignments.</p> <ul style="list-style-type: none"> <li>• Misrepresenting facts concerning employers, employees, associates, joint ventures, or past accomplishments of any kind in materials used in the solicitation of employment.</li> <li>• Misrepresenting facts of approval, federal, or state requirements in materials used in the solicitation of services.</li> </ul>	
30-790	N/A	<p>This section identifies a regulant’s professional responsibility related to regulated activity.</p> <p>The section provides that a licensee or training provider must, upon request or demand, produce to the Board or its representatives any plan, document, book, record, or copy of the same in the possession of the licensee or training provider concerning a transaction covered by the regulation.</p> <p>A licensee or training provider must cooperate in the investigation of a complaint filed with the Board against a licensee or training provider.</p> <p>The section prohibits a licensee from using the design, plans, or work of another licensee without the original professional’s knowledge and consent, and after consent, a thorough review to the extent that the licensee assumes full responsibility.</p> <p>The section provides that training providers must admit Board representatives for the purpose of conducting an on-site audit, or any other purpose necessary to evaluate</p>	<p>This section is repealed. Some requirements imposed by this section are relocated to other sections. Other requirements are removed because they are not the least restrictive means to protect the health, safety, and welfare of the public. The conduct that is proscribed by these provisions can be adequately addressed under the prohibited acts that are outlined in new section -815.</p> <p>Response and record production requirements are relocated to new section -795 and are revised.</p> <p>The requirement to allow a representative to attend and collect materials related to an accredited training course are relocated to new section -435.</p>

		<p>compliance with the regulation and other applicable laws and regulations.</p> <p>The section further provides that a licensee must keep their Board-approved training and license current.</p>	
N/A	30-795	N/A – No current requirements.	<p>This new section, titled “Response to inquiry and provision of records,” provides for the following:</p> <ul style="list-style-type: none"> <li>• A licensee must respond within 10 days to a request by the Board or any of its agents regarding any complaint filed with DPOR.</li> <li>• A licensee must produce to the Board or any of its agents, within 10 days of the request, any document, book, or record concerning any transaction pertaining to a complaint filed in which the licensee was involved or for which the licensee is required to maintain records. This timeframe may be extended by the Board upon a showing of extenuating circumstances that prohibit delivery within the 10-day timeframe.</li> <li>• A licensee will not provide false, misleading, or incomplete response to the Board or any of its agents seeking information in the investigation of a complaint filed with the Board; and</li> <li>• With the exception to previously listed requirements, a licensee must respond to an inquiry by the Board or its agents within 21 days.</li> </ul> <p>This section is created to better organize requirements related to responding to the Board and providing requested documentation. The provisions of this section are intended to be consistent with those of other DPOR regulations, including current requirements in the Board’s home inspector regulation (18VAC15-40) and proposed asbestos regulation (18VAC15-21).</p>
30-800	N/A	This section provides for the requirement that licensees,	The section catchline has been retitled to “Notice of adverse action.”

		<p>accredited training providers, training managers, or principal instructors who perform lead-based paint activities in other jurisdictions be in good standing in each jurisdiction where licensed, certified, or approved and not have had a license, certification, or approval suspended, revoked, or surrendered in connection with a disciplinary action.</p> <p>Licensees, accredited training providers, training managers, or principal instructors must notify the board in writing, within 10 days of the finalization of a disciplinary action taken by another jurisdiction.</p> <p>Licensees, accredited training providers, training managers, or principal instructors may be subject to disciplinary action or removal of a lead training accreditation for disciplinary actions taken by another jurisdiction.</p>	<p>The section is revised for better organization and to make the regulation clearer.</p> <p>The requirements for regulants to be “in good standing” in all other jurisdictions is removed; as is the requirement that a regulant not have had a credential suspended, revoked, or surrendered in connection with a disciplinary action. These provisions are not the least restrictive means to protect the public welfare.</p> <p>The section is revised to provide for (i) a notification requirement for criminal convictions; (ii) notification requirements for regulatory discipline.</p> <p>As revised, the section provides that a regulant must notify the Board of:</p> <ul style="list-style-type: none"> <li>• Any disciplinary action taken by any jurisdiction, board, or administrative body to include (i) reprimand; (ii) revocation, suspension, or denial of license or certification; (iii) monetary penalty; (iv) requirement for remedial education; or (v) other corrective action against a license or approval to conduct lead-based paint activities.</li> <li>• Any voluntary surrendering of a related license, certificate, or registration done in connection with a disciplinary action in another jurisdiction against a license or approval to conduct lead-based paint activities.</li> <li>• Any conviction, finding of guilt, or plea of guilty in any United States jurisdiction of (i) any felony; (ii) any misdemeanor conviction related to environmental remediation activity; or (iii) any misdemeanor conviction, except marijuana convictions.</li> </ul> <p>The reporting requirement applies to:</p> <ul style="list-style-type: none"> <li>• Licensees;</li> <li>• Accredited lead training providers;</li> <li>• Training managers; and</li> <li>• Principal instructors.</li> </ul>
--	--	---	---

			<p>Notification must be made to the Board in writing within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice.</p> <p>The time by which a regulant must provide notice to the Board is increased from 10 to 30 days, lessening the burden on regulants.</p>
30-810	N/A	<p>This section provides for the Board’s authority to fine a licensee or accredited training provider, training manager, or principal instructor, and to deny renewal, suspend, revoke or deny any application for any license or approval for violating any of the following prohibited acts:</p> <ul style="list-style-type: none"> <li>• Violating or inducing another to violate any provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any provisions of this chapter;</li> <li>• Obtaining a license, approval as an accredited training program, approval as an accredited lead training provider, or approval as a training manager or principal instructor through fraudulent means;</li> <li>• Altering, falsifying, or issuing a fraudulent Virginia lead license or a training certificate issued by an accredited lead training provider;</li> <li>• Violating any provision of any federal or state regulation pertinent to lead-based paint activities;</li> <li>• Having been found guilty by the board, another regulatory authority, or by a court of any misrepresentation in the</li> </ul>	<p>The catchline for this section has been retitled to “Grounds for disciplinary action.”</p> <p>This section is revised for better organization and to make the regulation clearer.</p> <p>Subsection A provides for the Board’s authority to impose regulatory discipline. Provisions related to prohibited acts are relocated to new section -815.</p> <p>Subsection A is revised for clarity, to align the disciplinary powers in the regulation with those specified in § 54.1516 of the Code of Virginia, and to make these provisions consistent with similar provisions of other DPOR regulations. As revised the subsection provides that the Board has the power to reprimand, fine, suspend, or revoke the license or training program approval of any regulant in accordance with the applicable code section or the regulation when regulant has been found to have violated or cooperated with others in violating any provision of Chapters 1, 2, 3, and 5 of Title 54.1 of the Code of Virginia, or the regulation.</p> <p>Subsection B does not include any substantive changes, but is revised for clarity, and removes unnecessary and redundant language.</p> <p>Subsection C is revised to remove provisions regarding disciplinary actions being conducted in accordance with APA. These provisions are unnecessary to include in the regulation.</p> <p>Subsection C is revised to provide that “[a]ny unlawful act or violation of any provision of Chapter 5 (§ 54.1-500 et</p>

		<p>course of performing operating duties;</p> <ul style="list-style-type: none"> <li>• Having been found guilty 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. Any plea of <i>nolo contendere</i> will be considered a conviction;</li> <li>• Failing to notify the Board in writing, within 30 days of pleading guilty or <i>nolo contendere</i> 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 and substantial threat of significant harm to human health or the environment;</li> <li>• Negligence or a continued pattern of incompetence in the practice of the discipline in which a license is held;</li> <li>• Failing or neglecting to send any information or documentation that was requested by the Board or its representatives;</li> <li>• Refusing to allow state of federal representatives access to any area of an abatement site for the purpose of lawful compliance inspections;</li> <li>• Any unlawful act or violation of any provision of Chapter 5 of Title 54.1</li> </ul>	<p>seq.) of Title 54.1 of the Code of Virginia, or of the regulations of the board by any lead supervisor or lead worker may be cause for disciplinary action against the lead contractor for whom the individual works if it appears to the satisfaction of the board that the lead contractor knew or should have known of the unlawful act or violation.” The substance of these provisions are currently in subdivision A 11 of this section. The existing provisions do not establish a prohibited act, but provide for the Board’s authority to impose regulatory discipline against regulants.</p>
--	--	---	---

		<p>of the Code of Virginia or of the board's regulations by a lead abatement supervisor or worker may be cause for disciplinary action against the lead contractor for whom the supervisor or worker works if it appears the contractor knew or should have known of the unlawful act or violation;</p> <ul style="list-style-type: none"> <li>• Failing to notify the Board in writing, within 30 days of any change in address or name;</li> <li>• Acting 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; and</li> <li>• Failing to keep Board-approved training and license current.</li> </ul> <p>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 will not be eligible to reapply for a period of one (1) year from the effective date of the order for revocation.</p> <p>All disciplinary procedures will be conducted in accordance with §§ 2.2-4019 and 2.2-4021 of the APA.</p>	
N/A	30-815	N/A – No current requirements.	<p>This new section contains prohibited acts, most of which have been relocated from section -810.</p> <p>The prohibited acts largely remain the same and have been reorganized to make the regulation clearer and easily understandable. The prohibited acts are reorganized to group similar offenses together and some prohibited acts are revised.</p>

			<p>Subdivision #1 largely mirrors the provision contained in subdivision A 1 of section -810. The prohibited act is revised to include cooperating with another, or combining or conspiring with or acting as an agent, partner, or associate for another to violate the applicable chapters of Title 54.1 of the Code of Virginia or any regulations of the Board. This change will allow the Board to address actions where a regulant may be involved with other parties in violating applicable statutes or regulations. This change also amends the prohibited acts to reflect similar provisions in other DPOR regulations.</p> <p>Subdivision #2 largely mirrors the provision contained in subdivision A 2 of section -810 but adds language to specify that the prohibited act (i) applies to false or fraudulent representation; (ii) extends beyond initial application to maintaining, renewing, or reinstating a license or training program approval; and (iii) applies to attempting to obtain, a license or training program approval. This change will allow the Board to better address instances where individuals may submit false or doctored documentation to the Board. The Board frequently receives applications in which individuals attempt to obtain a license by furnishing false or doctored identity documentation. This change aligns the prohibited act with similar provisions in other DPOR regulations.</p> <p>Subdivision #3 mirrors the provision contained in subdivision A 12 of section -810.</p> <p>Subdivision #4 is a revised version of provisions contained in subdivision A 6 of section -810. As revised, the prohibited act provides that having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in section -800 is a cause for disciplinary action. Review of convictions will be subject to the requirements of § 54.1-204 of the Code of Virginia.</p>
--	--	--	--

			<p>This revised prohibited act will allow for the Board to discipline a regulant for criminal convictions or regulatory discipline from other regulatory bodies. These provisions are similar to those currently in the Board’s home inspector regulation (18VAC15-40) and proposed asbestos regulation (18VAC15-21).</p> <p>The prohibited act is also revised to eliminate provisions that (i) provide that a plea of <i>nolo contendere</i> is considered a conviction; and (ii) a certified copy of the final order, decree, or case decision is prima facie evidence of guilt of a criminal conviction or discipline.</p> <p>Provisions regarding <i>nolo contendere</i> pleas and certified record of conviction as being prima facie evidence of guilt appear to be contrary to the provisions of § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of a regulant must be considered in accordance with § 54.1-204 of the Code of Virginia.</p> <p>Subdivision #5 largely mirrors the provision contained in subdivision A 7 of section -810. However, the provision is revised to provide that failing to notify the Board of any conviction or disciplinary action enumerated in section -800 is a cause for disciplinary action.</p> <p>Subdivision #6 mirrors the provision contained in subdivision A 4 of section -810.</p> <p>Subdivision #7 incorporates the provision contained in subdivision A 8 of section -810. The prohibited act is revised to proscribe actions constituting negligence, misconduct, and incompetence in the practice of the profession and provides several actions that would constitute negligence, misconduct, or incompetence in the practice of the profession. Such actions include:</p> <ul style="list-style-type: none"> <li>• Having undertaken to perform or performed a professional assignment that the licensee is not qualified to</li> </ul>
--	--	--	---

			<p>perform by education, experience, training, or appropriate licensure;</p> <ul style="list-style-type: none"> <li>• Not demonstrating reasonable care, judgment, or application of the required knowledge, skill, and ability in the performance of the licensee’s duties; and</li> <li>• Failing to act in providing professional services in a manner that safeguards the interests of the public.</li> </ul> <p>The prohibited act is revised to be similar to prohibited acts in other DPOR regulations.</p> <p>A new prohibited act is added at subdivision #8. Actions constituting engaging in improper, fraudulent, or dishonest conduct are prohibited and include:</p> <ul style="list-style-type: none"> <li>• Making any misrepresentation or engaging in acts of fraud or deceit in advertising, soliciting, or in providing professional services;</li> <li>• Allowing a license issued by the Board to be used by another; and</li> <li>• Altering, falsifying, or issuing a fraudulent Virginia lead license or a training certificate.</li> </ul> <p>The new prohibited act in intended to more generally address conduct that is proscribed in provisions contained in sections -770 (public statements), -780 (solicitation of work), -and 790 (professional responsibility). It also includes proscribed conduct currently in subdivisions A 3 and A 5 of section - 810.</p> <p>The prohibited act is revised to be similar to prohibited acts in other DPOR regulations.</p> <p>Subdivision #9 mirrors the provision contained in subdivision A 13 of section -810.</p> <p>Subdivision #10 mirrors the provision contained in subdivision A 9 of section - 810.</p>
--	--	--	--

			Subdivision #11 mirrors the provision contained in subdivision A 10 of section -810.
30-820	N/A	<p>This section establishes the Board’s authority to suspend or revoke approval of an accredited lead training provider.</p> <p>Subsection A provides that the Board may suspend, revoke, or modify an accredited lead training program’s approval if the training provider, training manager, or other person with supervisory authority is found to have:</p> <ul style="list-style-type: none"> <li>• Misrepresented contents of a training course to the board or students;</li> <li>• Failed to submit required information or notification in a timely manner;</li> <li>• Failed to submit training program notifications as required and in the manner described in section -420;</li> <li>• Failed to submit training program participant lists as required and in the manner described in section -420;</li> <li>• Failed to maintain required records;</li> <li>• Falsified accreditation records, qualifications of the training manager and principal instructors, or other accreditation information;</li> <li>• Failed to comply with the federal, state, or local lead-based paint statutes or regulations; or</li> <li>• Acted as 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.</li> </ul> <p>Subsection B provides that the Board will conduct disciplinary</p>	<p>This section is repealed.</p> <p>The provisions in subsection B regarding disciplinary actions being conducted in accordance with APA. Are removed. These provisions are unnecessary to include in the regulation.</p> <p>The remainder of the provisions are relocated to new section -437.</p>

		procedures in accordance with §§ 2.2-4019 and 2.2-4021 of the APA.	
--	--	--	--