

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 76

An Act to amend and reenact § 54.1-500 of the Code of Virginia, relating to asbestos and lead contractors and workers.

[H 426]

Approved March 5, 1996

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:

"Asbestos" means any material containing more than one percent asbestos by area as determined by microscopy.

"Asbestos analytical laboratory license" means an authorization issued by the ~~Department~~ 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 ~~Department~~ Board permitting a person to enter into contracts to perform an asbestos abatement project.

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

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

"Board" means the Virginia Board for Asbestos Licensing and Lead Certification.

"Certified lead contractor, ~~professional or worker~~" means a person who ~~meets~~ has met the Board's training, examination, and experience requirements for engaging in or contracting for and has been issued a certificate by the Board to enter into contracts to perform lead-based paint evaluation, inspection, and abatement activities.

"Certified lead professional" or "certified lead worker" means a person who has met the certification requirements in at least one of the lead evaluation, inspection or abatement disciplines established by the Board and has been issued a certificate by the Board.

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

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

"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.

"Lead occupation" means any person employed as a contractor, inspector, technician, supervisor, or worker performing identification, physical and hazard assessment, encapsulation, removal, repair, renovation, or demolition of lead-containing structures or surfaces.

"Lead-containing substance" means any coating, paint, plaster or surface encapsulation material containing more than 0.5 percent lead by weight of dry film or more than one milligram of lead per square centimeter of dry film, or other materials meeting standards that are consistent with applicable federal regulations.

"Local education agency" or "LEA" shall have the meaning provided in the USEPA AHERA

regulations set forth in 40 CFR 763.

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

"Primary instructor" means an instructor whose main responsibility is to instruct courses, supervise other instructors and manage the overall course curriculum.

"RFS contractor's license" means an authorization issued by the ~~Department~~ *Board* permitting a person to enter into contracts to install, remove or encapsulate nonfriable asbestos-containing roofing, flooring and siding materials.

"RFS inspector's license" means an authorization issued by the ~~Department~~ *Board* authorizing a person to identify the presence of asbestos-containing roofing, flooring or siding material through sampling and interpretation of testing reports prepared by a licensed asbestos analytical laboratory.