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SENATE BILL NO. 157

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 54.1-501 of the Code of Virginia, relating to Virginia Board for Asbestos, Lead, Mold, and Home Inspectors; examination; initial asbestos worker license applicants.

Patrons—Favola and Ebbin

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-501 of the Code of Virginia is amended and reenacted as follows:**

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

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

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

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

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

4. *Require initial applicants for an asbestos worker license, after completion of an accredited training program, to pass a Board-administered examination regarding the applicable requirements, procedures, and standards of the U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, the Department of Labor and Industry, and the Divisions of Air Quality and Land Protection and Revitalization of the Department of Environmental Quality.*

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

5- 6. 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- 7. 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~~ U.S. Environmental Protection Agency regulations. If the ~~United States~~ U.S. 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- 8. 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- 9. 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~~ U.S. Environmental Protection Agency (EPA) regulations. Such regulations of the Board

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59 shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule; and
60 ~~9.~~ 10. Promulgate regulations for licensing of mold inspectors and mold remediators not inconsistent
61 with this chapter regarding the professional qualifications of such applicants, the requirements necessary
62 for passing applicable examinations in whole or in part, the proper conduct of its examinations, the
63 proper conduct of the mold inspectors and mold remediators licensed by the Board, the implementation
64 of exemptions from licensure requirements, and the proper discharge of its duties. The Board shall have
65 the discretion to impose different requirements for licensure for the performance of mold inspections and
66 mold remediation.