

VIRGINIA BOARD FOR ASBESTOS, LEAD, MOLD AND HOME INSPECTORS



ASBESTOS LICENSING REGULATIONS

Last Updated August 1, 2008

STATUTES
Title 54.1, Chapter 5

Virginia

DPOR
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

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NOTICE
SUMMARY OF SIGNIFICANT CHANGES

These regulations are effective August 1, 2008 and replaced all previous versions of the regulations for the regulations of the Virginia Board for Asbestos, Lead, Mold and Home Inspectors. As a regulant of the Board, you are responsible for following all regulations and therefore you should read and become familiar with all regulations printed in this booklet. These regulations should be thoroughly reviewed. Following is a brief summary of recent changes to the regulations to assist you in your review.

- Asbestos Contractors are required to make notification to a property owner or agent of the owner of the licensed project monitor requirement in accordance with 18VAC15-20-455.1 and 18VAC15-20-546.
- The initial notification and acknowledgment shall be sufficient for the term of multiple-project service contracts.

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your Virginia Asbestos licensures. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 5. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to obtain and keep your license.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Virginia Board for Asbestos, Lead, Mold and Home Inspectors
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233

or call the Agency at (804) 367-8595.

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PART I.

SCOPE

18VAC15-20-10. Scope.

The purpose of this section is to identify individuals and firms who need to be licensed.

Asbestos Contractor's License: Required for firms that contract with another person, for compensation, to carry out an asbestos abatement project that exceeds 10 linear or 10 square feet.

Asbestos Worker's License: Required for individuals who remove or otherwise engage in an asbestos project.*

Asbestos Supervisor's License: Required for individuals who supervise an asbestos abatement project. The Commonwealth of Virginia National Emission Standards for Hazardous Air Pollutants (NESHAP) Program recognizes the "competent person" as an individual licensed under this classification.*

Asbestos Inspector's License: Required for individuals who inspect buildings to identify asbestos-containing material.*

Asbestos Management Planner's License: Required for individuals who prepare or update an asbestos management plan.*

Asbestos Project Monitor's License: Required for individuals who act as a project monitor on asbestos abatement sites. Project monitors who analyze Phase Contrast Microscopy (PCM) asbestos air samples on an asbestos abatement project shall be employed by a firm that holds a valid Virginia Asbestos Analytical Laboratory license, and shall have National Institute of Occupational Safety and Health (NIOSH) 582 training, or equivalent.

Asbestos Analytical Laboratory License: Required for laboratories that analyze air or bulk samples for the presence of asbestos by Polarized Light Microscopy (PLM), PCM, or Transmission Electron Microscopy (TEM).

Asbestos Project Designer's License: Required for individuals who prepare or update an asbestos abatement project design, specifications for asbestos abatement projects, and addenda to the specifications.*

Accredited Asbestos Training Program: Required for those who offer asbestos training programs to individuals seeking licensure as an asbestos worker, supervisor, inspector, management planner, project monitor or project designer.

*Employees who conduct asbestos response actions, inspections, prepare management plans or project designs for their employer, on property owned or leased by the employer, are exempt from Virginia asbestos licensure; however, they are required to meet all OSHA and EPA training requirements.

Historical Notes

Derived from VR137-01-02 § 1.1, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

PART II.

DEFINITIONS AND GENERAL

18VAC15-20-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"AAR" means Asbestos Analyst Registry.

"AAT" means Asbestos Analyst Testing.

"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 a project monitor.

"Accredited asbestos training provider" means a firm or individual who has been approved by the board to offer an accredited asbestos training program.

"ACM" means asbestos-containing material.

"AHERA" means Asbestos Hazard Emergency Response Act, 40 CFR Part 763, Subpart E.

"AIHA" means American Industrial Hygiene Association.

"Approval letter" means a written notice confirming the firm or individual applicant's licensure or accreditation by the board.

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

"Asbestos contractor" means any person who has met the board's requirements and has been issued an asbestos contractor's license by the board to enter into contracts to perform asbestos projects.

"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 inspector" means any person who performs an inspection as defined in this chapter.

"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" means any person preparing or updating a management plan.

"Asbestos Management Planner's License" means an authorization issued by the board permitting a person to prepare or update 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 asbestos-containing materials. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding material which when installed, encapsulated or removed does not become friable.

"Asbestos project design" means any descriptive form written as instructions or drafted as a plan describing the construction of an asbestos abatement area or site, response action or work practices to be utilized on the asbestos abatement project.

"Asbestos project designer" means any person providing an asbestos project design or specifications for an asbestos abatement project.

"Asbestos Project Designer's License" means an authorization issued by the board permitting a person to design an asbestos abatement project.

"Asbestos project monitor" means any person hired by a building owner, lessee or his agent to monitor, inspect, provide visual clearance or clearance monitoring of 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 board 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 Supervisor's License" means an authorization issued by the board permitting an individual to supervise and work on an asbestos project.

"Asbestos worker" means any person who engages in an asbestos abatement project.

"Asbestos Worker's License" means an authorization issued by the board permitting an individual to work on an asbestos project.

"ASHARA" means Asbestos School Hazard Abatement Reauthorization Act, 40 CFR Part 763, Subpart E.

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

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

"Direct supervision" means a licensed or accredited inspector, management planner, project monitor or project designer, who undertakes to supervise the activities of an unlicensed inspector, management planner, project monitor or project designer, shall be physically present on the premises at all times while any unlicensed inspector, management planner, project monitor or project designer under his supervision is engaged in the activities of an inspector, management planner, project monitor or project designer.

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

"Employee" means all persons in the service of another under any contract of hire, express or implied, oral or written.

"Encapsulation" means the treatment of asbestos-containing material (ACM) with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Encasement" means any process by which an asbestos-containing material (ACM) is sprayed with an insulating sealer which is then mechanically fastened to the asbestos covered substrate. The insulating sealer is then covered with a sealer to give structural strength and durability.

"Enclosure" means the construction or installation over or around the asbestos-containing material (ACM) of any leak tight solid or flexible coverings, which will not deteriorate or decompose for an extended period of time, so as to conceal the ACM, contain ACM fibers, and render the ACM inaccessible.

"Environmental remediation activity" means any activity planned or carried out for the purpose of reducing or eliminating any environmental hazard, including activities necessary to train individuals in the proper or lawful conduct of such activities, which are regulated by federal or state law or regulation.

"EPA" means United States Environmental Protection Agency.

"Financial interest" means financial benefit accruing to an individual or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds, or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination of it, paid or provided by a business that exceeds or may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or personal property if the interest exceeds \$1,000 in value and excluding ownership in business, income, salary, other compensation, fringe benefits or benefits from the use of property.

"Firm" means any company, partnership, corporation, sole proprietorship, association, or other business entity.

"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.

"Guest instructor" means an instructor who is invited to instruct a specific topic or topics in an accredited asbestos training program and whose instruction is limited to two hours per day.

"Hands-on experience" means the physical participation of students in an asbestos training program. The physical participation includes mock sampling and inspection techniques, report preparation, writing project specifications, glovebag demonstrations and containment construction.

"Immediate family" means (i) a spouse, (ii) a sibling or step sibling, (iii) a parent or step parent, (iv) children or step children, or (v) any other person residing in the same household as the individual.

"Inspection" means an activity undertaken to determine the presence or location, or to access the condition of, friable or nonfriable asbestos-containing material (ACM) or suspected ACM, whether by visual or physical examination, or by collecting samples of such material. This term includes reinspections of friable and nonfriable known or assumed ACM that has been previously identified. The term does not include the following:

1. Periodic surveillance of the type described in 40 CFR 763.92(b) solely for the purpose of recording or reporting a change in the condition of known or assumed ACM;
2. Inspections performed by employees or agents of federal, state, or local governments solely for the purpose of determining compliance with applicable statutes or regulations; or
3. Visual inspections solely for the purpose of determining completion of response actions.

"Instructor" means a person who instructs one or more accredited asbestos training programs, to include the principal instructor, but excluding guest instructors.

"Licensee" means any person, as defined by § 54.1-500 of the Code of Virginia, who has been issued and holds a currently valid license as an asbestos worker, asbestos supervisor, asbestos inspector, asbestos management planner, asbestos project designer, asbestos project monitor or asbestos contractor under this chapter.

"NIOSH" means National Institute of Occupational Safety and Health.

"NIST" means National Institute of Standards and Technology.

"NVLAP" means National Voluntary Laboratory Accreditation Program.

"Occupied" means any area of any building designed or intended for human occupancy for any purpose.

"OSHA" means the U.S. Department of Labor Occupational Safety and Health Administration.

"OSHA Class III Work" means repair and maintenance operations where asbestos-containing material (ACM), including thermal system insulation and surfacing material, is likely to be disturbed.

"PAT" means Proficiency Analytical Testing.

"PCM" means phase contrast microscopy.

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

"PLM" means polarized light microscopy.

"Preliminary review" means a review conducted by the department following the submission of training materials to ascertain if the proposed asbestos training program meets the standards established by this chapter.

"Principal instructor" means an instructor whose main responsibility is to instruct accredited asbestos training programs, supervise other instructors and manage the overall asbestos training program curriculum.

"Removal" means the physical removal of asbestos-containing material (ACM) in accordance with all applicable regulations.

"Renovation" means altering in any way, one or more facility components.

"Repair" means returning damaged asbestos-containing material (ACM) to an undamaged condition or to an intact state so as to prevent fiber release.

"Residential buildings" means site-built homes, modular homes, condominium units, mobile homes, manufactured housing, and duplexes, or other multi-unit dwellings consisting of four units or fewer that are currently in use or intended for use only for residential purposes.

"Response action" means any method, including removal, encapsulation, enclosure, encasement, or operation and maintenance, that protects human health and the environment from friable asbestos-containing material.

"Substantial change" means a change in overall asbestos training program, materials, principal instructors, training managers, directors, ownership, facilities, equipment, examinations, and certificates of completion. The addition of updated regulations, exam questions or news articles shall not be considered a substantial change.

"TEM" means transmission electron microscopy.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of the instructors.

"Visual inspection" means a process of looking for conditions, which if not corrected during the asbestos abatement project, will lead to residual asbestos-containing dust or debris. Visual inspection includes examination of an asbestos abatement project area prior to clearance air monitoring for evidence that the project has been successfully completed as indicated by the absence of residue, dust and debris.

Historical Notes

Derived from VR137-01-02 § 2.1, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-21. Waiver of the requirements of this chapter.

Except as required by law, the board may, in its reasonable discretion, waive any of the requirements of this chapter when in its judgment it finds that the waiver in no way lessens the protection provided by this chapter and Title 54.1 of the Code of Virginia to the public health, safety and welfare. The burden of proof that demonstrates continued public protection rests with the party requesting the waiver. Documents referenced are in effect as they existed as of the date the act or action has occurred.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-30. [Repealed]

Historical Notes

Derived from VR137-01-02 § 3.1, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

PART III.

ENTRY

18VAC15-20-31. Application procedures.

All applicants seeking licensure shall submit an application with the appropriate fee specified in 18VAC15-20-52. Application shall be made on forms provided by the department.

By signing the application or submitting it electronically to the department, the applicant certifies that he has read and understands the board's statutes and regulations.

The receipt of an application and the deposit of fees by the board does not indicate approval by the board.

The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied.

Applicants will be notified if their application is incomplete. Applicants who fail to complete the process within 12 months after the date the department receives the application shall submit a new application and fee.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-32. Qualifications for licensure—individuals.

- A. General. Applicants shall meet all applicable entry requirements at the time application is made.
- B. Name. The applicant shall disclose his full legal name.
- C. Age. The applicant shall be at least 18 years old.
- D. Address. The applicant shall disclose a physical address. A post office box is only acceptable when a physical address is also provided.
- E. Specific entry requirements.
 - 1. Worker. Each individual applying for an initial asbestos worker license shall provide proof of successful completion of (i) an EPA/AHERA or board-approved initial accredited asbestos worker training program and

all subsequent EPA/AHERA or board-approved accredited asbestos worker refresher training programs or (ii) an EPA/AHERA or board-approved initial accredited supervisor training program and all subsequent EPA/AHERA or board-approved accredited asbestos supervisor refresher training programs. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.

2. Supervisor. Each individual applying for an initial asbestos supervisor license shall provide proof of successful completion of an EPA/AHERA or board-approved initial accredited supervisor training program and all subsequent EPA/AHERA or board-approved accredited asbestos supervisor refresher training programs. The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.
3. Inspector.
 - a. Each individual applying for an initial asbestos inspector license shall provide:
 - (1) Proof of successful completion of an EPA/AHERA or board-approved initial accredited inspector training program and all subsequent EPA/AHERA or board-approved accredited asbestos inspector refresher training programs; and
 - (2) Evidence of experience in performing asbestos inspections in buildings or industrial facilities, including collecting bulk samples, categorizing ACM, assessing ACM and preparing inspection reports. The amount of experience required is dependent on the applicant's formal education and is as follows:
 - (a) An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at least six months' experience or have completed a minimum of five inspections;
 - (b) An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at

least 12 months' experience or have completed a minimum of 10 inspections; or

- (c) An applicant with a high school diploma shall have at least 24 months' experience or have completed a minimum of 15 inspections.

b. Experience may be obtained by:

- (1) Conducting asbestos inspections in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.
- (2) Conducting asbestos inspections under the direct supervision, as defined in this chapter, of a licensed inspector or EPA-accredited inspector where no license is required. All reports prepared by the unlicensed individual shall be signed by the licensed or EPA-accredited inspector in charge. The licensed or EPA-accredited inspector assumes responsibility for all sampling and reports prepared by the unlicensed individual.

4. Management planner.

a. Each individual applying for an initial asbestos management planner license shall provide:

- (1) Proof of successful completion of an EPA/AHERA or board-approved initial accredited management planner training program and all subsequent EPA/AHERA or board-approved accredited asbestos management planner refresher training programs; and
- (2) Evidence of experience evaluating inspection reports, selecting response actions, analyzing the cost of response actions, ranking response actions, preparing operations and maintenance plans and preparing management plans. The amount of experience required is dependent on the applicant's formal education and is as follows:
 - (a) An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at

least six months' experience or shall have completed a minimum of five management plans.

- (b) An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have at least 12 months' experience or shall have completed a minimum of 10 management plans.
- (c) An applicant with a high school diploma shall have at least 24 months' experience or shall have completed a minimum of 15 management plans.

b. Experience may be obtained by:

- (1) Preparing management plans or conducting asbestos inspections in jurisdictions outside of Virginia in accordance with all federal, state and local statutes; or
- (2) Preparing management plans or conducting asbestos inspections under the direct supervision, as defined in this chapter, of a licensed management planner or inspector, or EPA-accredited management planner or inspector where no license is required. All reports prepared by the unlicensed individual shall be signed by the licensed or EPA-accredited management planner or inspector in charge. The licensed or EPA-accredited management planner or inspector assumes responsibility for all sampling and reports prepared by the unlicensed individual.

5. Project designer.

a. Each individual applying for an initial asbestos project designer license shall provide:

- (1) Proof of successful completion of an EPA/AHERA or board-approved initial accredited project designer training program and all subsequent EPA/AHERA or board-approved accredited asbestos project designer refresher training programs; and

- (2) Evidence of experience in the preparation of project designs or project specifications. The amount of experience required is dependent on the applicant's formal education and is as follows:
 - (a) An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, physical science or a related field shall have six months' experience or shall have completed a minimum of five project designs.
 - (b) An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, physical science or related field shall have 12 months' experience or shall have completed a minimum of 10 project designs.
 - (c) An applicant with a high school diploma shall have at least 24 months' experience or shall have completed a minimum of 15 project designs.

b. Experience may be obtained by:

- (1) Preparing asbestos project designs in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.
- (2) Preparing asbestos project designs under the direct supervision, as defined in this chapter, of a licensed asbestos project designer, or EPA-accredited asbestos project designer where no license is required. All project designs prepared by the unlicensed individual shall be signed by the licensed EPA-accredited project designer in charge. The licensed or EPA-accredited project designer assumes responsibility for all project design reports prepared by the unlicensed individual.

6. Project monitor.

- a. Each individual applying for an initial asbestos project monitor license shall provide:

- (1) Proof of (i) a current certification by EPA as an asbestos project designer or asbestos supervisor and successful completion of a board-approved asbestos project monitor training program of 16 hours, including the examination or (ii) successful completion of a board-approved asbestos project monitor training program of 40 hours, including examination. Only project monitor training programs that are board approved shall be accepted for meeting the training requirement; and
- (2) Evidence of 160 hours of experience in performing asbestos project monitoring through field work on project sites. This includes, but is not limited to, evaluating and monitoring asbestos work practices, collecting environmental asbestos air samples during abatement, performing visual inspections and taking final air samples to grant clearance for asbestos abatement projects.

b. Experience may be obtained by:

- (1) Acting as an asbestos project monitor in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.
- (2) Acting as an asbestos project monitor under the direct supervision, as defined in this chapter, of a licensed asbestos project monitor or an accredited asbestos project monitor where no license is required. All project monitoring reports prepared by the unlicensed individual shall be signed by the licensed or accredited project monitor in charge. The licensed or accredited project monitor assumes responsibility for all reports and documents prepared by the unlicensed individual.

F. Experience and education verification. Each application for inspector, management planner, project monitor and project designer shall include a completed Experience Verification Form signed by a supervisor verifying the applicant's experience. In lieu of a verifying signature for experience, an applicant who is self employed may submit a copy of three completed inspections, management plans, project designs or project monitor reports, whichever is applicable. A letter from a supervisor verifying the experience may be submitted in lieu of the Experience Verification Form. If verification of a

degree is required, the Education Verification Form shall be sent directly from the school to the department.

- G. Conviction or guilt. The applicant shall not have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing or any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having lapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The record of conviction, finding or case decision shall be considered prima facie evidence of a conviction or finding of guilt. The board, at its discretion, may deny licensure or certification to any applicant in accordance with § 54.1-204 of the Code of Virginia.
- H. Standards of practice and conduct. Applicants shall be in compliance with the standards of practice and conduct set forth in 18VAC15-20-400 through 18VAC15-20-450 and 18VAC455 through 18VAC15-20-459.1, as applicable at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.
- I. Standing. The applicant shall be in good standing in every jurisdiction where licensed and the applicant shall not have had a license that was suspended, revoked or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure or certification to any applicant based on disciplinary action by any jurisdiction.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-33. Qualifications for licensure—business entities.

- A. General. Every business entity shall secure a license before transacting business.
- B. Name. The business name shall be disclosed on the application. The name under which the entity conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also be disclosed on the application. Business entities shall register their trade or fictitious names with the State Corporation Commission or the clerk of court in the county or jurisdiction where the business is to be conducted in accordance with §§ 59.1-69 through 59.1-76 of the Code of Virginia before submitting their application to the board.

- C. Address. The applicant shall disclose the firm's mailing address, and the firm's physical address. A post office box is only acceptable as a mailing address when a physical address is also provided.
- D. Form of organization. Applicants shall meet the additional requirements listed below for their business type:
1. Corporations. All applicants shall have been incorporated in the Commonwealth of Virginia or, if a foreign corporation, shall have obtained a certificate of authority to conduct business in Virginia from the State Corporation Commission in accordance with § 13.1-544.2 of the Code of Virginia. The corporation shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.
 2. Limited liability companies. All applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign limited liability company, shall have obtained a certificate of registration to do business in Virginia from the State Corporation Commission in accordance with § 13.1-1105 of the Code of Virginia. The company shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.
 3. Partnerships. All applicants shall have a written partnership agreement. The partnership agreement shall state that all professional services of the partnership shall be under the direction and control of a licensed or certified professional.
 4. Sole proprietorships. Sole proprietorships desiring to use an assumed or fictitious name, that is, a name other than the individual's full name, shall have their assumed or fictitious name recorded by the clerk of the court of the county or jurisdiction wherein the business is to be conducted.
- E. Qualifications.
1. Asbestos contractor. Each applicant shall hold a valid Virginia contractor license issued by the Virginia Board for Contractors with an asbestos specialty and shall be in compliance with all other requirements found in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.

2. Asbestos analytical laboratory. Each applicant shall submit evidence of meeting the standards to perform one or more of the following analysis:
 - a. For PLM analysis, a current NVLAP accreditation for bulk asbestos fiber analysis or a current AIHA accreditation and proficiency in the AIHA bulk asbestos program. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation and documentation of NVLAP proficiency or a copy of an AIHA accreditation certificate and proof of proficiency in the AIHA bulk program shall be submitted with the application.
 - b. For PCM analysis:
 - (1) At fixed laboratory sites, a current accreditation by AIHA or evidence that each facility has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations, or evidence that each analyst is listed or has applied for listing in the Asbestos Analyst Registry (AAR) and has a performance rating of "acceptable" for the most recent Asbestos Analyst Testing (AAT) round. Each analyst shall have completed the NIOSH 582 training program or equivalent.
 - (2) For on-site analysis, each on-site analyst shall be listed or shall have applied for listing in the AAR and have a performance rating of "acceptable" for the most recent AAT round, or is accredited by AIHA or has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations. Each analyst shall have completed the NIOSH 582 training program or equivalent.
 - c. For TEM analysis, a current accreditation by NVLAP to analyze asbestos airborne fibers using TEM. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation and documentation of NVLAP proficiency shall be submitted with the application.
- F. Conviction or guilt. Neither the firm nor the owners, officers or directors shall have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal

pending therefrom or the time of appeal having lapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline. The board, at its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

- G. Standards of practice and conduct. Applicants shall be in compliance with the standards of practice and conduct set forth 18VAC15-20-400 through 18VAC15-20-454 and 18VAC15-20-459.2 through 18VAC15-20-459.5 at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.
- H. Standing. Both the firm and the owners, officers and directors shall be in good standing in every jurisdiction where licensed and the applicant shall not have had a license that was suspended, revoked or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure to any applicant based on disciplinary action by any jurisdiction.
- I. Denial of license. The board may refuse to issue a license to any asbestos contractor or asbestos analytical laboratory applicant if the applicant or its owners, officers or directors have a financial interest in an asbestos contractor whose asbestos license has been revoked, suspended, or denied renewal in any jurisdiction.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006; Errata 23:5 VA.R. 791 November 13, 2006.

18VAC15-20-34. Qualifications for accredited asbestos training program approval.

- A. Training programs desiring board approval shall meet the minimum requirements established in this chapter. Persons requesting approval as an accredited asbestos training program to prepare training program participants for licensure requirements shall submit an accredited asbestos Training Program Review and Audit Application with the following required information:
 - 1. Training provider's business name, physical address, mailing address, and phone number.
 - 2. Copies of approval letters issued by EPA or other states granting approval of asbestos training programs presented by the provider.

3. Applicable fee specified in 18VAC15-20-52.
 4. The training program curriculum.
 5. A narrative explanation that states how the training program meets the requirements for approval in the following areas:
 - a. Length of training in hours.
 - b. Amount and type of hands-on training.
 - c. Examinations (length, format and passing score).
 - d. Topics covered in the training program.
 - e. Assurances of test security and how exams are administered.
 6. A copy of all training program materials including, but not limited to, student manuals, instructor notebooks, handouts, and training aids.
 7. A copy of the examination(s) used and applicable answer sheets.
 8. The names and qualifications, including education and experience, of each instructor and subject areas that each instructor will teach.
 9. A description of and an example of a certificate that will be issued to students who successfully complete the accredited asbestos training program. The certificate shall contain the information required by this chapter.
 10. A proposed training program date for auditing purposes. The proposed date will be confirmed or an alternate date will be proposed within 10 business days after receipt of a complete accredited asbestos training program submission and the required fee.
- B. A complete submission shall consist of all information required by this section. Receipt of application and deposit of fees by the department in no way indicates approval of a training program.
- C. A complete application shall be submitted to the department no less than 45 days prior to the requested audit date.

- D. Upon receipt of a completed application, a preliminary review will be conducted to ensure all written material and other documentation is accurate and up to date. If any deficiencies are noted, a letter will be sent to the applicant indicating the deficiencies and necessary steps to correct them. All deficiencies noted during the preliminary review shall be corrected prior to the on-site audit.
- E. Upon successful completion of the preliminary review, an on-site audit shall be conducted to complete the application process. If any deficiencies are noted during the audit, the training provider will be informed, either in writing or verbally, and offered an opportunity to correct them. Once the audit is complete and any deficiencies corrected, a letter of approval will be sent to the accredited asbestos training program.
- F. All accredited asbestos training programs approved by the board shall have a monitored, final written examination, except for asbestos workers needing an oral examination. The board recommends the examination include a practical component to test skill in asbestos abatement techniques. Students shall obtain a minimum examination grade of 70% correct. Records of the participant's examination shall be maintained in accordance with this chapter.
- G. Letters of approval for accredited asbestos training programs shall be maintained at the business address listed on the approval letter and made accessible to the public. Each provider of an approved accredited asbestos training program shall maintain all records at the business address. The required records shall be available for review upon demand by the board or its representatives.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-40. [Repealed]

Historical Notes

Derived from VR137-01-02 § 3.2, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-50. [Repealed]

Historical Notes

Derived from VR137-01-02 § 3.3, eff. September 1, 1994; amended, Virginia Register Volume 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

PART IV.

FEES

18VAC15-20-51. General fee requirements.

All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-52. Application fees.

Application fees are set out in this section.

Fee Type	Fee Amount	When Due
Application for worker, supervisor, inspector, management planner, project designer or project monitor license	\$25	With application
Application for asbestos analytical laboratory license	\$40	With application
Application for an asbestos contractor license	\$40	With application
Application for accredited asbestos training program approval	\$400 per day of training	With application

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-53. Renewal and late renewal fees.

Renewal and late renewal fees are set out in this section.

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, management planner, project designer or project monitor license	\$25	With renewal application
Renewal for asbestos analytical laboratory license	\$40	With renewal application
Renewal for asbestos contractor's license	\$40	With renewal application
Renewal for accredited asbestos training program approval	\$50	With renewal application

Late renewal for worker, supervisor, inspector, management planner, project designer or project monitor license (includes a \$25 late renewal fee in addition to the regular \$25 renewal fee)	\$50	With renewal application
Late renewal for asbestos analytical laboratory license (includes a \$25 late renewal fee in addition to the regular \$40 renewal fee)	\$65	With renewal application
Late renewal for asbestos contractor's license (includes a \$25 late renewal fee in addition to the regular \$40 renewal fee)	\$65	With renewal application
Late renewal for accredited asbestos training program approval (includes a \$25 late renewal fee in addition to the regular \$50 renewal fee)	\$75	With renewal application

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

PART V.

RENEWAL

18VAC15-20-60. Renewal required.

- A. Each individual asbestos license issued under this chapter shall expire one year from the last day of the month in which it was issued.
- B. Each asbestos contractor and each asbestos analytical laboratory license issued under this chapter shall expire one year from the last day of the month in which it was issued.
- C. Each accredited asbestos training program shall expire 24 months from the last day of the month in which it was approved.
- D. A fee shall be required for renewal as specified in 18VAC15-20-53.

Historical Notes

Derived from VR137-01-02 § 3.4, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-70. Procedures for renewal.

- A. The department shall mail a renewal notice to each licensee and to each approved accredited asbestos training program at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee or the approved accredited asbestos training program of the obligation to renew in a timely fashion.
- B. Prior to the expiration date shown on the license or approval letter, each licensed asbestos contractor and licensed asbestos analytical laboratory desiring to renew the license shall return the renewal notice together with the appropriate fee specified in 18VAC15-20-53 to the department. Should the licensee fail to receive the renewal notice, a copy of the current license may be submitted with the required fee.
- C. Prior to the expiration date shown on the individual's current license, the individual desiring to renew that license shall provide evidence of meeting the annual refresher training requirement for license renewal and the appropriate fee specified in 18VAC15-20-53. The board will accept any asbestos training programs that are approved by EPA/AHERA or the board. A copy of the training certificate documenting the successful completion of the refresher training for the license discipline being renewed and meeting the requirements outlined in this chapter shall accompany the renewal notice and fee.

- D. Prior to the expiration date shown on the approval letter, each accredited asbestos training program desiring to renew the approval shall return the renewal notice to the department together with the following:
1. Appropriate fee specified in 18VAC15-20-53.
 2. Any changes made to the training program.
 3. Dates on which the training material was last updated.
 4. Statement indicating that the training program continues to meet the regulation requirements established in this chapter.
- Should an approved accredited asbestos training program fail to receive the renewal notice, a letter indicating the desire to renew and the applicable fee may be submitted.
- E. Project monitors who also hold a valid Virginia asbestos supervisor or project designer license may meet the renewal training requirements by completing the supervisor refresher or project designer refresher, whichever is applicable. Project monitors who hold only a project monitor license shall complete an accredited asbestos project monitor refresher training program to meet the renewal training requirements.
- F. Annual refresher training certificates shall only be used once to renew an individual license.
- G. Each license and each accredited asbestos training program approval that is not renewed within 30 days of the expiration date on the license or approval shall be subject to late renewal fees as established in 18VAC15-20-53.
- H. Each license and each approved accredited asbestos training program not renewed within six months after the expiration date shall not be renewed and the licensee or approved accredited asbestos training program shall apply for a new license or new approval.

Historical Notes

Derived from VR137-01-02 § 3.5, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-80 to 18VAC15-20-90. [Repealed]

Historical Notes

Derived from VR137-01-02 §§ 3.6, 4.1, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-100. [Repealed]

Historical Notes

Derived from VR137-01-02 § 4.2, eff. September 1, 1994; repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-101 to 18VAC15-20-110. [Repealed]

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002 or from VR137-01-02 § 5.1, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-120 to 18VAC15-20-140. [Repealed]

Historical Notes

Derived from VR137-01-02 §§ 5.2 to 5.4, eff. September 1, 1994; repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-150. [Repealed]

Historical Notes

Derived from VR137-01-02 § 5.5, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-160 to 18VAC15-20-240. [Repealed]

Historical Notes

Derived from VR137-01-02 § 5.6, eff. September 1, 1994; repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-250 to 18VAC15-20-251. [Repealed]

Historical Notes

Derived from VR137-01-02 § 8.1, eff. September 1, 1994; derived from or amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-260. [Repealed]

Historical Notes

Derived from VR137-01-02 § 9.1, eff. September 1, 1994; repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-270 to 18VAC15-20-271. [Repealed]

Historical Notes

Derived from VR137-01-02 § 9.2, eff. September 1, 1994; derived from or amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-280. [Repealed]

Historical Notes

Derived from VR137-01-02 § 10.1, eff. September 1, 1994, repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-290 to 18VAC15-20-291. [Repealed]

Historical Notes

Derived from VR137-01-02 § 10.2, eff. September 1, 1994; derived or amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-300 to 18VAC15-20-320. [Repealed]

Historical Notes

Derived from VR137-01-02 §§ 11.1 to 11.3, eff. September 1, 1994; repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-330 to 18VAC15-20-332. [Repealed]

Historical Notes

Derived from VR137-01-02 § 11.4, eff. September 1, 1994; derived from or amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-340 to 18VAC15-20-360. [Repealed]

Historical Notes

Derived from VR137-01-02 §§ 12.1 to 12.3, eff. September 1, 1994; repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-361. [Repealed]

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-370 to 18VAC15-20-390. [Repealed]

Historical Notes

Derived from VR137-01-02 §§ 12.4 to 12.6, eff. September 1, 1994; repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

PART VI.

GENERAL STANDARDS OF PRACTICE AND CONDUCT

18VAC15-20-400. Responsibility to the public.

The primary obligation of the licensee is to the public. If the licensee's judgment is overruled under circumstances when the safety, health, property and welfare of the public are endangered, the licensee shall inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. The licensee shall take such action only when his authority to correct a problem has been ignored or overruled.

Historical Notes

Derived from VR137-01-02 § 13.1, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-410. Public statements.

- A. The licensee shall be truthful in all matters relating to the performance of asbestos abatement or asbestos consulting services.
- B. When serving as an expert or technical witness, the licensee shall express an opinion only when it is based on an adequate knowledge of the facts in issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the licensee shall issue no statements, reports, criticisms, or arguments on matters relating to practices which are inspired or paid for by an interested party or parties, unless one has prefaced the comment by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing any self-interest.
- C. Licensees or applicants shall not knowingly make a materially false statement, submit falsified documents or fail to disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for licensure or renewal.

Historical Notes

Derived from VR137-01-02 § 13.2, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-420. Solicitation of work.

In the course of soliciting work:

1. The licensee shall not bribe.
2. The licensee shall not falsify or permit misrepresentation of the licensee's work or an associate's academic or professional qualifications, nor shall the licensee misrepresent the degree of responsibility for prior assignments.
3. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates, joint ventures or past accomplishments of any kind.
4. Materials used in the solicitation of services shall not misrepresent facts of approval, federal, or state requirements.

Historical Notes

Derived from VR137-01-02 § 13.3, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-430. Professional responsibility.

- A. The licensee or accredited asbestos training provider shall, upon request or demand, produce to the board, or any of its representatives, any plan, document, book, record or copy of it in his possession concerning a transaction covered by this chapter, and shall cooperate in the investigation of a complaint filed with the board against a licensee or accredited asbestos training provider.
- B. A licensee or accredited asbestos training provider shall not use the design, plans or work of another licensee or accredited asbestos training provider without the original professional's knowledge and consent and after consent, a thorough review to the extent that full responsibility shall be assumed by the user.
- C. Accredited asbestos training providers shall admit board representatives for the purpose of conducting an on-site audit, or any other purpose necessary to evaluate compliance with this chapter and other applicable laws and regulations.

Historical Notes

Derived from VR137-01-02 § 13.4, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-440. Good standing in other jurisdictions.

- A. Licensees, accredited asbestos training providers, training managers, or principal instructors who perform project monitoring, project design, inspections, management planning, asbestos abatement training, asbestos contracting or supervisor work in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or approved and shall not have had a license, certification or approval suspended, revoked or surrendered in connection with a disciplinary action.
- B. Licensees, accredited asbestos training providers, training managers, or principal instructors shall notify the board in writing no later than 10 days after the final disciplinary action taken by another jurisdiction against their license or other approval to conduct asbestos abatement activities.
- C. Licensees, accredited asbestos training providers, training managers, or principal instructors may be subject to disciplinary action or removal of an asbestos training program accreditation for disciplinary actions taken by another jurisdiction.

Historical Notes

Derived from VR137-01-02 § 13.5, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-450. Grounds for disciplinary action.

- A. The board shall have the authority to fine any licensee or accredited asbestos training program, accredited asbestos training provider or instructor, and to deny renewal, suspend, revoke or deny application for any license or approval as an accredited asbestos training program, accredited asbestos training provider or instructor provided for under Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia for:
 - 1. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.
 - 2. Obtaining a license, approval as an accredited asbestos training program, approval as an accredited asbestos training provider or approval as an instructor through fraudulent means.
 - 3. Altering or falsifying a Virginia Asbestos License or a training certificate from an accredited asbestos training program.

4. Violating any provision of AHERA or ASHARA, or any federal or state regulation pertinent to asbestos activity.
5. Having been found guilty by the board, an administrative body, or by a court of any misrepresentation in the course of performing his asbestos-related operating duties.
6. Subject to the provisions of § 54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity, which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.
7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.
8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which the asbestos license is held.
9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.
10. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of lawful compliance inspections.
11. Failing to notify the board in writing within 30 days after any change in address or name.

12. Acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business.

Any unlawful act or violation of any provision of Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or of the regulations of the board by any asbestos supervisor or asbestos worker may be cause for disciplinary action against the asbestos contractor for whom he works if it appears to the satisfaction of the board that the asbestos contractor knew or should have known of the unlawful act or violation.

- B. Any individual or firm whose license, approval as an accredited asbestos training program, or approval as an accredited asbestos training provider is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm shall meet all education, experience and training requirements, complete the application and submit the required fee for consideration as a new applicant.

Historical Notes

Derived from VR137-01-02 § 13.6, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; Volume 23, Issue 3, eff. December 1, 2006.

PART VII.

STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS CONTRACTORS

18VAC15-20-451. Asbestos contractor responsibilities.

- A. Licensed asbestos contractors shall comply with all requirements, procedures, standards and regulations covering any part of an asbestos project established by the U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, the Virginia Department of Labor and Industry, and the Divisions of Air Pollution and Waste Management of the Department of Environmental Quality (§ 54.1-517 of the Code of Virginia).
- B. Licensed asbestos contractors shall comply with the requirements found in § 54.1-1100 of the Code of Virginia governing the regulation of general contractors.
- C. A licensed asbestos contractor shall employ only licensed asbestos supervisors and workers to perform work on any asbestos project.
- D. A licensed asbestos contractor shall ensure that a licensed asbestos supervisor is present at each job site while an asbestos project is in progress.
- E. Prior to the start of any asbestos project, the licensed asbestos contractor shall:
 - 1. Notify the building or property owner or agent of the owner that a licensed project monitor is required in accordance with the provisions of 18VAC15-20-455.1 and 18VAC15-20-456 to determine that proper work practices are used and compliance with all asbestos laws and regulations is maintained, to collect environmental air samples during the asbestos project, to perform visual inspections of the work area, and to grant final clearance upon completion of the asbestos project.
 - 2. Obtain a written acknowledgment from the owner or agent of the owner that the owner or agent of the owner has been notified of the requirement to secure the services of a licensed asbestos project monitor. Such acknowledgment must include the address of the building where the asbestos project is to take place; the date the work is to be performed; the name, address, and license number of the licensed asbestos contractor performing the work; and evidence that the building or property owner or agent of the owner has received the notification. The initial notification and acknowledgment shall be sufficient for the term of multiple-project service contracts.

3. Conflict of interest situations and relationships between asbestos contractors and asbestos project monitors are set forth in subdivision 2 of 18VAC15-20-453.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002; amended, Virginia Register Volume 23, Issue 3, eff. December 1, 2006; Volume 24, Issue 17, eff. August 1, 2008.

18VAC15-20-452. Maintenance of licensing and training records at the asbestos job site.

- A. The asbestos contractor shall be responsible for maintaining at each job site a list of each licensed worker and supervisor, or copy of the licenses of each asbestos worker and supervisor. This list shall include the current license numbers and the license expiration dates of those workers and supervisors. This section does not relieve the contractor of any specific AHERA and ASHARA requirements concerning training certificates.
- B. A licensed asbestos contractor shall maintain a copy of its Virginia asbestos contractor license on each job site.
- C. Records maintained at the job site shall be available for review by the Department of Labor and Industry, the Department of Professional and Occupational Regulation, and all other agencies having authorization to inspect an asbestos job site.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-453. Conflict of interest.

The following situations and relationships between license categories are deemed to represent a conflict of interest and are prohibited.

1. It is a conflict of interest and a violation of this chapter for an asbestos contractor to have an employee/employer relationship with, or financial interest in, a laboratory utilized by the contractor for asbestos sample analysis. Laboratories owned by the building owner performing analysis on suspect asbestos samples taken from the building owners' property are exempt from this section.
2. It is a conflict of interest and a violation of this chapter for an asbestos contractor to have an employee/employer relationship with an asbestos project monitor working on an asbestos project performed by that

asbestos contractor. An asbestos contractor shall not have any financial interests in the firm of which a project monitor is an employee and provides project monitoring services for that contractor. This section does not relieve a contractor of the OSHA personal monitoring requirements set forth in 29 CFR 1926.1101.

3. It is a conflict of interest and a violation of this chapter for an asbestos contractor to enter into a contract to perform an asbestos project if the asbestos inspection or project design was performed by individuals with an employer/employee relationship with, or financial interest in, the asbestos contractor, unless the asbestos contractor provides the building owner with the Virginia Asbestos Licensing Consumer Information Sheet and the Virginia Asbestos Licensing Inspector/Project Designer/Contractor Disclosure Form as prescribed by the department. The asbestos contractor's relationship with the asbestos inspector or project designer on the project shall be disclosed. The disclosure form shall be signed and dated by the licensed contractor and submitted as part of the bid. The disclosure form shall be kept on the asbestos project site and available for review.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002; amended, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-454. Transfer of asbestos contractor license.

The transfer of an asbestos contractor license is prohibited.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

PART VIII.

STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS PROJECT MONITORS

18VAC15-20-455. Duties and functions.

The duties and functions of a project monitor include, but are not limited to, observing and monitoring the activities of an asbestos abatement contractor on asbestos projects to determine that proper work practices are used and compliance with all asbestos laws and regulations is maintained, collecting environmental air samples during the asbestos project, performing visual inspections of the work area and granting final clearance upon completion of the asbestos project.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-455.1. Abatement projects that require a project monitor.

A project monitor is required on:

1. Asbestos projects performed in buildings that are occupied or intended to be occupied upon completion of the asbestos project exceeding 260 linear feet or 160 square feet or 35 cubic feet of asbestos-containing material;
or
2. Whenever the building or property owner deems it necessary to monitor asbestos projects.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-456. Responsibilities.

- A. Asbestos project monitors shall conduct inspections of the contractor's work practices and inspections of the containment.
- B. Asbestos project monitors shall be present on the job site each day response actions are being conducted or in accordance with the owner-approved contractual agreement with the project monitor, shall perform the duties and functions established in 18VAC15-20-455, and shall maintain a daily log of all work performed. The daily log shall include, but not be limited to, inspection reports, air sampling data, type of work performed by the contractor, problems encountered and corrective action taken.

- C. Asbestos project monitors shall take final air samples on all abatement projects, except for abatement projects in residential buildings.
- D. Project monitors who analyze PCM air samples on site shall be employed by a licensed analytical laboratory and shall be listed or have applied for listing in the AAR and rated "acceptable" or is accredited by AIHA or has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002; amended, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

PART IX.

STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS PROJECT DESIGNERS

18VAC15-20-457. Duties and functions.

The duties and functions of a project designer include, but are not limited to, preparing an asbestos abatement project design, specifications for asbestos abatement projects and addenda to abatement specifications.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-458. Responsibilities.

The project design shall include, but is not limited to:

1. Scope of work.
2. Order of work.
3. Work methods and practices to be used.
4. Number and type of final air samples to be taken.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

PART X.

STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS INSPECTORS AND MANAGEMENT PLANNERS

18VAC15-20-459. Duties and functions.

- A. The duties and functions of an asbestos inspector include, but are not limited to, determining the presence and location of friable and nonfriable ACM, determining the condition of ACM, and sampling suspect ACM.
- B. The duties and functions of an asbestos management planner include, but are not limited to, preparing management plans to effectively manage ACM that will remain in the building.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-459.1. Responsibilities.

- A. Asbestos inspectors shall conduct all asbestos inspections in accordance with 40 CFR 763.86.
- B. Asbestos inspectors shall prepare a written inspection report following an asbestos inspection. The report shall contain, but is not limited to:
 - 1. Inspector's name and license number.
 - 2. Location of all samples taken.
 - 3. Location and type of all ACM and assumed ACM.
 - 4. Assessment of all ACM and assumed ACM.
 - 5. Copy of the laboratory report.
- C. Asbestos management planners shall prepare all management plans in accordance with 40 CFR 763.88.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

PART XI.

STANDARDS OF PRACTICE AND CONDUCT FOR ASBESTOS ANALYTICAL LABORATORIES

18VAC15-20-459.2. General.

Asbestos analytical laboratories shall comply with all requirements, procedures, standards and regulations covering all aspects of asbestos analytical services as established by this chapter.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-459.3. Responsibilities.

- A. Each asbestos analytical laboratory using PLM to analyze bulk suspect material for the presence of asbestos shall analyze the material in accordance with EPA 600/R-93/116 Method of Determination of Bulk Asbestos or the NIOSH method 9002.
- B. Each asbestos analytical laboratory using PCM to analyze air samples for the presence of airborne fibers shall use the method outlined in Appendix A of OSHA's 1926.1101 regulation or shall use the most recent version of NIOSH's 7400 method.
- C. Each asbestos analytical laboratory using TEM to analyze air samples for the presence of airborne asbestos fibers shall use the method outlined in Appendix A to Subpart E of 40 CFR Part 763 or shall use the most recent version of NIOSH's 7402 method.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-459.4. Change of status.

- A. The licensee shall notify the department immediately of any addition or deletion regarding employment of trained and experienced supervisors, and any changes regarding the signing officer's relationship with the company.
- B. The licensee shall notify the board within 10 business days upon the loss of accreditation or proficiency rating by NVLAP or AIHA by any laboratory location.

- C. The licensee shall notify the board, in writing, if the analysis to be performed is different from the type of analysis in which the initial license was issued. The licensee shall submit a new application reflecting the changes and submit the qualifications required by this chapter to perform the analysis. The above information shall be submitted to the board prior to performing the analysis. No additional fees are required to upgrade the analytical laboratory license.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-459.5. License.

- A. The transfer of an asbestos analytical laboratory license is prohibited. Whenever there is any change in the controlling interest of the legal entity licensed, a new license is required.
- B. A copy of the current asbestos analytical laboratory license will be on site at all times where analysis is performed, including project sites. The license shall be available for review by the department.
- C. The board shall require asbestos analytical laboratories that wish to become or to remain licensed in the Commonwealth to conform to any future additional standards or regulations set forth by the EPA or accrediting entity.
- D. The licensee shall permit the board to conduct periodic on-site inspections and evaluations of licensed asbestos analytical laboratory facilities. The inspections shall include, but not be limited to, equipment, procedure and protocol records, training and accreditation documentation and any other program evaluation results on file. Prior notice of such inspections is not required.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-459.6 to 18VAC15-20-459.15. [Repealed]

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-460. [Repealed]

Historical Notes

Derived from VR137-01-02 § 14.1, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

PART XII.

ACCREDITED ASBESTOS TRAINING PROGRAM STANDARDS OF PRACTICE AND CONDUCT

18VAC15-20-461. Changes to an approved accredited asbestos training program.

Once an accredited asbestos training program has been approved, prior to the continuation of the accredited asbestos training program, substantial changes in the information required by subdivisions 1 through 5 of this section shall be submitted to the board for review and approval. The board will state its approval or disapproval of the changes by mail.

1. Training program curriculum.
2. Training program examination.
3. Training program materials.
4. Principal instructors.
5. Certificate of completion.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-462. Transfer of approval of an accredited asbestos training program.

The transfer of the approval of an accredited asbestos training program will require a review by the following procedure:

1. The applicant for transfer shall submit an application to the department and materials for review to determine if substantial changes have been made to the program. All submissions shall be in accordance with subsections A, B and C of 18VAC15-20-34.
2. Receipt of applications and deposit of fees submitted does not indicate approval of the transfer.
3. A review of the submitted materials shall be performed to determine if substantial changes have been made. A substantial change is defined as a change in training program materials, curriculum, principal instructors or facilities at the time of transfer of the accredited asbestos training

program. A complete field audit may be conducted of any applicant believed to have made a substantial change.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-463. Access by the department.

Accredited asbestos training providers shall permit department representatives to attend, evaluate, and monitor any accredited asbestos training program. Prior notice of attendance by agency representatives is not required. All records are required to be available for review by department representatives. Records required to be maintained by the training provider shall be maintained at the physical location of the accredited asbestos training provider.

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-464. Withdrawal of approval of an accredited asbestos training program.

- A. The board may withdraw approval of any accredited asbestos training program for the following reasons:
 - 1. The school, instructors, or training programs no longer meet the standards established in this chapter.
 - 2. The board determines that the provider is not conducting the training in a manner that meets the requirements as set forth in this chapter.
 - 3. Suspension or revocation of training approval in another state or by the EPA.
- B. Decisions regarding withdrawal of approval shall be made by the board under the provisions of the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Historical Notes

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-470. Recordkeeping and provision of records to the board.

- A. The training manager shall notify the board no less than 48 hours prior to the start date of any accredited asbestos training program.

- B. The training manager shall provide an updated notification when an accredited asbestos training program will begin on a date other than the start date specified in the original notification as follows:
 - 1. For accredited asbestos training programs beginning prior to the start date provided to the board, an updated notification must be received by the board at least 48 hours before the new start date.
 - 2. For accredited asbestos training programs beginning after the start date provided to the board, an updated notification must be received by the board at least 48 hours before the start date provided to the board.
- C. The training manager shall update the board of any change in location of an accredited asbestos training program at least 48 hours prior to the start date provided to the board.
- D. The training manager shall update the board regarding any accredited asbestos training program cancellations or any other change to the original notification at least 48 hours prior to the start date provided to the board. This requirement shall not apply to situations or circumstances beyond the control of the training provider.
- E. Each notification, including updates, shall include the following:
 - 1. Notification type (original, update, cancellation).
 - 2. Training program name, Virginia accreditation number, address, and telephone number.
 - 3. Course discipline, type (initial/refresher), and the language in which the instruction will be given.
 - 4. Dates and times of training.
 - 5. Training locations, telephone number, and address.
 - 6. Principal instructor's name.
 - 7. Training manager's name and signature.
- F. For all accredited asbestos training programs approved by the board, the training provider shall keep a training program participant list of all of the

individuals attending the accredited asbestos training program. The training program participant list shall contain the following minimum information:

1. Training program name, Virginia accreditation number, address, and telephone number.
 2. Course discipline and type (initial/refresher).
 3. Dates of training.
 4. Location of training program presentation.
 5. Each participant's name, address, social security number, course completion certificate number, and course test score.
 6. Principal instructor's name.
 7. Training manager's name and signature.
- G. The training program participant list shall be completed by the training program principal instructor and training program participants daily.
- H. The training program participant list shall be retained by the training provider for three years following the date of completion of the training program.
- I. The training manager shall provide to the board the accredited asbestos training program participant list no later than 24 hours following the training program completion.
- J. Notifications and training program participant lists shall be submitted electronically in the manner established by the board specifically to receive this documentation using a sample form designed by and available from the board. Any variation upon this procedure shall be approved by the board prior to submission.
- K. The training provider shall retain all examinations completed by training program participants for a period of three years.
- L. The department shall not recognize training certificates from approved training providers that fail to notify or fail to provide a training program participant list.

Historical Notes

Derived from VR137-01-02 § 14.2, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-20-480. Accredited asbestos training program outline and syllabus.

- A. Prior to the start of the accredited asbestos training program, the training provider shall prepare a course outline or syllabus. The outline shall contain the following minimum information:
1. Training program title and length of training;
 2. Starting time of each day of training;
 3. Training program section, inclusive length of training time for each section and instructor for each program section;
 4. Scheduled breaks and inclusive length of breaks;
 5. Scheduled lunch break and inclusive length of break;
 6. Scheduled hands-on training, a description of the training to be performed, length of training and name of the instructor or instructors; and
 7. Examination and inclusive length of examination time.
- B. The training provider shall disseminate the training program outline or syllabus to all training program participants. A copy of the training program outline shall be retained by the training provider for a period of three years following the completion of the training program.

Historical Notes

Derived from VR137-01-02 § 14.3, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-490. Certificates of completion.

- A. Following attendance of the accredited asbestos training program and successful completion of an examination by the training program participant, the training provider shall issue a Certificate of Completion to the training program participant. The certificate shall contain the following minimum information:
1. Training provider's business name;
 2. Training provider's business address and phone number;

3. Location of training;
 4. Typewritten or printed name of training program participant;
 5. Training program title and length of training in hours;
 6. Certificate number;
 7. Inclusive training program dates;
 8. Examination date;
 9. An expiration date one year after the date of completion of the accredited asbestos training program;
 10. For training programs covered under 40 CFR Part 763, Subpart E, Appendix C, a statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II;
 11. Statement of attendance and successful completion of an examination by the training program participant; and
 12. Signature and typewritten or printed name of the accredited asbestos training program manager or administrator and principal instructor. The signature may be a printed facsimile.
- B. Changes to the Certificate of Completion shall be submitted to the board for review and approval prior to issuance to training program participants.

Historical Notes

Derived from VR137-01-02 § 14.4, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-500. Training program materials: training program manuals; video instruction; training equipment.

- A. All training program participants shall be issued a training program manual for the asbestos training program.
- B. Use of video instruction is permitted as a method of instruction in an accredited asbestos training program, provided that videos are not the sole and primary source of instruction unless the videos are interactive.

Videos shall be made available to the board, if requested, during an on-site audit or inspection.

- C. In no case will equipment utilized for display or part of hands-on training have been utilized on an asbestos abatement project site. Equipment will be dedicated for training use only. The training provider shall keep a listing of all equipment utilized for training on file. The equipment list will contain the following minimum information:
1. Equipment brand name;
 2. Equipment description; and
 3. A statement of how the equipment is to be utilized in the accredited asbestos training program. The dated equipment list will be updated as new equipment is added as part of an accredited asbestos training program and each list must be maintained for a period of three years.

Historical Notes

Derived from VR137-01-02 § 14.5, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-510. [Repealed]

Historical Notes

Derived from VR137-01-02 § 14.6, eff. September 1, 1994; repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-511. Instructor qualifications.

- A. An approved accredited asbestos training program shall employ a training manager who:
1. Has a minimum of two years experience in teaching adults; or
 2. Has a minimum of three years experience in the asbestos abatement industry.
- B. An approved accredited asbestos training program shall use principal instructors who:
1. Have a minimum of 24 hours of asbestos specific training; and

2. Have a minimum of two years experience in the asbestos abatement industry, or have a minimum of two years' experience in teaching adults.
- C. Documentation of all instructor qualifications shall be reviewed and approved by the board prior to the instructor teaching in an accredited asbestos training program.
- D. Guest instructors are exempt from instructor qualifications and are limited to no more than two hours of training per day.

Historical Notes

Derived from Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-520. Number of instructors required to provide training.

- A. The board strongly recommends a minimum of two instructors to teach an accredited asbestos initial worker training program.
- B. At least two instructors shall be used for each supervisor, inspector, management planner, project designer and project monitor initial accredited asbestos training program.
- C. One instructor is adequate per accredited asbestos refresher training program.
- D. At least one instructor shall be in the classroom and available to the students at all times during the accredited asbestos training program.

Historical Notes

Derived from VR137-01-02 § 14.7, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-530. Student to instructor ratios.

- A. Hands-on training means an evaluation that tests the trainee's ability to satisfactorily perform the work practices and procedures in this chapter and shall be overseen by the instructor at a ratio of no more than 10 students to one instructor.
- B. There shall be no more than three training program participants in any hands-on exercise, except for a hands-on exercise which involves building containments.

Historical Notes

Derived from VR137-01-02 § 14.8, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-540. Distinct training disciplines.

All initial and refresher accredited asbestos training programs shall be discipline specific.

Historical Notes

Derived from VR137-01-02 § 14.9, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-550. Completion of training.

The total hours of actual training for an initial training program, including examinations, shall be completed within a single two-week time frame, from start to finish.

Historical Notes

Derived from VR137-01-02 § 14.10, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-560. Length of training.

The following are the requirements for length of training for an accredited asbestos training program:

1. In no case shall actual asbestos training exceed eight hours in a 24-hour period;
2. Training given during evening hours (after 5 p.m. and before 8 a.m.) may not exceed four hours, except training that is conducted during the student's second or third shift of working hours; and
3. Training performed on weekends (Friday after 5 p.m. to Monday 8 a.m.) may not exceed 16 hours.

Historical Notes

Derived from VR137-01-02 § 14.11, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-570. Non-English speaking accredited asbestos training programs.

All accredited asbestos training programs shall be taught in English. Accredited asbestos worker training programs are exempt from this section.

Historical Notes

Derived from VR137-01-02 § 14.12, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-580. Examinations.

- A. All accredited asbestos training programs shall contain an examination following the instructional portion of the accredited asbestos training program. This requirement shall apply to all accredited asbestos training programs regardless of training program location.
- B. Oral examinations, except for workers, are not permitted in an accredited asbestos training program. Trainers who provide worker oral examinations shall issue an answer sheet to be marked by the student. The student shall sign the answer sheet and it shall become a part of the training provider's required recordkeeping.
- C. Examinations in languages other than English are only permitted in accredited asbestos worker training programs.
- D. Examinations shall be given in the language of the accredited asbestos training program's instruction.
- E. Reexamination following unsuccessful completion of the examination is permitted. The reexamination shall be limited to one attempt to pass following the initial examination. If the participant fails to achieve a 70% passing score after the second attempt, the participant shall retake the accredited asbestos training program before he is permitted to take a retest. The training provider shall retain the examinations completed by the accredited asbestos training program participant in compliance with the recordkeeping requirements of this chapter.

Historical Notes

Derived from VR137-01-02 § 14.13, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-590. Change of address, phone number or contact person.

Providers of accredited asbestos training programs are required to notify the board in writing of changes of address, phone number or principal instructor within 30 business days after changes to any of these items.

Historical Notes

Derived from VR137-01-02 § 14.14, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-600. Termination of training.

When a training provider ceases to conduct any of its training programs, it shall notify the board in writing and give the board the opportunity to take possession of the provider's asbestos training records relating to such programs.

Historical Notes

Derived from VR137-01-02 § 14.15, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-610. EPA ASHARA compliance.

All Virginia-approved accredited asbestos training programs shall be in compliance with all training and recordkeeping requirements established by the EPA Model Accreditation Plan, 40 CFR Part 763, Subpart E.

Historical Notes

Derived from VR137-01-02 § 14.16, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-620 to 18VAC15-20-690. [Repealed]

Historical Notes

Derived from VR137-01-02 §§ 15.1 to 15.8, eff. September 1, 1994; repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

PART XIII.

ACCREDITED ASBESTOS TRAINING PROGRAM STANDARDS

18VAC15-20-700. General.

In all of the following accredited asbestos training program (training program) requirements, one day shall be equal to eight hours, inclusive of lunch and breaks.

Historical Notes

Derived from VR137-01-02 § 16.1, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-710. Worker training.

Asbestos abatement workers shall complete at least a four-day (32 hours) training program as outlined below. All training programs shall be approved by the board. The accredited asbestos training program shall include lectures, demonstrations, at least 14 hours of hands-on training, a training program review, and an examination. The training shall address the following topics:

1. Physical characteristics of asbestos.
 - a. Identification of asbestos.
 - b. Aerodynamic characteristics.
 - c. Typical uses and physical appearance.
 - d. A summary of abatement control options.
2. Potential health effects related to asbestos exposure.
 - a. The nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. Synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for disease.
3. Employee personal protective equipment.

- a. Classes and characteristics of respirator types.
 - b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
 - c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - d. Qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors.
 - f. Factors that alter respirator fit (e.g., facial hair).
 - g. The components of a proper respiratory protection program.
 - h. Selection and use of personal protective clothing; use, storage, and handling of nondisposable clothing.
 - i. Regulations covering personal protective equipment.
4. State-of-the-art work practices.
- a. Asbestos abatement activities including descriptions of construction and maintenance of barriers and decontamination enclosure systems.
 - b. Positioning of warning signs.
 - c. Electrical and ventilation system lock-out.
 - d. Working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums.
 - e. Clean-up and disposal procedures.
 - f. Work practices for removal, encapsulation, enclosure, and repair.
 - g. Emergency procedures for sudden releases.
 - h. Potential exposure situations, and transport and disposal procedures.

- i. Recommended and prohibited work practices.
- 5. Personal hygiene.
 - a. Entry and exit procedures for the work area, use of showers, avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
 - b. Potential exposures, including family exposure.
- 6. Additional safety hazards.
 - a. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.
 - b. Scaffold and ladder hazards.
 - c. Slips, trips and falls.
 - d. Confined spaces.
- 7. Medical monitoring.
 - a. OSHA requirements for a pulmonary function test.
 - b. Chest X-rays and a medical history for each employee.
- 8. Air monitoring.
 - a. Procedures to determine airborne concentrations of asbestos fibers.
 - b. Focusing on how personal air sampling is performed and the reasons for it.
- 9. Relevant federal, state and local regulatory requirements, procedures and standards, with particular attention directed at relevant EPA, OSHA, and state regulations concerning asbestos abatement workers and Department of Transportation regulations (49 CFR 172 Subpart H), with emphasis on packaging requirements and marking of containers of ACM waste.

10. Establishment of respiratory protection programs.
11. Training program review. A review of key aspects of the accredited asbestos training program.

Historical Notes

Derived from VR137-01-02 § 16.2, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-720. Examinations: Asbestos abatement worker.

Upon completion of an approved initial training program, a closed-book examination will be administered. Demonstration testing will also be permitted as part of the examination. Each examination shall cover the topics included in the training program. Persons who pass the examination and fulfill the training program requirements will receive a Certificate of Completion as specified in this chapter. The following are the requirements for an examination:

1. Fifty multiple choice questions; and
2. Passing score: 70% correct.

Historical Notes

Derived from VR137-01-02 § 16.3, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-730. Refresher training program.

A. Accredited asbestos refresher training programs shall be one day (eight hours) for asbestos abatement workers. The training programs shall review federal and state regulations, discuss changes to the regulations, if applicable, and developments in state-of-the-art procedures. A review of the following topics from the initial accredited asbestos training program shall be included in the accredited asbestos worker refresher training program:

1. Potential health effects related to asbestos exposure;
2. Employee personal protective equipment;
3. State-of-the-art work practices (with emphasis on work practices for removal, encapsulation, encasement, enclosure and repair and proper working techniques for minimizing fiber release, use of wet methods,

use of negative pressure ventilation equipment and the use of high efficiency particulate air (HEPA) vacuums);

4. Personal hygiene; and
 5. Additional safety hazards.
- B. A written closed-book examination shall be included in the refresher training program. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the examination and fulfill the training program requirements will receive a Certificate of Completion as specified in this chapter.

Historical Notes

Derived from VR137-01-02 § 16.4, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-740. Supervisor training.

Asbestos abatement supervisors shall complete a five-day (40 hours) training program as outlined below. The training program shall include lectures, demonstrations, training program review, examination, and at least 14 hours of hands-on training which allows supervisors the experience of performing actual tasks associated with asbestos abatement. The accredited asbestos supervisor training program shall address the following topics:

1. The role of the supervisor in the asbestos abatement process.
2. The physical characteristics of asbestos and asbestos-containing materials.
 - a. Identification of asbestos.
 - b. Aerodynamic characteristics.
 - c. Typical uses, physical appearance.
 - d. A review of hazard assessment considerations.
 - e. A summary of abatement control options.
3. Potential health effects related to asbestos exposure.
 - a. The nature of asbestos-related diseases.

- b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. Synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for disease.
4. Employee personal protective equipment.
- a. Classes and characteristics of respirator types.
 - b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance and storage procedures.
 - c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - d. Qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors.
 - f. Factors that alter respirator fit (e.g., facial hair, dental work, weight loss or gain).
 - g. The components of a proper respiratory protection program.
 - h. Selection and use of personal protective clothing; use, storage and handling of nondisposable clothing.
 - i. Regulations covering personal protective equipment.
5. State-of-the-art work practices.
- a. Work practices for asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
 - b. Positioning of warning signs.
 - c. Electrical and ventilation system lock-out.

- d. Working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, and use of high efficiency particulate air (HEPA) vacuums.
 - e. Clean-up and disposal procedures.
 - f. Work practices for removal, encapsulation, encasement, enclosure and repair.
 - g. Emergency procedures for sudden releases.
 - h. Potential exposure situations.
 - i. Transport and disposal procedures.
 - j. Recommended and prohibited work practices.
 - k. Discussion of new abatement related techniques and methodologies.
6. Personal hygiene.
- a. Entry and exit procedures for the work area; use of showers; and avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
 - b. Potential exposures, such as family exposure, shall also be included.
7. Additional safety hazards.
- a. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.
 - b. Scaffold and ladder hazards.
 - c. Slips, trips and falls.
 - d. Confined spaces.
8. Medical monitoring. OSHA requirements for a pulmonary function test, chest X-rays and a medical history for each employee.

9. Air monitoring.
 - a. Procedures to determine airborne concentration of asbestos fibers, including a description of aggressive sampling, sampling equipment and methods.
 - b. Reasons for air monitoring.
 - c. Types of samples and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.

10. Relevant federal, state, and local regulatory requirements, procedures and standards including:
 - a. Requirements of TSCA Title II;
 - b. 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos);
 - c. OSHA Standards for Respiratory Protection (29 CFR 1910.134);
 - d. OSHA Asbestos Construction Standard (29 CFR 1926.1101);
 - e. EPA Worker Protection Rule, 40 CFR Part 763, Subpart G;
 - f. Requirements for Asbestos-Containing Waste Materials, 9VAC20-80-640; and
 - g. 49 CFR Part 172, Subpart H, Department of Transportation regulations covering packaging, proper marking of shipping containers and shipping papers.

11. A review of NESHAP Guidance Documents.
 - a. Common Questions on the Asbestos NESHAP.
 - b. Asbestos NESHAP: Regulated Asbestos Containing Materials Guidance (EPA 340/1-90-018).

- c. Asbestos NESHAP: Adequately Wet Guidance (EPA 340/1-90-019).
 - d. Reporting and Record Keeping Requirements for Waste Disposal: A Field Guide (EPA 340/1-90-016).
- 12. Respiratory protection programs and medical surveillance programs.
- 13. Insurance and liability issues.
 - a. Contractor issues, workers' compensation coverage, and exclusions.
 - b. Third-party liabilities and defenses.
 - c. Insurance coverage and exclusions.
- 14. Recordkeeping for asbestos abatement projects:
 - a. Records required by federal, state, and local regulations.
 - b. Records recommended for legal and insurance purposes.
- 15. Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and to discourage unsafe work practices.
- 16. Contract specifications. Discussions of key elements that are included in contract specifications.
- 17. Training program review. A review of key aspects of the accredited asbestos training program.

Historical Notes

Derived from VR137-01-02 § 16.5, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-750. Examinations: asbestos abatement supervisors.

Upon completion of an approved accredited asbestos initial training program, a closed-book examination will be administered. Demonstration testing will also be permitted as part of the examination. Each examination shall cover the topics included in the training program. Persons who pass the examination and fulfill the training program

requirements will receive a Certificate of Completion as specified in this chapter. The following are the requirements for an examination:

1. One hundred multiple choice questions; and
2. Passing score: 70% correct.

Historical Notes

Derived from VR137-01-02 § 16.6, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-760. Refresher training program.

- A. Accredited asbestos refresher training programs shall be one day (eight hours) for asbestos abatement supervisors. The training program shall review federal and state regulations, discuss changes to the regulations, if applicable, and developments in state-of-the-art procedures. A review of the following topics from the initial accredited asbestos training program shall be included in the asbestos supervisor refresher training program:
 1. Potential health effects related to asbestos exposure;
 2. Employee personal protective equipment; including medical monitoring and respiratory protection program;
 3. State-of-the-art work practices (with emphasis on work practices for removal, encapsulation, enclosure and repair and proper working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment and the use of high efficiency particulate air (HEPA) vacuums);
 4. Additional safety hazards and medical monitoring;
 5. Review of the Asbestos NESHAP, OSHA and DOT requirements; and
 6. Review of Virginia regulations concerning asbestos licensing, removal and disposal.
- B. A written closed-book examination shall be included in the refresher training program. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the refresher training program examination will receive a Certificate of Completion. The certificate shall conform to the requirements of this chapter.

Historical Notes

Derived from VR137-01-02 § 16.7, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-770. Inspector training.

Asbestos inspectors shall complete a three-day (24 hours) training program as outlined below. The training program shall include lectures, demonstrations, four hours of hands-on training, training program review and a written examination. The accredited asbestos inspector training program shall address the following topics:

1. Training program overview.
 - a. The role of the inspector in the asbestos abatement industry.
 - b. A discussion of inspection requirements and criteria for AHERA, NESHAP and state agencies.
2. Background information on asbestos.
 - a. Identification of asbestos, and examples and discussion of the uses and locations of asbestos in buildings.
 - b. Physical appearance of asbestos.
3. Potential health effects related to asbestos exposure.
 - a. The nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. The synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for asbestos-related diseases, a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancer of other organs.
4. Functions/qualifications for inspectors.
 - a. Discussions of prior experience and qualifications for inspectors and management planners.

- b. Discussions of the functions of an accredited inspector as compared to those of an accredited management planner.
 - c. Discussion of the inspection process including inventory of ACM and physical assessment.
5. Legal liabilities and defenses.
- a. Responsibilities of the inspector, a discussion of comprehensive general liability policies, claims made and occurrence policies, environment and pollution liability policy clauses; state liability insurance requirements.
 - b. Bonding and relationship of insurance availability to bond availability.
6. Understanding building systems.
- a. The relationship between building systems, including: an overview of common building physical plan layout; heat, ventilation and air conditioning (HVAC) system types; physical organization; and where asbestos is found on HVAC components.
 - b. Building mechanical systems, their types and organization and where to look for asbestos on such systems.
 - c. Inspecting electrical systems, including appropriate safety precautions.
 - d. Reading building plans and as-built drawings.
7. Public/employee/building occupant relations.
- a. Notification of employee organizations about the inspection.
 - b. Signs to warn building occupants.
 - c. Tactics in dealing with occupants and the press.
 - d. Scheduling inspections to minimize disruptions.
 - e. Education of building occupants about actions being taken.

8. Preinspection planning and review of previous inspection records.
 - a. Scheduling the inspection and obtaining access.
 - b. Building record review; identification of probable homogeneous areas from building plans or as-built drawings.
 - c. Consultation with maintenance or building personnel.
 - d. Review of previous inspection, sampling, and abatement records of a building.
 - e. The role of the inspector in exclusions for previously performed inspections.

9. Inspection for friable and nonfriable ACM and assessment of the condition of friable ACM.
 - a. Procedures to follow in conducting visual inspections for friable and nonfriable ACM.
 - b. Types of building materials that may contain asbestos.
 - c. Touching materials to determine friability.
 - d. Open return air plenums and their importance in HVAC systems.
 - e. Assessing damage, significant damage, potential damage, and potential significant damage.
 - f. Amount of suspected ACM, both in total quantity and as a percentage of the total area.
 - g. Type of damage.
 - h. Accessibility.
 - i. Material's potential for disturbance.
 - j. Known or suspected causes of damage or significant damage, and deterioration as assessment factors.

10. Bulk sampling/documentation of asbestos in schools.

- a. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials" (EPA 560/5-85-030a October 1985).
 - b. Techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials.
 - c. Techniques for bulk sampling.
 - d. Sampling equipment the inspector should use.
 - e. Patching or repair of damage done in sampling; an inspector's repair kit.
 - f. Discussion of polarized light microscopy.
 - g. Choosing an accredited laboratory to analyze bulk samples.
 - h. Quality control and quality assurance procedures.
11. Inspector respiratory protection and equipment.
- a. Classes and characteristics of respirator types.
 - b. Limitations of respirators.
 - c. Selection, inspection, donning, use, maintenance, and storage procedures for respirators.
 - d. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors.
 - f. Factors that alter respirator fit (e.g., facial hair, dental work, weight loss or gain).
 - g. The components of a proper respiratory protection program.
 - h. Selection and use of personal protective clothing.
 - i. Use, storage, and handling of nondisposable clothing.

12. Recordkeeping and writing the inspection report.
 - a. Labeling of samples and keying sample identification to sampling location.
 - b. Recommendations on sample labeling.
 - c. Detailing of ACM inventory.
 - d. Photographs of selected sampling areas and examples of ACM condition.
 - e. Information required for inclusion in the management plan by TSCA Title II section 203 (i)(1).

13. Regulatory review.
 - a. EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G.
 - b. TSCA Title II.
 - c. OSHA Asbestos Construction Standard (29 CFR 1926.1101).
 - d. OSHA respirator requirements (29 CFR 1910.134).
 - e. The friable ACM in Schools Rule found at 40 CFR Part 763, Subpart F.
 - f. Applicable state and local regulations.
 - g. Differences in federal and state requirements where they apply and the effects, if any, on public and nonpublic schools, and commercial and public buildings.

14. Field trip.
 - a. Field exercise with a walk-through inspection.
 - b. On-site discussion of information gathering and determination of sampling locations.
 - c. On-site practice in physical assessment.

- d. Classroom discussion of field exercise.
15. Training program review. A review of key aspects of the accredited asbestos training program.

Historical Notes

Derived from VR137-01-02 § 16.8, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-780. Examinations: asbestos inspectors.

Upon completion of an accredited asbestos inspector training program, a closed-book examination will be administered. Each examination shall cover the topics included in the inspector training program. Persons who pass the examination and fulfill training program requirements will receive a Certificate of Completion as specified in this chapter. The following are the requirements for examination:

1. One hundred multiple choice questions; and
2. Passing score: 70% correct.

Historical Notes

Derived from VR137-01-02 § 16.9, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-790. Refresher training program.

- A. Accredited asbestos refresher training programs shall be one-half day (four hours) for inspectors. The training program shall review federal and state regulations, discuss changes to the regulations, if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial accredited asbestos training program shall be included in the accredited asbestos inspector refresher training program:
 1. Inspection for friable and nonfriable asbestos-containing material (ACM) and assessment of the condition of friable ACM;
 2. Bulk sampling/documentation of asbestos in schools; and
 3. Reinspection and reassessment techniques.
- B. The use of exercises to encourage interactive learning and participation is suggested. These exercises may take the form of reviewing building plans,

inspection reports, a video or photo walk-through of an area to be inspected and written interviews with maintenance personnel to draw upon items covered in the initial accredited asbestos inspector training program.

- C. A written closed-book examination will be administered covering the topics included in the asbestos inspector refresher training program. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos inspector refresher training program examination will receive a Certificate of Completion as specified in this chapter.

Historical Notes

Derived from VR137-01-02 § 16.10, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-800. Asbestos management planner training.

Asbestos management planners shall complete an accredited asbestos inspector training program as provided in 18VAC15-20-770 and a two-day accredited asbestos management planner training program. The two-day (16 hours) accredited asbestos training program shall include lectures, demonstrations, program review, and a written examination. The accredited asbestos management planner training program shall address the following topics:

1. Training program overview.
 - a. The role of the management planner.
 - b. Operations and maintenance programs.
 - c. Setting work priorities; protection of building occupants.
2. Evaluation/interpretation of survey results.
 - a. Review of TSCA Title II requirements for inspection and management plans as given in section 203(i)(1) of TSCA Title II.
 - b. Summarized field data and laboratory results; comparison between field inspector's data sheet with laboratory results and site survey.
3. Hazard assessment.
 - a. Amplification of the difference between physical assessment and hazard assessment.

- b. The role of the management planner in hazard assessment.
 - c. Explanation of significant damage, damage, potential damage, and potential significant damage and use of a description (or decision tree) code for assessment of ACM; assessment of friable ACM.
 - d. Relationship of accessibility, vibration sources, use of adjoining space, air plenums and other factors to hazard assessment.
4. Legal implications.
- a. Liability; insurance issues specific to management planners.
 - b. Liabilities associated with interim control measures, in-house maintenance, repair, and removal.
 - c. Use of results from previous inspections.
5. Evaluation and selection of control options.
- a. Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method.
 - b. Response actions described via a decision tree or other appropriate method; work practices for each response action.
 - c. Staging and prioritizing of work in both vacant and occupied buildings.
 - d. The need for containment barriers and decontamination in response actions.
6. Role of other professionals.
- a. Use of industrial hygienists, engineers and architects in developing technical specifications for response actions.
 - b. Any requirements that may exist for an architect to sign-off on plans.

- c. Team approach to designing of high-quality job specifications.
7. Developing an operations and maintenance (O&M) plan.
- a. Purpose of the plan.
 - b. Discussion of applicable EPA guidance documents.
 - c. What actions should be taken by custodial staff: proper cleaning procedures; steam cleaning and high efficiency particulate air (HEPA) vacuuming.
 - d. Reducing disturbance of ACM.
 - e. Scheduling O&M for off-hours; rescheduling or canceling renovation in areas with ACM.
 - f. Boiler room maintenance.
 - g. Disposal of ACM.
 - h. In-house procedures for ACM: bridging and penetrating encapsulants, pipe fittings, metal sleeves, poly vinyl chloride (PVC), canvas, and wet wraps; muslin with straps; fiber mesh cloth; mineral wool, and insulating cement.
 - i. Discussion of employee protection programs and staff training.
 - j. Case study in developing an O&M plan (development, implementation process, and problems that have been experienced).
8. Recordkeeping for the management planner.
- a. Use of field inspector's data sheet along with laboratory results.
 - b. On-going recordkeeping as a means to track asbestos disturbance.
 - c. Procedures for recordkeeping.
9. Assembling and submitting the management plan.
- a. Plan requirements in TSCA Title II section 203(I)(1).

- b. The management plan as a planning tool.
10. Financing abatement actions.
 - a. Economic analysis and cost estimates.
 - b. Development of cost estimates.
 - c. Present costs of abatement versus future operations and maintenance costs.
 - d. Asbestos School Hazard Abatement Act grants and loans.
11. A review of key aspects of the accredited asbestos training program.

Historical Notes

Derived from VR137-01-02 § 16.11, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-810. Examinations: asbestos management planners.

Upon completion of an accredited asbestos management planner training program, a closed-book examination will be administered. Each examination shall cover the topics included in the management planner training program. Persons who pass the examination and fulfill training program requirements will receive a Certificate of Completion as specified in this chapter. The following are the requirements for examination:

1. One hundred multiple choice questions; and
2. Passing score: 70% correct.

Historical Notes

Derived from VR137-01-02 § 16.12, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-820. Refresher training program.

- A. Management planners shall attend both the management planner refresher training program of one-half day (four hours) and the inspector refresher training program of one-half day (four hours). The management planner refresher training program shall review federal and state regulations, discuss

changes, if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial accredited asbestos management planner training program shall be included in the asbestos management planner refresher training program:

1. Evaluation and interpretation of survey results;
 2. Hazard assessment;
 3. Evaluation and selection of control options; and
 4. Developing an Operations and Maintenance plan.
- B. The use of exercises to encourage interactive learning and participation is suggested. These exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to have a management plan prepared for and a review of reinspection or abatement reports to update or prepare a management plan to draw upon items covered in the accredited asbestos inspector training program and the initial accredited asbestos management planner training program.
- C. A written closed-book examination will be administered covering the topics included in the asbestos management planner refresher training program. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos management planner refresher training program examination will receive a Certificate of Completion as specified in this chapter.

Historical Notes

Derived from VR137-01-02 § 16.13, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-830. Asbestos project designer training.

Asbestos project designers shall complete a three-day (24 hours) training program as outlined below. The three-day asbestos project designer training program shall include lectures, demonstrations, a field trip, training program review, and a written examination. The three-day asbestos project designer training program shall address the following topics:

1. Training program overview.
 - a. The role of the project designer in the asbestos abatement industry.

- b. Discussion of what a project design is.
2. Background information on asbestos.
 - a. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings.
 - b. Physical appearance of asbestos.
3. Potential health effects related to asbestos exposure.
 - a. Nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. The synergistic effect between cigarette smoking and asbestos exposure.
 - d. The latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.
4. Overview of abatement construction projects.
 - a. Abatement as a portion of a renovation project.
 - b. OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.1101).
5. Safety system design specifications.
 - a. Construction and maintenance of containment barriers and decontamination enclosure systems.
 - b. Positioning of warning signs.
 - c. Electrical and ventilation system lock-out.
 - d. Proper working techniques for minimizing fiber release.
 - e. Entry and exit procedures for the work area, use of wet methods, use of negative pressure exhaust ventilation equipment, use of high efficiency particulate air (HEPA) vacuums, proper clean-up and disposal of asbestos, work practices as they apply to

encapsulation, enclosure, and repair, use of glove bags and a demonstration of glove bag use.

6. Field trip.
 - a. Visit a proposed abatement site or other suitable building site, including on-site discussions of abatement design.
 - b. Building walk-through inspection, and discussion following the walk-through.
7. Employee personal protective equipment.
 - a. Classes and characteristics of respirator types.
 - b. Limitations of respirators, proper selection, inspection, donning, use, maintenance, and storage procedures.
 - c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - d. Qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors, factors that alter respirator fit (e.g., facial hair, dental work and weight loss or gain).
 - f. Components of a proper respiratory protection program.
 - g. Selection and use of personal protective clothing, use, storage and handling of nondisposable clothing.
 - h. Regulations covering personal protective equipment.
8. Additional safety hazards.
 - a. Hazards encountered during abatement activities and how to deal with them.
 - b. Electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.

9. Fiber aerodynamics and control.
 - a. Aerodynamic characteristics of asbestos fibers.
 - b. Importance of proper containment barriers.
 - c. Settling time for asbestos fibers.
 - d. Wet methods in abatement.
 - e. Aggressive air monitoring following abatement.
 - f. Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.
10. Designing abatement solutions.
 - a. Discussions of removal, enclosure, and encapsulation methods.
 - b. Asbestos waste disposal.
11. Budgeting/cost estimation.
 - a. Development of cost estimates.
 - b. Present costs of abatement versus future operations and maintenance costs.
 - c. Setting priorities for abatement jobs to reduce cost.
12. Writing abatement specifications.
 - a. Means and methods specifications versus performance specifications.
 - b. Design of abatement in occupied buildings.
 - c. Modification of guide specifications to a particular building.
 - d. Worker and building occupant health/medical considerations.
 - e. Replacement of ACM with non-asbestos substitutes.

- f. Clearance of work area after abatement.
 - g. Air monitoring for clearance.
- 13. Preparing abatement drawings.
 - a. Use of as-built drawings.
 - b. Use of inspection photographs and on-site reports.
 - c. Particular problems in abatement drawings.
- 14. Contract preparation and administration.
- 15. Legal/liabilities/defenses.
 - a. Insurance considerations, bonding, hold harmless clauses, and use of abatement contractor's liability insurance.
 - b. Claims-made versus occurrence policies.
- 16. Replacement of asbestos with asbestos-free substitutes.
- 17. Role of other consultants.
 - a. Development of technical specification sections by industrial hygienists or engineers.
 - b. The multi-disciplinary team approach to abatement design.
 - c. The use and responsibilities of a project monitor on the abatement site.
- 18. Occupied buildings.
 - a. Special design procedures required in occupied buildings.
 - b. Education of occupants.
 - c. Extra monitoring recommendations.
 - d. Staging of work to minimize occupant exposure.

- e. Scheduling of renovation to minimize exposure.
19. Relevant federal, state and local regulatory requirements. Procedures and standards including:
- a. Requirements of TSCA Title II;
 - b. 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standard for Asbestos);
 - c. OSHA standards for respiratory protection (29 CFR 1910.134);
 - d. EPA Worker Protection Rule, found at 40 CFR Part 763, Subpart G;
 - e. OSHA Asbestos Construction Standard found at 29 CFR 1926.1101; and
 - f. OSHA Hazard Communication Standard found in 29 CFR 1926.59.
20. A review of key aspects of the accredited asbestos training program.

Historical Notes

Derived from VR137-01-02 § 16.14, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-840. Examinations: asbestos project designers.

Upon completion of an accredited asbestos project designer training program, a closed-book examination will be administered. Each examination shall cover the topics included in the asbestos project designer training program. Persons who pass the examination and fulfill training program requirements will receive a Certificate of Completion as specified in this chapter. The following are the requirements for examination:

- 1. One hundred multiple choice questions; and
- 2. Passing score: 70% correct.

Historical Notes

Derived from VR137-01-02 § 16:15, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-850. Refresher training program.

- A. The accredited asbestos project designer refresher training program shall be one day (eight hours) in length. The training program shall review federal and state regulations, discuss changes to the regulations, if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial project designer training program shall be included in the accredited asbestos project designer refresher training program:
 - 1. Safety system design specifications;
 - 2. Writing abatement specifications;
 - 3. Employee personal protective equipment; and
 - 4. Budgeting and cost estimation.
- B. The use of exercises to encourage interactive learning and participation is suggested. These exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to prepare a response action, a review of a mock-up cost list of equipment and materials utilized for various response actions to be designed within certain budget constraints and recommending a response action based upon the cost, budget and material condition constraints.
- C. A written closed-book examination will be administered covering the topics included in the asbestos project designer refresher training program. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos project designer refresher training program will receive a Certificate of Completion as specified in this chapter.

Historical Notes

Derived from VR137-01-02 § 16.16, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-860. Project monitor training.

- A. Asbestos abatement project monitors shall complete a five-day (40 hours) training program as outlined below. All training programs shall be approved by the board. The accredited asbestos training program shall include lectures, demonstrations, training program review, examination, and at least six hours of hands-on training which allows project monitors the experience of performing actual tasks associated with asbestos project monitoring. Those applicants who

hold current supervisor or project designer accreditation need not complete the entire 40-hour accredited asbestos training program, but may complete the 16-hour portion of the training program described in subdivision B 1 of this section and take the examination. The comprehensive 40-hour accredited asbestos project monitor training program shall address the following topics:

1. The physical characteristics of asbestos and asbestos-containing materials.
 - a. Identification of asbestos.
 - b. Typical uses and locations in buildings, physical appearance.
 - c. A review of hazard assessment control options.
 - d. A summary of abatement control options.
2. Potential health effects related to asbestos exposure.
 - a. The nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. Synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for disease; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of the other organs.
3. Employee personal protective equipment.
 - a. Classes and characteristics of respirator types.
 - b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance and storage procedures.
 - c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - d. Qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors.

- f. Factors that alter respirator fit (e.g., facial hair, dental work, weight loss or gain).
 - g. The components of a proper respiratory protection program.
 - h. Selection and uses of personal protective clothing; use, storage, and handling of nondisposable clothing.
 - i. Regulations covering personal protection equipment.
4. State of the art work practices.
- a. Work practices for asbestos abatement activities including description of proper construction and maintenance barriers and decontamination enclosure systems.
 - b. Positioning of warning signs.
 - c. Electrical and ventilation system lock-out.
 - d. Working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums. Entry and exit procedures for work area.
 - e. Clean-up and disposal procedures.
 - f. Work practices for removal, encapsulation, enclosure and repair. Use of glove bags and a demonstration of glove bag use.
 - g. Emergency procedures for sudden release.
 - h. Potential exposure situations.
 - i. Transport and disposal procedures.
 - j. Recommended and prohibited work practices.
 - k. Discussion of new abatement related techniques and methodologies.

5. Personal hygiene.
 - a. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
 - b. Potential exposures, such as family exposure, shall also be included.
6. Additional safety hazards as covered in OSHA CFR Parts 1926 and 1910 to include:
 - a. Hazards encountered during the abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire, and explosion hazards;
 - b. Scaffold and ladder hazards;
 - c. Slips, trips and falls; and
 - d. Confined spaces.
7. Medical monitoring. OSHA requirements for a pulmonary function test, chest x-rays and a medical history for each employee.
8. Respiratory protection programs and medical surveillance programs.
9. Insurance and liability issues:
 - a. Contractor issues, workers' compensation coverage, and exclusions.
 - b. Third-party liabilities and defenses.
 - c. Insurance coverage and exclusions.
10. Relevant federal, state and local regulatory requirements, procedures and standards including:
 - a. Requirements of TSCA Title II;

- b. 40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos);
- c. OSHA Standards for respiratory protection (29 CFR 1910.134);
- d. OSHA Asbestos Construction Standard (29 CFR 1926.1101);
- e. OSHA Hazard Communication Standard (29 CFR 1926.59);
- f. EPA Worker Protection Rule, 40 CFR Part 763;
- g. Requirements of Asbestos-Containing Waste Materials, 9VAC20-80-640;
- h. DOT 49 CFR Parts 171 and 172 Subpart H; and
- i. Virginia asbestos licensing regulations.

B. The material outlined below encompasses the 16-hour accredited asbestos project monitor training program. Those applicants who are currently accredited as supervisors or project designers need only complete the 16-hour project monitor training program and examination. The comprehensive 40-hour project monitor training program includes the preceding topics and continues below.

- 1. Air monitoring.
 - a. NIOSH Asbestos Monitoring Procedure. Procedures to determine airborne concentration of asbestos fibers, including a description of aggressive sampling, sampling equipment and methods.
 - (1) Explanation of analytical methods, measures of precision, control of errors, collecting samples, fiber counts, sampling and calibration equipment, statistics, quality control techniques in sampling.
 - (2) Review of OSHA Asbestos Regulations 29 CFR Part 1926, Subpart F, 1-6.
 - b. Sampling strategy.
 - (1) Why samples are taken.

- (2) Sampling inside and outside of containment area.
 - (3) Placement of pumps.
 - c. Reasons for air monitoring.
 - d. Types of samples and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.
 - e. Final clearance.
2. Overview of supervisory techniques for asbestos abatement activities to include the information covered in the accredited asbestos supervisor training program. A review of the required work practices and safety considerations.
3. Field trip.
- a. Visit a proposed abatement site or other suitable building site, including on-site discussions of abatement design.
 - b. Building walk-through inspection and discussion following the walk through.
4. Fiber aerodynamics and control.
- a. Aerodynamic characteristics of asbestos fibers.
 - b. Importance of proper containment barriers.
 - c. Settling time for asbestos fibers.
 - d. Wet methods in abatement.
 - e. Aggressive air monitoring following abatement.
 - f. Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.

5. Project specifications. Discussion of key elements that are included in contract specifications.
 - a. Means and methods specifications versus performance specifications.
 - b. Considerations for design of abatement in occupied buildings.
 - c. Worker and building occupant health/medical considerations.
 - d. Replacement of ACM with nonasbestos substitutes.
 - e. Clearance of work area after abatement.
 - f. Use of as-built drawings.
 - g. Use of inspection photographs and on-site reports.
 - h. Particular problems in abatement drawings.
6. Conducting inspections.
 - a. Inspection prior to containment to assure condition of items and proper precleaning.
 - b. Inspection of containment prior to commencement of abatement to assure that containment is complete and proper.
 - c. Daily work and containment inspections.
 - d. Final visual inspection and a discussion of the ASTM E1368 method.
7. Recordkeeping and documentation.
 - a. Project logs.
 - b. Inspection reports.
 - c. Waste shipment record requirements (WSR).
 - d. Recordkeeping required by federal, state or local regulations.

- e. Recordkeeping required for insurance purposes.
- 8. Role of project monitor in relation to:
 - a. Building owner;
 - b. Building occupants;
 - c. Abatement contractor; and
 - d. Other consultants.
- 9. Occupied buildings.
 - a. Special procedures recommended in occupied buildings.
 - b. Extra monitoring recommendations.
- 10. A review of NESHAP Guidance Documents.
- 11. A review of key aspects of the accredited asbestos training program.
- 12. Examination.

Historical Notes

Derived from VR137-01-02 § 16.17, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-870. Examination: asbestos project monitors.

Upon completion of an accredited asbestos project monitor training program, a closed-book examination will be administered. Each examination shall cover the topics included in the project monitor training program. Persons who pass the examination and fulfill training program requirements will receive a Certificate of Completion as specified in this chapter. The following are the requirements for examination:

- 1. One hundred multiple choice questions; and
- 2. Passing score: 70% correct.

Historical Notes

Derived from VR137-01-02 § 16.18, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-880. Refresher training program.

- A. The accredited asbestos project monitor refresher training program shall be one day (eight hours) in length. The training program shall review federal and state regulations, discuss changes to the regulations, if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial accredited asbestos project monitor training program shall be included in the asbestos project monitor refresher training program:
 - 1. State-of-the-art work practices;
 - 2. Occupied buildings;
 - 3. Employee personal protective equipment;
 - 4. Fiber aerodynamics and control; and
 - 5. Recordkeeping and documentation.
- B. The use of exercises to encourage interactive learning and participation is suggested. These exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to determine a sampling strategy, a review of a mock-up abatement area to determine that containment is adequate, or review of a mock-up abatement area where a visual inspection may be performed.
- C. A written closed-book examination will be administered covering the topics included in the asbestos project monitor refresher training program. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos project monitor refresher training program examination will receive a Certificate of Completion as specified in this chapter.

Historical Notes

Derived from VR137-01-02 § 16.19, eff. September 1, 1994; amended, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

18VAC15-20-890 to 18VAC15-20-960. [Repealed]

Historical Notes

Derived from VR137-01-02 §§ 16.20 to 16.26, eff. September 1, 1994; amended, Virginia Register Volume 13, Issue 10, eff. April 1, 1997; Errata, 13:11 VA.R. 1219-1220 February 17, 1997; amended, Virginia Register Volume 16, Issue 11, eff. May 1, 2000; repealed, Virginia Register Volume 18, Issue 6, eff. January 2, 2002.

Included in this booklet are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Virginia Board for Asbestos, Lead, Mold and Home Inspectors. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2008 session. Any changes made during the 2008 session became effective July 1, 2008, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

§ 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, Mold 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 heating, cooling, 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 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 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 course or an accredited lead training course or both.

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

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

(1987, c. 579, § 54-145.4; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 49, 73, 823; 1992, c. 152; 1993, cc. 499, 660; 1994, cc. 185, 911; 1996, cc. 76, 176, 180, 846; 1997, c. 885; 1998, c. 739; 2001, c. 723.)

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

The Virginia Board for Asbestos, Lead, Mold and Home Inspectors shall be appointed by the Governor and composed of ten members as follows: one shall be a representative of a Virginia licensed asbestos contractor, one shall be a representative of a Virginia licensed lead contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia licensed lead risk assessor, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos and lead training course provider, two shall be certified home inspectors and two shall be citizen members. Of the 1994 appointments, the terms shall be as follows: one member shall serve a term of two years, and one member shall serve a term of four years. Of the 2001 home inspector appointments, the terms shall be as follows: one home inspector shall serve a three-year term, and one home inspector shall serve a four-year term. Thereafter, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The initially appointed representatives of the lead industry shall be deemed to be certified upon having completed lead training offered at an Environmental Protection Agency Regional Training Center. The two home inspector members

appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. Each home inspector appointment to the Board may be made from nominations submitted by the National Association of Home Inspectors and the American Society of Home Inspectors, who may each nominate no more than three persons for each home inspector vacancy. In no case shall the Governor be bound to make any appointment from such nominees. Home inspector members shall not vote on any matters before the Board except matters related to home inspectors until July 1, 2003.

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

(1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 2001, c. 723.)

§ 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 and lead licenses, and governing conflicts of interest between various categories of asbestos and lead licenses;
2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, training managers and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, examinations and the grading system for testing applicants for asbestos and lead licensure;
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;
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; and

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.

(1987, c. 579, § 54-145.5; 1988, c. 765; 1989, c. 397; 1990, cc. 49, 73, 823; 1991, c. 45; 1992, c. 477; 1993, cc. 499, 660; 1994, cc. 185, 911; 1995, cc. 543, 585; 1996, cc. 180, 846; 1997, cc. 649, 885; 1998, c. 739; 2001, c. 723.)

§ 54.1-501.1. Applicability.

The provisions of this chapter shall not apply to any employer, or any employees of such employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

(1992, c. 52.)

§ 54.1-502. Interdepartmental implementation plan.

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

(1987, c. 579, § 54-145.6; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 73, 823; 1993, c. 660.)

§ 54.1-503. Licenses required.

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing. (1987, c. 579, § 54-145.7; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 73; 1993, c. 660; 1994, cc. 185, 911; 1995, cc. 543, 585; 1996, cc. 180, 846; 1997, cc. 560, 885; 1998, c. 739; 2004, c. 133.)

§ 54.1-504. Asbestos supervisor's or worker's license required; exception.

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § 54.1-501. (1987, c. 579, § 54-145.8; 1988, c. 765; 1989, c. 397; 1993, c. 660.)

§ 54.1-505. Qualification for an asbestos contractor's license.

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § 54.1-504, ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project. (1987, c. 579, § 54-145.9; 1988, cc. 765, 802; 1989, c. 397; 1993, c. 660; 1996, cc. 180, 846.)

§ 54.1-506.

Repealed by Acts 1993, c. 660.

§ 54.1-507.

Repealed by Acts 1992, c. 477.

§§ 54.1-508. , 54.1-509.

Repealed by Acts 1993, c. 660.

§ 54.1-510.

Repealed by Acts 1988, c. 802.

§ 54.1-511.

Repealed by Acts 1993, c. 660.

§ 54.1-512. Exemptions from licensure.

A. In an emergency that results from a sudden unexpected event that is not a planned renovation or demolition, the Board may waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project if all of the asbestos or lead abatement work is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

(1987, c. 579, § 54-145.10:6; 1988, cc. 765, 807; 1989, c. 397; 1993, c. 660; 1996, cc. 180, 846; 1998, c. 739.)

§ 54.1-513.

Repealed by Acts 1998, c. 739.

§ 54.1-514. Award of contracts by state agencies and political subdivisions.

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as

asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

(1987, c. 579, § 54-145.10:8; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 105; 1996, cc. 180, 846.)

§ 54.1-515. Employer discrimination; penalty.

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § 54.1-517.

(1987, c. 579, § 54-145.10:9; 1988, c. 765; 1993, cc. 499, 660.)

§ 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 or asbestos worker or (ii) the approval of an accredited asbestos training program, accredited lead 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 or performing lead-based paint activities.

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 or (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.

C. The Board may reprimand, fine, suspend or revoke the certification of a home inspector.
(1987, c. 579, § 54-145.10:10; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 1998, c. 739; 2001, c. 723.)

§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing.

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum

of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § 54.1-307.1.

(2004, c. 222.)

§ 54.1-517. Penalties for willful violations.

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, and accredited asbestos training programs, accredited lead training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

(1987, c. 579, § 54-145.10:11; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 1998, c. 739.)

§ 54.1-517.1. Applicability.

The certification program established under this article shall be voluntary and shall not be construed to restrict or otherwise affect the right of any person to conduct an inspection of a residential building for any purpose; however, no person may (i) refer to the inspection conducted as a "certified home inspection" or (ii) hold himself out as, or use the title of "certified home inspector," unless he has been certified in accordance with this article. Any person offering to provide or conduct a "certified home inspection" within the meaning of this chapter or through verbal claim, sign, advertisement, or letterhead representing himself as a "certified home inspector" shall be subject to the provisions of § 54.1-111 of this title.

(2001, c. 723.)

§ 54.1-517.2. Requirements for certification.

The Board may issue a certificate to practice as a certified home inspector in the Commonwealth to any applicant who has submitted satisfactory evidence that he has successfully:

1. Completed any educational requirements as required by the Board;
2. Completed any experience requirements as required by the Board; and
3. Passed any written or electronic examination offered or approved by the Board.

The Board may issue a certificate to practice as a certified home inspector to any applicant who is a member of a national or state professional home inspectors association approved by the Board, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the Board for all applicants. (2001, c. 723.)



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NOTICE

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