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SENATE BILL NO. 716

Offered January 17, 2008

A BILL to amend and reenact § 54.1-500 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Virginia Board for Asbestos, Lead, and Home Inspectors.

Patron—Vogel

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-500 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

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

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

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

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

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

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

"Certified home inspection" means any inspection of a residential building for compensation conducted by a certified home inspector. A certified home inspection shall include a written evaluation of the readily accessible components of a residential building, including the efficiency of the home's heating, and cooling systems and duct work, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A certified home inspection may be limited in scope as provided in a home inspection contract, provided such contract is not inconsistent with the provisions of this chapter or the regulations of the Board.

"Certified home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been certified by the Board.

"Friable" means that the material when dry, may be crumbled, pulverized or reduced to powder by

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59 hand pressure and includes previously nonfriable material after such previously nonfriable material
60 becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by
61 hand pressure.

62 "Lead abatement" means any measure or set of measures designed to permanently eliminate
63 lead-based paint hazards, including lead-contaminated dust or soil.

64 "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of
65 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

66 "Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and
67 abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and
68 lead-contaminated soil.

69 "Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at
70 or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15
71 U.S.C. § 2683).

72 "Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the
73 Environmental Protection Agency.

74 "Lead contractor" means a person who has met the Board's requirements and has been issued a
75 license by the Board to enter into contracts to perform lead abatements.

76 "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based
77 paint and the provisions of a report explaining the results of the investigation.

78 "Lead inspector" means an individual who has been licensed by the Board to conduct lead
79 inspections and abatement clearance testing.

80 "Lead project design" means any descriptive form written as instructions or drafted as a plan
81 describing the construction or setting up of a lead abatement project area and the work practices to be
82 utilized during the lead abatement project.

83 "Lead project designer" mean an individual who has been licensed by the Board to prepare lead
84 project designs.

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

89 "Lead risk assessor" means an individual who has been licensed by the Board to conduct lead
90 inspections, lead risk assessments and abatement clearance testing.

91 "Lead supervisor" means an individual who has been licensed by the Board to supervise lead
92 abatements.

93 "Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board
94 to perform lead abatement.

95 "Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association
96 or any other individual or entity.

97 "Principal instructor" means the individual who has the primary responsibility for organizing and
98 teaching an accredited asbestos training course or an accredited lead training course or both.

99 "Residential building" means, for the purposes of home inspection, a structure consisting of one to
100 four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

101 "Training manager" means the individual responsible for administering a training program and
102 monitoring the performance of instructors for an accredited asbestos training or an accredited lead
103 training program or both.