

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Department of Professional and Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233

Thursday, September 11, 2025 - 10:00 a.m.
Second Floor, Board Room 3

Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses and enforcing standards of professional conduct for professions and occupations as designated by statute.

I. CALL TO ORDER

- a. Emergency Evacuation Procedures
- b. Determination of Quorum

II. ADMINISTRATIVE MATTERS

- a. Approval of Agenda
- b. Approval of Minutes:
 - i. May 8, 2025, Board for Asbestos, Lead, and Home Inspectors draft meeting minutes.

III. PUBLIC COMMENT PERIOD ***FIVE MINUTE PUBLIC COMMENT, PER PERSON***

- a. Resolutions
 - i. Sharad Tandale
 - ii. John Cranor

IV. CASE FILES

Disciplinary Cases

D1.1 2025-00768 – K & M Construction and Contracting Inc. (Armentrout)

Consent Orders Cases

C1.2 2024-02137 – John Joseph Becci (Cranor)

C2.3 2025-00378 – Kevin Terrell Marshall, Jr. (Cranor)

V. EDUCATION

- a. Education Provider Application

VI. NEW BUSINESS

- a. Regulatory Update
- b. Asbestos Licensing Regulations: 2023 General Review
 - i. Review of Public Comment
 - ii. Adoption of Final Regulation
- c. Lead-Based Paint Activities Regulations: General Review

- i. Review of Public Comment
 - ii. Adoption of Final Regulation
- d. Criminal History Matrix
- e. Review of Guidance Documents
 - i. Incorporation/Repeal: #6630
 - ii. Repeal: #5584, #5747, #6018, #6374, #6834, #7208, #7209
- f. Examination Statistics
- g. Board Member Professional Development
- h. Executive Director Report

VII. COMPLETE CONFLICT OF INTEREST FORM AND TRAVEL VOUCHER.

VIII. ADJOURNMENT

NEXT MEETING SCHEDULED FOR THURSDAY, NOVEMBER 20, 2025

- ❖ *Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.*
- ❖ *Five-minute public comment, per person, with the exception of any open disciplinary or application file.*
- ❖ *Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-2785 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation.*
- ❖ *The Department fully complies with the Americans with Disabilities Act.*

**VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS
MEETING MINUTES**

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 8, 2025, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia, 23233.

The following members of the Board were present:

Stacy J. Armentrout, Jr., Chair
Patrick Studley, Vice-Chair
Douglas Burgess
Ralph L. Costen
John E. Cranor
Jesse Phillips
Anthony J. Robinson
Robin Wilder
Paul D. Thomas (arrived at 10:11)

Board members absent from the meeting:

Michael Baum
Sharad Tandale
Louis Walker

Joshua Laws, Board Counsel, was present at the meeting.

Gaby Rengifo, Board Liaison, was not present at the meeting.

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

Brian Wolford, Agency Director
Jeb Wilkinson, Chief Deputy Director
Steve Kirschner, LRPD Deputy Director
Marjorie King, Executive Director
Stephanie Keuther, Assistant Executive Director
Cameron Parris, Regulatory Operations Administrator
Lisa Robinson, Licensing Operations Administrator
Khang Le, Administrative Coordinator

Chair, Armentrout called the May 8, 2025, Board for Asbestos, Lead, and Home Inspectors Meeting to order at 10:01 A.M.

**Call
To Order**

Chair, Armentrout declared a quorum of Board members to be in attendance.

Marjorie King, Executive Director reviewed the emergency egress procedures with the Board and members of the public.

**Emergency
Egress**

II. ADMINISTRATIVE MATTERS

Mr. Cranor made a motion, seconded by Mr. Burgess, to adopt the agenda of the May 8, 2025, Asbestos, Lead, and Home Inspectors meeting.

**Approval of the
Agenda**

The motion was approved with a vote of 8-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, Thomas, and Walker.

Mr. Studley made a motion, seconded by Ms. Wilder, to approve the draft minutes of February 6, 2025, Board for Asbestos, Lead, and Home Inspectors meeting as presented.

**Approval of
Minutes**

The motion was approved with a vote of 8-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, Thomas, and Walker.

IV. PUBLIC COMMENT

Public Comment

Chair, Armentrout opened up the public comment period of the meeting.

With no one wishing to come forward, Chair, Armentrout closed the public comment period of the meeting.

V. CASE FILES

Case Files

LICENSING CASE FILES

**Licensing Case
Files**

In the matter of License Application, File Number 2025-01444, EnviroVantage, Inc. (Applicant). The Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2025-01444
EnviroVantage,
Inc.**

Greg Mackey, on behalf of the Applicant, participated in the Informal Fact-Finding Conference.

The Applicant did not attend the Board meeting in person, by counsel, or by any other qualified representative.

A motion was made by Mr. Costen, seconded by Mr. Robinson, to approve the application for an Asbestos Contractor License.

The motion was approved with a vote of 8-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, Thomas, and Walker.

In the matter of License Application, File Number 2025-01482, Bay Crawlspace Solutions, LLC d/b/a Bay Crawl Space & Foundation Repair (Applicant). The Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2025-01482
Bay Crawlspace
Solutions LLC
d/b/a BAY Crawl
Space &
Foundation
Repair

Blake J. Heron, on behalf of the Applicant, participated in the Informal Fact-Finding Conference.

The Applicant did not attend the Board meeting in person, by counsel, or by any other qualified representative.

A motion was made by Ms. Wilder, seconded by Mr. Studley, to approve the application for an Asbestos Contractor License.

The motion was approved with a vote of 8-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, Thomas, and Walker.

CONSENT ORDER CASE FILE

Consent Order
Case File

In the matter of Consent Order File Number 2025-00136, Phillip C. Gamlin, the Board reviewed the Consent Order as seen and agreed to by Phillip C. Gamlin.

File Number
2025-00136
Phillip C. Gamlin

Presiding Board Member, Cranor was not present, did not participate in the discussion, and did not vote.

The Regulant did not attend the Board meeting in person, by counsel, nor by any other qualified representative.

A motion was made by Mr. Studley, seconded by Mr. Burgess, to ratify the proposed Consent Order offer wherein Phillip C. Gamlin acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings.

Phillip C. Gamlin consents to the following violations of the Board's regulations:

Count 1: 18VAC 15-40-155.9 \$125.00

Phillip C. Gamlin agrees to Board costs of **\$150.00.**

Total fines and costs of \$275.00

In addition, Gamlin agrees to complete ten (10) continuing professional education (CPE) hours for his current license cycle as a requirement to renew his home inspector's license (No. 3380000820) expiring February 28, 2026, and provide proof of attendance and successful completion prior to February 28, 2026.

It is acknowledged that satisfactory completion of the above referenced CPE hours will not count towards the current license cycle.

Further, it is acknowledged and Gamlin agrees that the six (6) hours of CPE completed on February 29, 2024, will count for the license cycle ending February 29, 2024, and will not count for the license renewal cycle ending February 28, 2026.

The motion was approved with a vote of 8-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, Thomas, and Walker.

Board Member Paul D. Thomas arrived at the meeting.

Board Member Attendance

V. EDUCATION

Education

Education Provider Applications

Education Provider Applications

Stephanie Keuther, Assistant Executive Director, shared that staff recommends approval for:

Inspection Certification Associates – One (1) online NRS training course for Home Inspectors.

Inspection Certification Associates – NRS Training

A motion was made by Mr. Costen, seconded by Ms. Wilder, for approval.

The motion was approved with a vote of 9-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, and Walker.

Mrs. Keuther shared that staff recommends approval for:

Inspection Certification Associates – One (1) online NRS continuing professional education (CPE) course for Home Inspectors.

Inspection Certification Associates – NRS CPE

A motion was made by Mr. Costen, seconded by Ms. Wilder, for approval.

The motion was approved with a vote of 9-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, and Walker.

Mrs. Keuther shared that staff recommends approval for:

Inspector Resource LLC – One (1) online NRS training course for Home Inspectors.

**Inspector
Resource LLC –
NRS Training**

A motion was made by Mr. Studley, seconded by Mr. Thomas, for approval.

The motion was approved with a vote of 9-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, and Walker.

Mrs. Keuther shared that staff recommends approval for:

Inspector Resource LLC – One (1) online continuing professional education (CPE) course for Home Inspectors.

**Inspector
Resource LLC –
NRS CPE**

A motion was made by Mr. Studley, seconded by Mr. Thomas, for approval.

The motion was approved with a vote of 9-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, and Walker.

Mrs. Keuther shared that staff recommends approval for:

U.S. Inspect Group Inc. – One (1) classroom NRS continuing professional education (CPE) course and one (1) online NRS continuing professional education (CPE) course for Home Inspectors.

**U.S. Inspect
Group Inc. –
NRS CPE**

A motion was made by Mr. Studley, seconded by Mr. Thomas, for approval.

The motion was approved with a vote of 9-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, and Walker.

VI. NEW BUSINESS

NEW BUSINESS

Regulatory Update

**Regulatory
Update**

| | |
|--|--|
| Home Inspector Regulations General Review | <ul style="list-style-type: none"> • Board to revisit Final regulation and consider adoption with amendments. • Staff to file final stage. |
| Virginia Asbestos Licensing Regulations General Review | <ul style="list-style-type: none"> • Board to review any comments received during public hearing/public comment period and consider adoption of Final regulation. |
| Lead-Based Paint Activities Regulations General Review | <ul style="list-style-type: none"> • Executive Branch to complete review. |

| | |
|--|--|
| Maintenance of Insurance (Home Inspectors) | <ul style="list-style-type: none"> Board staff to file proposed fast-track action, followed by Executive Branch review and public comment period. |
|--|--|

Regulatory Review: General Review of Home Inspector Licensing Regulations

Regulatory Review: General Review of Home Inspector Licensing Regulations

Cameron Parris, Regulatory Operations Administrator, presented the Board with draft proposed amendments pertaining to the General Review of Home Inspector Licensing Regulations.

A motion was made by Mr. Cranor, seconded by Mr. Robinson, to adopt the proposed amendments of the General Review of the Home Inspector Licensing Regulations.

The motion was approved with a vote of 9-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, and Walker.

Public Comment: Additional Response

Public Comment: Additional Response

Cameron Parris, Regulatory Operations Administrator, presented the Board with public comments regarding the General Review of Home Inspector Regulations.

The Board shares the following response.

After further consideration, the Board offers the following additional response regarding comments offered during the public comment period held for the proposed stage of the 2020-2021 General Review of Home Inspector Licensing Regulations, which concluded on September 27, 2024. The Board has further considered the practical implications of a provision added to 18VAC15-40-120 F which identifies disclosure requirements related to inspections performed on a residential building within a 12-month period prior to any additional inspection(s). The Board has determined that the added provision does not contribute to the health, safety, and welfare of the public; rather it establishes an unnecessary burden for the licensed home inspector and is therefore removed from the final regulation.

A motion was made by Ms. Wilder, seconded by Mr. Robinson, to approve the response.

The motion was approved with a vote of 9-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, and Walker.

NESHAP/Section-456 Exemption

NESHAP/Section -456 Exemption

Mr. Phillips presented the Board with a document outlining information regarding the National Emission Standard for Hazardous Air Pollutants (NESHAP) for Asbestos.

Following discussion, the Board agreed to defer the matter to a future meeting to allow staff time to conduct the requested research.

No action was taken.

Examination Statistics

Examination Statistics

Marjorie King, Executive Director, presented the Board with examination statistics for the Virginia Lead Abatement program covering the period from January 1, 2023, to March 31, 2025. She noted that examination pass rates have remained consistent across recent years.

Criminal History Matrix

Criminal History Matrix

Marjorie King, Executive Director, presented the Board with a draft criminal history application review matrix for the Virginia Board for Asbestos, Lead, and Home Inspectors.

Ms. King explained upon approval of the matrix, the following convictions would not be reviewed by the Board.

1. Felony convictions more than three years old with no subsequent reportable convictions unless the conviction resulted in incarceration where the release date is less than one year from the application date. This does not include convictions involving murder, manslaughter, sexual assault, rape, robbery, indecent liberties, fraud, embezzlement, abduction, assaulting a police officer, larceny, burglary, or environmental remediation activity related convictions.
2. Misdemeanor convictions for possession of a controlled substance with no other convictions.
3. Felony convictions for possession of controlled substance more than two years old with no other convictions. For convictions less than two years old if the applicant has completed a deterrence program.
4. Felony convictions of Title 46 of the *Code of Virginia* (Traffic Code).
5. Misdemeanor convictions for simple assault (except domestic assault and assaulting a police officer), disorderly conduct, and/or trespassing.
6. Misdemeanor DUI convictions. This does not include DUI felony convictions.

After discussion, a motion was made by Mr. Thomas, seconded by Mr. Robinson, to adopt the draft criminal history matrix as presented, except for applications involving prior convictions related to environmental remediation, of which all will be reviewed by the Board.

The motion was approved with a vote of 9-0-0. Ayes: Armentrout, Studley, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder. **Nays:** None. **Abstain:** None. **Absent:** Baum, Tandale, and Walker.

Executive Director Report

Executive Director Report

Marjorie King, Executive Director, informed the Board of current and past statistical data related to licensing applications and current licensees.

Board Member Professional Development

Marjorie King, Executive Director, provided the Board with an overview of the Board's disciplinary processes and procedures.

Board Member Professional Development

VIII. Completion of Paperwork

Chair, Armentrout reminded Board members to complete their Conflict-of-Interest Statements and Travel Reimbursement Forms.

Completion of Paperwork

IX. Adjournment

Chair, Armentrout thanked the Board for Asbestos, Lead, and Home Inspectors and adjourned the meeting at 12:50 P.M.

Adjournment

The next board meeting is scheduled for **September 11, 2025**.

Stacy J. Armentrout, Jr., Chair

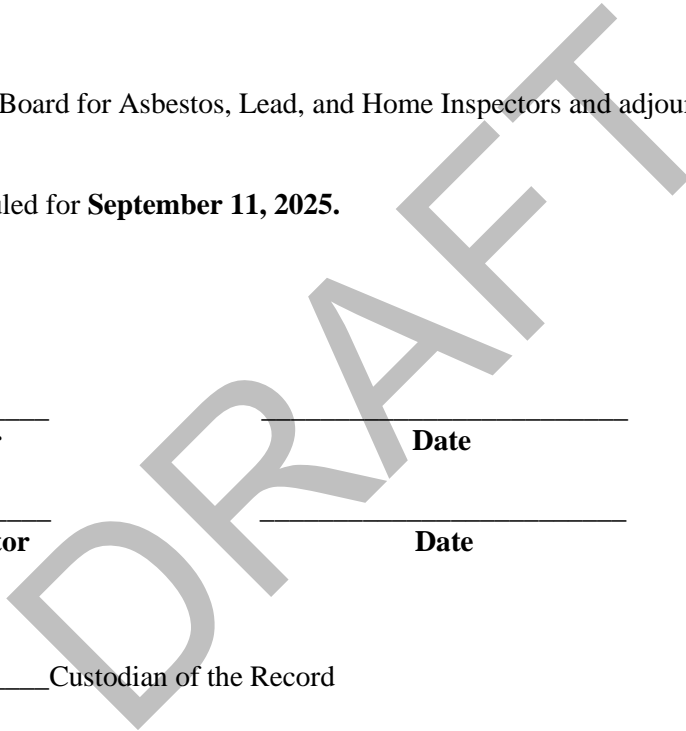
Date

James B. Wilkinson, Jr., Director

Date

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Custodian of the Record



Update on Regulatory Actions

(as of August 21, 2025)

Action: Home Inspector Regulations General Review

Current Stage: Final

- Board adopted Final regulation at May 8, 2025, meeting.

Next Step: Final Effective

- Regulation will be published in Volume 42, Issue 1 of the Virginia Register on August 25, 2025, after which a 30-day final adoption/public comment period will follow.
- Regulation will become effective October 1, 2025.

Action: Virginia Asbestos Licensing Regulations General Review

Current Stage: Proposed

- Proposed stage was filed on December 10, 2024, and published in Volume 41, Issue 16 of the Virginia Register on March 24, 2025.
- A public hearing was held on April 10, 2025, where one comment was received. No public comments were received via Town Hall.

Next Step: Final

- Board to consider comment received during the public hearing and adoption of Final regulation at September 11, 2025, meeting.

Action: Lead-Based Paint Activities Regulations General Review

Current Stage: Proposed

- Proposed stage was filed on March 27, 2025, and published in Volume 41, Issue 22 of the Virginia Register on June 16, 2025.
- A public hearing was held on July 15, 2025, where no comments were received. One public comment was received via Town Hall.

Next Step: Final

- Board to consider comment received during the public comment period and adoption of Final regulation at September 11, 2025, meeting.

Fast-Track Action: Maintenance of Insurance (Home Inspectors)

Current Stage: Fast-Track

- Board authorized fast-track action to amend the regulation on 2/8/2024.

Next Step: Proposed Fast-Track

- Board staff to file proposed fast-track action, followed by Executive Branch review and a public comment period.

TO: Board for Asbestos, Lead, and Home Inspectors
FROM: Cameron Parris, Regulatory Operations Administrator
SUBJECT: Public Comment: 2023 General Review of Asbestos Licensing Regulations
DATE: September 11, 2025

The public comment period for the proposed stage of the 2023 General Review of Asbestos Licensing Regulations concluded on May 23, 2025. The Board received one (1) comment via the Public Hearing held on April 10, 2025.

The commenter raised two (2) main concerns in the comment provided. The commenter expressed concern regarding the three-month experience requirement for asbestos supervisors. The commenter suggests that three months of experience are not adequate for the industry, and that experience should supersede formal education. The commenter noted that 16.5 percent of the United States construction labor force does not have a high school degree, according to the Bureau of Labor Statistics. The commenter also noted that three (3) out of 10 supervisors within his organization do not have a high school diploma or equivalent but have decades of experience.

The commenter suggests that literacy is required to pass the initial and refresher course examinations for licensure, and that the presence, or absence, of a high school diploma does not determine literacy. The commenter proposed that the Board offer a licensure pathway for individuals without a high school diploma or equivalent for supervisors, inspectors, project designers, project managers, and project planners.

The commenter cited the court case *AEC v. Courtney Malveaux* to emphasize that employers are liable for the negligence of their employees. The commenter suggests that if employers are liable for their employees, it should be the responsibility of an employer to determine the capability of applicants. The commenter is concerned that the three-month experience requirement will limit the workforce and create hardship for employers.

Board staff offers the following in response to the commenter:

“The Board thanks you for your participation in the regulatory review process and has considered the comments offered. In response to the comments, the Board has determined that proposed amendments to the regulation in their current form, to include asbestos supervisor experience and education requirements,”

EITHER

“are sufficient to ensure that applicants meet minimum competency standards in the least burdensome manner while protecting the health, safety, and welfare of the public. “

OR

“may be overly burdensome and therefore have reconsidered requirements prior to adoption of the final regulation.”

If the Board agrees with this response, a motion is needed to adopt the response, followed by a second and the full Board vote. A sample motion is included below:

“I move to adopt the response offered by Board staff as presented.”

If the Board wishes to provide an alternate response, the Board may do so.

WILLIAM M. GREENE
Chief Financial Officer

JONI P. GREENE
Chief Executive Officer

DONALD A. KOONCE
Vice President

ERNESTINE R. DRIVER
Secretary / Comptroller



ATLANTIC ENVIRONMENTAL

C O M P A N I E S

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CERTIFIED WOMAN BUSINESS ENTERPRISE – WBE #650914

INCORPORATED IN THE STATE OF VIRGINIA IN 1989

CHRISTOPHER "Chris" TRINGLE
Estimator/Project Manager

CLARENCE H. "Butch" STEEVES
Estimator/Project Manager

NATHAN W. GREENE
Estimator/Project Manager

MARK R. WEST
General Manager

April 10, 2025

Department of Professional and Occupational Regulation
9960 Maryland Drive, Suite 400
Richmond, Virginia 23233

Attention: DPOR Board

Reference: Proposed 18 VAC 15-21

There are two general ideas behind our comments regarding the proposed law. First, experience is more important than educational background. And second, the employer bears the liability for failures and mistakes made by its employees.

Experience in construction and the asbestos industry supersedes formal education when it comes to determining an individual's knowledge and ultimately, their competency. Within AEC, we often acknowledge that it will take years for an individual to become familiar with the various types of asbestos containing materials and the various scenarios in which we will engage it. Experience trumps education. The new regulations echo this sentiment requiring some level of experience for virtually every individual license except workers.

According to the BLS between 2003-2020, individuals in the construction industry without a high school degree or equivalent comprised 16.5% of the total. Within AEC, out of the ten (10) American born supervisors, three (3) lack a high school diploma or GED. Two (2) of the three (3) are estimators/project managers with each having experience exceeding three (3) decades in the industry.

The ultimate point is that we agree that certain licenses need experience, although I would comment that the proposed reductions and even the current levels required are insufficient to guarantee that the people obtaining these licenses are adequately prepared. An individual having a high school diploma or higher degree does not, in our view, change the volume of experience needed for competency when considering the variety of ACM and the scenarios in which it is encountered.

With respect to the Asbestos Supervisor license; what is the intent of requiring a high school diploma or equivalent for Asbestos Supervisors? Unofficially, we were told that it was made to ensure that supervisors could read and write. We would respectfully put forth that in order to complete the initial and subsequent refresher training, an individual must pass a written test. Should the Board deem that this unofficial statement is the impetus for this requirement, I would recommend an alternative for determining an applicant's literacy. Yes, being able to read and write is a required skill to fulfill the duties as supervisor, however, the lack of a high school diploma does not prove illiteracy in an individual.

With respect to the more advanced licenses of Project Designer, Management Planner, and Inspector, there is no avenue for, again, individuals without a high school diploma to pursue these. As mentioned, in AEC alone, we have two (2) individuals with decades of experience who cannot obtain these licenses.

Experience trumps education. Upon this premise and in consideration of the percentage of the workforce without a high school diploma; we would solicit the Board to consider altering the proposed law to provide avenues for individuals to pursue these licenses when they lack a high school diploma.

The employer is liable for the mistakes and failures of its employees. The Court of Appeals of Virginia decided on September 2, 2014, in *AEC v. Courtney Malveaux* that, "AEC and its job site supervisor are one and the same ...". In this case, AEC submitted that its supervisor was personally negligent in performing their duties. This negligence resulted in citations against AEC. AEC challenged these citations and submitted the decade's worth of experience and training that the supervisor had and argued that despite providing all necessary training, equipment, and experience to perform the cited job correctly, the supervisor

Environmental and Contract Services for: Asbestos, Lead, PCB, HAZMAT, UST/AST, Contaminated Soil & Liquid Removal, IAQ/Mold Remediation, Duct Cleaning, Specialty, Interior & Whole Building Demolitions



was personally negligent to their duties. The courts however ignored this defense and the argument of foreseeability in light of the fact that the citations were issued against AEC, not the employee. Virginia has, to date, held the employer liable under the idea that our "supervisors" are agents of the company and are "one and the same". As such, VOSH cites employers rather than employees, despite and without consideration of the employees training, past experience, or the written liability the Commonwealth asserts that a licensed supervisor has.

The point being made is somewhat counter to the first point. Experience trumps education, however, the employer will bear the ultimate responsibility and liability for its failure to educate, train, and equip its employees in the field. Requiring experience for licenses makes sense, but at some point, it becomes overly burdensome. If an employer is gifted with an employee who is capable, quick to learn, and takes pride and seriousness in their work, then restricting that employee from a license due to an arbitrary requirement such as three (3) months of experience for an Asbestos Supervisor license is punitive to the employer and employee.

To the Board, we would assert that if these laws are not reducing the liability that is held by the employer, that the Board should not limit the employer's ability and responsibility to gauge the capabilities of its employees. This is a general comment, more specifically, we do not see the value in the three (3) month experience requirement for the Asbestos Supervisor license.

First, and as previously asserted, three (3) months is not enough time for an individual to confront the variety of ACM and the scenarios surrounding them. Second, a person new to the industry who completes the Asbestos Supervisor training will have to first acquire an Asbestos Worker license. The law as currently proposed does not indicate any waiving of fees or method to "upgrade" that license in the future, and thus we are presuming that after three (3) months of "experience" that this individual would have to submit and pay for a new application for their supervisor license. And to state it again, attaching this arbitrary time period to the license will not absolve the employer from its legal and implied responsibilities nor guarantee competency on behalf of the applicant.

To extend these points to another license; the Project Monitor license is proposed to require forty (40) hours of Class I and Class II work, each. While we do not have direct experience as a monitoring firm, we would comment that the quantity of Class I work available at any given time to a monitoring firm may be quite limiting. This requirement on the surface makes sense, but it does not guarantee individual competency nor does it relieve an employer of their responsibilities to assess their employee's ability. In essence, what this may create is a bottleneck of people who cannot get the license in a timely fashion limiting the workforce and creating a hardship on the employer.

Not all firms perform work relating to all forms of ACM. For example, an Asbestos Supervisor who works for a roofing or flooring company will not likely have the experience and familiarity to perform Class I work. Not all Asbestos Supervisors are the same, and not all monitoring firms will have the same access to Class I and II work. As such the experience requirement for an Asbestos Supervisor will not guarantee that a supervisor is broadly capable, and guarantee that an incapable supervisor is not assigned to a project outside their ability. A project monitoring firm may be hamstrung by the lack of Class I work and be incapable of adequately growing its workforce. An employer bears the ultimate liability for its employees. No matter how detailed, elegant, or burdensome the law becomes, this aspect will not change. We would caution the Board in broadly asserting requirements that do not account for the variety of firms, their disciplines, and the individual and their capabilities.

Sincerely,

ATLANTIC ENVIRONMENTAL CONSTRUCTION CO.

A handwritten signature in black ink, appearing to read 'Nathan W. Greene', written over a horizontal line.

Nathan W. Greene
nathan@atlanticenvironmental.com
Estimator/Operations Manager

1 Project 7460 - Final

2 Virginia Board For Asbestos, Lead, And Home Inspectors

3 2023 General Review

4 Chapter 21

5 Asbestos Licensing Regulations

6 Part I

7 Definitions

8 **18VAC15-21-10. Definitions.**

9 A. Section 54.1-500 of the Code of Virginia provides definitions of the following terms and

10 phrases used in this chapter:

11 "Accredited asbestos training program"

12 "Asbestos"

13 "Asbestos analytical laboratory license"

14 "Asbestos-containing materials" or "ACM"

15 "Asbestos management plan"

16 "Asbestos project" or "asbestos abatement project"

17 "Asbestos supervisor"

18 "Board"

19 "Friable"

20 "Person"

21 "Principal instructor"

22 "Training manager"

23 B. The following words and terms when used in this chapter will have the following meanings
24 unless the context clearly indicates otherwise:

25 "AAR" means the Asbestos Analysts Registry program offered by the AIHA Registry
26 Programs.

27 "AAT" means Asbestos Analyst Testing.

28 "Accredited training program" means a profession-specific asbestos training program or
29 course that is approved by the board and designated as either initial or refresher and is required
30 under the MAP as issued under the Asbestos Hazard Emergency Response Act of 1986, 40 CFR
31 Part 763, Subpart E; or an approved training course that has been approved by EPA or another
32 state that has an EPA-approved MAP program.

33 "Address of record" means the [mailing] address [or email address] designated by the
34 regulant to receive notices and correspondence from the board.

Commented [JH1]: Change intended to facilitate paperless process.

35 "AHERA" means Asbestos Hazard Emergency Response Act, 40 CFR Part 763, Subpart E.

36 "AIHA" means American Industrial Hygiene Association.

37 "Applicant" means a person who has submitted an application to the board, but has not been
38 granted a license or accreditation by the board.

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

41 "Approval letter" means a written notice confirming the firm or individual applicant's licensure
42 or accreditation of a training program by the board.

43 "Asbestos contractor" means a person who contracts with another person for compensation
44 to carry out an asbestos project or to perform any work on an asbestos project.

45 "Asbestos inspector" means an individual who conducts an asbestos inspection.

46 "Asbestos inspection" means an onsite investigation to determine the potential presence or
47 exposure of ACM.

48 "Asbestos management planner" means any individual preparing or updating an asbestos
49 management plan.

50 "Asbestos project design" means any work plan describing the construction of an asbestos
51 abatement area, response action, or work practices to be utilized on an asbestos abatement
52 project.

53 "Asbestos project designer" means an individual who designs or develops a design for an
54 asbestos abatement project.

55 "Asbestos project monitor" means an individual who monitors or acts as a monitor of an
56 asbestos abatement project.

57 "Asbestos worker" means an individual who works on an asbestos abatement project.

58 "ASHARA" means Asbestos School Hazard Abatement Reauthorization Act, 40 CFR Part
59 763, Subpart E.

60 "BAPAT" means the Bulk Asbestos Proficiency Analytical Testing Program of the AIHA
61 Proficiency Analytical Testing Programs.

62 "Board-approved training course" means a training course that has been approved by the
63 board to provide training for individuals who act as a project monitor.

64 "Department" means the Department of Professional and Occupational Regulation.

65 "Direct supervision" means exercising oversight, direction of, and control over the work of
66 another.

67 "Employee" means an individual who has an employment relationship acknowledged by both
68 the individual and the firm and is treated as an employee for the purposes of compliance with
69 federal income tax laws.

70 "Encapsulation" means the treatment of ACM with a material that surrounds or embeds
71 asbestos fibers in an adhesive matrix to prevent the release of fibers as the encapsulant creates
72 a membrane over the surface (i.e., bridging encapsulant) or penetrates the material and binds its
73 components together (i.e., penetrating encapsulant).

74 "Encasement" means any process by which an ACM is sprayed with an insulating sealer that
75 is then mechanically fastened to the asbestos-covered substrate. The insulating sealer is then
76 covered with a sealer to give structural strength and durability.

77 "Enclosure" means the construction or installation over or around the ACM of any leak-tight
78 solid or flexible coverings that will not deteriorate or decompose for an extended period of time
79 so as to conceal the ACM, contain ACM fibers, and render the ACM inaccessible.

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

84 "EPA" means U.S. Environmental Protection Agency.

85 "Financial interest" means financial benefit accruing to an individual or to a member of the
86 individual's immediate family. Such interest exists by reason of (i) ownership in a business if the
87 ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds
88 or may be reasonably anticipated to exceed \$2,000 from ownership in real or personal property
89 or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property
90 paid or provided by a business that exceeds or may be reasonably expected to exceed \$2,000

91 annually; or (iv) ownership of real or personal property if the interest exceeds \$2,000 in value and
92 excluding ownership in business, income, salary, other compensation, fringe benefits, or benefits
93 from the use of property.

94 "Firm" means a sole proprietorship, association, partnership, corporation, limited liability
95 company, limited liability partnership, or any other form of business organization recognized under
96 the laws of the Commonwealth.

97 "Guest instructor" means an instructor who is invited to instruct a specific topic in an accredited
98 asbestos training program and whose instruction is limited to two hours per day.

99 "Hands-on training" means the physical participation of students in an accredited asbestos
100 training program. Physical participation includes mock activities specific to the license discipline.

101 "IHLAP" means the Industrial Hygiene Laboratory Accreditation Program of the AIHA
102 Laboratory Accreditation Programs LLC.

103 "IHPAT" means the Industrial Hygiene Proficiency Analytical Testing Program of the AIHA
104 Proficiency Analytical Testing Programs LLC.

105 "Immediate family" means (i) a spouse, (ii) a sibling or stepsibling, (iii) a parent or stepparent,
106 (iv) a child or stepchild, or (v) any other person residing in the same household as the individual.

107 "Inspection" means an activity undertaken to determine the presence or location or to access
108 the condition of friable or nonfriable ACM or suspected ACM, whether by visual or physical
109 examination or by collecting samples of such material. This term includes reinspections of friable
110 and nonfriable known or assumed ACM that has been previously identified. Inspection does not
111 include the following:

112 1. Periodic surveillance of the type described in 40 CFR 763.92(b) solely for the purpose
113 of recording or reporting a change in the condition of known or assumed ACM;

114 2. Inspections performed by employees or agents of federal, state, or local governments
115 solely for the purpose of determining compliance with applicable statutes or regulations;

116 or

117 3. Visual inspections solely for the purpose of determining completion of response actions.

118 "Instructor" means a person who instructs one or more accredited asbestos training programs,
119 including the principal instructor, but excluding guest instructors.

120 "MAP" means the EPA Asbestos Model Accreditation Plan (Appendix C of 40 CFR Part 763,
121 Subpart E).

122 "Monitor" means observing and reviewing the activities of an asbestos contractor on an
123 asbestos abatement project, as required by this chapter, to determine whether proper work
124 practices are used and compliance with all asbestos laws and regulations is maintained.

125 "NIOSH" means National Institute of Occupational Safety and Health.

126 "NVLAP" means the Asbestos Fiber Analysis Program of the National Institute of Standards
127 and Technology National Voluntary Laboratory Accreditation Program.

128 "Occupied" means any area of any building designed or intended for human occupancy for
129 any purpose.

130 "OSHA" means the U.S. Department of Labor Occupational Safety and Health Administration.

131 "PCM" means phase-contrast microscopy.

132 "PLM" means polarized light microscopy.

133 "Regulant" means an asbestos worker, asbestos supervisor, asbestos inspector, asbestos
134 management planner, asbestos project designer, asbestos project monitor, asbestos contractor,
135 or asbestos analytical laboratory that holds a license issued by the board, or an asbestos training
136 program that has been accredited by the board.

137 "Removal" means the physical removal of ACM in accordance with all applicable regulations.

138 "Renovation" means altering in any way one or more facility components.

139 "Repair" means returning damaged ACM to an undamaged condition or to an intact state so
140 as to prevent fiber release.

141 "Residential buildings" means site-built homes, modular homes, condominium units, mobile
142 homes, manufactured housing, and duplexes or other multi-unit dwellings consisting of four units
143 or fewer that are currently in use or intended for use only for residential purposes.

144 "Response action" means any method, including removal, encapsulation, enclosure,
145 encasement, or operation and maintenance, that protects human health and the environment
146 from ACM.

147 "Responsible individual" means the employee, officer, manager, owner, or principal of the firm
148 who is designated by each firm to ensure compliance with Chapter 5 (§ 54.1-500 et seq.) of Title
149 54.1 of the Code of Virginia and all regulations of the board and to receive communications and
150 notices from the board that may affect the firm.

151 [~~"Substantial change" means a change in overall asbestos training program, materials,~~
152 ~~principal instructors, training managers, directors, ownership, facilities, equipment, examinations,~~
153 ~~or certificates of completion. The addition of updated regulations, exam questions, or news~~
154 ~~articles will not be considered a substantial change.]~~

Commented [JH2]: Term is not used in the regulation.

155 "TEM" means transmission electron microscopy.

156 "Visual inspection" means a process of looking for conditions that, if not corrected during an
157 asbestos abatement project, could result in residual asbestos-containing dust or debris. Visual
158 inspection includes examination of an asbestos abatement project area prior to clearance air
159 monitoring for evidence that the project has been successfully completed as indicated by the
160 absence of residue, dust, and debris.

161

Part II

162

Entry

163 **18VAC15-21-20. Application procedures.**

164 A. All applicants seeking licensure must submit an application with the appropriate fee
165 specified in 18VAC15-21-180. Application must be made on forms provided by the board or the
166 board's agent.

167 1. By submitting the application to the department, the applicant certifies that the applicant
168 has read and understands the applicable statutes and the board's regulations.

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

171 B. The board may make further inquiries and investigations with respect to the applicant's
172 qualifications to confirm or amplify information supplied. All applications must be completed in
173 accordance with the instructions contained in this chapter and on the application. Applications will
174 not be considered complete until all required documents are received by the board.

175 C. The applicant will be notified if the application is incomplete. A person who fails to complete
176 the application process within 12 months after the date the department receives the application
177 must submit a new application and fee.

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

180 **18VAC15-21-30. General requirements for licensure: individuals.**

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

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

184 C. The applicant must be at least 18 years of age.

185 D. The applicant must disclose the applicant's mailing address [and email address]. A post
186 office box is only acceptable as a mailing address when a physical address is also provided.

Commented [JH3]: Add provision for email address to facilitate paperless process.

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

189 1. All felony convictions.

190 2. All misdemeanor convictions related to environmental remediation activity.

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

193 The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-
194 204 of the Code of Virginia.

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

201 G. Applicants must be in compliance with the standards of practice and conduct set forth in
202 Part VI (18VAC15-21-380 et seq.) and Part VII (18VAC15-21-460 et seq.) of this chapter at the
203 time of application to the board, while the application is under review by the board, and at all times
204 when the license is in effect.

205 **18VAC15-21-40. Application denial.**

206 A. The board may refuse initial licensure or accreditation due to an applicant's failure to comply
207 with entry requirements or for any of the reasons for which the board may discipline a regulant.

208 B. The applicant has the right to request further review of any such action by the board under
209 the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

210 **18VAC15-21-50. Qualifications for asbestos worker license.**

211 Each individual applying for an asbestos worker license must provide proof of successful
212 completion of (i) an EPA-approved or board-approved initial accredited asbestos worker training
213 program and all subsequent EPA-approved or board-approved accredited asbestos worker
214 refresher training programs or (ii) an EPA-approved or board-approved initial accredited
215 supervisor training program and all subsequent EPA-approved or board-approved accredited
216 asbestos supervisor refresher training programs. The training certificate must indicate that the
217 training was taken within 12 months preceding the date the department receives the application.

218 **18VAC15-21-60. Qualifications for asbestos supervisor license.**

219 A. Each individual applying for an asbestos supervisor license must:

220 1. Have a high school diploma or equivalent;

221 2. Provide proof of successful completion of an EPA-approved or board-approved initial
222 accredited supervisor training program and all subsequent EPA-approved or board-
223 approved accredited asbestos supervisor refresher training programs. The training
224 certificate must indicate that the training was taken within 12 months preceding the date
225 the department receives the application; and

226 3. Furnish acceptable documentation of three months of experience in asbestos
227 abatement work.

Commented [JH4]: Consider public comments re:
education and experience requirements.

228 B. The experience submitted pursuant to subsection A of this section must meet the
229 requirements of 18VAC15-21-120.

230 **18VAC15-21-70. Qualifications for asbestos inspector license.**

Commented [JH5]: Consider public comments re: experience only pathway.

231 A. Each individual applying for an asbestos inspector license must provide:

232 1. Proof of successful completion of an EPA-approved or board-approved initial accredited
233 inspector training program and all subsequent EPA-approved or board-approved
234 accredited asbestos inspector refresher training programs; and

235 2. Evidence of experience in performing asbestos inspections in buildings or industrial
236 facilities, including collecting bulk samples, categorizing ACM, assessing ACM, and
237 preparing inspection reports. The applicant must furnish acceptable documentation that
238 one of the following qualifications has been met:

| <u>Education</u> | <u>Experience</u> |
|---|---|
| <u>Acceptable master's or bachelor's degree program</u> | <u>Three months or performed a minimum of seven inspections</u> |
| <u>Acceptable associate's degree program</u> | <u>Six months or performed a minimum of 10 inspections</u> |
| <u>High school diploma or equivalent</u> | <u>12 months or performed a minimum of 15 inspections</u> |

239 B. The education submitted pursuant to subsection A of this section must meet the
240 requirements of 18VAC15-21-110. The experience submitted pursuant to subsection A of this
241 section must [**comply with** meet the requirements of] 18VAC15-21-120.

242 **18VAC15-21-80. Qualifications for asbestos management planner license.**

Commented [JH6]: Consider public comments re: experience only pathway.

243 A. Each individual applying for an asbestos management planner license must provide:

244 1. Proof of successful completion of (i) an EPA-approved or board-approved initial
245 accredited management planner training program and all subsequent EPA-approved or
246 board-approved accredited asbestos management planner refresher training programs

247 and (ii) an EPA-approved or board-approved initial accredited inspector training program
 248 and all subsequent EPA-approved or board-approved accredited asbestos inspector
 249 refresher training programs; and

250 2. Evidence of experience evaluating inspection reports, selecting response actions,
 251 analyzing the cost of response actions, ranking response actions, preparing operations
 252 and maintenance plans, and preparing management plans. The applicant must furnish
 253 acceptable documentation that one of the following qualifications has been met:

| <u>Education</u> | <u>Experience</u> |
|---|---|
| <u>Acceptable master's or bachelor's degree program</u> | <u>Three months or prepared a minimum of three management plans</u> |
| <u>Acceptable associate's degree program</u> | <u>Six months or prepared a minimum of five management plans</u> |
| <u>High school diploma or equivalent</u> | <u>12 months or prepared a minimum of seven management plans</u> |

254 B. The education submitted pursuant to subsection A of this section must meet the
 255 requirements of 18VAC15-21-110. The experience submitted pursuant to subsection A of this
 256 section must [**comply with meet the requirements of**] 18VAC15-21-120.

257 **18VAC15-21-90. Qualifications for asbestos project designer license.**

Commented [JH7]: Consider public comments re: experience only pathway.

258 A. Each individual applying for an asbestos project designer license must provide:

259 1. Proof of successful completion of an EPA-approved or board-approved initial accredited
 260 project designer training program and all subsequent EPA-approved or board-approved
 261 accredited asbestos project designer refresher training programs; and

262 2. Evidence of experience in the preparation of project designs or project specifications.
 263 The applicant must furnish acceptable documentation that one of the following
 264 qualifications has been met:

| <u>Education</u> | <u>Experience</u> |
|------------------|-------------------|
|------------------|-------------------|

| | |
|---|--|
| <u>Acceptable master's or bachelor's degree program</u> | <u>Three months or completed a minimum of five project designs</u> |
| <u>Acceptable associate's degree program</u> | <u>Six months or completed a minimum of seven project designs</u> |
| <u>High school diploma or equivalent</u> | <u>12 months or completed a minimum of 10 project designs</u> |

265 B. The education submitted pursuant to subsection A of this section must meet the
266 requirements of 18VAC15-21-110. The experience submitted pursuant to subsection A of this
267 section must [**comply with** meet the requirements of] 18VAC15-21-120.

268 **18VAC15-21-100. Qualifications for asbestos project monitor license.**

269 A. Each individual applying for an asbestos project monitor license must have a high school
270 diploma or equivalent and provide:

271 1. Proof of (i) a current certification by EPA as an asbestos project designer or asbestos
272 supervisor and successful completion of a board-approved asbestos project monitor
273 training program of 16 hours, including the examination, or (ii) successful completion of a
274 board-approved asbestos project monitor training program of 40 hours, including
275 examination. Only project monitor training programs that are board approved will be
276 accepted for meeting the training requirement; and

277 2. Evidence of 80 hours of experience in performing asbestos project monitoring through
278 field work on project sites, of which at least 40 hours must be from OSHA Class I asbestos
279 activities and at least 40 hours must be from OSHA Class II asbestos activities. This
280 includes evaluating and monitoring asbestos work practices, collecting environmental
281 asbestos air samples during abatement, performing visual inspections, and taking final air
282 samples to grant clearance for asbestos abatement projects.

283 B. The experience submitted pursuant to subdivision A 2 of this section must [**comply with**
284 **meet the requirements of**] 18VAC15-21-120.

285 **18VAC15-21-110. Acceptable degree programs.**

286 A. Applicants seeking to qualify for licensure based on completion of an associate's,
287 bachelor's, or master's degree must submit an official transcript from the school where the
288 applicable degree was obtained. Only degrees from an accredited college or university that is
289 approved or accredited by the Commission on Colleges of the Southern Association of Colleges
290 and Schools, a regional or national accreditation association, or by an accrediting agency that is
291 recognized by the U.S. Secretary of Education will be considered.

292 B. The following degrees will be considered to qualify in accordance with 18VAC15-21-70 A
293 2, 18VAC15-21-80 A 2, or 18VAC15-21-90 A 2:

294 1. Bachelor's or master's degree in engineering, architecture, industrial hygiene,
295 environmental science or studies, or physical science;

296 2. Bachelor's degree in a related field that includes a minimum of 40 semester credit hours
297 in any combination of science, technology, engineering and math;

298 3. Master's degree in a related field and a bachelor's degree in any major such that the
299 combined degrees include a minimum of 40 semester credit hours in any combination of
300 science, technology, engineering, and math; or

301 4. Associate's degree in engineering, architecture, industrial hygiene, environmental
302 science or studies, or physical science, or a related field that includes a minimum of 20
303 credit hours in any combination of science, technology, engineering, and math.

304 **18VAC15-21-120. Experience used to qualify for licensure.**

305 A. Experience used to qualify for licensure in accordance with 18VAC15-21-60 A 3, 18VAC15-
306 21-70 A 2, 18VAC15-21-80 A 2, 18VAC15-21-90 A 2, or 18VAC15-21-100 A 2 may be obtained
307 by:

308 1. Working in the applicable profession in another state, provided such work complied with
309 all federal, state, and local statutes.

310 2. Working in the applicable profession under the direct supervision of a properly licensed
311 individual or EPA-certified individual where no license is required. All reports prepared by
312 the unlicensed individual must be signed by the licensed or EPA-certified individual. The
313 licensed or EPA-certified individual assumes responsibility for all work conducted and
314 reports prepared, as applicable, by the unlicensed individual.

315 B. Experience used to qualify for licensure must be verified by a supervisor on a board-
316 approved experience verification form signed by a supervisor verifying the applicant's experience.

317 An applicant who is self-employed or otherwise unable to obtain a verifying signature for
318 experience must submit five copies of the completed inspections, management plans, project
319 designs, or project monitor reports, as applicable to the license sought.

320 **18VAC15-21-130. Individuals certified or licensed in another jurisdiction.**

321 A. The board may issue a license to an applicant who holds an equivalent and valid license
322 or certificate in another state, the District of Columbia, or any other territory or possession of the
323 United States, provided the requirements and standards under which the license or certificate
324 was issued are substantially equivalent to those established in this chapter and related statutes.
325 The applicant will only need to provide the most recent, current asbestos training program for the
326 applicable license type.

327 B. In order to qualify in accordance with this section, the applicant must provide proof of a
328 valid license or certificate in the other state acceptable to the board and must be in good standing
329 by the issuing license or certification authority.

330 **18VAC15-21-140. Qualifications for asbestos contractor license.**

331 A firm that holds a valid contractor license issued by the Board for Contractors with an
332 asbestos contracting specialty service designation in accordance with Chapter 11 (§ 54.1-1100
333 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the Board for Contractors is
334 deemed qualified for an asbestos contractor license pursuant to Chapter 5 (§ 54.1-500 et seq.) of
335 Title 54.1 of the Code of Virginia and this chapter. Upon verification of the firm's licensure with the
336 Board for Contractors, the board will issue an asbestos contractor license to such firm for a license
337 term that coincides with the license issued by the Board for Contractors.

338 **18VAC15-21-150. General qualifications for an asbestos analytical laboratory license.**

339 A. Each firm applying for an asbestos analytical laboratory license must meet the
340 requirements of this section.

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

345 C. The applicant must disclose the firm's mailing address [and,] the firm's physical address
346 [and the firm's email address].

Commented [JH8]: Add provision for email address to facilitate paperless process.

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

350 1. All felony convictions;

351 2. All misdemeanor convictions, except marijuana convictions, within the last three years;

352 and

353 3. Any conviction involving environmental remediation activity that resulted in the
354 significant harm or the imminent and substantial threat of significant harm to human health
355 or the environment.

356 E. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-
357 204 of the Code of Virginia. The applicant has the right to request further review of any such
358 action by the board under the Administrative Process Act (§ 2.2- 4000 et seq. of the Code of
359 Virginia).

360 F. The applicant must report any disciplinary action taken by any board or administrative body
361 in any jurisdiction against a professional or occupational license, certification, or registration
362 issued to the firm, its owners, officers, managers, members, or directors and, as applicable, any
363 reprimand, suspension, revocation, or surrender of a license, certification, or registration,
364 imposition of a monetary penalty, or requirement to take remedial education or other corrective
365 action. The board, at its discretion, may deny licensure to any applicant based on disciplinary
366 action taken by any board or administrative body in any jurisdiction.

367 G. The board may deny the application of an applicant who is shown to have a substantial
368 identity of interest with a person whose license or certificate has been revoked or not renewed by
369 the board. A substantial identity of interest includes (i) a controlling financial interest by the
370 individual or corporate principals of the person whose license or certificate has been revoked or
371 has not been renewed or (ii) substantially identical owners, officers, managers, members, or
372 directors, as applicable.

373 **18VAC15-21-160. Qualifications for asbestos analytical laboratory analysis type.**

374 A. In addition to the requirements of 18VAC15-21-150, each applicant for an asbestos
375 analytical laboratory license must submit evidence of meeting the standards to perform PLM,
376 PCM, or TEM analysis.

377 1. For PLM analysis, one of the following:

378 a. Current NVLAP accreditation demonstrated by submittal of a copy of the most

379 recent Certificate of Accreditation and Scope of Accreditation;

380 b. The asbestos analytical laboratory is currently rated "proficient" in the BAPAT

381 Program; or

382 c. The asbestos analytical laboratory is currently accredited under the IHLAP.

383 2. For PCM analysis, each analyst must have completed the NIOSH 582 or NIOSH 582

384 Equivalency course. In addition, at least one of the following must be satisfied:

385 a. At fixed laboratory sites, one of the following qualifications must be met:

386 (1) The asbestos analytical laboratory is currently accredited under the IHLAP;

387 (2) The asbestos analytical laboratory is currently rated "proficient" in the IHPAT

388 Program; or

389 (3) Each analyst is listed in the AAR and has a performance rating of "acceptable" for

390 the most recent AAT round.

391 b. For onsite analysis, one of the following qualifications must be met:

392 (1) The asbestos analytical laboratory is currently rated "proficient" in the IHPAT

393 Program;

394 (2) The asbestos analytical laboratory is currently accredited under the IHLAP; or

395 (3) Each analyst is listed in the AAR and has a performance rating of "acceptable" for

396 the most recent AAT round.

397 3. For TEM analysis, a current accreditation by NVLAP to analyze asbestos airborne fibers

398 using TEM as demonstrated by submitting a copy of the NVLAP Certificate of

399 Accreditation and Scope of Accreditation.

400 B. The applicant must name a responsible individual for the asbestos analytical laboratory.

401 C. Any branch office of an asbestos analytical laboratory must complete a branch office
402 application from the board. Each branch office will name a resident responsible individual at each
403 branch office.

404 D. The branch office application must provide the information contained in subsection A of
405 this section for the applicable branch office.

406 E. Any training and quality control documentation required to be maintained pursuant to this
407 section must be provided to the board upon request.

408 Part III

409 Fees

410 **18VAC15-21-170. General fee requirements.**

411 All fees are nonrefundable and will not be prorated. The date on which the fee is received by
412 the department or the department's agent will determine whether the fee is on time. [Checks of
413 money orders must be made payable to the Treasurer of Virginia.]

Commented [JH9]: These types of provisions are being removed from DPOR regulations.

414 **18VAC15-21-180. Application fees.**

415 Application fees are set out in this section.

| <u>Fee Type</u> | <u>Fee Amount</u> | <u>When Due</u> |
|--|----------------------------------|-------------------------|
| <u>Application for worker, supervisor, inspector, management planner, project designer, or project monitor license</u> | <u>\$80</u> | <u>With application</u> |
| <u>Application for asbestos analytical laboratory license</u> | <u>\$120</u> | <u>With application</u> |
| <u>Application for asbestos analytical laboratory branch office</u> | <u>\$100</u> | <u>With application</u> |
| <u>Application for accredited asbestos training program approval</u> | <u>\$500 per day of training</u> | <u>With application</u> |

416 **18VAC15-21-190. Renewal and late renewal fees.**

Commented [JH10]: Remove temporary fee provisions that are expired.

417 [**A.**] Renewal and late renewal fees are set out in this section.

| <u>Fee Type</u> | <u>Fee Amount</u> | <u>When Due</u> |
|---|-------------------|--------------------------|
| Renewal for worker, supervisor, inspector, management planner, project designer, or project monitor license | \$45 | With renewal application |
| Renewal for asbestos analytical laboratory license | \$75 | With renewal application |
| Renewal for asbestos analytical laboratory branch office | \$55 | With renewal application |
| Renewal for accredited asbestos training program approval | \$125 | With renewal application |
| Late renewal for worker, supervisor, inspector, management planner, project designer, or project monitor license (includes a \$35 late renewal fee in addition to the regular \$45 renewal fee) | \$80 | With renewal application |
| Late renewal for asbestos analytical laboratory license (includes a \$35 late renewal fee in addition to the regular \$75 renewal fee) | \$110 | With renewal application |
| Late renewal for asbestos analytical laboratory branch office (includes \$35 late renewal fee in addition to the regular \$55 renewal fee) | \$90 | With renewal application |
| Late renewal for accredited asbestos training program approval (includes a \$35 late renewal fee in addition to the regular \$125 renewal fee) | \$160 | With renewal application |

418 [**B.** For licenses expiring after February 1, 2023, and before February 1, 2025, the renewal

419 fees will be as follows:

| | |
|--|-----------------|
| Renewal for worker, supervisor, inspector, management planner, project designer, or project monitor license | \$25 |
| Renewal for asbestos analytical laboratory license | \$40 |
| Renewal for asbestos analytical laboratory branch office | \$40 |
| Renewal for accredited asbestos training program approval | \$40 |

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

| | |
|--|------|
| Late renewal for worker, supervisor, inspector, management planner, project designer, or project monitor license | \$60 |
| Late renewal for asbestos analytical laboratory license | \$75 |
| Late renewal for asbestos analytical laboratory branch office | \$75 |
| Late renewal for accredited asbestos training program approval | \$75 |

422]

423 Part IV

424 Renewal

425 **18VAC15-21-200. Renewal required.**

426 A. Each individual asbestos license issued under this chapter will expire 12 months from the
427 last day of the month in which it was issued.

428 B. Each asbestos analytical laboratory license issued under this chapter will expire 12 months
429 from the last day of the month in which it was issued.

430 C. Each accredited asbestos training program [approval issued under this chapter] will expire
431 24 months from the last day of the month in which it was approved.

432 D. Each asbestos contractor license will expire on the expiration date of the corresponding
433 contractor license issued by the Board for Contractors.

434 **18VAC15-21-210. Procedures for renewal.**

435 A. The department will send a renewal notice to each regulant at the address of record. Failure
436 to receive the notice does not relieve the licensee or the accredited asbestos training program of
437 the obligation to renew.

438 B. Prior to the license expiration, each licensed asbestos analytical laboratory desiring to
439 renew the license must submit the appropriate fee specified in 18VAC15-21-190 to the
440 department. A licensed asbestos analytical laboratory must also submit documentation that the
441 laboratory continues to meet the requirements specified in 18VAC15-21-160 for the type of
442 analysis the laboratory is licensed to perform.

443 C. Prior to the license expiration date, each licensed individual desiring to renew a license
444 must provide evidence of meeting the annual refresher training requirement for license renewal
445 and the appropriate fee specified in 18VAC15-21-190. The board will accept any asbestos training
446 programs that are approved by EPA or the board. A copy of the training certificate documenting
447 the successful completion of the refresher training for the license type being renewed and meeting
448 the requirements outlined in this chapter must accompany the fee.

449 1. For renewal of an asbestos worker license, the board will accept evidence of completion
450 of asbestos supervisor refresher training to satisfy the refresher training requirement.

451 2. For renewal of an asbestos management planner license, a management planner must
452 complete both a management planner refresher training program and an inspector
453 refresher training program.

454 3. For renewal of an asbestos project monitor license, the board will accept evidence of
455 the following to satisfy the refresher training requirement:

456 a. For project monitors who also hold a valid Virginia asbestos supervisor or project
457 designer license, completion of a supervisor refresher or project designer refresher,
458 as is applicable to the EPA certification submitted for initial licensure as specified in
459 18VAC15-21-90; or

460 b. For project monitors who hold only a project monitor license, completion of a board-
461 approved asbestos project monitor refresher training program to meet renewal
462 requirements.

463 D. Prior to the approval letter expiration date, each accredited asbestos training program
464 desiring to renew the approval must submit the appropriate fee specified in 18VAC-15-21-190.

465 E. Annual refresher training certificates will only be used once to renew an individual license.

466 F. Each license and each accredited asbestos training program approval that is not renewed
467 within 30 days of the expiration date on the license or approval letter will be subject to late renewal
468 fees as established in 18VAC15-21-190.

469 G. A firm with an asbestos contractor license must provide documentation that the
470 corresponding contractor license issued by the Board for Contractors is current and valid. Upon
471 verification of the firm's licensure with the Board for Contractors, the board will renew the asbestos
472 contractor license for a license term that coincides with the license issued by the Board for
473 Contractors.

474 H. Each license and each approved accredited asbestos training program that is not renewed
475 within 12 months after the expiration date will not be renewed. The individual or firm must apply
476 for a new license or approval and meet entry requirements current at the time the new application
477 is submitted.

478

Part V

479

Approval of Training Programs and Courses

480 **18VAC15-21-220. Application procedures for accredited asbestos training program**

481 **approval.**

482 A. Training programs desiring board approval must meet the minimum requirements

483 established in this chapter. Persons requesting approval as an accredited asbestos training

484 program to prepare training program participants for licensure requirements must submit the

485 appropriate application form along with the following:

486 1. Training provider's business name, physical address, mailing address, and telephone

487 number.

488 2. Copies of documentation of approval of the asbestos training program issued by EPA

489 or other states, if applicable.

490 3. Applicable fee specified in 18VAC15-21-180.

491 4. The training program curriculum.

492 5. A narrative explaining how the training program meets the requirements for approval in

493 the following areas:

494 a. Length of training in hours.

495 b. Amount and type of hands-on training.

496 c. Examinations (length, format, and passing score).

497 d. Topics covered in the training program.

498 e. Assurances of test security and how exams are administered.

499 6. A copy of all training program materials, including student manuals, instructor
500 notebooks, handouts, and training aids.

501 7. A copy of the examination used and applicable answer sheets.

502 8. The name and documentation of the qualifications of the training manager. The training
503 manager employed by the applicant must meet the requirements of 18VAC15-21-230.

504 9. The names and documentation of the qualifications of each principal instructor and
505 subject areas that each principal instructor will teach. Principal instructors must meet the
506 requirements of 18VAC15-21-240.

507 10. An example of the completion certificate that will be issued to students who
508 successfully complete the accredited asbestos training program.

509 11. A proposed training program date for auditing purposes. The proposed date will be
510 confirmed or an alternate date will be proposed within 10 business days after receipt of a
511 complete asbestos training program application.

512 B. An application must contain all information required by this section.

513 C. An application must be received by the department no less than 45 days prior to the
514 requested audit date.

515 D. Upon receipt of an application, a preliminary review will be conducted to ensure compliance
516 with this chapter. The applicant will be notified if the application is incomplete or is deficient. All
517 deficiencies must be corrected prior to the onsite audit.

518 E. Upon completion of the preliminary review, the board will conduct an onsite audit. The
519 applicant will be notified of any deficiencies identified during the audit. All deficiencies must be
520 corrected prior to approval of the application.

521 F. Onsite audits are not required for final approval of asbestos courses with a primary location
522 that is out of state, to be conducted solely out of state, so long as the course is currently approved
523 by a MAP state. Proof of MAP state approval must be submitted with the application.

524 G. All training programs must have a monitored, final written examination.

525 **18VAC15-21-230. Training manager qualifications.**

526 An accredited asbestos training program must employ a training manager who:

527 1. Has a minimum of two years of experience in teaching adults; or

528 2. Has a minimum of three years of experience in the asbestos abatement industry.

529 **18VAC15-21-240. Principal instructor qualifications.**

530 A. An accredited asbestos training program must use principal instructors who:

531 1. Have a minimum of 24 hours of asbestos-specific training; and

532 2. Have a minimum of two years of experience in the asbestos abatement industry or a
533 minimum of two years of experience in teaching adults.

534 B. Guest instructors are exempt from instructor qualifications and are limited to no more than
535 two hours of training per day.

536 **18VAC15-21-250. Accredited asbestos training program requirements.**

537 In all of the accredited asbestos training program requirements, one day is equal to eight
538 hours, inclusive of lunch and breaks.

539 **18VAC15-21-260. Initial worker training.**

540 A. An initial worker training program must last a minimum of four days. The worker training
541 program must include lectures, demonstrations, at least 14 hours of hands-on training, a training
542 program review, and an examination.

- 543 B. The worker training program must address the following topics:
- 544 1. Physical characteristics of asbestos.
- 545 a. Identification of asbestos.
- 546 b. Aerodynamic characteristics.
- 547 c. Typical uses and physical appearance.
- 548 d. A summary of abatement control options.
- 549 2. Potential health effects related to asbestos exposure.
- 550 a. The nature of asbestos-related diseases.
- 551 b. Routes of exposure, dose-response relationships, and the lack of a safe exposure
- 552 level.
- 553 c. Synergism between cigarette smoking and asbestos exposure.
- 554 d. Latency period for disease.
- 555 3. Employee personal protective equipment.
- 556 a. Classes and characteristics of respirator types.
- 557 b. Limitations of respirators and proper selection, inspection, donning, use,
- 558 maintenance, and storage procedures.
- 559 c. Methods for field testing of the facepiece-to-face seal (e.g., positive and negative
- 560 pressure fitting tests).
- 561 d. Qualitative and quantitative fit testing procedures.
- 562 e. Variability between field and laboratory protection factors.
- 563 f. Factors that alter respirator fit (e.g., facial hair).

- 564 g. The components of a proper respiratory protection program.
- 565 h. Selection and use of personal protective clothing and use, storage, and handling of
566 nondisposable clothing.
- 567 i. Regulations covering personal protective equipment.
- 568 4. State-of-the-art work practices.
- 569 a. Asbestos abatement activities, including descriptions of construction and
570 maintenance of barriers and decontamination enclosure systems.
- 571 b. Positioning of warning signs.
- 572 c. Electrical and ventilation system lock-out.
- 573 d. Working techniques for minimizing fiber release, use of wet methods, use of
574 negative pressure ventilation equipment, and use of high efficiency particulate air
575 (HEPA) vacuums.
- 576 e. Clean-up and disposal procedures.
- 577 f. Work practices for removal, encapsulation, enclosure, and repair.
- 578 g. Emergency procedures for sudden releases.
- 579 h. Potential exposure situations and transport and disposal procedures.
- 580 i. Recommended and prohibited work practices.
- 581 5. Personal hygiene.
- 582 a. Entry and exit procedures for the work area, use of showers, avoidance of eating,
583 drinking, smoking, and chewing (gum or tobacco) in the work area.
- 584 b. Potential exposures, including family exposure.
- 585 6. Additional safety hazards.

586 a. Hazards encountered during abatement activities, including electrical hazards, heat
587 stress, air contaminants other than asbestos, fire, and explosion hazards, and how to
588 deal with them.

589 b. Scaffold and ladder hazards.

590 c. Slips, trips, and falls.

591 d. Confined spaces.

592 7. Medical monitoring.

593 a. OSHA requirements for a pulmonary function test.

594 b. Chest X-rays and a medical history for each employee.

595 8. Air monitoring.

596 a. Procedures to determine airborne concentrations of asbestos fibers.

597 b. Focusing on how personal air sampling is performed and the reasons for it.

598 9. Relevant federal, state, and local regulatory requirements, procedures, and standards,
599 with particular attention directed at relevant EPA, OSHA, and state regulations concerning
600 asbestos abatement workers and Department of Transportation regulations (49 CFR 172
601 Subpart H), with emphasis on packaging requirements and marking of containers of ACM
602 waste.

603 10. Establishment of respiratory protection programs.

604 11. Training program review. A review of key aspects of the accredited asbestos training
605 program.

606 C. Upon completion of the worker training program, the training program must administer a
607 closed-book examination. Each examination must cover the topics required by this section.

608 1. Each examination must have 50 multiple choice questions.

609 2. The passing score on the examination must be 70%.

610 **18VAC15-21-270. Worker refresher training program.**

611 A. A worker refresher training program must be at least one day. The worker refresher training
612 program must review federal and state regulations and discuss changes to the regulations, if
613 applicable, and developments in state-of-the-art procedures. A review of the following topics from
614 the initial worker training program must be included in the worker refresher training program:

615 1. Potential health effects related to asbestos exposure;

616 2. Employee personal protective equipment;

617 3. Personal hygiene; and

618 4. Additional safety hazards.

619 B. A written closed-book examination must be included in the refresher training program. The
620 examination will consist of no fewer than 50 questions. The passing score will be 70% correct.
621 Persons who pass the examination and fulfill the training program requirements will receive a
622 certificate of completion as specified in this chapter.

623 **18VAC15-21-280. Initial supervisor training.**

624 A. An initial supervisor training program must last a minimum of five days. The supervisor
625 training program must include lectures; demonstrations; at least 14 hours of hands-on training,
626 which must permit supervisors to have actual experience performing tasks associated with
627 asbestos abatement; a training program review; and an examination.

628 B. The supervisor training program must address the following topics:

629 1. The role of the supervisor in the asbestos abatement process.

630 2. The physical characteristics of asbestos and asbestos-containing materials.

- 631 a. Identification of asbestos.
- 632 b. Aerodynamic characteristics.
- 633 c. Typical uses and physical appearance.
- 634 d. A review of hazard assessment considerations.
- 635 e. A summary of abatement control options.
- 636 3. Potential health effects related to asbestos exposure.
- 637 a. The nature of asbestos-related diseases.
- 638 b. Routes of exposure, dose-response relationships, and the lack of a safe exposure
- 639 level.
- 640 c. Synergism between cigarette smoking and asbestos exposure.
- 641 d. Latency period for disease.
- 642 4. Employee personal protective equipment.
- 643 a. Classes and characteristics of respirator types.
- 644 b. Limitations of respirators and proper selection, inspection, donning, use,
- 645 maintenance, and storage procedures.
- 646 c. Methods for field testing of the facepiece-to-face seal (e.g., positive and negative
- 647 pressure fitting tests).
- 648 d. Qualitative and quantitative fit testing procedures.
- 649 e. Variability between field and laboratory protection factors.
- 650 f. Factors that alter respirator fit (e.g., facial hair).
- 651 g. The components of a proper respiratory protection program.

652 h. Selection and use of personal protective clothing and use, storage, and handling of
653 nondisposable clothing.

654 i. Regulations covering personal protective equipment.

655 5. State-of-the-art work practices.

656 a. Work practices for asbestos abatement activities, including descriptions of proper
657 construction and maintenance of barriers and decontamination enclosure systems.

658 b. Positioning of warning signs.

659 c. Electrical and ventilation system lock-out.

660 d. Working techniques for minimizing fiber release, use of wet methods, use of
661 negative pressure ventilation equipment, and use of high efficiency particulate air
662 (HEPA) vacuums.

663 e. Clean-up and disposal procedures.

664 f. Work practices for removal, encapsulation, encasement, enclosure, and repair.

665 g. Emergency procedures for sudden releases.

666 h. Potential exposure situations.

667 i. Transport and disposal procedures.

668 j. Recommended and prohibited work practices.

669 k. Discussion of new abatement-related techniques and methodologies.

670 6. Personal hygiene.

671 a. Entry and exit procedures for the work area; use of showers; and avoidance of
672 eating, drinking, smoking, and chewing (gum or tobacco) in the work area.

673 b. Potential exposures, such as family exposure, must also be included.

674 7. Additional safety hazards.

675 a. Hazards encountered during abatement activities, including electrical hazards, heat

676 stress, air contaminants other than asbestos, fire, and explosion hazards, and how to

677 deal with them.

678 b. Scaffold and ladder hazards.

679 c. Slips, trips, and falls.

680 d. Confined spaces.

681 8. Medical monitoring. OSHA requirements for a pulmonary function test, chest X-rays,

682 and a medical history for each employee.

683 9. Air monitoring.

684 a. Procedures to determine airborne concentration of asbestos fibers, including a

685 description of aggressive sampling, sampling equipment, and methods.

686 b. Reasons for air monitoring.

687 c. Types of samples and interpretation of results, specifically from analysis performed

688 by polarized light, phase-contrast, and electron microscopy analyses.

689 10. Relevant federal, state, and local regulatory requirements, procedures, and standards,

690 including:

691 a. Requirements of Title II (§ 2641 et seq.) of the Toxic Substance Control Act (15

692 USC § 2601 et seq.);

693 b. 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants,

694 Subparts A (General Provisions) and M (National Emission Standards for Asbestos);

695 c. OSHA Standards for Respiratory Protection (29 CFR 1910.134);

- 696 d. OSHA Asbestos Construction Standard (29 CFR 1926.1101);
- 697 e. EPA Worker Protection Rule, 40 CFR Part 763, Subpart G;
- 698 f. Requirements for Asbestos-Containing Waste Materials, 9VAC20-81-620; and
- 699 g. Department of Transportation regulations (49 CFR Part 172, Subpart H) covering
- 700 packaging, proper marking of shipping containers, and shipping papers.
- 701 11. A review of NESHAP guidance documents.
- 702 a. Common Questions on the asbestos NESHAP.
- 703 b. Asbestos NESHAP: Regulated Asbestos Containing Materials Guidance (EPA
- 704 340/1-90-018).
- 705 c. Asbestos NESHAP: Adequately Wet Guidance (EPA 340/1-90-019).
- 706 d. Reporting and Record Keeping Requirements for Waste Disposal: A Field Guide
- 707 (EPA 340/1-90-016).
- 708 12. Respiratory protection programs and medical surveillance programs.
- 709 13. Insurance and liability issues.
- 710 a. Contractor issues, workers' compensation coverage, and exclusions.
- 711 b. Third-party liabilities and defenses.
- 712 c. Insurance coverage and exclusions.
- 713 14. Recordkeeping for asbestos abatement projects:
- 714 a. Records required by federal, state, and local regulations.
- 715 b. Records recommended for legal and insurance purposes.

716 15. Supervisory techniques for asbestos abatement activities. Supervisory practices to
717 enforce and reinforce the required work practices and to discourage unsafe work
718 practices.

719 16. Contract specifications. Discussions of key elements that are included in contract
720 specifications.

721 17. Training program review. A review of key aspects of the accredited asbestos training
722 program.

723 C. Upon completion of the supervisor training program, the training program must administer
724 a closed-book examination. Each examination must cover the topics required by this section.

725 1. Each examination must have 100 multiple choice questions.

726 2. The passing score on the examination must be 70%.

727 **18VAC15-21-290. Supervisor refresher training program.**

728 A. A supervisor refresher training program must be one day. The supervisor refresher training
729 program must review federal and state regulations, discuss changes to the regulations, if
730 applicable, and developments in state-of-the-art procedures. A review of the following topics from
731 the initial accredited asbestos training program must be included in the asbestos supervisor
732 refresher training program:

733 1. Potential health effects related to asbestos exposure;

734 2. Employee personal protective equipment, including medical monitoring and respiratory
735 protection program;

736 3. Additional safety hazards and medical monitoring;

737 4. Review of the asbestos NESHAP, OSHA, and Department of Transportation
738 requirements; and

739 5. Review of Virginia regulations concerning asbestos licensing, removal, and disposal.

740 B. A written closed-book examination must be included in the refresher training program. The

741 examination will consist of no fewer than 50 questions. The passing score will be 70% correct.

742 Persons who pass the refresher training program examination will receive a certificate of

743 completion as specified in this chapter.

744 **18VAC15-21-300. Initial inspector training.**

745 A. An initial inspector training program must last a minimum of three days. The inspector

746 training program must include lectures, demonstrations, at least four hours of hands-on training,

747 a training program review, and an examination.

748 B. The inspector training program must address the following topics:

749 1. Training program overview.

750 a. The role of the inspector in the asbestos abatement industry.

751 b. A discussion of inspection requirements and criteria for AHERA, NESHAP, and state

752 agencies.

753 2. Background information on asbestos.

754 a. Identification of asbestos and examples and discussion of the uses and locations of

755 asbestos in buildings.

756 b. Physical appearance of asbestos.

757 3. Potential health effects related to asbestos exposure.

758 a. The nature of asbestos-related diseases.

759 b. Routes of exposure, dose-response relationships, and the lack of a safe exposure

760 level.

761 c. The synergism between cigarette smoking and asbestos exposure.

762 d. Latency period for asbestos-related diseases and a discussion of the relationship of
763 asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other
764 organs.

765 4. Functions of and qualifications for inspectors.

766 a. Discussions of prior experience and qualifications for inspectors and management
767 planners.

768 b. Discussions of the functions of an accredited inspector as compared to those of an
769 accredited management planner.

770 c. Discussion of the inspection process, including inventory of ACM and physical
771 assessment.

772 5. Legal liabilities and defenses.

773 a. Responsibilities of the inspector, a discussion of comprehensive general liability
774 policies, claims made and occurrence policies, environment and pollution liability
775 policy clauses; state liability insurance requirements.

776 b. Bonding and relationship of insurance availability to bond availability.

777 6. Understanding building systems.

778 a. The relationship between building systems, including an overview of common
779 building physical plan layout; heat, ventilation, and air conditioning (HVAC) system
780 types; physical organization; and where asbestos is found on HVAC components.

781 b. Building mechanical systems, including types and organization and where to look
782 for asbestos on such systems.

783 c. Inspecting electrical systems, including appropriate safety precautions.

- 784 d. Reading building plans and as-built drawings.
- 785 7. Public, employee, and building occupant relations.
- 786 a. Notification of employee organizations about the inspection.
- 787 b. Signs to warn building occupants.
- 788 c. Tactics in dealing with occupants and the press.
- 789 d. Scheduling inspections to minimize disruptions.
- 790 e. Education of building occupants about actions being taken.
- 791 8. Pre-inspection planning and review of previous inspection records.
- 792 a. Scheduling the inspection and obtaining access.
- 793 b. Building record review and identification of probable homogeneous areas from
- 794 building plans or as-built drawings.
- 795 c. Consultation with maintenance or building personnel.
- 796 d. Review of previous inspection, sampling, and abatement records of a building.
- 797 e. The role of the inspector in exclusions for previously performed inspections.
- 798 9. Inspection for friable and nonfriable ACM and assessment of the condition of friable
- 799 ACM.
- 800 a. Procedures to follow in conducting visual inspections for friable and nonfriable ACM.
- 801 b. Types of building materials that may contain asbestos.
- 802 c. Touching materials to determine friability.
- 803 d. Open return air plenums and their importance in HVAC systems.

804 e. Assessing damage, significant damage, potential damage, and potential significant
805 damage.

806 f. Amount of suspected ACM, both in total quantity and as a percentage of the total
807 area.

808 g. Type of damage.

809 h. Accessibility.

810 i. Material's potential for disturbance.

811 j. Known or suspected causes of damage or significant damage, and deterioration as
812 assessment factors.

813 10. Bulk sampling and documentation of asbestos in schools.

814 a. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing
815 Materials" (EPA 560/5-85-030a October 1985).

816 b. Techniques to ensure sampling in a randomly distributed manner for other than
817 friable surfacing materials.

818 c. Techniques for bulk sampling.

819 d. Sampling equipment the inspector should use.

820 e. Patching or repair of damage done in sampling; an inspector's repair kit.

821 f. Discussion of polarized light microscopy.

822 g. Choosing an accredited laboratory to analyze bulk samples.

823 h. Quality control and quality assurance procedures.

824 11. Inspector respiratory protection and equipment.

825 a. Classes and characteristics of respirator types.

- 826 b. Limitations of respirators.
- 827 c. Selection, inspection, donning, use, maintenance, and storage procedures for
828 respirators.
- 829 d. Methods for field testing of the facepiece-to-face seal (e.g., positive and negative
830 pressure fitting tests); qualitative and quantitative fit testing procedures.
- 831 e. Variability between field and laboratory protection factors.
- 832 f. Factors that alter respirator fit (e.g., facial hair).
- 833 g. The components of a proper respiratory protection program.
- 834 h. Selection and use of personal protective clothing.
- 835 i. Use, storage, and handling of nondisposable clothing.
- 836 12. Recordkeeping and writing the inspection report.
- 837 a. Labeling of samples and keying sample identification to sampling location.
- 838 b. Recommendations on sample labeling.
- 839 c. Detailing of ACM inventory.
- 840 d. Photographs of selected sampling areas and examples of ACM condition.
- 841 e. Information required for inclusion in the management plan by § 203(i)(1) of the Toxic
842 Substance Control Act (15 USC § 2601 et seq.).
- 843 13. Regulatory review.
- 844 a. EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G.
- 845 b. Title II (§ 2641 et seq.) of the Toxic Substances Control Act.
- 846 c. OSHA Asbestos Construction Standard (29 CFR 1926.1101).

- 847 d. OSHA respirator requirements (29 CFR 1910.134).
- 848 e. The friable ACM in Schools Rule found at 40 CFR Part 763, Subpart F.
- 849 f. Applicable state and local regulations.
- 850 g. Differences in federal and state requirements, where they apply, and the effects, if
- 851 any, on public and nonpublic schools and commercial and public buildings.

852 14. Field trip.

- 853 a. Field exercise with a walk-through inspection.
- 854 b. Onsite discussion of information gathering and determination of sampling locations.
- 855 c. Onsite practice in physical assessment.
- 856 d. Classroom discussion of field exercise.

857 15. Training program review. A review of key aspects of the accredited asbestos training

858 program.

859 C. Upon completion of the inspector training program, the training program must administer a

860 closed-book examination. Each examination must cover the topics required by this section.

861 1. Each examination must have 100 multiple choice questions.

862 2. The passing score on the examination must be 70%.

863 **18VAC15-21-310. Inspector refresher training program.**

864 A. An inspector refresher training program must be one-half day. The inspector refresher

865 training program must review federal and state regulations, discuss changes to the regulations, if

866 applicable, and review developments in state-of-the-art procedures. A review of the following

867 topics from the initial accredited asbestos training program must be included in the accredited

868 asbestos inspector refresher training program:

869 1. Inspection for friable and nonfriable ACM and assessment of the condition of friable
870 ACM;

871 2. Bulk sampling and documentation of asbestos in schools; and

872 3. Reinspection and reassessment techniques.

873 B. A written closed-book examination will be administered covering the topics included in the
874 asbestos inspector refresher training program. The examination will consist of no fewer than 50
875 questions. The passing score will be 70% correct. Persons who pass the asbestos inspector
876 refresher training program examination will receive a certificate of completion as specified in this
877 chapter.

878 **18VAC15-21-320. Initial management planner training.**

879 A. An initial management planner training program must last a minimum of two days. The
880 management planner training program must include lectures, demonstrations, a training program
881 review, and an examination.

882 B. The management planner training program must address the following topics:

883 1. Training program overview.

884 a. The role of the management planner.

885 b. Operations and maintenance programs.

886 c. Setting work priorities; protection of building occupants.

887 2. Evaluation and interpretation of survey results.

888 a. Review of Title II (§ 2641 et seq.) of the Toxic Substances Control Act (15 USC §
889 2601 et seq.) requirements for inspection and management plans as given in §
890 203(i)(1) of the Toxic Substances Control Act.

891 b. Summarized field data and laboratory results; comparison between field inspector's
892 data sheet with laboratory results and site survey.

893 3. Hazard assessment.

894 a. Amplification of the difference between physical assessment and hazard
895 assessment.

896 b. The role of the management planner in hazard assessment.

897 c. Explanation of significant damage, damage, potential damage, and potential
898 significant damage and use of a description or decision tree code for assessment of
899 ACM; assessment of friable ACM.

900 d. Relationship of accessibility, vibration sources, use of adjoining space, air plenums,
901 and other factors to hazard assessment.

902 4. Legal implications.

903 a. Liability; insurance issues specific to management planners.

904 b. Liabilities associated with interim control measures, in-house maintenance, repair,
905 and removal.

906 c. Use of results from previous inspections.

907 5. Evaluation and selection of control options.

908 a. Overview of encapsulation, enclosure, interim operations and maintenance, and
909 removal; advantages and disadvantages of each method.

910 b. Response actions described via a decision tree or other appropriate method; work
911 practices for each response action.

912 c. Staging and prioritizing of work in both vacant and occupied buildings.

- 913 d. The need for containment barriers and decontamination in response actions.
- 914 6. Role of other professionals.
- 915 a. Use of industrial hygienists, engineers, and architects in developing technical
- 916 specifications for response actions.
- 917 b. Any requirements that may exist for an architect to sign off on plans.
- 918 c. Team approach to the design of high-quality job specifications.
- 919 7. Developing an operations and maintenance (O&M) plan.
- 920 a. Purpose of the plan.
- 921 b. Discussion of applicable EPA guidance documents.
- 922 c. What actions should be taken by custodial staff; proper cleaning procedures; steam
- 923 cleaning and high efficiency particulate air (HEPA) vacuuming.
- 924 d. Reducing disturbance of ACM.
- 925 e. Scheduling O&M for off-hours; rescheduling or canceling renovation in areas with
- 926 ACM.
- 927 f. Boiler room maintenance.
- 928 g. Disposal of ACM.
- 929 h. In-house procedures for ACM, including bridging and penetrating encapsulants,
- 930 pipe fittings, metal sleeves, polyvinyl chloride (PVC), canvas, and wet wraps; muslin
- 931 with straps; fiber mesh cloth; mineral wool; and insulating cement.
- 932 i. Discussion of employee protection programs and staff training.
- 933 j. Case study in developing an O&M plan (development, implementation process, and
- 934 problems that have been experienced).

- 935 8. Recordkeeping for the management planner.
- 936 a. Use of field inspector's data sheet along with laboratory results.
- 937 b. Ongoing recordkeeping as a means to track asbestos disturbance.
- 938 c. Procedures for recordkeeping.
- 939 9. Assembling and submitting the management plan.
- 940 a. Plan requirements in § 203(i)(1) of the of the Toxic Substances Control Act.
- 941 b. The management plan as a planning tool.
- 942 10. Financing abatement actions.
- 943 a. Economic analysis and cost estimates.
- 944 b. Development of cost estimates.
- 945 c. Present costs of abatement versus future operations and maintenance costs.
- 946 d. Asbestos School Hazard Abatement Act grants and loans.
- 947 11. A review of key aspects of the accredited asbestos training program.
- 948 C. Upon completion of the management planner training program, the training program must
- 949 administer a closed-book examination. Each examination must cover the topics required by this
- 950 section.
- 951 1. Each examination must have 100 multiple choice questions.
- 952 2. The passing score on the examination must be 70%.
- 953 **18VAC15-21-330. Management planner refresher training program.**
- 954 A. A management planner refresher training program must be one-half day and review federal
- 955 and state regulations, discuss changes, if applicable, and review developments in state-of-the-art
- 956 procedures. A review of the following topics from the initial accredited asbestos management

957 planner training program must be included in the asbestos management planner refresher training
958 program:

959 1. Evaluation and interpretation of survey results;

960 2. Hazard assessment;

961 3. Evaluation and selection of control options; and

962 4. Developing an operations and maintenance plan.

963 B. A written closed-book examination will be administered covering the topics included in the
964 asbestos management planner refresher training program. The examination will consist of no
965 fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos
966 management planner refresher training program examination will receive a certificate of
967 completion as specified in this chapter.

968 **18VAC15-21-340. Initial project designer training.**

969 A. An initial project designer training program must last a minimum of three days. The project
970 designer training program must include lectures, demonstrations, a field trip, a training program
971 review, and an examination.

972 B. The project designer training program must address the following topics:

973 1. Training program overview.

974 a. The role of the project designer in the asbestos abatement industry.

975 b. Discussion of what a project design is.

976 2. Background information on asbestos.

977 a. Identification of asbestos and examples and discussion of the uses and locations of
978 asbestos in buildings.

979 b. Physical appearance of asbestos.

980 3. Potential health effects related to asbestos exposure.

981 a. Nature of asbestos-related diseases.

982 b. Routes of exposure, dose-response relationships, and the lack of a safe exposure
983 level.

984 c. The synergistic effect between cigarette smoking and asbestos exposure.

985 d. The latency period of asbestos-related diseases; discussion of the relationship
986 between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer
987 of other organs.

988 4. Overview of abatement construction projects.

989 a. Abatement as a portion of a renovation project.

990 b. OSHA requirements for notification of other contractors on a multi-employer site (29
991 CFR 1926.1101).

992 5. Safety system design specifications.

993 a. Construction and maintenance of containment barriers and decontamination
994 enclosure systems.

995 b. Positioning of warning signs.

996 c. Electrical and ventilation system lock-out.

997 d. Proper working techniques for minimizing fiber release.

998 e. Entry and exit procedures for the work area, use of wet methods, use of negative
999 pressure exhaust ventilation equipment, use of high efficiency particulate air (HEPA)
1000 vacuums, proper clean-up and disposal of asbestos, work practices as they apply to

- 1001 encapsulation, enclosure, and repair, use of glove bags, and a demonstration of glove
- 1002 bag use.
- 1003 6. Field trip.
- 1004 a. Visit a proposed abatement site or other suitable building site, including onsite
- 1005 discussions of abatement design.
- 1006 b. Building walk-through inspection, and discussion following the walk-through.
- 1007 7. Employee personal protective equipment.
- 1008 a. Classes and characteristics of respirator types.
- 1009 b. Limitations of respirators, proper selection, inspection, donning, use, maintenance,
- 1010 and storage procedures.
- 1011 c. Methods for field testing of the facepiece-to-face seal (e.g., positive and negative
- 1012 pressure fitting tests).
- 1013 d. Qualitative and quantitative fit testing procedures.
- 1014 e. Variability between field and laboratory protection factors and factors that alter
- 1015 respirator fit (e.g., facial hair).
- 1016 f. Components of a proper respiratory protection program.
- 1017 g. Selection and use of personal protective clothing and use, storage, and handling of
- 1018 nondisposable clothing.
- 1019 h. Regulations covering personal protective equipment.
- 1020 8. Additional safety hazards.
- 1021 a. Hazards encountered during abatement activities and how to deal with them.

- 1022 b. Electrical hazards, heat stress, air contaminants other than asbestos, fire, and
- 1023 explosion hazards.
- 1024 9. Fiber aerodynamics and control.
- 1025 a. Aerodynamic characteristics of asbestos fibers.
- 1026 b. Importance of proper containment barriers.
- 1027 c. Settling time for asbestos fibers.
- 1028 d. Wet methods in abatement.
- 1029 e. Aggressive air monitoring following abatement.
- 1030 f. Aggressive air movement and negative pressure exhaust ventilation as a clean-up
- 1031 method.
- 1032 10. Designing abatement solutions.
- 1033 a. Discussions of removal, enclosure, and encapsulation methods.
- 1034 b. Asbestos waste disposal.
- 1035 11. Budgeting and cost estimation.
- 1036 a. Development of cost estimates.
- 1037 b. Present costs of abatement versus future operations and maintenance costs.
- 1038 c. Setting priorities for abatement jobs to reduce cost.
- 1039 12. Writing abatement specifications.
- 1040 a. Means and methods specifications versus performance specifications.
- 1041 b. Design of abatement in occupied buildings.
- 1042 c. Modification of guide specifications to a particular building.

- 1043 d. Worker and building occupant health and medical considerations.
- 1044 e. Replacement of ACM with non-asbestos substitutes.
- 1045 f. Clearance of work area after abatement.
- 1046 g. Air monitoring for clearance.
- 1047 13. Preparing abatement drawings.
- 1048 a. Use of as-built drawings.
- 1049 b. Use of inspection photographs and onsite reports.
- 1050 c. Particular problems in abatement drawings.
- 1051 14. Contract preparation and administration.
- 1052 15. Legal, liabilities, and defenses.
- 1053 a. Insurance considerations, bonding, hold harmless clauses, and use of abatement
- 1054 contractor's liability insurance.
- 1055 b. Claims-made versus occurrence policies.
- 1056 16. Replacement of asbestos with asbestos-free substitutes.
- 1057 17. Role of other consultants.
- 1058 a. Development of technical specification sections by industrial hygienists or
- 1059 engineers.
- 1060 b. The multi-disciplinary team approach to abatement design.
- 1061 c. The use and responsibilities of a project monitor on the abatement site.
- 1062 18. Occupied buildings.
- 1063 a. Special design procedures required in occupied buildings.

- 1064 b. Education of occupants.
- 1065 c. Extra monitoring recommendations.
- 1066 d. Staging of work to minimize occupant exposure.
- 1067 e. Scheduling of renovation to minimize exposure.
- 1068 19. Relevant federal, state, and local regulatory requirements. Procedures and standards
- 1069 including:
- 1070 a. Requirements of Title II (§ 2641 et seq.) of the Toxic Substances Control Act (15
- 1071 USC § 2601 et seq.);
- 1072 b. 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants,
- 1073 Subparts A (General Provisions) and M (National Emission Standard for Asbestos);
- 1074 c. OSHA standards for respiratory protection (29 CFR 1910.134);
- 1075 d. EPA Worker Protection Rule, found at 40 CFR Part 763, Subpart G;
- 1076 e. OSHA Asbestos Construction Standard found at 29 CFR 1926.1101; and
- 1077 f. OSHA Hazard Communication Standard found in 29 CFR 1926.59.
- 1078 20. A review of key aspects of the accredited asbestos training program.
- 1079 C. Upon completion of the project designer training program, the training program must
- 1080 administer a closed-book examination. Each examination must cover the topics required by this
- 1081 section.
- 1082 1. Each examination must have 100 multiple choice questions.
- 1083 2. The passing score on the examination must be 70%.

1084 **18VAC15-21-350. Project designer refresher training program.**

1085 A. A project designer refresher training program must be one day. The project designer
1086 refresher training program must review federal and state regulations, discuss changes to the
1087 regulations, if applicable, and review developments in state-of-the-art procedures. A review of the
1088 following topics from the initial project designer training program must be included in the
1089 accredited asbestos project designer refresher training program:

- 1090 1. Safety system design specifications;
1091 2. Writing abatement specifications; and
1092 3. Employee personal protective equipment.

1093 B. A written closed-book examination will be administered covering the topics included in the
1094 asbestos project designer refresher training program. The examination will consist of no fewer
1095 than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos project
1096 designer refresher training program will receive a certificate of completion as specified in this
1097 chapter.

1098 **18VAC15-21-360. Initial project monitor training.**

1099 A. An initial comprehensive project monitor training program must last a minimum of five days.
1100 The project monitor training program must include lectures; demonstrations; at least six hours of
1101 hands-on training, which must permit project monitors the experience of performing actual tasks
1102 associated with asbestos project monitoring; a field trip; a training program review; and an
1103 examination.

1104 B. A comprehensive initial project monitor training program must address the following topics:

- 1105 1. The physical characteristics of asbestos and asbestos-containing materials.
1106 a. Identification of asbestos.

- 1107 b. Typical uses and locations in buildings and physical appearance.
- 1108 c. A review of hazard assessment control options.
- 1109 d. A summary of abatement control options.
- 1110 2. Potential health effects related to asbestos exposure.
- 1111 a. The nature of asbestos-related diseases.
- 1112 b. Routes of exposure, dose-response relationships, and the lack of a safe exposure
- 1113 level.
- 1114 c. Synergism between cigarette smoking and asbestos exposure.
- 1115 d. Latency period for disease; discussion of the relationship between asbestos
- 1116 exposure and asbestosis, lung cancer, mesothelioma, and cancer of the other organs.
- 1117 3. Employee personal protective equipment.
- 1118 a. Classes and characteristics of respirator types.
- 1119 b. Limitations of respirators and proper selection, inspection, donning, use,
- 1120 maintenance, and storage procedures.
- 1121 c. Methods for field testing of the facepiece-to-face seal (e.g., positive and negative
- 1122 pressure fitting tests).
- 1123 d. Qualitative and quantitative fit testing procedures.
- 1124 e. Variability between field and laboratory protection factors.
- 1125 f. Factors that alter respirator fit (e.g., facial hair).
- 1126 g. The components of a proper respiratory protection program.
- 1127 h. Selection and uses of personal protective clothing; use, storage, and handling of
- 1128 nondisposable clothing.

- 1129 i. Regulations covering personal protection equipment.
- 1130 4. State of the art work practices.
- 1131 a. Work practices for asbestos abatement activities, including description of proper
- 1132 construction and maintenance barriers and decontamination enclosure systems.
- 1133 b. Positioning of warning signs.
- 1134 c. Electrical and ventilation system lock-out.
- 1135 d. Working techniques for minimizing fiber release, use of wet methods, use of
- 1136 negative pressure ventilation equipment, and use of high efficiency particulate air
- 1137 (HEPA) vacuums. Entry and exit procedures for work area.
- 1138 e. Clean-up and disposal procedures.
- 1139 f. Work practices for removal, encapsulation, enclosure, and repair. Use of glove bags
- 1140 and a demonstration of glove bag use.
- 1141 g. Emergency procedures for sudden release.
- 1142 h. Potential exposure situations.
- 1143 i. Transport and disposal procedures.
- 1144 j. Recommended and prohibited work practices.
- 1145 k. Discussion of new abatement related techniques and methodologies.
- 1146 5. Personal hygiene.
- 1147 a. Entry and exit procedures for the work area; use of showers; avoidance of eating,
- 1148 drinking, smoking, and chewing (gum or tobacco) in the work area.
- 1149 b. Potential exposures, such as family exposure, must also be included.
- 1150 6. Additional safety hazards as covered in 29 CFR Parts 1910 and 1926 to include:

1151 a. Hazards encountered during the abatement activities and how to deal with them,
1152 including electrical hazards, heat stress, air contaminants other than asbestos, fire,
1153 and explosion hazards;

1154 b. Scaffold and ladder hazards;

1155 c. Slips, trips, and falls; and

1156 d. Confined spaces.

1157 7. Medical monitoring. OSHA requirements for a pulmonary function test, chest X-rays,
1158 and a medical history for each employee.

1159 8. Respiratory protection programs and medical surveillance programs.

1160 9. Insurance and liability issues:

1161 a. Contractor issues, workers' compensation coverage, and exclusions.

1162 b. Third-party liabilities and defenses.

1163 c. Insurance coverage and exclusions.

1164 10. Relevant federal, state, and local regulatory requirements, procedures, and standards,
1165 including:

1166 a. Requirements of Title II (§ 2641 et seq.) of the Toxic Substances Control Act (15
1167 USC § 2601 et seq.);

1168 b. 40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants, Subparts
1169 A (General Provisions) and M (National Emission Standards for Asbestos);

1170 c. OSHA Standards for respiratory protection (29 CFR 1910.134);

1171 d. OSHA Asbestos Construction Standard (29 CFR 1926.1101);

1172 e. OSHA Hazard Communication Standard (29 CFR 1926.59);

- 1173 f. EPA Worker Protection Rule, 40 CFR Part 763;
- 1174 g. Requirements of Asbestos-Containing Waste Materials, 9VAC20-81-620;
- 1175 h. Department of Transportation 49 CFR Parts 171 and 172 Subpart H; and
- 1176 i. Virginia asbestos licensing regulations.
- 1177 11. Air monitoring.
- 1178 a. NIOSH asbestos monitoring procedure. Procedures to determine airborne
- 1179 concentration of asbestos fibers, including a description of aggressive sampling,
- 1180 sampling equipment, and methods.
- 1181 (1) Explanation of analytical methods, measures of precision, control of errors,
- 1182 collecting samples, fiber counts, sampling and calibration equipment, statistics, and
- 1183 quality control techniques in sampling.
- 1184 (2) Review of 29 CFR Part 1926, Subpart F, §§ 1926.150 through 1926.155.
- 1185 b. Sampling strategy.
- 1186 (1) Why samples are taken.
- 1187 (2) Sampling inside and outside of containment area.
- 1188 (3) Placement of pumps.
- 1189 c. Reasons for air monitoring.
- 1190 d. Types of samples and interpretation of results, specifically from analysis performed
- 1191 by polarized light, phase-contrast, and electron microscopy analyses.
- 1192 e. Final clearance.

- 1193 12. Overview of supervisory techniques for asbestos abatement activities, to include the
1194 information covered in the accredited asbestos supervisor training program. A review of
1195 the required work practices and safety considerations.
- 1196 13. Field trip.
- 1197 a. Visit a proposed abatement site or other suitable building site, including onsite
1198 discussions of abatement design.
- 1199 b. Building walk-through inspection and discussion following the walk-through.
- 1200 14. Fiber aerodynamics and control.
- 1201 a. Aerodynamic characteristics of asbestos fibers.
- 1202 b. Importance of proper containment barriers.
- 1203 c. Settling time for asbestos fibers.
- 1204 d. Wet methods in abatement.
- 1205 e. Aggressive air monitoring following abatement.
- 1206 f. Aggressive air movement and negative pressure exhaust ventilation as a clean-up
1207 method.
- 1208 15. Project specifications. Discussion of key elements that are included in contract
1209 specifications.
- 1210 a. Means and methods specifications versus performance specifications.
- 1211 b. Considerations for design of abatement in occupied buildings.
- 1212 c. Worker and building occupant health and medical considerations.
- 1213 d. Replacement of ACM with non-asbestos substitutes.
- 1214 e. Clearance of work area after abatement.

- 1215 f. Use of as-built drawings.
- 1216 g. Use of inspection photographs and onsite reports.
- 1217 h. Particular problems in abatement drawings.
- 1218 16. Conducting inspections.
- 1219 a. Inspection prior to containment to ensure condition of items and proper precleaning.
- 1220 b. Inspection of containment prior to commencement of abatement to ensure that
- 1221 containment is complete and proper.
- 1222 c. Daily work and containment inspections.
- 1223 d. Final visual inspection and a discussion of the ASTM E1368 method.
- 1224 17. Recordkeeping and documentation.
- 1225 a. Project logs.
- 1226 b. Inspection reports.
- 1227 c. Waste shipment record requirements (WSR).
- 1228 d. Recordkeeping required by federal, state, or local regulations.
- 1229 e. Recordkeeping required for insurance purposes.
- 1230 18. Role of project monitor in relation to:
- 1231 a. Building owner;
- 1232 b. Building occupants;
- 1233 c. Abatement contractor; and
- 1234 d. Other consultants.
- 1235 19. Occupied buildings.

1236 a. Special procedures recommended in occupied buildings.

1237 b. Extra monitoring recommendations.

1238 20. A review of NESHAP guidance documents.

1239 21. A review of key aspects of the accredited asbestos training program.

1240 22. Examination.

1241 C. Applicants who are currently accredited by EPA as an asbestos supervisor or asbestos
1242 project designer may complete a 16-hour initial project monitor training program. A 16-hour initial
1243 project monitor program must include lectures; demonstrations; a least six hours of hands-on
1244 training, which must permit project monitors the experience of performing actual tasks associated
1245 with asbestos project monitoring; a training program review; and an examination. The 16-hour
1246 project monitor training program must cover the topics required by subdivisions B 11 through B
1247 22 of this section.

1248 D. Upon completion of the project monitor training program, the training program must
1249 administer a closed-book examination. The examination for the comprehensive initial project
1250 monitor training program must cover the topics required by subsection B of this section. The
1251 examination for the 16-hour initial project monitor training program must cover the topics required
1252 by subdivisions B 11 through B 22 of this section.

1253 1. Each examination must have 100 multiple choice questions.

1254 2. The passing score on the examination must be 70%.

1255 **18VAC15-21-370. Project monitor refresher training program.**

1256 A. A project monitor refresher training program must be one day. The training program must
1257 review federal and state regulations, discuss changes to the regulations, if applicable, and review
1258 developments in state-of-the-art procedures. A review of the following topics from the initial

1259 accredited asbestos project monitor training program must be included in the asbestos project
1260 monitor refresher training program:

1261 1. Occupied buildings;

1262 2. Personal protective equipment;

1263 3. Fiber aerodynamics and control; and

1264 4. Recordkeeping and documentation.

1265 B. A written closed-book examination will be administered covering the topics included in the
1266 asbestos project monitor refresher training program. The examination will consist of no fewer than
1267 50 questions. The passing score will be 70% correct. Persons who pass the asbestos project
1268 monitor refresher training program examination will receive a certificate of completion as specified
1269 in this chapter.

1270 Part VI

1271 General Standards of Practice and Conduct

1272 **18VAC15-21-380. Grounds for disciplinary action.**

1273 A. The board has the power to reprimand, fine, suspend, or revoke the license or training
1274 program approval of any regulant in accordance with § 54.1-516 of the Code of Virginia or this
1275 chapter when the regulant has been found to have violated or cooperated with others in violating
1276 any provision of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-300 et seq.), or
1277 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or this chapter.

1278 B. Any regulant whose license or training program approval is revoked under this section will
1279 not be eligible to reapply for a period of 12 months from the effective date of the order of
1280 revocation.

1281 C. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the Code of
1282 Virginia or of the regulations of the board by any asbestos supervisor or asbestos worker may be
1283 cause for disciplinary action against the asbestos contractor for whom the asbestos supervisor or
1284 worker works if it appears to the satisfaction of the board that the asbestos contractor knew or
1285 should have known of the unlawful act or violation.

1286 **18VAC15-21-390. Prohibited acts.**

1287 The following acts are prohibited and any violation may result in disciplinary action by the
1288 board:

1289 1. Violating, including inducing another to violate, cooperating with another to violate, or
1290 combining or conspiring with or acting as agent, partner, or associate for another to violate
1291 any of the provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-
1292 300 et seq.), or 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or any of the
1293 regulations of the board.

1294 2. Obtaining or attempting to obtain a license or training program approval by false or
1295 fraudulent representation; maintaining, renewing, or reinstating a license or training
1296 program approval by false or fraudulent representation; or furnishing substantially
1297 inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or
1298 maintaining a license or training program approval.

1299 3. Failing to notify the board in writing within 30 days after any change in address or name.

1300 4. Having been convicted, found guilty, or disciplined in any jurisdiction of any offense or
1301 violation enumerated in 18VAC15-21-30 or 18VAC15-21-150. Review of convictions will
1302 be subject to the requirements of § 54.1-204 of the Code of Virginia.

1303 5. Failing to notify the board in writing within 30 days of being convicted or found guilty of
1304 any felony or of any misdemeanor enumerated in 18VAC15-21-30 E or 18VAC15-21-150

1305 D. Review of convictions will be subject to the requirements of § 54.1-204 of the Code of
1306 Virginia.

1307 6. Failing to notify the board in writing no later than 30 days after final disciplinary action
1308 against an asbestos abatement license or asbestos training program accreditation has
1309 been taken by another jurisdiction.

1310 7. Violating any provision of AHERA or ASHARA or any federal or state regulation
1311 pertinent to asbestos abatement activity.

1312 8. Actions constituting negligence, misconduct, or incompetence in the practice of the
1313 profession, including:

1314 a. Having undertaken to perform or performed a professional assignment that the
1315 licensee is not qualified to perform by education, experience, training, or appropriate
1316 licensure.

1317 b. Not demonstrating reasonable care, judgment, or application of the required
1318 knowledge, skill, and ability in the performance of the licensee's duties.

1319 c. Failing to act in providing professional services in a manner that safeguards the
1320 interests of the public.

1321 9. Actions constituting engaging in improper, fraudulent, or dishonest conduct, including:

1322 a. Making any misrepresentation or engaging in acts of fraud or deceit in advertising,
1323 soliciting, or in providing professional services.

1324 b. Knowingly signing plans, reports, specifications, or other documents related to an
1325 asbestos project not prepared or reviewed and approved by the regulant.

1326 c. Knowingly misrepresenting factual information in expressing a professional opinion.

1327 d. Allowing a license issued by the board to be used by another.

1328 10. Acting as or being an ostensible licensee for undisclosed persons who do or will control
1329 or direct, directly or indirectly, the operations of the licensee's business.

1330 11. Failing or neglecting to submit information or documentation requested by the board
1331 or the board's representatives.

1332 12. Refusing to allow state or federal representatives access to any area of an abatement
1333 site, analytical laboratory, or training facility for the purpose of compliance inspections or
1334 audits, whether announced or unannounced.

1335 **18VAC15-21-400. Conflict of interest.**

1336 A. It is a conflict of interest and a violation of this chapter for an asbestos contractor to have
1337 an employee-employer relationship with or financial interest in an asbestos analytical laboratory
1338 utilized by the contractor for asbestos sample analysis. The requirements of this subsection do
1339 not apply when the laboratory performing analysis is owned by the owner of the building where
1340 samples are taken.

1341 B. It is a conflict of interest and a violation of this chapter for an asbestos contractor to have
1342 an employee-employer relationship with an asbestos project monitor working on an asbestos
1343 project performed by that asbestos contractor. An asbestos contractor must not have any financial
1344 interests in the firm of which a project monitor is an employee and provides project monitoring
1345 services for that contractor. This section does not relieve a contractor of OSHA requirements set
1346 forth in 29 CFR 1926.1101.

1347 C. It is a conflict of interest and a violation of this chapter for an asbestos contractor to enter
1348 into a contract to perform an asbestos project if the asbestos inspection or project design was
1349 performed by individuals with an employer-employee relationship with or financial interest in the
1350 asbestos contractor, unless the asbestos contractor provides the building owner with the Virginia
1351 Asbestos Licensing Consumer Information Sheet and the Virginia Asbestos Licensing

1352 Inspector/Project Designer/Contractor Disclosure Form prescribed by the department. The
1353 completed disclosure form must be submitted as part of the bid.

1354 D. The requirements of this section do not apply to a contractor-subcontractor relationship
1355 between an asbestos contractor and an asbestos project monitor.

1356 **18VAC15-21-410. Change of status for analytical laboratories.**

1357 A. The regulant must notify the department within 30 days of any changes to the responsible
1358 individual for each laboratory location.

1359 B. The regulant must notify the board within 30 business days upon the loss of accreditation
1360 or proficiency rating, as required by 18VAC15-21-160, by any laboratory location.

1361 C. The regulant must notify the board within 30 days if an employed analyst or asbestos
1362 project monitor performing asbestos laboratory analysis is removed from the AAR.

1363 D. The regulant must notify the board in writing of any changes to the types of analysis for
1364 which the laboratory is licensed. When requesting to add an analysis type to the license, evidence
1365 of meeting the qualifications required by 18VAC15-21-160 must be submitted. The regulant must
1366 receive board approval of the analysis type prior to performing the analysis.

1367 E. The licensee must notify the department within 30 days of any changes in the laboratory
1368 location.

1369 **18VAC15-21-420. Transfer of license, firms.**

1370 Asbestos contractor licenses and analytical laboratory licenses are issued to firms as defined
1371 in this chapter and are not transferable. Should the legal firm holding the license be dissolved or
1372 altered to form a new firm, the original license becomes void and must be returned to the board
1373 within 30 days of the change. The new firm must apply for a new license within 30 days of the
1374 change in the firm. Such changes include:

- 1375 1. Death of a sole proprietor;
- 1376 2. Death or withdrawal of a general partner in a general partnership, or the managing
1377 partner in a limited partnership;
- 1378 3. Termination or cancellation of a corporation or limited liability company; and
- 1379 4. Conversion, formation, or dissolution of a corporation, a limited liability company, or an
1380 association or any other firm recognized under the laws of the Commonwealth.
- 1381 **18VAC15-21-430. (Reserved).**
- 1382 **18VAC15-21-440. Good standing in other jurisdictions.**
- 1383 A. Regulators in other jurisdictions must be in good standing in every jurisdiction where
1384 licensed, certified, or approved and must not have had a license, certification, or approval
1385 suspended, revoked, or surrendered in connection with a disciplinary action.
- 1386 B. Regulators may be subject to disciplinary action or removal of an asbestos training program
1387 accreditation for disciplinary actions taken by another jurisdiction.
- 1388 **18VAC15-21-450. Response to inquiry and provision of records.**
- 1389 A. A regulator must respond within 10 days to a request by the board or any board agent
1390 regarding any complaint filed with the department.
- 1391 B. Unless otherwise specified by the board, a regulator of the board must produce to the board
1392 or any board agent within 10 days of the request any document, book, or record concerning any
1393 transaction pertaining to a complaint filed in which the regulator was involved or for which the
1394 regulator is required to maintain records. The board may extend such timeframe upon a showing
1395 of extenuating circumstances prohibiting delivery within such 10-day period.
- 1396 C. A licensee must not provide a false, misleading, or incomplete response to the board or
1397 any board agent seeking information in the investigation of a complaint filed with the board.

1398 D. With the exception of the requirements of subsection A or B of this section, a licensee must
1399 respond to an inquiry by the board or a board agent within 21 days.

1400 Part VII

1401 Standards of Practice and Conduct for Individuals

1402 **18VAC15-21-460. Asbestos project designs.**

1403 An asbestos project design must include, at minimum:

1404 1. Scope of work.

1405 2. Sequence of work.

1406 3. Work methods and practices to be used.

1407 4. Air sampling procedures.

1408 **18VAC15-21-470. Asbestos project monitoring.**

1409 A. A project monitor is required on asbestos projects performed in buildings that are occupied
1410 or intended to be occupied upon completion of the asbestos project exceeding 260 linear feet,
1411 160 square feet, or 35 cubic feet of asbestos-containing material.

1412 B. A project monitor is required on asbestos projects for which the property owner deems it
1413 necessary, regardless of whether the scope of the project is less than described in subsection A
1414 of this section.

1415 C. Asbestos project monitors must be present when response actions are being conducted or
1416 more frequently if in accordance with the owner-approved contractual agreement with the project
1417 monitor.

1418 D. Asbestos project monitors must maintain a daily log of all work performed. The daily log
1419 will include inspection reports, air sampling data, type of work performed by the asbestos
1420 contractor, problems encountered, and corrective action taken.

Commented [JH11]: Consider any changes to these requirements re: recent feedback.

1421 E. Asbestos project monitors will take final air samples on all abatement projects, except for
1422 abatement projects in residential buildings.

1423 F. Prior to reoccupancy of a building following asbestos abatement, the asbestos project
1424 monitor will provide the air sample report on the asbestos analytical laboratory's letterhead in the
1425 final clearance report.

1426 **18VAC15-21-480. Onsite analysis by project monitors.**

1427 Project monitors who analyze PCM air samples on site must (i) be employed by or affiliated
1428 with a licensed asbestos analytical laboratory, (ii) have completed the NIOSH 582 or NIOSH 582
1429 Equivalency Course, and (iii) satisfy one of the following:

1430 1. The project monitor is listed in the AAR and rated "acceptable" for the most recent AAT
1431 round;

1432 2. The licensed asbestos analytical laboratory employing the project monitor is rated as
1433 "proficient" in the IHPAT Program and maintains training and quality control
1434 documentation necessary to demonstrate competency in performing onsite analysis; or

1435 3. The licensed asbestos analytical laboratory employing the project monitor is accredited
1436 under the IHLAP, remains in compliance with accreditation requirements, and maintains
1437 training and quality control documentation necessary to demonstrate competency in
1438 performing onsite analysis.

1439 Part VIII

1440 Standards of Practice and Conduct for Firms

1441 **18VAC15-21-490. Asbestos contractor.**

1442 A. Asbestos contractors must comply with all requirements, procedures, standards, and
1443 regulations covering any part of an asbestos project established by EPA, OSHA, the Department

1444 of Labor and Industry, and the Divisions of Air Pollution and Waste Management of the
1445 Department of Environmental Quality (§ 54.1-517 of the Code of Virginia).

1446 B. Asbestos contractors must comply with the requirements found in Chapter 11 (§ 54.1-1100
1447 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of general contractors.

1448 C. Asbestos contractors must employ licensed asbestos supervisors and workers to perform
1449 work on any asbestos project.

1450 D. Asbestos contractors must ensure that a licensed asbestos supervisor is present at each
1451 job site while an asbestos project is in progress.

1452 E. Prior to the start of any asbestos project, the asbestos contractor must:

1453 1. Notify the building or property owner or agent of the owner when a licensed project
1454 monitor is required in accordance with the provisions of 18VAC15-21-470 to determine
1455 that proper work practices are used and in compliance with all asbestos laws and
1456 regulations provided in this chapter.

1457 2. Obtain a written acknowledgment from the owner or agent of the owner that the owner
1458 has been notified of the requirement to secure the services of a licensed asbestos project
1459 monitor. Such acknowledgment must include the address of the building where the
1460 asbestos project is to take place; the date the work is to be performed; the name, address,
1461 and license number of the licensed asbestos contractor performing the work; and evidence
1462 that the building or property owner or agent of the owner has received the notification. The
1463 initial notification and acknowledgment will be sufficient for the asbestos project.

1464 **18VAC15-21-500. Maintenance of licensing and training records at the asbestos project job**
1465 **site.**

1466 A. The asbestos contractor will be responsible for maintaining at each project site a list of
1467 each asbestos worker and asbestos supervisor, or copy of the licenses of each asbestos worker

1468 and asbestos supervisor. This list must include the current license numbers and the license
1469 expiration dates of such workers and supervisors. This section does not relieve the contractor of
1470 any specific AHERA and ASHARA requirements concerning training certificates.

1471 B. An asbestos contractor must maintain a copy of its Virginia asbestos contractor license on
1472 each project site.

1473 C. Any conflict of interest disclosure forms as required by 18VAC15-21-400 must be
1474 maintained at each job site.

1475 D. Records maintained at the job site will be made available for review by the department, the
1476 Department of Labor and Industry, and all other agencies having authorization to inspect an
1477 asbestos project site.

1478 **18VAC15-21-510. Asbestos analytical laboratories.**

1479 A. Each asbestos analytical laboratory using PLM to analyze bulk suspect material for the
1480 presence of asbestos must analyze the material in accordance with either of the following
1481 methods:

1482 1. Test Method: Method for the Determination of Asbestos in Bulk Building Materials, EPA
1483 600/R-93/116, EPA Office of Research and Development, effective July 1993.

1484 2. NIOSH Method 9002, NIOSH Manual of Analytical Methods (NMAM) Fourth Edition,
1485 NIOSH, effective August 15, 1994.

1486 The documents specified in this subsection are incorporated by reference.

1487 B. Each asbestos analytical laboratory using PCM to analyze air samples for the presence of
1488 airborne fibers must use either of the following methods:

1489 1. Appendix A of 29 CFR § 1926.1101.

1490 2. NIOSH Method 7400, NIOSH Manual of Analytical Methods (NMAM), Fourth Edition,
1491 NIOSH, effective August 15, 1994. This document is incorporated by reference.

1492 C. Each asbestos analytical laboratory using TEM to analyze air samples for the presence of
1493 airborne asbestos fibers must use either of the following methods:

1494 1. Appendix A to Subpart E of 40 CFR Part 763.

1495 2. NIOSH Method 7402, NIOSH Manual of Analytical Methods (NMAM), Fourth Edition,
1496 NIOSH, effective August 15, 1994. This document is incorporated by reference.

1497 D. A copy of the current asbestos analytical laboratory license must be on site at all times
1498 where analysis is performed, including project sites. The license must be available for review by
1499 the department.

1500 Part IX

1501 Standards of Practice and Conduct for Accredited Training Programs and Board-approved
1502 Training Courses

1503 **18VAC15-21-520. General requirements for training programs and courses.**

1504 A. All Virginia-approved accredited asbestos training programs and board-approved training
1505 courses must remain in compliance with all training and recordkeeping requirements established
1506 by MAP.

1507 B. Each initial and refresher accredited training program and board-approved training course
1508 must be discipline specific.

1509 C. All accredited training programs must be taught in English. Accredited asbestos worker
1510 training programs are exempt from this requirement.

1511 **18VAC15-21-525. Electronic delivery of asbestos refresher training courses.**

1512 A. Electronic delivery of accredited asbestos refresher training courses is permitted, provided
1513 the following requirements are met:

1514 1. Courses delivered electronically must be approved by the board in accordance with
1515 Part V (18VAC15-21-220 et seq.) of this chapter. A pre-existing approval for an in-person,
1516 classroom-based refresher course does not extend to approval of the electronic course.

1517 2. The training provider must have a system in place to authenticate each participant's
1518 identity and the participant's eligibility to enroll in the course.

1519 3. A unique identifier must be assigned to each participant to be used to launch and re-
1520 launch the course. This identifier may be used throughout the course if deemed necessary
1521 by the instructor.

1522 4. Each participant must be logged into the course and participating for the full length of
1523 time required for each course discipline. The training provider must track each participant's
1524 course logins, launches, progress, and completion. The training provider must maintain a
1525 record of the same in accordance with the applicable recordkeeping requirements of MAP
1526 and this chapter.

1527 5. The course must include knowledge checks throughout the entirety of the course. The
1528 knowledge checks must be successfully completed before the participant moves on to the
1529 next module.

1530 6. Course instructors must be available to answer questions or offer technical discussion
1531 by way of online discussion or message boards, or a telephone number during the training
1532 period.

1533 7. There must be a test of at least 20 questions at the end of the course, of which 80%
1534 must be answered correctly for successful completion of the course. The test must be

1535 designed so that the student does not receive feedback on answers until after the test has
1536 been submitted.

1537 8. Each participant must be provided with a completion certificate that may be saved and
1538 printed. The completion certificate must specifically mention that the course was taken
1539 online. The certificate must not be susceptible to editing. The certificate must contain all
1540 information required by MAP and this chapter.

1541 9. Course notifications and participant lists provided to the board must indicate whether
1542 the course is conducted electronically.

1543 B. Electronic courses must meet all other requirements for refresher courses as established
1544 in this chapter.

1545 C. For auditing purposes, the board must have unrestricted access to the electronic course at
1546 any time during which the course is conducted.

1547 D. For purposes of this section, electronic delivery includes real-time virtual training and
1548 asynchronous delivery of training courses.

1549 **18VAC15-21-530. Length of training.**

1550 A. No portion of an accredited training program or board-approved training course will exceed
1551 eight hours in a 24-hour period. [~~One day equals eight hours, inclusive of lunches and breaks,~~
1552 for all accredited training programs.]

Commented [JH12]: Provision is redundant of section - 250.

1553 B. Portions of accredited training programs or board-approved training courses conducted
1554 after 5 p.m. and before 8 a.m. may not exceed four hours, except where training is conducted
1555 during the course participants' usual working hours.

1556 C. Portions of accredited training programs or board-approved training courses conducted
1557 between Friday after 5 p.m. and Monday before 8 a.m. may not exceed 16 hours.

1558 D. Each initial accredited training program or board-approved training course, including
1559 examinations, must be completed within a single two-week timeframe.

1560 **18VAC15-21-540. Presence of instructor required to provide training.**

1561 An instructor must remain present in the classroom or training area where instruction takes
1562 place at all times during the course of the accredited training program or board-approved training
1563 course.

1564 **18VAC15-21-550. Minimum standards for training program and course materials.**

1565 A. Prior to the start of the accredited asbestos training program or board-approved training
1566 course, the training provider must prepare a course outline or syllabus to be distributed to all
1567 course participants.

1568 B. At a minimum, the outline or syllabus must include:

1569 1. Training program title and length of training;

1570 2. Start time of each day of training;

1571 3. Division of course sections, to include the instructor and length of time for each section;

1572 4. Start and end times for each scheduled break;

1573 5. Start and end times for each scheduled lunch;

1574 6. Scheduled hands-on training, a description of the training, the name of the instructor,
1575 and length of training; and

1576 7. Start and end time of the final examination.

1577 C. All training program participants will be issued a training program manual for the training
1578 program.

1579 D. Use of video instruction is permitted in an accredited training program, provided that videos
1580 are not the sole and primary source of instruction.

1581 E. In no case will equipment utilized for display or as part of hands-on training have been
1582 utilized on an asbestos abatement project site.

1583 F. Following attendance of the accredited training program or board-approved training course
1584 and successful completion of an examination by the training program participant, the training
1585 provider must issue a certificate of completion to the training program participant. At a minimum,
1586 the completion certificate must include:

1587 1. Training provider's business name;

1588 2. Training provider's business address and telephone number;

1589 3. Location of training;

1590 4. Typewritten or printed name of training program participant;

1591 5. Training program title and length of training in hours;

1592 6. Certificate number;

1593 7. Start and end dates of the training program;

1594 8. Examination date;

1595 9. An expiration date one year after the date of completion of the accredited asbestos
1596 training program;

1597 10. For training programs covered under 40 CFR Part 763, Subpart E, Appendix C, a
1598 statement that the person receiving the certificate has completed the requisite training for
1599 asbestos accreditation under Title II (§ 2641 et seq.) of the Toxic Substances Control Act
1600 (15 USC § 2601 et seq.);

1601 11. Statement of attendance and successful completion of an examination by the training
1602 program participant; and

1603 12. Signature and typewritten or printed name of the accredited asbestos training program
1604 manager or administrator and principal instructor. The signature may be a printed
1605 facsimile.

1606 [G. The board will not accept training certificates of completion for initial training courses
1607 where the name of the course participant, training manager, and principal instructor are the same.

1608 H. Course participants in a refresher training course who are both the training manager and
1609 principal instructor of a refresher training program must be monitored by another instructor if
1610 completing the program's examination for the purpose of license renewal. The monitoring
1611 individual must sign the certificate of completion as the participant's instructor. A course
1612 participant in a refresher training course who is either the training manager or the principal
1613 instructor of a training program must be monitored by the other if completing his own program's
1614 examination for the purpose of license renewal. The monitoring individual must sign the certificate
1615 of completion as the participant's instructor.]

1616 **18VAC15-21-560. Examinations.**

1617 A. Oral examinations are not permitted in an accredited training program. Accredited asbestos
1618 worker training programs are exempt from this requirement.

1619 1. Instructors providing oral examinations must provide an answer sheet to the course
1620 participant, to be completed by the participant.

1621 2. The answer sheet must be signed by the course participant.

1622 B. Examinations must be given in the language of the accredited asbestos training program's
1623 instruction.

Commented [JH13]: Incorporates current Board guidance in Guidance Document 7208: Verification of Course Completion Certificates Awarded to Training Program Managers and Principal Instructors.

1624 C. A course participant is allowed one opportunity to retake a failed examination. If the course
1625 participant fails to achieve a 70% passing score on the second examination attempt, the course
1626 participant must reenroll and participate in the entirety of the discipline-specific accredited training
1627 program.

1628 **18VAC15-21-570. Reporting of changes.**

1629 A. Any change in the information provided in Part V (18VAC15-21-220 et seq.) of this chapter
1630 must be reported to the board prior to implementing the change. Information submitted will be
1631 reviewed to ensure compliance with the provisions of this chapter prior to the continuation of the
1632 accredited asbestos training program.

1633 B. Documentation of all instructor qualifications will be reviewed and approved by the board
1634 prior to the instructor teaching in an accredited asbestos training program.

1635 C. Changes to the certificate of completion must be submitted to the board for review and
1636 approval prior to issuance to training program participants.

1637 **18VAC15-21-580. Recordkeeping and provision of records to the board.**

1638 A. Unless otherwise authorized by the board, the training provider must submit course
1639 notifications and participant lists to the board electronically in a format established by the board.

1640 B. The training provider must notify the board no less than 48 hours prior to the start date of
1641 any accredited asbestos training program.

1642 C. The training provider must provide an updated notification when an accredited training
1643 program will begin on a date other than the start date specified in the original notification no less
1644 than 48 hours prior to the new start date.

1645 D. The training provider must update the board of any change in location of an accredited
1646 training program at least 48 hours prior to the start date provided to the board.

1647 E. The training provider must update the board regarding any accredited training program
1648 cancellations or any other change to the original notification at least 48 hours prior to the start
1649 date provided to the board. This requirement does not apply to situations or circumstances
1650 beyond the control of the training provider.

1651 F. Each notification, including updates, must include the following:

1652 1. Notification type (e.g., original, update, cancellation).

1653 2. Training program name, Virginia accreditation number, address, and telephone number.

1654 3. Course discipline, type (initial or refresher), and the language in which the instruction
1655 will be given.

1656 4. Dates and times of training.

1657 5. Training locations, telephone number, and address.

1658 6. Principal instructor's name.

1659 G. For all accredited training programs, the training provider must provide to the board a
1660 training program participant list of all of the individuals attending the accredited training program
1661 course within 10 days of the course end date. The training program participant list must contain
1662 the following minimum information:

1663 1. Training program name, Virginia accreditation number, address, and telephone number.

1664 2. Course discipline and type (initial or refresher).

1665 3. Dates of training.

1666 4. Location of training program presentation.

1667 5. Each participant's name, address, social security number, course completion certificate
1668 number, and course test score.

1669 6. Principal instructor's name.

1670 H. The principal instructor must complete the training program participant list daily.

1671 I. The training program participant list must be retained by the training provider for three years
1672 following the date of completion of the training program.

1673 J. The department has discretion to refuse to recognize completion certificates from
1674 accredited training providers that fail to provide course notifications or training program participant
1675 lists to the board.

1676 K. Approval letters for accredited training programs must be maintained at the location of
1677 training and made accessible to the public.

1678 L. A copy of the training program outline must be retained by the training provider for a period
1679 of three years following the completion of the training program.

1680 M. All examinations completed by the accredited training program participants, regardless of
1681 the examination score, must be kept for a period of three years after the examination date.

1682 N. Records required to be maintained by the training provider must be maintained at the
1683 physical location of the accredited asbestos training provider.

1684 **18VAC15-21-590. Access by the department.**

1685 Accredited training providers must permit department representatives to attend, evaluate, and
1686 monitor any accredited training program. Prior notice of attendance by department
1687 representatives is not required. The department will be given access to all course materials,
1688 principal instructor and training manager rosters, participant rosters, and other records as
1689 stipulated by this chapter.

1690 **18VAC15-21-600. Withdrawal of approval of an accredited asbestos training program.**

1691 A. The board has discretion to withdraw approval of any accredited training program for the
1692 following reasons:

1693 1. The training provider, instructors, or training programs no longer meet the standards
1694 established in this chapter.

1695 2. The board determines that the provider is not conducting the training in a manner that
1696 meets the requirements as set forth in this chapter.

1697 3. Suspension or revocation of training approval in another state or by EPA.

1698 B. Decisions regarding withdrawal of approval will be made by the board under the provisions
1699 of the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

1700 Documents Incorporated by Reference (18VAC15-21)

1701 [NIOSH Method 7400, NIOSH Manual of Analytical Methods \(NMAM\), Fourth Edition, NIOSH,](#)
1702 [August 15, 1994](#)

1703 [NIOSH Method 7402, NIOSH Manual of Analytical Methods \(NMAM\), Fourth Edition, NIOSH,](#)
1704 [August 15, 1994](#)

1705 [NIOSH Method 9002, NIOSH Manual of Analytical Methods \(NMAM\) Fourth Edition, NIOSH,](#)
1706 [August 15, 1994](#)

1707 [Test Method: Method for the Determination of Asbestos in Bulk Building Materials, EPA Office](#)
1708 [of Research and Development, \(EPA 600-R-93-116, July 1993\)](#)

TO: Board for Asbestos, Lead, and Home Inspectors
FROM: Cameron Parris, Regulatory Operations Administrator
SUBJECT: Public Comment: General Review of Lead-Based
Paint Activities Licensing Regulations
DATE: September 11, 2025

The public comment period for the proposed stage of the General Review of Lead-Based Paint Activities Licensing Regulations concluded on August 15, 2025. The Board received one (1) comment via Town Hall.

The commenter expressed concerns regarding secondhand smoke in residential communities and with state marijuana legislation; the commenter did not express concern regarding the regulatory change.

Board staff offers the following in response to the commenter:

“The Board thanks you for your comment. The Board does not have any authority regarding marijuana or the implementation of rules or regulations concerning marijuana legislation. As such, you are encouraged to contact the appropriate authority regarding your concerns.”

If the Board agrees with this response, a motion is needed to adopt the response, followed by a second and the full Board vote. A sample motion is included below:

“I move to adopt the response offered by Board staff as presented.”

If the Board wishes to provide an alternate response, the Board may do so.

Action: General Review of Virginia Lead-Based Paint Activities Regulations [6367 / 10711]

| Commenter | Title | Comment | Date/ID |
|-----------|---------------------|---|--------------------------------------|
| citizen | Do you really care? | Some are concerned about lead in paint, but what about homes where the next door apartment unit or neighbor is smoking marijuana and it seeps through the HVAC and walls? There is updated research on the harm on breathing in secondhand drugs and cigarettes. If Virginia Democrats truly care about ALL Virginians then they would NOT legalize cannabis, marijuana, etc. | 7/26/25 12:07 pm CommentID:236989 |

1 Project 7743 - Final

2 Virginia Board For Asbestos, Lead, And Home Inspectors

3 General Review of Virginia Lead-Based Paint Activities Regulations

4 Chapter 30

5 Virginia Lead-Based Paint Activities Regulations

6 **18VAC15-30-10. Scope.**

Commented [JH1]: Highlighted changes made for purposes of clarity.

7 This chapter contains procedures and requirements for the accreditation of lead-based paint
8 activities training programs and providers, procedures and requirements for the licensure of
9 individuals and firms engaged in lead-based paint activities in target housing and child-occupied
10 facilities, and standards for performing such activities. This chapter is applicable to all individuals
11 and firms who are engaged in lead-based paint activities as defined in 18VAC15-30-20, except
12 persons who perform these activities within residences which they own **[, unless]** the residence
13 ~~is occupied by a person or persons other than the owner or the owner's immediate family while~~
14 ~~these activities are being conducted or a child residing in the building has been identified as~~
15 ~~having an elevated blood-lead level [indicated as provided for] in § 54.1-512 E of the Code of~~
16 Virginia.

17 **18VAC15-30-20. Definitions.**

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

20 "Accredited lead training program"

21 "Board"

22 "Lead-based paint"

23 "Lead-contaminated dust"

24 "Lead contractor"

25 "Lead project design"

26 "Lead risk assessment"

27 "Person"

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

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

32 1. "Abatement" includes, ~~but is not limited to:~~

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

37 b. All preparation, cleanup, disposal, and post-abatement clearance testing activities
38 associated with such measures. ~~2. Specifically, "abatement" includes, but is not limited~~
39 ~~to: a;~~

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

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

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

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

49 ~~e. d. Lead-based paint activities resulting in the permanent elimination of lead-based~~
50 ~~paint hazards, unless such projects are covered by subdivision 3 2 of this definition;~~

51 ~~or d. and~~

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

54 ~~3. 2. Abatement does not include renovation, remodeling, landscaping, or other activities~~
55 ~~when such activities are not designed to permanently eliminate lead-based paint hazards,~~
56 ~~but instead are designed to repair, restore, or remodel a given structure or dwelling, even~~
57 ~~though these activities may incidentally result in a reduction or elimination of lead-based~~
58 ~~paint hazards. Abatement does not include interim controls, operations and maintenance~~
59 ~~activities, or other measures and activities designed to temporarily, but not permanently,~~
60 ~~reduce lead-based paint hazards. Furthermore, federally assisted housing and community~~
61 ~~development programs conducted in compliance with the U.S. Department of Housing~~
62 ~~and Urban Development Lead Safe Final Rule 24 CFR Part 35 shall be considered to~~
63 ~~meet the requirements of this chapter.~~

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

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

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

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

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

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

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

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

88 "Component or building component" means specific design or structural elements or fixtures
89 of a building or residential dwelling or child-occupied facility ~~which~~ that are distinguished from
90 each other by form, function, and location. These include, ~~but are not limited to,~~ interior
91 components such as ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces,
92 radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers,

93 newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs,
94 sills, stools, and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops, and
95 air conditioners, and exterior components such as painted roofing, chimneys, flashing, gutters
96 and downspouts, ceilings, soffits, facias, rake boards, corner boards, bulkheads, doors and door
97 trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and
98 treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes,
99 wells, ~~stools and troughs~~ air conditioners.

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

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

104 "Course test" means an evaluation of the overall effectiveness of the training ~~which shall that~~
105 will test the trainees' trainee's knowledge and retention of the topics covered during the course.

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

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

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

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

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

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

120 "~~Elevated blood lead level (EBL)~~" means ~~an excessive absorption of lead that is a confirmed~~
121 ~~concentration of lead in whole blood of 20~~^{(500)%e2}~~g/dl (micrograms of lead per deciliter of whole~~
122 ~~blood) for a single venous test or of 15~~^{(500)%e2}~~g/dl in two consecutive tests taken three to four~~
123 ~~months apart.~~

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

127 "Encapsulation" means the application of an encapsulant.

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

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

135 "EPA" means the ~~United States~~ U.S. Environmental Protection Agency.

136 "Financial interest" means financial benefit accruing to an individual or to a member of ~~his~~ the
137 individual's immediate family. Such interest ~~shall exist~~ exists by reason of (i) ownership in a
138 business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross
139 income that exceeds, or may be reasonably anticipated to exceed ~~\$1,000~~ \$2,000 from ownership

140 in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or
141 benefits from the use of property, or a combination thereof, paid or provided by a business that
142 exceeds or may reasonably be expected to exceed ~~\$1,000~~ \$2,000 annually; or (iv) ownership of
143 real or personal property if the interest exceeds ~~\$1,000~~ \$2,000 in value.

144 "Firm" means any company, partnership, corporation, sole proprietorship, association, or any
145 other form of business entity organization recognized under the laws of the Commonwealth of
146 Virginia.

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

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

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

154 "HUD" means the ~~United States~~ U.S. Department of Housing and Urban Development.

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

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

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

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

163 or potential hazards, and the establishment and operation of management and resident education
164 programs.

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

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

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

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

179 "Lead-contaminated dust" means surface dust that contains an area or mass concentration of
180 lead at or in excess of levels identified by the EPA pursuant to § 403 of the Toxic Substances
181 Control Act (15 USC § 2683).

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

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

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

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

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

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

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

204 "Licensee" means any person, ~~as defined by § 54-1-500 of the Code of Virginia,~~ who has been
205 issued and holds a ~~currently~~ valid license as a lead abatement worker, lead abatement supervisor,
206 lead inspector, lead risk assessor, lead project designer, or lead abatement contractor ~~under this~~
207 ~~chapter.~~

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

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

214 "OSHA" means the ~~United States Department of Labor,~~ U.S. Occupational Safety and Health
215 Administration.

216 "Paint in poor condition" means more than ~~ten~~ 10 square feet of deteriorated paint on exterior
217 components with large surface areas; ~~or~~ more than two square feet of deteriorated paint on interior
218 components with large surface areas (e.g., walls, ceilings, floors, doors); or more than ~~ten percent~~
219 10% of the total surface area of the component is deteriorated on the interior or exterior
220 components with small surface area (e.g., window sills, baseboards, soffits, trim).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

267 "XRF" means x-ray fluorescence.

268 **18VAC15-30-25. Applicability.**

269 A. A licensed lead abatement supervisor may perform the duties of a licensed lead abatement
270 worker.

271 B. Federally assisted housing and community development programs conducted in
272 compliance with the U.S. Department of Housing and Urban Development Lead-Safe Final Rule
273 24 CFR Part 35 will be considered to meet the requirements of this chapter.

274 **18VAC15-30-41. Waiver of the requirements of this chapter. (Repealed.)**

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

281 **18VAC15-30-51. Application procedures.**

282 ~~A. All applicants seeking licensure, interim licensure or accredited lead training program~~
283 ~~approval shall~~ must submit an application with the appropriate fee specified in 18VAC15-30-162.

284 Application ~~shall~~ must be made on forms provided by the ~~department~~ board or the board's agent.

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

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

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

292 ~~Applicants~~ C. The applicant will be notified if ~~their~~ the application is incomplete. ~~Applicants~~ A
293 person who ~~fail~~ fails to complete the process within 12 months after the date the department
294 receives the application ~~shall~~ must submit a new application and fee.

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

297 **18VAC15-30-52. ~~Qualifications~~ General requirements for licensure-; individuals.**

298 ~~A. General. Applicants shall meet all applicable entry requirements at the time application is~~
299 ~~made~~ Each applicant for individual licensure must meet the requirements provided in this section.

300 ~~B. Name.~~ The applicant ~~shall~~ must disclose the applicant's full legal name.

301 ~~C. Age.~~ The applicant ~~shall~~ must be at least 18 years ~~old~~ of age.

Commented [JH2]: Consider incorporating guidance re: re-taking lead law examination when obtaining additional license within three years of initial licensure.

302 ~~D. Address. The applicant shall~~ must disclose ~~a physical~~ the applicant's mailing address ~~[and~~
303 ~~email address]~~. A post office box is only acceptable as a mailing address when a physical address
304 is also provided.

305 ~~E. Training. The applicant shall provide documentation of having satisfactorily completed the~~
306 ~~board approved initial training program and all subsequent board approved refresher training~~
307 ~~programs as specified in subsection F of this section. Board approved initial training programs~~
308 ~~shall be valid for 36 months after the last day of the month wherein completed. Board approved~~
309 ~~refresher training programs shall be satisfactorily completed no later than 36 months after the last~~
310 ~~day of the month wherein the board approved initial training program was completed and once~~
311 ~~each 36 months thereafter.~~

312 ~~F. Specific entry requirements.~~

313 ~~1. Worker. Each applicant for a lead abatement worker license shall provide evidence of~~
314 ~~successful completion of board approved lead abatement worker training in accordance~~
315 ~~with subsection E of this section.~~

316 ~~2. Project designer.~~

317 ~~a. Each applicant for a lead project designer license shall provide evidence of~~
318 ~~successful completion of board approved lead project designer training and board~~
319 ~~approved lead abatement supervisor training in accordance with subsection E of this~~
320 ~~section.~~

321 ~~b. Each applicant for a lead project designer license shall also provide evidence of~~
322 ~~successful completion of one of the following:~~

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

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

Commented [JH3]: Add provision for email address to facilitate paperless process.

326 ~~3. Supervisor.~~

327 a. ~~Each applicant for a lead abatement supervisor license shall provide evidence of:~~

328 ~~(1) Successful completion of board approved lead abatement supervisor training in~~
329 ~~accordance with subsection E of this section; and~~

330 ~~(2) One year of experience as a licensed lead abatement worker or two years of~~
331 ~~experience in a related field (e.g., lead, asbestos, or environmental remediation) or in~~
332 ~~the building trades.~~

333 b. ~~Each applicant shall pass a board approved licensing examination for supervisors~~
334 ~~within 36 months after completion of the board approved lead abatement supervisor~~
335 ~~initial training course or the board approved lead supervisor refresher course.~~
336 ~~Applicants who fail the examination three times must provide to the board evidence,~~
337 ~~after the date of their third examination failure, of having retaken and satisfactorily~~
338 ~~completed the initial training requirements and make new application to the board. The~~
339 ~~applicant is then eligible to sit for the examination an additional three times.~~

340 c. ~~A licensed lead abatement supervisor may perform the duties of a licensed lead~~
341 ~~abatement worker.~~

342 ~~4. Inspector.~~

343 a. ~~Each applicant for a lead inspector license shall provide evidence of successful~~
344 ~~completion of board approved lead inspector training in accordance with subsection E~~
345 ~~of this section.~~

346 b. ~~Each applicant shall pass a board approved licensing examination for lead inspector~~
347 ~~within 36 months after completion of the board approved lead inspector initial training~~
348 ~~course or the board approved lead inspector refresher course. Applicants who fail the~~
349 ~~examination three times must provide to the board evidence, after the date of their~~

350 ~~third examination failure, of having retaken and satisfactorily completed the initial~~
351 ~~training requirements and make new application to the board. The applicant is then~~
352 ~~eligible to sit for the examination an additional three times.~~

353 ~~5. Risk assessor.~~

354 ~~a. Each applicant for a lead risk assessor license shall provide evidence of successful~~
355 ~~completion of board approved lead risk assessor training and successful completion~~
356 ~~of board approved lead inspector training in accordance with subsection E of this~~
357 ~~section.~~

358 ~~b. Each applicant for a lead risk assessor license shall also provide evidence of~~
359 ~~successful completion of one of the following:~~

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

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

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

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

368 ~~c. Each applicant shall pass a board approved licensure examination for risk assessor~~
369 ~~within 36 months after completion of the board approved lead risk assessor initial~~
370 ~~training course or the board approved lead risk assessor refresher course. Applicants~~
371 ~~who fail the examination three times must provide to the board evidence, after the date~~
372 ~~of their third examination failure, of having retaken and satisfactorily completed the~~

373 initial training requirements and make new application to the board. The applicant is
374 then eligible to sit for the examination an additional three times.

375 ~~G. Training verification. Training requirements shall be verified by submittal to the board of~~
376 ~~the training certificate issued by the accredited lead training provider for that course.~~

377 ~~H. Education verification. Education requirements shall be verified by submittal to the board~~
378 ~~on the Education Verification Form sent directly from the school.~~

379 ~~I. Experience verification. Experience requirements shall be verified by resumes, letters of~~
380 ~~reference, or documentation of work experience.~~

381 ~~J. Conviction or guilt. The E. In accordance with § 54.1-204 of the Code of Virginia, each~~
382 ~~applicant shall must disclose the following information:~~

383 1. ~~A conviction in any jurisdiction of any All felony convictions.~~

384 2. ~~A conviction in any jurisdiction of any All misdemeanor ~~except marijuana~~ convictions~~
385 ~~related to environmental remediation activity.~~

386 3. ~~Any disciplinary action taken in another jurisdiction in connection with the applicant's~~
387 ~~environmental remediation practice including monetary penalties, fines, suspension,~~
388 ~~revocation, or surrender of a license in connection with a disciplinary action All~~
389 ~~misdemeanor convictions, excluding marijuana convictions, that occurred within three~~
390 ~~years of the date of application.~~

391 4. ~~Any current or previously held environmental remediation certifications, accreditations,~~
392 ~~or licenses issued by Virginia or any other jurisdiction.~~

393 Subject to the provisions of § 54.1-204 of the Code of Virginia, the board may deny any
394 application for licensure or accreditation as a lead training provider when any of the parties listed
395 in this subsection have been convicted of any offense listed in this subsection or has been the

396 ~~subject of any disciplinary action listed in subdivision 3 of this subsection. Any plea of nolo~~
397 ~~contendere shall be considered~~ finding of guilt, regardless of adjudication or deferred adjudication,
398 will be considered a conviction for the purposes of this ~~subsection~~ section. ~~A certified copy of a~~
399 ~~final order, decree, or case decision by a court or regulatory agency with the lawful authority to~~
400 ~~issue such order shall~~ The record of conviction certified or authenticated in such form as to be
401 admissible in evidence under the laws of the jurisdiction where convicted will be admissible as
402 prima facie evidence of such a conviction or discipline finding of guilt. The board, at its discretion,
403 may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

404 ~~K. Standards of conduct and practice~~ F. The applicant must report any action taken by any
405 board or administrative body in any jurisdiction against a professional or occupational license,
406 certification, or registration issued to the applicant, to include any suspension, revocation, or
407 surrender of a license, certification, or registration; imposition of a monetary penalty; or
408 requirement to take remedial education or other corrective action. The board, in its discretion,
409 may deny licensure to any applicant for any prior action taken by any board or administrative body
410 in any jurisdiction.

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

415 ~~L. Standing. The applicant shall be in good standing in every jurisdiction where licensed, and~~
416 ~~the applicant shall not have had a license that was suspended, revoked, or surrendered in~~
417 ~~connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia.~~
418 ~~The board, at its discretion, may deny licensure or approval to any applicant based on disciplinary~~
419 ~~action by any jurisdiction~~ H. The applicant must provide documentation of having satisfactorily
420 completed the board-approved initial training program and all subsequent board-approved

421 refresher training programs applicable to the license sought as specified in subsection I of this
422 section. Documentation of training completion will be verified by the board. Completion certificates
423 for board-approved initial training programs are valid for 36 months from the date training was
424 completed. Board-approved refresher training programs must be satisfactorily completed no later
425 than 36 months from the date the board-approved initial training program was completed and
426 every 36 months thereafter.

427 I. An applicant for individual licensure must meet the education or experience requirements
428 of this subsection that are applicable to the license sought.

429 1. Worker. Each applicant for a lead abatement worker license must provide evidence of
430 successful completion of board-approved lead abatement worker training.

431 2. Project designer.

432 a. Each applicant for a lead project designer license must provide evidence of
433 successful completion of board-approved lead project designer training and board-
434 approved lead abatement supervisor training.

435 b. Each applicant for a lead project designer license must also provide evidence of
436 successful completion of one of the following:

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

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

440 3. Supervisor.

441 a. Each applicant for a lead abatement supervisor license must provide evidence of:

442 (1) Successful completion of board-approved lead abatement supervisor training; and

443 (2) One year of experience as a licensed lead abatement worker or two years of
444 experience in a related field, including lead, asbestos, or environmental remediation,
445 or in the building trades.

446 b. Each applicant for a lead abatement supervisor license must pass a board-approved
447 licensing examination for supervisors within 36 months after completion of the board-
448 approved lead abatement supervisor initial training course or the board-approved lead
449 supervisor refresher course. An applicant who fails the examination three times must
450 provide evidence to the board after the date of the third examination failure of having
451 retaken and satisfactorily completed the initial training requirements. The applicant is
452 then eligible to sit for the examination an additional three times.

453 4. Inspector.

454 a. Each applicant for a lead inspector license must provide evidence of successful
455 completion of board-approved lead inspector training or lead risk assessor training.

456 b. Each applicant for a lead inspector license must pass a board-approved licensing
457 examination for lead inspector within 36 months after completion of the board-
458 approved lead inspector initial training course or the board-approved lead inspector
459 refresher course. An applicant who fails the examination three times must provide
460 evidence to the board after the date of the third examination failure of having retaken
461 and satisfactorily completed the initial training requirements. The applicant is then
462 eligible to sit for the examination an additional three times.

463 5. Risk assessor.

464 a. Each applicant for a lead risk assessor license must provide evidence of successful
465 completion of board-approved lead risk assessor training and successful completion
466 of board-approved lead inspector training.

467 b. Each applicant for a lead risk assessor license must also provide evidence of
468 successful completion of one of the following:

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

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

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

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

477 c. Each applicant must pass a board-approved licensing examination for risk assessor
478 within 36 months after completion of the board-approved lead risk assessor initial
479 training course or the board-approved lead risk assessor refresher course. An
480 applicant who fails the examination three times must provide evidence to the board
481 after the date of the third examination failure of having retaken and satisfactorily
482 completed the initial training requirements. The applicant is then eligible to sit for the
483 examination an additional three times.

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

488 K. Experience requirements will be verified by resumes, letters of reference, or other
489 documentation of work experience acceptable to the board.

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

493 **18VAC15-30-53. Qualifications for licensure ~~–business entities;~~ lead contractors.**

494 A. ~~General. Every business entity shall secure a license before transacting business~~ Each
495 firm applying for a license must meet the requirements of this section.

496 B. ~~Name. The business name shall be disclosed on the application. The applicant must~~
497 disclose the name under which the ~~entity~~ firm conducts business and holds itself out to the public
498 (i.e., the trade or fictitious name) shall also be disclosed on the application. ~~Business entities shall~~
499 register their trade or fictitious names with the State Corporation Commission in. In accordance
500 with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia, the firm must register any
501 trade or fictitious names, when applicable, with the State Corporation Commission before
502 submitting their applications to the board.

503 C. ~~Address.~~ The applicant ~~shall~~ must disclose the firm's mailing address [and] the firm's
504 physical address [, and the firm's email address]. ~~A post office box is only acceptable as a mailing~~
505 ~~address when a physical address is also provided.~~

Commented [JH4]: Add provision for email address to facilitate paperless process.

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

508 1. ~~Corporations. All applicants shall have been incorporated in the Commonwealth of~~
509 ~~Virginia or, if a foreign corporation, shall have obtained a certificate of authority to conduct~~
510 ~~business in Virginia from the State Corporation Commission in accordance with § 13.1-~~
511 ~~544.2 of the Code of Virginia. The corporation shall be in good standing with the State~~
512 ~~Corporation Commission at the time of application to the board and at all times when the~~
513 ~~license is in effect.~~

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

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

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

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

530 1. All felony convictions;

531 2. All misdemeanor convictions, except marijuana convictions, within the last three years;

532 and

533 3. Any conviction involving environmental remediation activity that resulted in the
534 significant harm or the imminent and substantial threat of significant harm to human health
535 or the environment.

536 The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-
537 204 of the Code of Virginia. The applicant has the right to request further review of any such

538 action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of
539 Virginia).

540 E. Qualifications. 1. ~~Lead contractor~~ The applicant must report any disciplinary action taken
541 by any board or administrative body in any jurisdiction against a professional or occupational
542 license, certification, or registration issued to the firm or its owners, officers, managers, members,
543 directors, and, as applicable, any reprimand, suspension, revocation, or surrender of a license,
544 certification, or registration; imposition of a monetary penalty; or requirement to take remedial
545 education or other corrective action. The board, in its discretion, may deny licensure to any
546 applicant based on disciplinary action taken by any board or administrative body in any
547 jurisdiction.

548 F. The board may deny the application of an applicant who is shown to have a substantial
549 identity of interest with a person whose license or certificate has been revoked or not renewed by
550 the board. A substantial identity of interest includes (i) a controlling financial interest by the
551 individual or corporate principals of the person whose license or certificate has been revoked or
552 has not been renewed or (ii) substantially identical owners, officers, managers, members, or
553 directors, as applicable.

554 G. Each applicant for lead contractor licensure shall ~~shall~~ must:

555 a. 1. Hold a valid Virginia contractor license with a lead specialty issued by the Virginia
556 Board for Contractors and comply with the provisions of Chapter 11 (§ 54.1-1100 et seq.)
557 of Title 54.1 of the Code of Virginia governing the regulation of contractors.

558 b. 2. Certify that:

559 (4) a. Only properly licensed lead abatement supervisors and workers will be employed to
560 conduct lead-based paint activities;

561 ~~(2)~~ b. A licensed lead abatement supervisor is present at each job site during all work site
562 preparation and during post-abatement cleanup, and shall be on site or available by
563 telephone, pager, or answering service and able to be present at the work site in no more
564 than two hours when abatement activities are being conducted; ~~(3)~~ and

565 c. The standards for conducting lead-based paint activities established in this chapter and
566 standards established by EPA and OSHA shall be followed at all times during the conduct
567 of lead-based paint activities; ~~and (4) The company is in compliance with all other~~
568 ~~occupational and professional licenses and standards as required by Virginia statute and~~
569 ~~local ordinance to transact the business of a lead abatement contractor.~~

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

581 ~~G. Standards of conduct and practice. Applicants shall be in compliance with the standards~~
582 ~~of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) and Part IX (18VAC15-~~
583 ~~30-760 et seq.) of this chapter at the time of application to the board, while the application is under~~
584 ~~review by the board, and at all times when the license is in effect.~~

585 H. Standing. ~~Both the firm and the owners, officers, and directors shall be in good standing in~~
586 ~~every jurisdiction where licensed, and the applicant shall not have had a license that was~~
587 ~~suspended, revoked, or surrendered in connection with any disciplinary action in any jurisdiction~~
588 ~~prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure to any~~
589 ~~applicant based on disciplinary action by any jurisdiction.~~

590 I. Denial of license. ~~The board may refuse to issue a license to any lead contractor applicant~~
591 ~~if the applicant or its owners, officers, or directors have a financial interest in a lead contractor~~
592 ~~whose lead license has been revoked, suspended, or denied renewal in any jurisdiction.~~

593 **18VAC15-30-54. Qualifications for accredited lead training program approval.**

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

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

- 606 1. The course for which ~~it~~ the training provider is applying for accreditation.
- 607 2. A statement signed by the training program manager, ~~which certifies~~ certifying that the
608 training program meets the minimum requirements established in this chapter.

- 609 3. The names and qualifications, including education and experience, of each principal
610 instructor.
- 611 4. A copy of the student manuals and instructor manuals or other materials to be used.
- 612 5. A copy of the course agenda that includes the time allocation for each course topic.
- 613 6. A copy of the test and answer sheet.
- 614 7. A description of the facilities and equipment to be used for lecture and hands-on training.
- 615 8. A description of the activities and procedures that will be used for conducting the
616 assessment of hands-on skills.
- 617 9. A copy of the quality control plan as described in ~~this chapter~~ 18VAC15-30-410.
- 618 10. ~~An example~~ A sample of a certificate that will be issued to students who successfully
619 complete the course.
- 620 11. A proposed course date for auditing purposes.
- 621 12. The application fee required by 18VAC15-30-162.
- 622 C. The ~~completed application form with attachments and fee shall~~ must be received by the
623 board no later than 45 days before the desired audit date.
- 624 D. An applicant may seek approval for as many initial and refresher courses as it chooses,
625 but ~~shall~~ must submit a separate application ~~and fee~~ for each program.
- 626 E. Applicants may seek accreditation to offer lead-based paint activities initial or refresher
627 courses in any of the following disciplines: lead abatement worker, lead project designer, lead
628 abatement supervisor, lead inspector, and lead risk assessor.
- 629 ~~F. Each training program shall be conducted in compliance with this chapter to qualify for and~~
630 ~~maintain approval as an accredited lead training program.~~

631 ~~G. F.~~ Upon receipt of an application, ~~the board shall conduct~~ a preliminary review ~~and shall~~
632 ~~notify the applicant in writing of any deficiencies in the submittal packages~~ will be conducted to
633 ensure compliance with this chapter. ~~Applicants will have one year from the board's receipt of the~~
634 ~~application to correct any problems noted in the review~~ The applicant will be notified if the
635 application is incomplete or deficient. All deficiencies must be corrected prior to the on-site audit.

636 ~~H. After the application has been found to be complete and in compliance with this chapter,~~
637 G. Upon completion of the preliminary review, the board will conduct an on-site audit of the training
638 program ~~shall be conducted.~~ ~~The board shall conduct an additional on-site audit, grant approval~~
639 ~~or deny approval based on the board's evaluation of the level of compliance with this chapter~~
640 ~~found during the initial on-site audit~~ The applicant will be notified of any deficiencies identified
641 during the audit. All deficiencies must be corrected prior to the approval of the application.

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

644 ~~J. H.~~ An accredited training provider ~~shall have been~~ program must be approved by the board
645 before ~~its~~ the training program's training certificates ~~shall~~ will be accepted by the board as
646 evidence that an individual has completed an accredited lead training program.

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

650 **18VAC15-30-161. General fee requirements.**

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

Commented [JH5]: These types of provisions are being removed from DPOR regulations.

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

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

662 **18VAC15-30-163. Renewal and late renewal fees.**

663 **[A.]** Renewal and late renewal fees are as follows:

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

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

| | |
|--|-----------------|
| Renewal for worker, supervisor, inspector, risk assessor, or project designer license | \$25 |
|--|-----------------|

Commented [JH6]: Remove temporary fee provisions that are expired.

| | |
|---|------|
| Renewal for lead contractor license | \$30 |
| Renewal for accredited lead training program approval | \$40 |

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

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

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

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

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

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

672 18VAC15-30-164. Renewal required.

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

677 B. Interim licenses shall not be renewed or extended.

678 ~~C.~~ A. Individual licenses shall expire 12 months from the last day of the month wherein in
679 which the license was issued. Interim licenses issued to individuals expire six months from the
680 last day of the month the individual completed the board-approved initial or refresher accredited
681 lead training program required by 18VAC15-30-52. Interim licenses will not be renewed.

682 ~~D.~~ B. Contractor licenses shall expire 12 months from the last day of the month wherein in
683 which the license was issued.

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

686 **18VAC15-30-165. Procedures for renewal.**

687 A. The board shall mail will send a renewal notice to the licensee or accredited lead training
688 provider [at the] last known [address of record]. The notice shall outline the procedures for
689 renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee
690 or accredited lead training provider of the obligation to renew.

691 B. Prior to the license expiration date shown on the license or approval, each licensee or
692 accredited lead training provider desiring to renew the a license or approval shall must return to
693 the board the renewal notice and the renewal appropriate fee specified in 18VAC15-30-163.
694 Documentation of refresher training programs for individuals and of the requirements in 18VAC15-
695 30-166 C for accredited lead training programs shall be sent to the board Individual licensees
696 must provide evidence of meeting the annual refresher training requirement for license renewal
697 and meet the requirements of 18VAC15-30-166 A.

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

701 ~~D. Interim licensure shall not be renewed or extended. Each applicant who wishes a second~~
702 ~~interim license must provide to the board evidence of having retaken and satisfactorily completed~~
703 ~~the initial training requirements and make a new application to the board C. Prior to the expiration~~
704 ~~date on the approval letter, each accredited lead training program desiring to renew the approval~~
705 ~~must return to the board the appropriate fee specified in 18VAC15-30-163 and the documentation~~
706 ~~required by 18VAC15-30-166 B.~~

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

709 **18VAC15-30-166. Qualifications for renewal.**

710 A. Individuals.

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

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

720 ~~3. 2.~~ Refresher training ~~shall~~ must be specific to the discipline of the license being
721 renewed.

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

725 ~~B. Contractors. The board shall renew a contractor license for an additional 12 months upon~~
726 ~~receipt of a renewal application and the renewal fee in compliance with 18VAC15-30-163 and~~
727 ~~18VAC15-30-165. Return of the renewal application and renewal fee to the board shall constitute~~
728 ~~a certification that the licensee is in full compliance with the board's regulations.~~

729 ~~C.~~ B. Accredited training programs.

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

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

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

736 (1) The course materials for each course meet the requirements of Part VII (18VAC15-
737 30-440 et seq.) of this chapter.

738 (2) The training manager and principal instructors meet the qualifications listed in
739 18VAC15-30-340.

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

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

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

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

747 ~~3.~~ 2. An audit by a board representative may be performed to verify the certified statements
748 and the contents of the application before relicensure is granted.

749 ~~4.~~ 3. Accredited lead training programs determined by the board to have met the renewal
750 requirements ~~shall~~ will be issued an approval for an additional 24 months.

751 **18VAC15-30-167. Late renewal.**

752 A. ~~If the renewal fee is not received by the board within 30 days after the expiration date~~
753 ~~printed on the~~ Each license or and each accredited lead training program approval, ~~a~~ that is not
754 renewed within 30 days of the expiration date on the license or approval letter will be subject to
755 late renewal fee shall be required in addition to the renewal fee fees as established in 18VAC15-
756 30-162.

757 B. ~~Any licensee or accredited lead training provider who fails to renew his~~ Each license or
758 ~~accredited lead~~ and each approved training program approval that is not renewed within 12
759 months after the expiration date ~~on the license or approval shall~~ will not be ~~permitted to renew~~
760 ~~and shall apply as a new applicant~~ renewed. The individual or firm must apply for a new license
761 or approval and meet entry requirements current at the time the new application is submitted.

762 **18VAC15-30-332. Changes to an approved course.**

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

766 1. Course curriculum.

767 2. Course examination.

768 3. Course materials.

769 4. Training manager and principal instructor or instructors.

770 5. Certificate of completion.

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

773 6. Change in permanent training location.

774 7. Change in ownership of the training program.

775 **18VAC15-30-334. Change of ownership. (Repealed.)**

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

778 **18VAC15-30-340. Qualifications of training managers and principal instructors.**

779 A. The training program ~~shall~~ must employ a training manager who:

780 1. Has at least two years of experience, education, or training in teaching workers or
781 adults; has a bachelor's or graduate level degree in building construction technology,
782 engineering, industrial hygiene, safety, public health, education, business administration,
783 program management, or a related field; or has two years of experience in managing a
784 training program that specialized in environmental hazards; and

785 2. Has demonstrated experience, education, or training in the construction industry,
786 including: lead or asbestos abatement, painting, carpentry, renovation, remodeling,
787 occupational safety and health, ~~or~~ and industrial hygiene.

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

790 1. Demonstrates experience, education, or training in teaching workers or adults;

791 2. ~~Successfully~~ Has successfully completed a minimum of 16 hours of any EPA-accredited
792 or board-approved lead-specific training; and

793 3. ~~Demonstrated~~ Has demonstrated experience, education, or training in lead or asbestos
794 abatement, painting, carpentry, renovation, remodeling, occupational safety and health,
795 or industrial hygiene.

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

798 **18VAC15-30-350. Responsibilities of the training manager.**

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

802 1. The validity and integrity of the hands-on skills assessment or proficiency test to ensure
803 that ~~it~~ the assessment or test accurately evaluates the ~~trainees'~~ trainee's performance of
804 the work practices and procedures associated with the course topics.

805 2. The validity and integrity of the course test to ensure that ~~it~~ the test accurately evaluates
806 the ~~trainees'~~ trainee's knowledge and retention of the course topics.

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

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

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

816 **18VAC15-30-360. Training manager and principal instructor documentation.**

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

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

826 **18VAC15-30-370. Training facilities.**

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

831 **18VAC15-30-380. Length of training courses. (Repealed.)**

832 ~~A. The length of training courses are as follows:~~

- 833 ~~1. The training course for lead inspector shall last a minimum of 24 training hours, with a
834 minimum of eight hours devoted to hands-on training activities.~~
- 835 ~~2. The training course for lead risk assessor shall last a minimum of 16 training hours with
836 a minimum of four hours devoted to hands-on training activities. As a prerequisite, the 24
837 training hours provided for in subdivision 1 of this subsection for lead inspector shall be
838 required.~~

839 ~~3. The training course for lead project designer shall last a minimum of eight training hours.~~
840 ~~As a prerequisite, the 32 training hours provided for in subdivision 4 of this subsection for~~
841 ~~lead abatement supervisor shall be required.~~

842 ~~4. The training course for lead abatement supervisor shall last a minimum of 32 training~~
843 ~~hours, with a minimum of eight hours devoted to hands-on activities.~~

844 ~~5. The training course for lead abatement worker shall last a minimum of 16 training hours,~~
845 ~~with a minimum of eight hours devoted to hands-on activities.~~

846 ~~6. All lead refresher courses shall last a minimum of eight training hours, except the project~~
847 ~~designer refresher course which shall last a minimum of four training hours.~~

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

852 **18VAC15-30-390. Course examination.**

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

859 B. The course test is an evaluation of the overall effectiveness of the training ~~which shall that~~
860 must test the trainee's knowledge and retention of the topics covered during the course. ~~An~~ For a
861 lead abatement worker training program, an oral course test may be administered in lieu of a
862 written course test ~~for lead abatement worker only.~~

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

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

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

878 **18VAC15-30-400. Certificates of completion.**

879 A. Accredited lead training programs ~~shall~~ will issue unique course completion certificates to
880 each individual who successfully completes the course requirements. The course completion
881 certificate ~~shall~~ must include:

- 882 1. A unique certificate number.
- 883 2. The name and address of the individual.
- 884 3. The name of the particular course that the individual completed.
- 885 4. Dates of course ~~completion/test~~ completion or test passage.

886 5. ~~Expiration date.~~ Training certificates ~~shall~~ will expire three years from the date of course
887 completion. If the accredited lead training program offers a proficiency test, ~~the~~ those
888 training certificates ~~shall~~ will expire five years from the date of course completion.

889 6. Name, address, and telephone number of the training provider.

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

891 B. The board will not accept training certificates of completion for initial training courses where
892 the name of the course participant, training manager, and principal instructor are the same.

893 C. Course participants in a refresher training course who are both the training manager and
894 principal instructor of a refresher training program must be monitored by another instructor if
895 completing the program's examination for the purpose of license renewal. The monitoring
896 individual must sign the certificate of completion as the participant's instructor. A course
897 participant in a refresher training course who is either the training manager or the principal
898 instructor of a training program must be monitored by the other if completing his own program's
899 examination for the purpose of license renewal. The monitoring individual must sign the certificate
900 of completion as the participant's instructor.

901 **18VAC15-30-410. Quality control plan.**

902 The training manager ~~shall~~ must develop and implement a quality control plan. The plan ~~shall~~
903 will be used to maintain and improve the quality of the accredited lead training program over time.

904 ~~This~~ The plan ~~shall~~ must contain at least the following elements:

905 1. Procedures for periodic revision of training materials and course test to reflect
906 innovations in the field.

907 2. Procedures for the training manager's annual review of principal instructor competency.

908 [18VAC15-30-415. Electronic delivery of lead refresher training courses.]

909 A. Electronic delivery of accredited lead refresher training courses is permitted, provided the
910 following requirements are met:

911 1. Courses delivered electronically must be approved by the board in accordance with this
912 chapter. A pre-existing approval for an in-person, classroom-based refresher course does
913 not extend to approval of the electronic course.

914 2. The training provider must have a system in place to authenticate each participant's
915 identity and the participant's eligibility to enroll in the course.

916 3. A unique identifier must be assigned to each participant to be used to launch and re-
917 launch the course. This identifier may be used throughout the course if deemed necessary
918 by the instructor.

919 4. Each participant must be logged into the course and participating for the full length of
920 time required for each course discipline. The training provider must track each participant's
921 course logins, launches, progress, and completion. The training provider must maintain a
922 record of the same in accordance with the applicable recordkeeping requirements of this
923 chapter.

924 5. The course must include knowledge checks throughout the entirety of the course. The
925 knowledge checks must be successfully completed before the participant moves on to the
926 next module.

927 6. Course instructors must be available to answer questions or offer technical discussion
928 by way of online discussion or message boards, or a telephone number during the training
929 period.

930 7. There must be a test of at least 20 questions at the end of the course, of which 80%
931 must be answered correctly for successful completion of the course. The test must be

Commented [JH7]: Incorporates current Board guidance in Guidance Document 7209: Electronic Delivery of Asbestos and Lead Refresher Courses.

932 designed so that the participant does not receive feedback on answers until after the test
933 has been submitted.

934 8. Each participant must be provided with a completion certificate that may be saved and
935 printed. The completion certificate must specifically mention that the course was taken
936 online. The certificate must not be susceptible to editing. The certificate must contain all
937 information required by this chapter.

938 9. Course notifications and participant lists provided to the board must indicate whether
939 the course is conducted electronically.

940 B. Electronic courses must meet all other requirements for refresher courses as established
941 in this chapter.

942 C. For auditing purposes, the board must have unrestricted access to the electronic course at
943 any time during which the course is conducted.

944 D. For purposes of this section, electronic delivery includes real-time virtual training and
945 asynchronous delivery of training courses.]

946 **18VAC15-30-420. Recordkeeping and provision of records to the board.**

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

949 1. All documents specified in 18VAC15-30-360 that demonstrate the qualifications listed
950 in 18VAC15-30-340 of the training manager and principal instructors.

951 2. Current ~~curriculum/course~~ curriculum or course materials and documents reflecting any
952 changes made to these materials.

953 3. Course examination.

954 4. Information on how the hands-on assessment is conducted, including, ~~but not limited~~
955 ~~to,~~ who conducts the assessment, how the skills are graded, what facilities are used, and
956 the ~~pass/fail~~ pass-fail rate.

957 5. The quality control plan described in 18VAC15-30-410.

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

960 7. Any other material not listed in this chapter that was submitted to the board as part of
961 the application for accreditation.

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

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

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

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

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

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

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

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

- 983 1. Notification type (i.e., original, update, cancellation).
- 984 2. Training program name, Virginia accreditation number, address, and telephone number.
- 985 3. Course discipline, type (~~initial/refresh~~ initial or refresher), and the language in which
986 the instruction will be given.
- 987 4. Dates and times of training.
- 988 5. Training locations, telephone number, and address.
- 989 6. Principal instructor's name.
- 990 7. Training manager's name and signature.

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

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

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

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

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

1000 1. Training program name, Virginia accreditation number, address, and telephone number.

1001 2. Course discipline and type (~~initial/refresher~~ initial or refresher).

1002 3. Dates of training.

1003 4. Each participant's name, address, social security number, course completion certificate

1004 number, and course test score.

1005 5. Training manager's name and signature.

1006 K. Notifications and training program participant lists shall must be submitted electronically in

1007 the manner ~~established by~~ acceptable to the board ~~specifically to receive this documentation~~

1008 ~~using a sample form designed by and available from the board. Any variation upon this procedure~~

1009 ~~shall be approved by the board prior to submission.~~

1010 L. The training provider shall must retain all examinations completed by training program

1011 participants for a period of three years.

1012 M. The department shall will not recognize training certificates from approved training

1013 providers that fail to ~~notify~~ comply with the notification requirements of this section or fail to provide

1014 a training program participant list as required by this section.

1015 **18VAC15-30-430. Change of address.**

1016 The accredited lead training provider shall must notify the board within 30 days prior to

1017 relocating its business or transferring the records.

1018 **18VAC15-30-435. Access by the department.**

1019 Accredited training providers must permit department representatives to attend, evaluate, and
1020 monitor any accredited training program. No prior notice of attendance by department
1021 representatives is required. The department will be given access to all course materials, principal
1022 instructor and training manager rosters, participant rosters, and other records as stipulated by this
1023 chapter.

1024 **18VAC15-30-437. Suspension or revocation of approval of an accredited lead training**
1025 **provider.**

1026 The board may suspend, revoke, or modify an accredited lead training program's approval if
1027 an accredited lead training provider, training manager, or other person with supervisory authority
1028 over the training program has:

- 1029 1. Misrepresented the contents of a training course to the board or the student population.
- 1030 2. Failed to submit required information or notification in a timely manner.
- 1031 3. Failed to submit training program notification as required and in the manner described
1032 in 18VAC15-30-420.
- 1033 4. Failed to submit training program participant lists as required and in the manner
1034 described in 18VAC15-30-420.
- 1035 5. Failed to maintain required records.
- 1036 6. Falsified accreditation records, qualifications of the training manager and principal
1037 instructors, or other accreditation information.
- 1038 7. Failed to comply with the federal, state, or local lead-based paint statutes or regulations.
- 1039 8. Acted as an ostensible licensee for undisclosed persons who do or will control or direct,
1040 directly or indirectly, the operations of the accredited lead training provider's business.

1041 **18VAC15-30-440. General. (Repealed.)**

1042 Training programs shall ensure that their courses of study for various lead-based paint
1043 activities disciplines cover the mandatory subject areas. Requirements listed in this part ending
1044 in an asterisk (*) indicate areas that require hands-on training as an integral component of the
1045 course. All training courses shall be discipline specific.

1046 **18VAC15-30-450. Initial training criteria for lead abatement worker.**

1047 A. The lead abatement workers course shall must last a minimum of 16 hours with a minimum
1048 of eight hours devoted to hands-on training. The training course shall must address the following
1049 topics:

- 1050 1. Role and responsibilities of an abatement worker.
- 1051 2. Background information and health effects of lead.
- 1052 3. Background information on federal, state, and local regulations and guidance that
1053 pertains to lead-based paint activities.
- 1054 4. Lead-based paint hazard recognition and control methods.*
- 1055 5. Lead-based paint abatement and lead hazard reduction methods, including restricted
1056 work practices.*
- 1057 6. Interior dust abatement ~~methods/clean-up~~ methods or cleanup or lead hazard
1058 reduction.*
- 1059 7. Soil and exterior dust abatement methods or lead hazard reduction.*
- 1060 ~~8. Course review.~~
- 1061 ~~9.~~ 8. Examination.

1062 B. The topics in subdivisions A 4, A 5, A 6, and A 7 of this section must include hands-on
1063 training.

1064 18VAC15-30-460. Initial training criteria for lead abatement supervisor.

1065 A. The lead abatement supervisor course ~~shall~~ must last a minimum of 32 hours with a
1066 minimum of eight hours devoted to hands-on training. The training course ~~shall~~ must address the
1067 following topics:

- 1068** 1. Role and responsibilities of an abatement supervisor.
- 1069** 2. Background information on lead and the adverse health effects.
- 1070** 3. Background information on federal, state, and local regulations and guidance that
1071 pertains to lead-based paint activities, including distribution and thorough review of ~~the~~
1072 ~~Virginia Lead-Based Paint Activities Regulations~~ this chapter.
- 1073** 4. Liability and insurance issues relating to lead-based paint abatement.
- 1074** 5. Risk assessment and inspection report interpretation.*
- 1075** 6. Development and implementation of an occupant protection plan and abatement report.
- 1076** 7. Lead-based paint hazard recognition and control methods.*
- 1077** 8. Lead-based paint abatement or lead hazard reduction methods, including restricted
1078 work practices.*
- 1079** 9. Interior dust ~~abatement/clean-up~~ abatement or cleanup or lead hazard reduction.*
- 1080** 10. Soil and exterior dust abatement or lead hazard reduction.*
- 1081** 11. Clearance standards and testing.
- 1082** 12. Clean-up and waste disposal.
- 1083** 13. Recordkeeping.
- 1084** ~~14. Course review.~~
- 1085** ~~15.~~ 14. Examination.

1086 B. The topics in subdivisions A 5, A 7, A 8, A 9, and A 10 of this section must include hands-
1087 on training.

1088 **18VAC15-30-470. Initial training criteria for lead inspector.**

1089 A. The lead inspector course ~~shall~~ must last a minimum of 24 hours with a minimum of eight
1090 hours devoted to hands-on training. The training course ~~shall~~ must address the following topics:

- 1091 1. Background information on lead.
- 1092 2. Health effects of lead.
- 1093 3. ~~Regulatory review. This entails a discussion of applicable~~ Background information on
1094 federal, state, and local regulations and guidance that pertains to lead-based paint
1095 activities, including distribution and thorough review of this chapter.
- 1096 4. Roles and responsibilities of the lead-based paint inspector.
- 1097 5. Lead-based paint inspection methods, including selection of rooms and components for
1098 sampling or testing.*
- 1099 6. Paint, dust, and soil sampling methodologies.*
- 1100 7. Preparation of the final inspection report.*
- 1101 8. Clearance standards and testing, including random sampling.*
- 1102 9. Recordkeeping.
- 1103 ~~10. Course review.~~
- 1104 ~~11. 10.~~ Examination.

1105 B. The topics in subdivisions A 5, A 6, A 7, and A 8 of this section must include hands-on
1106 training.

1107 18VAC15-30-480. Initial training criteria for lead risk assessors.

1108 A. The lead risk assessor course ~~shall~~ must last a minimum of 16 hours and ~~shall~~ must
1109 address the following topics with a minimum of four hours devoted to hands-on training, which
1110 includes site visits:

- 1111** 1. Role and responsibilities of a risk assessor.
- 1112** 2. ~~Regulatory review. This entails a discussion of applicable~~ Background information on
1113 federal, state, and local regulations and guidance that ~~pertain~~ pertains to lead-based paint
1114 activities, including distribution and thorough review of this chapter.
- 1115** 3. Collection of background information to perform risk assessment.
- 1116** 4. Visual inspection for the purpose of identifying potential sources of lead-based
1117 hazards.*
- 1118** 5. Sources of environmental lead contamination such as paint, surface dust, water, air,
1119 packaging, and food.
- 1120** 6. Lead hazard screen protocol.
- 1121** 7. Sampling for other sources of lead exposure.*
- 1122** 8. Interpretation of lead-based paint and other sampling results.
- 1123** 9. Development of hazard control options, the role of interim controls, and operations and
1124 maintenance activities to reduce lead-based paint hazards.
- 1125** 10. Preparation of a final risk assessment report.
- 1126** ~~11. Course review.~~
- 1127** ~~12.~~ 11. Examination.
- 1128** B. The topics in subdivision A 4 and A 7 of this section must include hands-on training.

1129 18VAC15-30-490. Initial training criteria for lead project designer.

1130 The lead project designer course ~~shall~~ must last a minimum of eight hours and ~~shall~~ must
1131 address the following topics:

1132 1. Role and responsibilities of a project designer.

1133 2. Development and implementation of an occupant protection plan for large scale
1134 abatement projects.

1135 3. Lead-based paint abatement and lead-based paint hazard reduction methods for large
1136 scale abatement projects.

1137 4. Interior dust ~~abatement/clean-up~~ abatement or cleanup or lead hazard control and
1138 reduction methods for large scale abatement projects.

1139 5. Clearance standards and testing for large scale abatement projects.

1140 6. Integration of lead-based paint abatement methods with modernization and
1141 rehabilitation projects for large scale abatement projects.

1142 ~~7. Course review.~~

1143 ~~8. 7. Examination.~~

1144 18VAC15-30-500. Refresher training criteria.

1145 A. All lead refresher courses must be a minimum of eight training hours, except for the project
1146 designer refresher course, which must be a minimum of four training hours.

1147 B. The refresher course for all disciplines ~~shall~~ must address the following topics:

1148 1. An overview of current safety practices relating to lead-based paint activities in general,
1149 as well as specific information pertaining to the appropriate discipline.

1150 2. Current federal, state, and local laws and regulations relating to lead-based paint
1151 activities in general, as well as specific information pertaining to the appropriate discipline
1152 including distribution and thorough review of ~~the Virginia Lead-Based Paint Activities~~
1153 ~~Regulations~~ this chapter.

1154 3. Current technologies relating to lead-based paint in general, as well as specific
1155 information pertaining to the appropriate discipline.

1156 C. Refresher courses for all disciplines, except project designer, must include a hands-on
1157 component.

1158 **18VAC15-30-510. General requirements.**

1159 A. This part establishes work practice standards for conducting lead-based paint activities in
1160 target housing and child-occupied facilities.

1161 B. Notification ~~shall~~ must be sent by the licensed lead abatement contractor to the Virginia
1162 Department of Labor and Industry prior to the commencement of any lead-based paint abatement
1163 activities. ~~The notification shall be sent in a manner prescribed by the Virginia Department of~~
1164 ~~Labor and Industry.~~

1165 C. No ~~licensed lead abatement~~ contractor ~~shall~~ may enter into a contract to perform a lead
1166 abatement project if the lead inspection or project design is to be performed by individuals with
1167 an ~~employer/employee~~ employer-employee relationship with, or financial interest in, the lead
1168 ~~abatement~~ contractor unless the contractor provides the building owner with a "Virginia Lead
1169 Consumer Information and Disclosure Sheet," which is available from the board. ~~Persons licensed~~
1170 ~~to perform post-abatement clearance procedures shall be independent of and have no financial~~
1171 ~~interest in or an employer/employee relationship with the licensed lead abatement contractor.~~

1172 D. The relationships described in subsection C of this section must be disclosed, and the
1173 disclosure form must be signed and dated by the building owner or the building owner's agent

1174 and the contracting entity prior to the signing of any contract to conduct lead-based paint activities.

1175 The contractor must provide the disclosure form to all parties involved in the lead abatement
1176 project. The disclosure form ~~shall~~ must be kept on the lead abatement project site and available
1177 for review.

1178 E. Persons licensed to perform post-abatement clearance procedures must be independent
1179 of and have no financial interest in or employer-employee relationship with the licensed lead
1180 abatement contractor.

1181 F. When performing a lead-based paint inspection, lead-hazard screen, risk assessment, or
1182 abatement, a licensed individual must perform that activity in compliance with documented
1183 methodologies. The following documented methodologies that are appropriate for this chapter are
1184 incorporated by reference:

1185 1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the
1186 Evaluation and Control of Lead-Based Paint Hazards in Housing, Second Edition, July
1187 2012.

1188 2. 40 CFR Part 745, Subpart D (January 6, 2020, update).

1189 3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-
1190 Contaminated Soil (60 FR 47248-47257, September 11, 1995).

1191 4. EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report
1192 (EPA 747-R-95-001, March 1995).

1193 ~~F. Individuals conducting lead-based paint activities shall comply with the work practice~~
1194 ~~standards enumerated in this chapter.~~

1195 G. Any lead-based paint activities, as described in this chapter, ~~shall~~ must be performed only
1196 by individuals licensed by the board to perform such activities.

1197 H. All reports and plans required by 18VAC15-30-520 through 18VAC15-30-651 ~~shall~~ must
1198 be maintained by the licensed firm or individual who prepared the report for at least three years.
1199 The licensed firm or individual also ~~shall~~ must provide copies of these reports to the building owner
1200 or person who contracted for its services.

1201 **18VAC15-30-511. Determination of the presence of lead-based paint, a paint-lead hazard,**
1202 **a dust-lead hazard, and a soil-lead hazard.**

1203 A. Lead-based paint is present:

1204 1. On any surface that is tested and found to contain lead equal to or in excess of 1.0
1205 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and

1206 2. On any surface like a surface tested in the same room equivalent that has a similar
1207 painting history and that is found to be lead-based paint.

1208 B. A paint-lead hazard is present:

1209 1. On any friction surface that is subject to abrasion and where the lead dust levels on the
1210 nearest horizontal surface underneath the friction surface (e.g., the window sill or floor)
1211 are equal to or greater than the dust hazard levels identified by EPA, pursuant to 15 USC
1212 ~~§ 2683~~ in 40 CFR 745.65(b);

1213 2. On any chewable lead-based paint surface on which there is evidence of teeth marks;

1214 3. Where there is any damaged or otherwise deteriorated lead-based paint on an impact
1215 surface that is caused by impact from a related building component (such as a door knob
1216 that knocks into a wall or a door that knocks against its door frame); and

1217 4. If there is any other deteriorated lead-based paint in any residential building or child-
1218 occupied facility or on the exterior of any residential building or child-occupied facility.

1219 C. A dust-lead hazard is present in a residential dwelling or child-occupied facility:

1220 1. In a residential dwelling on floors and interior window sills when the weighted arithmetic
1221 mean lead loading for all single surface or composite samples of floors and interior window
1222 sills are equal to or greater than the amount identified by EPA, pursuant to 15 USC § 2683
1223 in 40 CFR 745.227(h)(3) for floors and interior window sills;

1224 2. On floors or interior window sills in an unsampled residential dwelling in a multi-family
1225 dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in
1226 at least one sampled residential unit on the property; and

1227 3. On floors or interior window sills in an unsampled common area in a multi-family
1228 dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in
1229 at least one sampled common area in the same common area group on the property.

1230 D. A soil-lead hazard is present:

1231 1. In a play area when the soil-lead concentration from a composite play area sample of
1232 bare soil is equal to or greater than the amount identified by EPA pursuant to 15 USC §
1233 ~~2683~~ in 40 CFR 45.227(h)(4); or

1234 2. In the rest of the yard when the arithmetic mean lead concentration from a composite
1235 sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard
1236 (i.e., nonplay areas) for each residential building on a property is equal to or greater than
1237 the amount identified by EPA pursuant to 15 USC § 2683 in 40 CFR 745.227(h)(4).

1238 **18VAC15-30-520. Inspections.**

1239 A. Inspections ~~shall~~ must be conducted only by persons licensed by the board as an inspector
1240 or risk assessor.

1241 B. When conducting an inspection, the following locations ~~shall~~ must be selected according
1242 to documented methodologies and tested for the presence of lead-based paint:

1243 1. In a residential dwelling or child-occupied facility, each testing combination with a
1244 distinct painting history and each exterior testing combination with a distinct painting
1245 history ~~shall~~ must be tested for lead-based paint, except those testing combinations that
1246 the inspector or risk assessor determines to have been replaced after 1978, or do not
1247 contain lead-based paint.

1248 2. In a multi-family dwelling or child-occupied facility, each testing combination with a
1249 distinct painting history in every common area, except those testing combinations that the
1250 inspector or risk assessor determines to have been replaced after 1978, or do not contain
1251 lead-based paint.

1252 C. Paint ~~shall~~ must be sampled in the following manner:

1253 1. The analysis of paint to determine the presence of lead ~~shall~~ must be conducted using
1254 documented methodologies that incorporate adequate quality control procedures; ~~and/or~~
1255 and

1256 2. Collected paint chips ~~shall~~ must be sent to a laboratory recognized by EPA as being
1257 capable of performing the analysis.

1258 **18VAC15-30-540. Written inspection report.**

1259 The licensed inspector or risk assessor ~~shall~~ must prepare an inspection report that ~~shall~~ must
1260 include the following information:

1261 1. Date of each inspection.

1262 2. Address of buildings.

1263 3. Date of construction.

1264 4. Apartment numbers (if applicable).

1265 5. Name, address, and telephone number of the owner ~~or owners~~ of each residential
1266 dwelling or child-occupied facility.

1267 6. Name, signature, and license number of each licensed inspector or risk assessor
1268 conducting testing.

1269 7. Name, address, and telephone number of the firm employing each inspector or risk
1270 assessor.

1271 8. Each testing method and device ~~and/or~~ or sampling procedure employed for paint
1272 analysis, including quality control data, and, if used, the serial number of any ~~X-Ray~~
1273 ~~Fluorescence Spectroscopy (XRF)~~ XRF device.

1274 9. Specific locations of each painted testing combination tested for the presence of lead-
1275 based paint.

1276 10. The results of the inspection expressed in terms appropriate to the sampling methods
1277 used.

1278 **18VAC15-30-541. Lead hazard screen.**

1279 A. A lead hazard screen ~~shall~~ must only be conducted by individuals licensed by the board as
1280 a risk assessor.

1281 B. If conducted, a lead hazard screen ~~shall~~ must be conducted as follows:

1282 1. Background information regarding the physical characteristics of the residential dwelling
1283 or child-occupied facility and occupant use patterns that may cause lead-based paint
1284 exposure to one or more children ~~age~~ six years of age and ~~under shall~~ younger must be
1285 collected.

1286 2. A visual inspection of the residential dwelling or child-occupied facility ~~shall~~ must be
1287 conducted to:

1288 a. Determine if any deteriorated paint is present; and

1289 b. Locate at least two dust sampling locations.

1290 3. If deteriorated paint is present, each surface with deteriorated paint, ~~which~~ that is

1291 determined to be in poor condition by using documented methodologies and to have a

1292 distinct painting history, ~~shall~~ must be tested for the presence of lead.

1293 4. In residential dwellings, two composite dust samples ~~shall~~ must be collected, one from

1294 the floors and the other from the windows, in rooms, hallways, or stairwells where one or

1295 more children, ~~age six years of age and under,~~ younger are likely to come in contact with

1296 dust.

1297 5. In multi-family dwellings and child-occupied facilities, in addition to the floor and window

1298 samples required in 18VAC15-30-550 B 4, the risk assessor ~~shall~~ must also collect

1299 composite dust samples from common areas where children, ~~age six years of age and~~

1300 ~~under,~~ younger are most likely to come into contact with dust.

1301 C. Dust samples ~~shall~~ must be collected in the following manner:

1302 1. All dust samples ~~shall~~ must be taken using documented methodologies that incorporate

1303 adequate quality control procedures.

1304 2. All dust samples ~~shall~~ must be sent to a laboratory recognized by EPA as being capable

1305 of performing the analysis to determine if they contain detectable levels of lead that can

1306 be quantified numerically.

1307 **18VAC15-30-542. Written lead hazard screen report.**

1308 After a lead hazard screen has been conducted, a written hazard screen report ~~shall~~ must be

1309 prepared by the risk assessor. A lead hazard screen report ~~shall~~ must contain the following

1310 minimum information:

1311 1. The information identified in a risk assessment report as specified in 18VAC15-30-610,
1312 including ~~18VAC15-30-610-1 through 18VAC15-30-610-14~~. Additionally, any background
1313 information collected pursuant to 18VAC15-30-541 B 1 ~~of this chapter shall~~ must be
1314 included in the report.

1315 2. Recommendations, if warranted, for a follow-up risk assessment, and as appropriate,
1316 any further actions.

1317 **18VAC15-30-550. Risk assessment.**

1318 A. A risk assessment ~~shall~~ must only be conducted by individuals licensed by the board as
1319 risk assessors.

1320 B. If conducted, a risk assessment ~~shall~~ must be conducted as follows:

1321 1. A visual inspection for risk assessment of the residential dwelling or child-occupied
1322 facility ~~shall~~ must be undertaken to locate the existence of deteriorated paint, assess the
1323 extent and causes of deterioration, and other potential lead-based paint hazards.

1324 2. Background information regarding the physical characteristics of the residential dwelling
1325 or child-occupied facility and occupant use patterns that may cause lead-based paint
1326 exposure to one or more children ~~age six years~~ of age and under shall younger must be
1327 collected.

1328 3. The following surfaces that are determined, using documented methodologies, to have
1329 a distinct painting history, ~~shall~~ must be tested for the presence of lead:

1330 a. Each friction surface or impact surface with visibly deteriorated paint; and

1331 b. All other surfaces with visibly deteriorated paint.

1332 4. In residential dwellings, dust samples (either composite or single-surface samples) from
1333 ~~the~~ any interior window ~~sill(s)~~ sill and floor ~~shall~~ must be collected and analyzed for lead

1334 concentration in living areas where one or more children, ~~age six years of age and under,~~
1335 younger are most likely to come into contact with dust.

1336 5. For multi-family dwellings and child-occupied facilities, the samples required in
1337 ~~48VAC15-30-550 B (3) shall~~ subdivision 3 of this subsection must be taken. In addition,
1338 interior window sill and floor dust samples (either composite or single-surface samples)
1339 ~~shall~~ must be collected and analyzed for lead concentration in the following locations:

1340 a. Common areas adjacent to the sampled residential dwelling or child-occupied
1341 facility; and

1342 b. Other common areas in the building where the risk assessor determines that one or
1343 more children, ~~age six years of age and under,~~ younger are likely to come into contact
1344 with dust.

1345 6. For child-occupied facilities, interior window sill and floor dust samples (either composite
1346 or single-surface samples) ~~shall~~ must be collected and analyzed for lead concentration in
1347 each room, hallway, or stairwell utilized by one or more children, ~~age six years of age and~~
1348 ~~under,~~ younger and in other common areas in the child-occupied facility where one or
1349 more children, ~~age six years of age and under,~~ younger are likely to come into contact
1350 with dust.

1351 7. Soil samples ~~shall~~ must be collected and analyzed for lead concentrations in the
1352 following locations:

1353 a. Exterior play areas where bare soil is present;

1354 b. The rest of the yard (i.e., nonplay areas) where bare soil is present; and

1355 c. ~~Dripline/foundation~~ Dripline or foundation areas where bare soil is present.

1356 8. Any paint, dust, or soil sampling or testing ~~shall~~ must be conducted using documented
1357 methodologies that incorporate adequate quality control procedures.

1358 9. Any collected paint chip, dust, or soil sample ~~shall~~ must be sent for analysis to a
1359 laboratory recognized by EPA as being capable of performing these activities.

1360 **18VAC15-30-610. Written risk assessment report.**

1361 After an assessment has been conducted, a written assessment report ~~shall~~ must be
1362 completed. A risk assessment report ~~shall~~ must contain the following minimum information:

1363 1. Date of assessment.

1364 2. Address of each building.

1365 3. Date of construction of each building.

1366 4. Apartment numbers (if applicable).

1367 5. Name, address, and telephone number of each owner of each building.

1368 6. Name, signature, and license number of the licensed risk assessor conducting the
1369 assessment.

1370 7. Name, address, and telephone number of the firm employing each risk assessor.

1371 8. Name, address, and telephone number of each recognized laboratory conducting
1372 analysis of collected samples.

1373 9. Results of the visual inspection.

1374 10. Testing method and sampling procedures for paint analysis employed.

1375 11. Specific locations of each painted testing combination tested for the presence of lead-
1376 based paint.

1377 12. All data collected from on-site testing, including quality control and, if used, the serial
1378 number of any XRF device.

1379 13. All results of laboratory analysis on collected paint, soil, and dust samples.

1380 14. Any other sampling results.

1381 15. Any background information collected pursuant to 18VAC15-30-550 B 2.

1382 16. To the extent that they are used as part of the lead-based paint hazard determination,
1383 the results of any previous inspections or analyses for the presence of lead-based paint,
1384 or other assessments of lead-based paint related hazards.

1385 17. A description of the location, type, and severity of identified lead-based paint hazards
1386 and any other potential lead hazard.

1387 18. A description of interim controls or abatement options, ~~or both~~, for each identified lead-
1388 based paint hazard and a suggested prioritization for addressing each hazard. If the use
1389 of an encapsulant or enclosure is recommended, the report ~~shall~~ must recommend a
1390 maintenance and monitoring schedule for the encapsulant or enclosure.

1391 **18VAC15-30-620. Abatement.**

1392 A. Abatement ~~shall~~ must be conducted only by individuals licensed by the board as
1393 supervisors or workers and employed by a ~~licensed lead abatement~~ contractor.

1394 B. A licensed lead abatement supervisor is required for each abatement project and ~~shall~~ must
1395 be ~~on-site~~ on site during all work site preparation and during the post-abatement cleanup of work
1396 areas. At all other times when abatement activities are being conducted, the licensed supervisor
1397 ~~shall~~ must be ~~on-site~~ on site or available by telephone, pager, or answering service, and able to
1398 be present at the work site in no more than two hours.

1399 C. The licensed lead abatement supervisor and the ~~licensed lead abatement~~ contractor
1400 employing the supervisor ~~shall~~ must ensure that all abatement activities are conducted according
1401 to the requirements of this chapter and all other federal, state, and local regulations.

1402 D. A written occupant protection plan ~~shall~~ must be developed for all abatement projects and
1403 ~~shall~~ must be prepared according to the following procedures:

1404 1. The occupant protection plan ~~shall~~ must be unique to each residential dwelling or child-
1405 occupied facility and be developed prior to the abatement. The occupant plan ~~shall~~ must
1406 describe the measures and management procedures that will be taken during the
1407 abatement to protect the building occupants from exposure to any lead-based paint
1408 hazard.

1409 2. A licensed lead abatement supervisor or lead project designer ~~shall~~ must prepare the
1410 occupant protection plan.

1411 E. The following work practices ~~shall~~ must be restricted during an abatement:

1412 1. Open-flame burning or torching of lead-based paint is prohibited.

1413 2. Machine sanding or grinding or abrasive blasting of lead-based paint is prohibited
1414 unless used with High Efficiency Particulate Air (HEPA) exhaust control that removes
1415 particles of 0.3 microns or larger from the air at ~~99.97 percent~~ 99.97% or greater efficiency.

1416 3. Dry scraping of lead-based paint is permitted only in conjunction with heat guns or
1417 around electrical outlets or when treating defective paint spots totaling no more than two
1418 square feet in any one room, hallway, or stairwell or totaling no more ~~that~~ than 20 square
1419 feet on exterior surfaces.

1420 4. Operating a heat gun on lead-based paint is permitted only at temperatures below ~~4400~~
1421 ~~degrees Fahrenheit~~ 1100°F.

1422 F. If the soil is removed:

1423 1. The soil ~~shall~~ must be replaced by soil with a lead concentration as close to local
1424 background as practicable, but no greater than 400 ppm.

1425 2. The soil that is removed ~~shall~~ must not be used as ~~top soil~~ topsoil at another residential
1426 property or child-occupied facility.

1427 3. If soil is not removed, the soil ~~shall~~ must be permanently covered as defined in
1428 18VAC15-30-20.

1429 G. An abatement report ~~shall~~ must be prepared by a licensed lead abatement supervisor or
1430 lead project designer. The abatement report ~~shall~~ must include the following information:

1431 1. Start and completion dates of abatement.

1432 2. The name and address of each licensed lead abatement contractor conducting the
1433 abatements, and the name of each licensed lead abatement supervisor assigned to the
1434 abatement project.

1435 3. The occupant protection plan prepared pursuant to subsection D of this section.

1436 4. The name, address, and signature of each licensed risk assessor or inspector
1437 conducting clearance sampling and the date of clearance testing.

1438 5. The results of clearance testing, the name of each recognized laboratory that conducted
1439 the analysis, and the name and signature of the person conducting the analysis.

1440 6. A detailed written description of the abatement, including abatement methods used,
1441 locations of rooms and components where abatement occurred, and reason for selecting
1442 particular abatement methods for each component and any suggested monitoring of
1443 encapsulants or enclosures.

1444 **18VAC15-30-650. Post-abatement clearance procedures.**

1445 The following post-abatement clearance procedures ~~shall~~ must be performed by a licensed
1446 inspector or licensed risk assessor:

1447 1. Following an abatement, a visual inspection ~~shall~~ must be performed by the licensed
1448 inspector or licensed risk assessor to determine if there are any deteriorated painted
1449 surfaces or visible amounts of dust, debris, or residue still present. If deteriorated painted
1450 surfaces or visible amounts of dust, debris, or residue are present, these conditions must
1451 be eliminated prior to the continuation of the clearance procedures.

1452 2. Following a successful visual inspection for clearance, but no sooner than one hour
1453 after completion of final post abatement clean-up, clearance sampling ~~shall~~ must be
1454 conducted.

1455 3. Clearance sampling may be conducted by employing single-surface or composite
1456 sampling techniques, and ~~shall~~ must be taken using documented methodologies that
1457 incorporate adequate quality control procedures.

1458 4. The following post-abatement clearance activities ~~shall~~ must be conducted, as
1459 appropriate, based upon the extent or manner of abatement activities conducted in or to
1460 the residential dwelling or child-occupied facility.

1461 a. After conducting an abatement with containment between abated and unabated
1462 areas, one dust sample ~~shall~~ must be taken from one interior window sill and from one
1463 window trough (if present) and one dust sample ~~shall~~ must be taken from the floors of
1464 each of no less than four rooms, hallways, or stairwells within the containment area.
1465 In addition, one dust sample ~~shall~~ must be taken from the floor outside the containment
1466 area. If there are ~~less~~ fewer than four rooms, hallways, or stairwells within the
1467 containment area, then all rooms, hallways ~~or, and~~ and stairwells ~~shall~~ must be sampled.

1468 b. After conducting an abatement with no containment, two dust samples ~~shall~~ must
1469 be taken from each of no less than four rooms, hallways, or stairwells in the residential
1470 dwelling or child-occupied facility. One dust sample ~~shall~~ must be taken from one
1471 interior window sill and window trough (if present), and one dust sample ~~shall~~ must be
1472 taken from the floor of each room, hallway, or stairwell selected. If there are ~~less~~ fewer
1473 than four rooms, hallways, or stairwells within the residential dwelling or child-occupied
1474 facility, then all rooms, hallways, ~~or~~ and stairwells ~~shall~~ must be sampled.

1475 c. Following an exterior paint abatement, a visual inspection ~~shall~~ must be conducted.
1476 All horizontal surfaces in the outdoor living area closest to the abated surfaces ~~shall~~
1477 must be found to be cleaned of visible dust and debris. In addition, a visual inspection
1478 ~~shall~~ must be conducted to determine the presence of paint chips on the dripline or
1479 next to the foundation below any exterior surface abated. If paint chips are present,
1480 they must be removed from the site and properly disposed of, according to all
1481 applicable federal, state, and local requirements.

1482 5. The rooms, hallways, or stairwells selected for sampling ~~shall~~ must be selected
1483 according to documented methodologies.

1484 6. The licensed inspector or licensed risk assessor ~~shall~~ must compare the residual lead
1485 level (as determined by the laboratory analysis) from each single surface dust sample with
1486 the clearance levels, as established in ~~40 CFR Part 745 Subpart D~~ 40 CFR 745.227(e)(8),
1487 for lead in dust on floors, interior window sills, and window troughs or from each composite
1488 dust sample with the applicable clearance levels for lead in dust on floors, interior window
1489 sills, and window troughs divided by half the number of subsamples in the composite
1490 sample. If the residual lead level in a single surface dust sample equals or exceeds the
1491 applicable clearance level or if the residual lead level in a composite dust sample equals
1492 or exceeds the applicable clearance level divided by half the number of subsamples in the

1493 composite sample, the components represented by the failed sample ~~shall~~ must be
1494 recleaned and retested.

1495 7. In multi-family dwellings with similarly constructed and maintained residential dwellings,
1496 random sampling for the purpose of clearance may be conducted, provided:

1497 a. The licensed individuals who abate or clean the residential dwellings do not know
1498 which residential dwelling will be selected for the random sample.

1499 b. A sufficient number of residential dwellings are selected for dust sampling to provide
1500 a 95% level of confidence that no more than 5.0% or 50 dwellings (whichever is less)
1501 in the randomly sampled population exceed the appropriate clearance levels.

1502 c. The randomly selected residential dwellings ~~shall~~ must be sampled and evaluated
1503 for clearance according to the procedures found in this chapter.

1504 **18VAC15-30-651. Composite dust sampling.**

1505 Composite dust sampling may be used in situations specified in 18VAC15-30-520 through
1506 18VAC15-30-610. If such sampling is conducted, the following conditions ~~shall~~ apply:

1507 1. Composite dust samples ~~shall~~ must consist of at least two ~~aliquots~~ subsamples;

1508 2. Every component that is being tested ~~shall~~ must be included in the sampling; and

1509 3. Composite dust samples ~~shall~~ must not consist of ~~aliquots~~ subsamples taken from more
1510 than one type of component.

1511 **18VAC15-30-760. Responsibility to the public.**

1512 The primary obligation of the licensee is to the public. If the licensee's judgment is overruled
1513 ~~under circumstances and not adhered to~~ when advising appropriate parties of circumstances of
1514 a substantial threat to the public health, safety, health, property, and welfare of the public are
1515 ~~endangered~~, the licensee ~~shall~~ will inform the employer or client, as applicable, of the possible

1516 consequences and notify appropriate authorities if the situation is not resolved. The licensee shall
1517 take such action only when his authority to correct a problem has been ignored or overruled.

1518 **18VAC15-30-770. Public statements. (Repealed.)**

1519 A. The licensee shall be truthful in all matters relating to the performance of lead abatement
1520 or lead consulting services.

1521 B. When serving as an expert or technical witness, the licensee shall express an opinion only
1522 when it is based on an adequate knowledge of the facts in issue and on a background of technical
1523 competence in the subject matter. Except when appearing as an expert witness in court or an
1524 administrative proceeding when the parties are represented by counsel, the licensee shall issue
1525 no statements, reports, criticisms, or arguments on matters relating to practices which are inspired
1526 or paid for by an interested party or parties, unless one has prefaced the comment by disclosing
1527 the identities of the party or parties on whose behalf the licensee is speaking, and by revealing
1528 any self interest.

1529 C. Licensees or applicants shall not knowingly make a materially false statement, submit
1530 falsified documents, or fail to disclose a material fact requested in connection with an application
1531 submitted to the board by any individual or business entity for licensure or renewal.

1532 **18VAC15-30-780. Solicitation of work. (Repealed.)**

1533 In the course of soliciting work:

1534 1. The licensee shall not bribe.

1535 2. The licensee shall not falsify or permit misrepresentation of the licensee's work or an
1536 associate's academic or professional qualifications, nor shall the licensee misrepresent
1537 the degree of responsibility for prior assignments.

1538 ~~3. Materials used in the solicitation of employment shall not misrepresent facts concerning~~
1539 ~~employers, employees, associate joint ventures, or past accomplishments of any kind.~~

1540 ~~4. Materials used in the solicitation of services shall not misrepresent facts of approval,~~
1541 ~~federal, or state requirements.~~

1542 **18VAC15-30-790. Professional responsibility. (Repealed.)**

1543 ~~A. The licensee or accredited lead training provider shall, upon request or demand, produce~~
1544 ~~to the board, or any of its representatives, any plan, document, book, record or copy thereof in~~
1545 ~~his possession concerning a transaction covered by this chapter, and shall cooperate in the~~
1546 ~~investigation of a complaint filed with the board against a licensee or accredited lead training~~
1547 ~~provider.~~

1548 ~~B. A licensee shall not use the design, plans, or work of another licensee with the same type~~
1549 ~~of license without the original's knowledge and consent, and after consent, a thorough review to~~
1550 ~~the extent that full responsibility shall be assumed by the user.~~

1551 ~~C. Accredited lead training providers shall admit board representatives for the purpose of~~
1552 ~~conducting an on-site audit, or any other purpose necessary to evaluate compliance with this~~
1553 ~~chapter and other applicable laws and regulations.~~

1554 ~~D. Each licensee shall keep his board approved training and license current.~~

1555 **18VAC15-30-795. Response to inquiry and provision of records.**

1556 A. A licensee must respond within 10 days to a request by the board or any of its agents
1557 regarding any complaint filed with the department.

1558 B. Unless otherwise specified by the board, a licensee of the board must produce to the board
1559 or any of its agents within 10 days of the request any document, book, or record concerning any
1560 transaction pertaining to a complaint filed in which the licensee was involved or for which the

1561 licensee is required to maintain records. The board may extend such timeframe upon a showing
1562 of extenuating circumstances prohibiting delivery within such 10-day period.

1563 C. No licensee will provide a false, misleading, or incomplete response to the board or any of
1564 its agents seeking information in the investigation of a complaint filed with the board.

1565 D. With the exception of the requirements of subsection A or B of this section, a licensee must
1566 respond to an inquiry by the board or its agent within 21 days.

1567 **18VAC15-30-800. ~~Good standing in other jurisdictions~~ Notice of adverse action.**

1568 ~~A. Licensees, accredited lead training providers, training managers, or principal instructors~~
1569 ~~who perform lead project designs, lead inspections, lead risk assessments, lead-based paint~~
1570 ~~abatement training, lead contracting or lead abatement supervisor work in other jurisdictions shall~~
1571 ~~be in good standing in every jurisdiction where licensed, certified, or approved and shall not have~~
1572 ~~had a license, certification, or approval suspended, revoked, or surrendered in connection with a~~
1573 ~~disciplinary action. B. Licensees~~ A licensee, accredited lead training providers provider, training
1574 managers manager, or principal instructors shall instructor must notify the board ~~in writing no later~~
1575 ~~than 10 days after the final disciplinary action taken by another jurisdiction against their license~~
1576 ~~or approval to conduct lead-based paint activities.~~ of the following:

1577 1. Any disciplinary action taken by any jurisdiction, board, or administrative body, including
1578 any (i) reprimand; (ii) license or certificate revocation, suspension, or denial; (iii) monetary
1579 penalty; (iv) requirement for remedial education; or (v) other corrective action against the
1580 individual's license or approval to conduct lead-based paint activities.

1581 2. Any voluntary surrendering of a related license, certificate, or registration done in
1582 connection with a disciplinary action in another jurisdiction against the individual's license
1583 or approval to conduct lead-based paint activities.

1584 3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred
1585 adjudication, in any jurisdiction of the United States of any (i) felony; (ii) misdemeanor
1586 conviction related to environmental remediation activity; and (iii) misdemeanor conviction,
1587 excluding marijuana convictions, there being no appeal pending therefrom or the time for
1588 appeal having lapsed.

1589 B. The notice must be made to the board in writing within 30 days of the action. A copy of the
1590 order or other supporting documentation must accompany the notice.

1591 C. Licensees, accredited lead training providers, training managers, or principal instructors
1592 may be subject to disciplinary action or removal of a lead training program accreditation for
1593 disciplinary actions taken by another jurisdiction.

1594 **18VAC15-30-810. Grounds for ~~denial of application, denial of renewal, or discipline~~**
1595 **disciplinary action.**

1596 A. The board ~~shall have~~ has the authority ~~power~~ to reprimand, fine any licensee or accredited
1597 lead training provider, training manager or principal instructor, and to deny renewal, to, or
1598 suspend, to, or revoke or to deny application for any the license or training program approval as
1599 an accredited lead training program, accredited lead training provider, training manager or
1600 principal instructor provided for under Chapter 5 of Title 54.1 of the Code of Virginia for:

1601 1. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3,
1602 or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.

1603 2. Obtaining a license, approval as an accredited lead training program, approval as an
1604 accredited lead training provider or approval as a training manager or principal instructor
1605 through fraudulent means.

1606 3. Altering, falsifying or issuing a fraudulent Virginia lead license or a training certificate
1607 issued by an accredited lead training provider.

1608 ~~4. Violating any provision of any federal or state regulation pertinent to lead-based paint~~
1609 ~~activities.~~

1610 ~~5. Having been found guilty by the board, another regulatory authority, or by a court, of~~
1611 ~~any misrepresentation in the course of performing his operating duties.~~

1612 ~~6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been convicted~~
1613 ~~or found guilty, regardless of adjudication in any jurisdiction of the United States, of any~~
1614 ~~felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while~~
1615 ~~engaged in environmental remediation activity that resulted in the significant harm or the~~
1616 ~~imminent and substantial threat of significant harm to human health or the environment,~~
1617 ~~there being no appeal pending therefrom or the time for appeal having elapsed. Any plea~~
1618 ~~of nolo contendere shall be considered a conviction for the purposes of this chapter. A~~
1619 ~~certified copy of the final order, decree or case decision by a court or regulatory agency~~
1620 ~~with lawful authority to issue such order, decree or case decision shall be admissible as~~
1621 ~~prima facie evidence of such conviction or discipline.~~

1622 ~~7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere~~
1623 ~~or being convicted or found guilty of any felony or of any misdemeanor involving lying,~~
1624 ~~cheating, or stealing or of any violation while engaged in environmental remediation~~
1625 ~~activity that resulted in the significant harm or the imminent threat of significant harm to~~
1626 ~~human health or the environment.~~

1627 ~~8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in~~
1628 ~~which a lead license is held.~~

1629 ~~9. Failing or neglecting to send any information or documentation that was requested by~~
1630 ~~the board or its representatives.~~

1631 ~~10. Refusing to allow state or federal representatives access to any area of an abatement~~
1632 ~~site for the purpose of lawful compliance inspections.~~

1633 ~~11. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the Code of~~
1634 ~~Virginia or of the regulations of the board by any lead abatement supervisor or lead~~
1635 ~~abatement worker may be cause for disciplinary action against the lead abatement~~
1636 ~~contractor for whom he works if it appears to the satisfaction of the board that the lead~~
1637 ~~abatement contractor knew or should have known of the unlawful act or violation.~~

1638 ~~12. Failing to notify the board in writing within 30 days after any change in address or~~
1639 ~~name.~~

1640 ~~13. Acting as or being an ostensible licensee for undisclosed persons who do or will control~~
1641 ~~or direct, directly or indirectly, the operations of the licensee's business.~~

1642 ~~14. Failing to keep board approved training and license current of any licensee or training~~
1643 ~~provider in accordance with § 54.1-516 of the Code of Virginia or this chapter when the~~
1644 ~~licensee or training provider has been found to have violated or cooperated with others in~~
1645 ~~violating any provision of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-~~
1646 ~~300 et seq.), or 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or this chapter.~~

1647 B. Any individual or firm whose license, ~~approval as an accredited lead~~ or training program,
1648 ~~approval as an accredited lead training provider or approval as a training manager or principal~~
1649 ~~instructor is revoked under this section shall will not be eligible to reapply for a period of ~~one year~~~~
1650 ~~12 months from the effective date of the final order of revocation. The individual or firm shall meet~~
1651 ~~all education, experience, and training requirements, complete the application, and submit the~~
1652 ~~required fee for consideration as a new applicant.~~

1653 C. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-
1654 ~~4021 of the Administrative Process Act~~ Any unlawful act or violation of any provision of Chapter

1655 5 of Title 54.1 of the Code of Virginia or of the regulations of the board by any lead supervisor or
1656 lead worker may be cause for disciplinary action against the lead contractor for whom the
1657 individual works if it appears to the satisfaction of the board that the lead contractor knew or
1658 should have known of the unlawful act or violation.

1659 **18VAC15-30-815. Prohibited acts.**

1660 The following acts are prohibited and any violation may result in disciplinary action by the
1661 board:

1662 1. Violating, inducing another to violate, cooperating with another to violate, or combining
1663 or conspiring with or acting as agent, partner, or associate for another to violate any of the
1664 provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-300 et seq.)
1665 or 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or any regulations of the
1666 board.

1667 2. Obtaining or attempting to obtain a license or training program approval by false or
1668 fraudulent representation or maintaining, renewing, or reinstating a license or training
1669 program approval by false or fraudulent representation.

1670 3. Failing to notify the board in writing within 30 days after any change in address or name.

1671 4. Having been convicted, found guilty, or disciplined in any jurisdiction of any offense or
1672 violation enumerated in 18VAC15-30-800. Review of convictions will be subject to the
1673 requirements of § 54.1-204 of the Code of Virginia.

1674 5. Failing to notify the board in writing within 30 days of being convicted, found guilty, or
1675 disciplined in any jurisdiction of any offense or violation enumerated in 18VAC15-30-800.

1676 6. Violating any provision of any federal or state regulation pertinent to lead-based paint
1677 activities.

1678 7. Committing any action constituting negligence, misconduct, or incompetence in the
1679 practice of the profession, including:

1680 a. Having undertaken to perform or performed a professional assignment that the
1681 licensee is not qualified to perform by education, experience, training, or appropriate
1682 licensure.

1683 b. Not demonstrating reasonable care, judgment, or application of the required
1684 knowledge, skill, and ability in the performance of the licensee's duties.

1685 c. Failing to act in a manner that safeguards the interests of the public when providing
1686 professional services.

1687 8. Committing any action constituting engaging in improper, fraudulent, or dishonest
1688 conduct, including:

1689 a. Making any misrepresentation or engaging in acts of fraud or deceit in advertising,
1690 soliciting, or in providing professional services.

1691 b. Allowing a license issued by the board to be used by another.

1692 c. Altering, falsifying, or issuing a fraudulent Virginia lead license or a training
1693 certificate.

1694 9. Acting as or being an ostensible licensee for undisclosed persons who do or will control
1695 or direct, directly or indirectly, the operations of a licensee's business.

1696 10. Failing or neglecting to submit information or documentation requested by the board
1697 or its representatives.

1698 11. Refusing to allow state or federal representatives access to any area of an abatement
1699 site for the purpose of lawful compliance inspections.

1700 ~~18VAC15-30-820. Suspension or revocation of approval of an accredited lead training~~
1701 ~~provider. (Repealed.)~~

1702 ~~A. The board may suspend, revoke, or modify an accredited lead training program's approval~~
1703 ~~if an accredited lead training provider, training manager, or other person with supervisory authority~~
1704 ~~over the training program has:~~

1705 ~~1. Misrepresented the contents of a training course to the board or the student population.~~

1706 ~~2. Failed to submit required information or notification in a timely manner.~~

1707 ~~3. Failed to submit training program notifications as required and in the manner described~~
1708 ~~in 18VAC15-30-420.~~

1709 ~~4. Failed to submit training program participant lists as required and in the manner~~
1710 ~~described in 18VAC15-30-420.~~

1711 ~~5. Failed to maintain required records.~~

1712 ~~6. Falsified accreditation records, qualifications of the training manager and principal~~
1713 ~~instructors, or other accreditation information.~~

1714 ~~7. Failed to comply with the federal, state, or local lead-based paint statutes or regulations.~~

1715 ~~8. Acted as an ostensible licensee for undisclosed persons who do or will control or direct,~~
1716 ~~directly or indirectly, the operations of the accredited lead training provider's business.~~

1717 ~~B. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-~~
1718 ~~4024 of the Administrative Process Act.~~

Virginia Board for Asbestos, Lead, and Home Inspectors

Application Review Matrix

Criminal History

Revised September 11, 2025

Delegation of Authority to DPOR Staff

The Board hereby delegates authority to the Department of Professional and Occupational Regulation to conduct predetermination and licensing informal fact-finding conferences in accordance with the applicable portions of the Administrative Process Act (Code of Virginia 2.2-4000 et. seq.).

Authorization to Approve Certain Prior Criminal Convictions

Applications and Predetermination Requests disclosing the following convictions will not be reviewed by the Board and may be approved by DPOR staff:

1. Felony convictions more than three years old with no subsequent reportable convictions, unless the conviction resulted in incarceration where the release date is less than one year from the application date. This does not include convictions involving murder, manslaughter, sexual assault, rape, robbery, indecent liberties, fraud, embezzlement, abduction, assaulting a police officer, larceny, burglary or environmental remediation activity related convictions.
2. Misdemeanor convictions for possession-of a controlled substance with no other convictions.
3. Felony convictions for possession of controlled substance more than two years old with no other convictions. For convictions less than two years old if the applicant has completed a deterrence program.
4. Felony convictions of Title 46 of the *Code of Virginia* (Traffic Code).
5. Misdemeanor convictions for simple assault (except domestic assault and assaulting a police officer), disorderly conduct, and/or trespassing.
6. Misdemeanor DUI convictions. This does not include DUI felony convictions.

Guidance Document for Incorporation & Repeal

Guidance Document Information

| | |
|-----------------------|--|
| Title | Requirement to Take the Virginia Lead Law Examination |
| Document ID | 6630 |
| Summary | Applicants for Lead Risk Assessor, Lead Inspector, and Lead Supervisor must take the applicable discipline-specific exam. In addition, all candidates must take the Virginia Lead Law examination. The Virginia Lead Law exam is the same for all disciplines. This guidance provides for a waiver of the Virginia Lead Law exam in specific, limited circumstances. |
| Effective Date | 4/4/2019 |



Board for Asbestos, Lead, and Home Inspectors

Guidance Document: Requirement to take the Virginia Lead Law Examination

*Adopted February 7, 2019
Effective April 4, 2019*

I. Background

Applicants for Lead Risk Assessor, Lead Inspector, and Lead Supervisor must take the applicable discipline-specific exam. In addition, all candidates must take the Virginia Lead Law examination. The Virginia Lead Law exam is the same for all disciplines.

II. Issue

Pursuant to the PCS Candidate Information Bulletin for the Virginia Lead Abatement exams (attached), the Virginia Law exam is based on Chapter 5 of Title 54.1 of the Code of Virginia and the Lead-Based Paint Activities Regulations. There have been no substantial changes related to lead abatement licensing laws and regulations since 2004 and 2003, respectively. Currently, an individual who applies for a Lead Risk Assessor and Lead Inspector license at the same time would have to take the same Virginia Lead Law exam with each discipline-specific exam, in some instances just days apart.

III. Board Guidance

The Board voted that an individual would not be required to re-take the Virginia Lead Law exam if applying for another discipline or reapplying as a result of an expired license if that individual has taken and passed the Virginia Lead Law exam within the last three years. However, this three-year waiver for re-taking the Virginia Lead Law

examination will not be applicable in the event there are significant changes to the laws and/or regulations that results in an examination review and update. Anyone required by regulation to take a lead licensing examination, to include the Virginia Lead Law exam, would have to take the Virginia Lead Law exam after the date of implementation of the updated examination regardless of when they may have previously taken the Virginia Lead Law exam.

Guidance Documents for Repeal

Guidance Document Information

| | |
|-----------------------|---|
| Title | Review of ALHI Applications with Criminal Convictions |
| Document ID | 5584 |
| Summary | Document addresses the processing of asbestos, lead abatement and home inspector applications where applicants indicate a previous criminal conviction. |
| Effective Date | 8/16/2018 |

Guidance Document Information

| | |
|-----------------------|--|
| Title | Requirements for Individuals who Analyze PCM Air Samples Onsite |
| Document ID | 5747 |
| Summary | Clarification of Requirements for Individuals who Analyze PCM Air Samples Onsite |
| Effective Date | 5/14/2015 |

Guidance Document Information

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| Title | Clarification of Acceptable Degree Programs for Asbestos & Lead Licensing |
| Document ID | 6018 |
| Summary | Acceptable degree programs for asbestos and lead licensing. |
| Effective Date | 5/17/2016 |

Guidance Document Information

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| Title | Renewing Asbestos Workers License with Asbestos Supervisor Refresher Training |
| Document ID | 6374 |
| Summary | The Board will accept EPA/AHERA or Board-approved asbestos supervisor training programs for renewal of an asbestos worker license provided all other requirements of the Board are met. |
| Effective Date | 5/17/2018 |

Guidance Document Information

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| Title | Clarification Regarding Asbestos Abatement Projects that Require a Project Monitor |
| Document ID | 6834 |
| Summary | Clarification by the Board for Asbestos, Lead, and Home Inspectors regarding asbestos abatement projects that require a project monitor. |
| Effective Date | 4/16/2020 |

Guidance Document Information

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|-----------------------|---|
| Title | Verification of Course Completion Certificates Awarded to Training Program Managers and Principal Instructors |
| Document ID | 7208 |
| Effective Date | 7/7/2022 |

Guidance Document Information

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| Title | Electronic Delivery of Asbestos and Lead Refresher Courses |
| Document ID | 7209 |
| Effective Date | 7/7/2022 |



Board for Asbestos Lead and Home Inspectors

Guidance Document: Review of Applications with Misdemeanor Convictions

Adopted August 7, 2014

Amended August 16, 2018

I. Background

The Asbestos Licensing Regulations and the Lead-Based Paint Activities Regulations of the Board for Asbestos, Lead, and Home Inspectors (Board) include the provisions applicable to asbestos and lead abatement licensing in Virginia. The Board may discipline a license or deny an application upon review in accordance with § 54.1-204 and the Administrative Process Act (Title 2.2, Chapter 40 of the Code of Virginia) if the applicant or licensee has been convicted of any felony and/or misdemeanor involving certain offenses.

II. Applicable Regulations

Asbestos Licensing Regulations

18VAC15-20-32. Qualifications for Licensure—Individuals.

...

G. Conviction or guilt. The applicant shall not have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing or any violation while engaged in environmental remediation activity that resulted in the

Guidance Document: Misdemeanor Convictions

Adopted January 16, 2014

Amended August 16, 2018

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significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having lapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The record of conviction, finding or case decision shall be considered prima facie evidence of a conviction or finding of guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.

Lead-Based Paint Activities Regulations

18VAC15-30-52. Qualifications for Licensure - Individuals.

J. Conviction or guilt. The applicant shall disclose the following information:

1. A conviction in any jurisdiction of any felony.
2. A conviction in any jurisdiction of any misdemeanor.

...

18VAC15-30-810. Grounds for Denial of Application Denial of Renewal, or Discipline

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

...

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

or case decision shall be admissible as prima facie evidence of such conviction or discipline.

Regulation 18VAC15-20-450 of the Asbestos Licensing Regulations and 18VAC15-30-810 of the Lead-Based Paint Licensing Regulations include the Board's authority to discipline a licensee or deny a renewal or application for convictions as referenced above.

II. Issue

Applicants for licensure who meet all other requirements but have had any misdemeanor conviction related to lying, cheating, or stealing at any time in the past must go through an informal fact-finding conference pursuant to the Administrative Process Act (Chapter 40 of Title 2.2 of the *Code of Virginia*) in order to have their applications considered for licensure, thus delaying the approval of their applications. This would include, but not be limited to, an applicant who had an applicable misdemeanor violation 10, 15, or 20 years ago, and no other convictions since that time.

III. Policy

The Board authorizes staff to approve an application wherein the applicant meets all other requirements for licensure but has one or more misdemeanor convictions all of which are more than five years old and not related to environmental remediation activities.

Such applicant shall *not* be subject to the provisions of § 54.1-204 of the Code of Virginia and will be processed administratively by staff.



Virginia Board for Asbestos, Lead, and Home Inspectors

**Guidance Document: Clarification of Requirements for
Individuals who Analyze PCM Air Samples Onsite**

Adopted May 14, 2015

I. Background

Regulation 18 VAC 15-20-33 E.2.b (2) describes the entry requirements for the licensure of an asbestos analytical laboratory to perform onsite PCM analysis, and the qualifications of the onsite analyst who is analyzing the PCM air samples.

Regulation 18 VAC 15-20-456 outlines the responsibilities of an Asbestos Project Monitor. Subsection D describes the accreditations the Asbestos Project Monitor must have to analyze PCM air samples on site, and indicates that they shall be employed by a licensed analytical laboratory.

II. Issue

Regulation 18 VAC 15-20-456.D requires project monitors who analyze PCM air samples onsite to “be listed or have applied for listing in the AAR and rated ‘acceptable’ or is accredited by AIHA or has been rated ‘proficient’ in the PAT Program’s most recent round of asbestos evaluations” in addition to being employed by a licensed analytical laboratory. Further, 18 VAC 15-33.E.2.b(2) requires on-site analysts to have the same accreditation/designation as well as the NIOSH 582 training program or equivalent. Other than the AAR listing, the other options for accreditation/designation apply to analytical laboratories and not individuals. The Board is requested to identify how a project monitor or on-site analyst can meet the accreditations/designations applicable to analytical laboratories.

III. Clarification

The Board clarified that a project monitor or on-site analyst can satisfy the requirement for AIHA accreditation or PAT Program proficiency through completion of the NIOSH 582 or equivalent, **and** the following:

- **For PAT Program proficiency**, the project monitor or on-site analyst is employed by a licensed analytical laboratory that is rated as “proficient” in the PAT Program and the analytical laboratory maintains, and provides upon request, the training and quality control documentation such as is necessary to demonstrate competency in performing onsite analysis.
- **For AIHA (AIHA-LAP, LLC) accreditation**, the project monitor is employed by a licensed analytical laboratory that is AIHA accredited and the analytical laboratory maintains, and provides upon request, the training and quality control documentation such as is necessary to demonstrate competency in performing onsite analysis.



Virginia Board for Asbestos, Lead, and Home Inspectors

Guidance Document: Clarification of Acceptable Degree Programs for Asbestos and Lead Licensing

Adopted by the Board on May 17, 2016

I. Background

Asbestos

Regulation 18 VAC 15-20-32 lists the qualifications for each individual asbestos license discipline. These qualifications are modeled after the EPA Asbestos Model Accreditation Plan for States (MAP), which suggests that states consider similar qualifications. The Board used the MAP as a starting point and added more specific qualifications in developing its Asbestos Licensing Regulations.

To satisfy the education requirement for Inspector, Management Planner, and Project Designer, an applicant can have either a bachelor's degree or an associate degree in engineering, architecture, industrial hygiene, physical science or a **related field**. "Related field" affords the applicant the opportunity to use a degree that does not fall into one of those specific fields of study.

Lead

Regulation 18 VAC 15-30-52 lists the qualifications for each individual lead-based paint activity discipline. Section 54.1-501.6 of the Code of Virginia restricts any Lead-Based Paint regulations of the Board from being more stringent than EPA's Lead-Based Paint Activities Regulations. Because of this restriction, the Board's entry requirements are identical to EPA's Lead-Based Paint Activities Regulation, 40 CFR 745.226.

To satisfy the education requirement for Project Designer, the applicant can have a bachelor's degree in engineering, architecture, or a ***related profession***; however, the field of study for the degree designation was left blank for Risk Assessor.

II. Issue

Frequently, Board staff has difficulty determining which fields of study should be recognized as a related field or a related profession. Many of today's degrees have rather creative titles. Even after reviewing transcripts, it is difficult to determine whether certain degrees are *related* and should be acceptable in meeting the minimum requirements for licensure. Additionally, since Lead Risk Assessor does not specify a field of study, staff has no regulatory guidance on what fields of study may be acceptable.

Board staff requests guidance in deciding which fields of study should be accepted as either a related field to asbestos or a related profession to lead-based paint activities.

III. Policy

To ensure consistency in the application of the regulations and to serve as guidance to staff and applicants, the Board adopts the following policy:

Where a determination cannot be made whether a degree should be accepted as either a related field or profession, a degree with a minimum of 40 semester credit hours in STEM (Science, Technology, Engineering, and Math) related courses is acceptable towards meeting the application requirements for licensure pursuant to 18 VAC 15-30-52 and 18 VAC 15-20-32. Applicants for licensure pursuant to this provision shall supply official transcripts for each degree program that is being submitted for consideration.

Board staff may request additional information as needed in order to ensure compliance with this policy. Should Board staff be unable to satisfactorily determine whether the credit hours comply with this policy, the application will not be approved. The applicant may request an informal fact-finding conference pursuant to the Administrative Process Act (Chapter 40 of Title 2.2 of the Code of Virginia) in order for the Board to consider the submitted documentation in the event that the supporting documentation is not sufficient or a determination cannot be reasonably made by staff based on the information submitted.



Board for Asbestos, Lead, and Home Inspectors

Guidance Document: Renewing Asbestos Worker Licenses with Asbestos Supervisor Refresher Training

Adopted May 17, 2018

I. Issue

The Board's Asbestos Licensing Regulations allow an applicant to qualify for licensure as an asbestos worker using accredited asbestos supervisor training (initial and all subsequent refreshers). However, an asbestos worker license cannot be renewed with an accredited asbestos supervisor training course – the course must be an accredited asbestos worker course.

II. Relevant Regulations

Section **18VAC15-20-32.E.1** of the Asbestos Licensing Regulations states:

E. Specific entry requirements.

1. Worker. Each individual applying for an initial asbestos worker license shall provide proof of successful completion of (i) an EPA/AHERA or board-approved initial accredited **asbestos worker training program** and all subsequent EPA/AHERA or board-approved accredited asbestos worker refresher training programs or (ii) an EPA/AHERA or board-approved initial accredited **supervisor training program** and all subsequent EPA/AHERA or board-approved accredited asbestos supervisor refresher training programs. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.

In addition, 18VAC15-20-70.C states:

C. Prior to the expiration date shown on the individual's current license, the individual desiring to renew that license shall provide evidence of meeting the annual refresher training requirement for license renewal and the appropriate fee specified in 18VAC15-20-53. The board will accept any asbestos training programs that are approved by EPA/AHERA or the board. A copy of the training certificate documenting the successful completion of the **refresher training for the license discipline being renewed** and meeting the requirements outlined in this chapter shall accompany the renewal notice and fee.

III. Board Guidance

The Board will accept EPA/AHERA or Board-approved asbestos supervisor training programs for renewal of an asbestos worker license provided all other requirements of the Board are met.



Board for Asbestos, Lead, and Home Inspectors

Guidance Document: Clarification Regarding Abatement Projects that Require a Project Monitor

Effective April 16, 2020

I. Background

The Board was asked to clarify 18VAC15-20-455.1 of the Asbestos Licensing Regulations. Section 18VAC15-20-455.1 states:

A project monitor is required on:

1. Asbestos projects performed in buildings that are occupied or intended to be occupied upon completion of the asbestos project exceeding 260 linear feet or 160 square feet or 35 cubic feet of asbestos-containing material; or
2. Whenever the building or property owner deems it necessary to monitor asbestos projects.

The requester indicated that one interpretation in the industry has been that the building owner alone can choose whether to have an asbestos abatement project monitored, regardless of the quantity of ACM removed.

II. Policy

In order to clarify any misconceptions regarding whether an asbestos abatement project requires a project monitor, the Board adopts the following policy.

Section 18VAC15-20-455.1 includes two conditions in which a project monitor is required on an asbestos abatement project: 1) asbestos projects performed in buildings that are occupied or intended to be occupied upon completion of the asbestos project exceeding 260 linear feet or 160 square feet or 35 cubic feet of asbestos-containing material; or 2) whenever the building or property owner deems it necessary to monitor asbestos projects. A project monitor is always required when the conditions of number 1 are met, and apply regardless of whether the property owner deems project monitoring is needed; or the condition of number 2 is met because a property owner deems a project monitoring is needed, even if the project scope is less than described in number 1. The condition outlined in number 2 does not nullify the conditions outlined in number 1.



Virginia Board for Asbestos, Lead, and Home Inspectors

Guidance Document:
Verification of Course Completion Certificates Awarded to Training Program Managers and Principal Instructors

Adopted May 12, 2022
Effective Date: July 7, 2022

I. Background

Board staff has received inquiries from other states regarding the validity of Virginia asbestos and lead training course completion certificates wherein the name of the course participant, the training manager, and the principal instructor are one and the same.

II. Issue

As training managers and principal instructors with asbestos and lead licenses are required to complete refresher training, to include an examination, and the Board's regulations are silent on whether these individuals are permitted to sign their own completion certificates, it is necessary to develop means to verify whether a training manager and/or principal instructor has completed refresher training and the requisite examination.

III. Board Guidance

In order to limit confusion and verify the completion of refresher training and the passing of required closed-book, monitored examinations, the Board provides the following guidance:

1. Course participants who are both the training manager and principal instructor of a training program must be monitored by another instructor if completing said program's examination for the purpose of license renewal. The monitoring individual will sign the certificate of completion as the participant's instructor.
2. Course participants who are either the training manager or the principal instructor must be monitored by the other if completing their own program's examination for the purpose of license renewal. The monitoring individual will sign the certificate of completion as the participant's instructor.

This policy applies to asbestos and lead refresher courses only.

The Board will not accept initial training certificates of completion wherein the name of the course participant, training manager, and principal instructor are the same.

In accordance with § 2.2-4002.1 of the Code of Virginia, this proposed guidance document conforms to the definition of a guidance document in § 2.2-4101.



Virginia Board for Asbestos, Lead and Home Inspectors

Guidance Document: Electronic Delivery of Asbestos and Lead Refresher Courses

**Adopted May 12, 2022
Effective Date: July 7, 2022**

I. Background

During the State of Emergency declared due to COVID-19, Former Governor Northam's Amended Executive Order 51 authorized the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, to temporarily waive any state requirement or regulation in order to assist in mitigating the effects of the pandemic. Pursuant to this authority, a waiver of any regulations of regulatory boards under DPOR that prohibit or limit online, electronic, or distance theoretical instruction was issued. During this time, asbestos and lead courses that do not require a hands-on component of training were permitted to be conducted in a virtual format.

II. Issue

Since the expiration of this waiver on July 31, 2021, and as the Board's regulations are silent on electronic methods of course delivery, staff has received multiple inquiries regarding allowable methods of delivery for asbestos and lead training courses.

III. Board Guidance

In order to remain in alignment with the Code of Federal Regulations, and in compliance with Chapter 5 of Title 54.1 of the Code of Virginia, Board staff provides the following guidance:

Electronic delivery of asbestos and lead refresher training courses is permitted so long as the below requirements are met:

1. Training providers must have a system in place to authenticate each student's identity and their eligibility to enroll in the course.
2. A unique identifier must be assigned to each student to be used to launch and re-launch the course. This identifier may also be used throughout the course if deemed necessary by the instructor.
3. Each student must be logged in to the course and participating for the full length of time required for each course discipline. The training provider must track each student's course log-ins, launches, progress, and completion, and maintain a record of such pursuant to statutory and regulatory record-keeping requirements.
4. The course must include knowledge checks throughout the entirety of the course. The knowledge checks must be successfully completed before the student moves on to the next module.
5. Course instructors must be available to answer questions or offer technical assistance via online discussion or message boards, or a telephone number during the training period.
6. There must be a test of at least 20 questions at the end of the course, of which 80% must be answered correctly for successful completion of the course. The test must be designed so that the student does not receive feedback on answers until after the test has been submitted.
7. Each student will be provided with a completion certificate that may be saved and printed. The completion certificate will specifically mention the course was taken online. The certificate must not be susceptible to editing. The certificate will contain all information necessary to meet all other statutory and regulatory requirements.

This policy applies to asbestos and lead refresher courses only.

A pre-existing approval for an in-person, classroom-based refresher course does not extend to approval of the electronic course. Each electronic course must be separately approved.

Refresher course notifications and participant lists provided to Board staff must indicate whether the course is conducted electronically.

For auditing purposes, Board staff will have unrestricted access to the electronic course at any time during which the course is conducted.

Electronic courses must meet all other statutory and regulatory refresher course requirements as outlined in the Board's regulations.

For the purposes of this guidance, electronic delivery includes real-time virtual training and asynchronous delivery of training courses
