



Virginia  
Regulatory  
Town Hall

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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board for Asbestos, Lead, Mold, and Home Inspectors
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC15-50
<b>Regulation title</b>	Lead-based Paint Renovation, Repair and Painting Regulation
<b>Action title</b>	Promulgate regulations consistent with the Environmental Protection Agency's Final Rule governing Renovation, Repair and Painting in certain structures that contain or may contain lead-based paint.
<b>Date this document prepared</b>	June 30, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The Board intends to create a new regulation that is consistent with the US Environmental Protection Agency final rule "Lead; Renovation, Repair, and Painting Program," which is mandated by House Bill 2432 passed by the 2009 Session of the Virginia General Assembly.

The federal final rule will require contractors, real estate firms, property management companies, and rental housing providers to obtain a license to disturb painted surfaces in pre-1978 or child-occupied housing. There are also training and licensing requirements for individuals who disturb painted surfaces.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Promulgation of these regulations is mandated by Chapter 819 (2009) of the Acts of Assembly, which amended § 54.1-501 of the *Code of Virginia*.

The use of the imperative form of the verb “shall” mandates that the Board promulgate these regulations.

**Need**

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

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The regulatory action is necessary to promulgate a new regulation to implement House Bill 2432, passed during the 2009 Session of the Virginia General Assembly.

**Substance**

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

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Specifically the Board shall “Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.”

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

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The Board will develop regulations that are consistent with the US Environmental Protection Agency (EPA) published a final rule entitled “Lead; Renovation, Repair, and Painting Program,” to address lead-based paint hazards created by renovation, repair and painting activities that disturb lead-based paint in target housing (housing build before 1978) and child-occupied facilities. The Board is likely to consider a number of alternatives to protect workers, residents, and future occupants, especially their children, from the hazards of lead-based paint hazards. Elevated blood lead levels in children can impede their development, cause considerable medical expense to the child’s family, and may result in the child’s death.

The Board will seek input from those individuals and firms currently performing renovations, repairs, and painting to assess the costs and effectiveness of any alternatives identified.

The Board will evaluate all suggestions and alternatives in arriving at proposed regulation provisions.

**Public participation**

*Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website, [www.townhall.virginia.gov](http://www.townhall.virginia.gov), or by mail, email or fax to David Dick, Executive Director, RRP, DPOR, Perimeter Center, Suite 400, 9960 Mayland Drive, Richmond, VA 23233-1485, [ALHI@dpor.virginia.gov](mailto:ALHI@dpor.virginia.gov), fax (804) 527-4297. Written comments must include the name and address of the commenter. In order to be considered comments must be received no later than the last day of the public comment period.

A public hearing will not be held.

**Participatory approach**

*Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.*

The Board will use a participatory approach in the development of the proposal and may appoint committees composed of both Board members and non-members.

**Family impact**

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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No family impact has been identified.