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HOUSE BILL NO. 833

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact §§ 54.1-300, as it is currently effective and as it shall become effective, 54.1-500, as it is currently effective and as it shall become effective, 54.1-500.1, 54.1-501, and 54.1-516 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 5 of Title 54.1 an article numbered 4, consisting of sections numbered 54.1-517.6 and 54.1-517.7, relating to the Board for Asbestos, Lead, Mold, and Home Inspectors; regulation of home energy auditors.

Patron—Surovell

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-300 as it is currently effective and as it shall become effective, 54.1-500, as it is currently effective and as it shall become effective, 54.1-500.1, 54.1-501, and 54.1-516 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 5 of Title 54.1 an article numbered 4, consisting of sections numbered 54.1-517.6 and 54.1-517.7, as follows:

§ 54.1-300. (Effective until July 1, 2011) Definitions.

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

"Board" means the Board for Professional and Occupational Regulation.

"Certification" means the process whereby the Department or any regulatory board issues a certificate on behalf of the Commonwealth to a person certifying that he possesses the character and minimum skills to engage properly in his profession or occupation.

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

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

"Inspection" means a method of regulation whereby a state agency periodically examines the activities and premises of practitioners of an occupation or profession to ascertain if the practitioner is carrying out his profession or occupation in a manner consistent with the public health, safety and welfare.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation that is unlawful to practice without a license.

"Registration" means a method of regulation whereby any practitioner of a profession or occupation may be required to submit information concerning the location, nature and operation of his practice.

"Regulatory board" means the Auctioneers Board, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for Barbers and Cosmetology, Board for Branch Pilots, Board for Contractors, Board for Geology, Board for Hearing Aid Specialists, Board for Opticians, Board for Professional Soil Scientists and Wetland Professionals, Board for Waste Management Facility Operators, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, Cemetery Board, Real Estate Appraiser Board, Real Estate Board, Fair Housing Board, Virginia Board for Asbestos, Lead, and Home Inspectors, and Home Energy Auditors, and Common Interest Community Board.

§ 54.1-300. (Effective July 1, 2011) Definitions.

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

"Board" means the Board for Professional and Occupational Regulation.

"Certification" means the process whereby the Department or any regulatory board issues a certificate on behalf of the Commonwealth to a person certifying that he possesses the character and minimum skills to engage properly in his profession or occupation.

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59 "Registration" means a method of regulation whereby any practitioner of a profession or occupation
60 may be required to submit information concerning the location, nature and operation of his practice.

61 "Regulatory board" means the Auctioneers Board, Board for Architects, Professional Engineers, Land
62 Surveyors, Certified Interior Designers and Landscape Architects, Board for Barbers and Cosmetology,
63 Board for Branch Pilots, Board for Contractors, Board for Geology, Board for Hearing Aid Specialists,
64 Board for Opticians, Board for Professional Soil Scientists and Wetland Professionals, Board for Waste
65 Management Facility Operators, Board for Waterworks and Wastewater Works Operators and Onsite
66 Sewage System Professionals, Cemetery Board, Real Estate Appraiser Board, Real Estate Board, Fair
67 Housing Board, Virginia Board for Asbestos, Lead, Mold, and Home Inspectors, and Home Energy
68 Auditors, and Common Interest Community Board.

69 § 54.1-500. (Effective until July 1, 2011) Definitions.

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

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

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

76 "Accredited renovation training program" means a training program that has been approved by the
77 Board to provide training for individuals to engage in renovation or dust clearance sampling.

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

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

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

85 "Asbestos-containing materials" or "ACM" means any material or product which contains more than
86 1.0 percent asbestos or such other percentage as established by EPA final rule.

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

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

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

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

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

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

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

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

107 "Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors, and Home Energy
108 Auditors.

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

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

118 "Dust clearance sampling" means an on-site collection of dust or other debris that is present after the
119 completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a
120 report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

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

"Home energy audit" includes (i) an inspection, investigation, or survey of a dwelling or other structure to evaluate, measure, or quantify its energy consumption and efficiency, including lighting, HVAC, electronics, appliances, water heaters, insulation, and water conservation or (ii) the development of a plan to improve energy consumption and efficiency of a dwelling or other structure, including lighting, HVAC, electronics, appliances, water heaters, insulation, and water conservation.

"Home energy auditor" means an individual who has been licensed by the Board to perform home energy audits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is performed as a part of a lead abatement. As used in this definition, "compensation" shall include the receipt of (i) pay for work performed, such as that paid to contractors and subcontractors; (ii) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (iii) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

182 "Renovator" means an individual who has been issued a license by the Board to perform renovations
183 or to direct others who perform renovations.

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

186 "Training manager" means the individual responsible for administering a training program and
187 monitoring the performance of instructors for an accredited asbestos training, accredited lead training
188 program or accredited renovation training program.

189 § 54.1-500. (Effective July 1, 2011) Definitions.

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

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

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

196 "Accredited renovation training program" means a training program that has been approved by the
197 Board to provide training for individuals to engage in renovation or dust clearance sampling.

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

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

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

205 "Asbestos-containing materials" or "ACM" means any material or product which contains more than
206 1.0 percent asbestos or such other percentage as established by EPA final rule.

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

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

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

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

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

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

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

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

227 "Board" means the Virginia Board for Asbestos, Lead, Mold, and Home Inspectors, and Home
228 Energy Auditors.

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

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

238 "Dust clearance sampling" means an on-site collection of dust or other debris that is present after the
239 completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a
240 report explaining the results.

241 "Dust sampling technician" means an individual licensed by the Board to perform dust clearance
242 sampling.

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

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

"Home energy audit" includes (i) an inspection, investigation, or survey of a dwelling or other structure to evaluate its energy consumption and efficiency, including lighting, HVAC, electronics, appliances, water heaters, insulation, and water conservation or (ii) the development of a plan to improve energy consumption and efficiency of a dwelling or other structure, including lighting, HVAC, electronics, appliances, water heaters, insulation, and water conservation.

"Home energy auditor" means an individual who has been licensed by the Board to perform home energy audits.

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

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

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

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

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

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

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

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

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

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

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

"Mold" means any living or dead fungi or related products or parts, including spores, hyphae, and spore-producing structures.

"Mold analysis" means the examination of a sample collected during a mold inspection for the purpose of (i) determining the amount or presence of or identifying the genus, species, or functional grouping of any living or dead mold present in the sample or (ii) identifying or determining the amount or presence of any fungal products including, but not limited to, mycotoxins and fungal volatile organic compounds present in the sample.

"Mold inspection" includes (i) an inspection, investigation, or survey of a dwelling or other structure to determine the presence of mold; (ii) the development of a mold management plan or mold remediation protocol; or (iii) the collection or analysis of a mold sample.

"Mold inspector" means an individual who has been licensed by the Board to perform mold inspections.

"Mold remediation" means cleaning mold from building material surfaces or the removal of contaminated building materials that are unsalvageable and other activities, including applying biocides or antimicrobial compounds and sanitization protocols, intended to prevent future mold contamination.

"Mold remediator" means an individual licensed by the Board to perform mold remediation.

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

305 "Principal instructor" means the individual who has the primary responsibility for organizing and
306 teaching an accredited asbestos training program, an accredited lead training program, an accredited
307 renovation training program, or any combination thereof.

308 "Renovation" means the modification of any existing structure or portion thereof, for compensation,
309 that results in the disturbance of painted surfaces, unless that activity is performed as a part of a lead
310 abatement. As used in this definition, "compensation" shall include the receipt of (i) pay for work
311 performed, such as that paid to contractors and subcontractors; (ii) wages, including but not limited to
312 those paid to employees of contractors, building owners, property management companies,
313 child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and
314 (iii) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or
315 commercial building space.

316 "Renovation contractor" means a person who has met the Board's requirements and has been issued a
317 license by the Board to conduct renovations.

318 "Renovator" means an individual who has been issued a license by the Board to perform renovations
319 or to direct others who perform renovations.

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

322 "Training manager" means the individual responsible for administering a training program and
323 monitoring the performance of instructors for an accredited asbestos training, accredited lead training
324 program or accredited renovation training program.

325 § 54.1-500.1. Virginia Board for Asbestos, Lead, Mold, Home Inspectors, and Home Energy
326 Auditors; membership; meetings; offices; quorum.

327 The Virginia Board for Asbestos, Lead, Mold, ~~and~~ Home Inspectors, *and Home Energy Auditors*
328 shall be appointed by the Governor and composed of ~~15~~ 16 members as follows: one shall be a
329 representative of a Virginia-licensed asbestos contractor, one shall be a representative of a
330 Virginia-licensed lead contractor, one shall be a representative of a Virginia-licensed renovation
331 contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a
332 Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a
333 Virginia-licensed dust sampling technician, one shall be a representative of a Virginia-licensed asbestos
334 analytical laboratory, one shall be a representative of an asbestos, lead, or renovation training program,
335 one shall be a member of the Board for Contractors, two shall be certified home inspectors, one shall be
336 a licensed mold inspector or a licensed mold remediator, *one shall be a licensed home energy auditor*,
337 and two shall be citizen members. After initial staggered terms, the terms of members of the Board shall
338 be four years, except that vacancies may be filled for the remainder of the unexpired term. The two
339 home inspector members appointed to the Board shall have practiced as home inspectors for at least five
340 consecutive years immediately prior to appointment. The mold inspector or mold remediator member
341 appointed to the Board shall have practiced as a mold inspector or mold remediator for at least three
342 consecutive years immediately prior to appointment. The mold inspector or mold remediator member
343 shall not vote on any matters before the Board except matters related to mold inspection or remediation
344 until July 1, 2010. The renovation contractor, renovator, and dust sampling technician members
345 appointed to the ~~board~~ Board shall have practiced respectively as a renovation contractor, renovator, or
346 dust sampling technician for at least five consecutive years prior to appointment. *The home energy*
347 *auditor appointed to the Board shall have practiced as a home energy auditor for at least five*
348 *consecutive years immediately prior to appointment.*

349 The Board shall meet at least four times each year and other such times as it deems necessary. The
350 Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year.
351 ~~Eight~~ Nine members of the Board shall constitute a quorum. The Board is vested with the powers and
352 duties necessary to execute the purposes of this chapter.

353 § 54.1-501. Powers and duties of the Board.

354 The Board shall administer and enforce this chapter. The Board shall:

355 1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with
356 the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the
357 prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and
358 renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and
359 renovation licenses;

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

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

365 4. Promulgate regulations governing the licensing of and establishing performance criteria applicable
366 to asbestos analytical laboratories;

5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;

6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;

7. Promulgate regulations for certification of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations in whole or in part, the proper conduct of its examinations, the proper conduct of the home inspectors certified by the Board, the implementation of exemptions from certifications requirements, and the proper discharge of its duties;

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

9. (Effective July 1, 2011) Promulgate regulations for licensing of mold inspectors and mold remediators not inconsistent with this chapter regarding the professional qualifications of such applicants, the requirements necessary for passing applicable examinations in whole or in part, the proper conduct of its examinations, the proper conduct of the mold inspectors and mold remediators licensed by the Board, the implementation of exemptions from licensure requirements, and the proper discharge of its duties. The Board shall have the discretion to impose different requirements for licensure for the performance of mold inspections and mold remediation; and

10. *Promulgate regulations for licensing of home energy auditors not inconsistent with this chapter regarding the professional qualifications of such applicants, the requirements necessary for passing applicable examinations in whole or in part, the proper conduct of its examinations, the proper conduct of the home energy auditors licensed by the Board, the implementation of exemptions from licensure requirements, and the proper discharge of its duties.*

§ 54.1-516. Disciplinary actions.

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, or renovation contractor or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;

2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or

3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of, (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the certification of a home inspector.

D. (Effective July 1, 2011) The Board may reprimand, fine, suspend, or revoke the license of a mold

428 inspector or remediator.

429 *E. The Board may reprimand, fine, suspend, or revoke the license of a home energy auditor.*

430 *Article 4.*

431 *Home Energy Auditors.*

432 *§ 54.1-517.6. License required.*

433 *No individual shall offer to perform or perform home energy audits without a valid license issued by*
434 *the Board.*

435 *§ 54.1-517.7. Requirements for licensure.*

436 *A. The Board may issue a license to perform home energy audits in the Commonwealth to any*
437 *applicant who has submitted satisfactory evidence that he has successfully:*

438 *1. Completed any educational requirements as required by the Board;*

439 *2. Completed any experience requirements as required by the Board; and*

440 *3. Passed any written or electronic examination offered or approved by the Board.*

441 *B. The Board may issue a license to perform home energy audits to any applicant who is certified by*
442 *a national or state professional home energy auditors association approved by the Board, provided that*
443 *the requirements for the applicant's class of membership in such association are equal to or exceed the*
444 *requirements established by the Board for all applicants.*

445 **2. That the Board for Asbestos, Lead, Mold, Home Inspectors, and Home Energy Auditors shall**
446 **promulgate regulations to implement the provisions of this act to be effective within 280 days of its**
447 **enactment.**