

977656693

## SENATE BILL NO. 1004

Senate Amendments in [ ] — January 31, 1997

A BILL to amend and reenact § 54.1-501 of the Code of Virginia, relating to the powers and duties of the Virginia Board for Asbestos Licensing and Lead Certification.

Patrons—Lambert; Delegates: Crittenden and Mims

Referred to the Committee on General Laws

**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 (§ 9-6.14:1 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos licenses and lead certificates, and governing conflicts of interest between various categories of asbestos licenses and lead certificates;

2. Approve the criteria for training courses and primary instructors;

3. Approve training courses, examinations and the grading system for testing applicants for asbestos licensure and lead certification;

4. Promulgate regulations governing the licensing of and establishing performance criteria applicable 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; and

6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of lead-based paint activities training programs, (ii) certification of individuals and firms to engage in lead inspection, evaluation, and abatement 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. [ ~~The Board's regulations shall not be more stringent than the federal requirements set forth in: (i) the United States Environmental Protection Agency's (EPA) proposed regulations, if the Board's regulations are promulgated prior to the effective date of the EPA's final regulations, or (ii) the EPA's final regulations, if the Board's regulations are promulgated after the effective date of the EPA's final regulations, according to the status of the federal regulations at the time that the Board initiates the administrative process. If the EPA adopts only part of such regulations as final and maintains part of such regulations as proposed, the Board's regulations shall not be more stringent than the federal requirements set forth in the relevant final or proposed federal regulations. The Board may, in its discretion, promulgate only regulations which are no more stringent than any relevant final EPA 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 may, but is not required to, amend its existing regulations so as to be not more stringent than such EPA regulations. ]~~

ENGROSSED

SB1004E