
COMMONWEALTH OF VIRGINIA
BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND
PROFESSIONALS AND GEOLOGISTS



**REGULATIONS Governing
Professional
Soil Scientists**

Last Updated March 1, 2015

STATUTES
Title 54.1, Chapter 22



Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400
Richmond, VA 23233
(804) 367-8500
www.dpor.virginia.gov

NOTICE

SUMMARY OF SIGNIFICANT CHANGES

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Board for Professional Soil Scientists, Wetland Professionals and Geologists, is responsible for promulgating regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Code Commission is responsible for compiling and codifying all of the administrative regulations of state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall (www.townhall.virginia.gov).

This document is a complete, edited (unofficial) copy of the March 1, 2015 Regulations (18 VAC 145-20). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://leg1.state.va.us/000/reg/TOC.HTM>.

The following summarizes significant revisions to the regulations effective March 1, 2015, but does not include all changes that were made to the Professional Soil Scientists Regulations.

- The purpose of the revision in the regulations changes the soil scientist regulatory program from a voluntary certification program to a mandatory licensure program.

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your license as a professional soil scientist. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Chapter 22 of Title 54.1. 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 get 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, CERTIFICATE OR REGISTRATION.**

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:

Board for Professional Soil Scientists, Wetland Professionals and Geologists
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233

or call the Agency at (804) 367-8500.

TABLE OF CONTENTS

PART I.	General	1
	18VAC145-20-10. Definitions	1
PART II.	Entry	2
	18VAC145-20-60. General Application Requirements.....	2
	18VAC145-20-90. Qualifying Experience	2
	18VAC145-20-91. Core Course Requirements	3
	18VAC145-20-100. Examination.....	4
PART III.	Renewal/Reinstatement and Fees	6
	18VAC145-20-120. Expiration.....	6
	18VAC145-20-130. Procedures for Renewal	6
	18VAC145-20-140. Reinstatement.....	7
	18VAC145-20-145. Continuing Education Requirements.....	7
	18VAC145-20-151. Fees	8
PART IV.	Standards of Practice and Conduct	10
	18VAC145-20-160. Professional Conduct	10
	18VAC145-20-170. Sanctions and Powers of the Board	11
	Code of Virginia, Title 54.1, Chapter 22; §§ 54.1-2200 - 54.1-2208	12

PART I.
GENERAL

18VAC145-20-10. Definitions.

Section 54.1-2200 of the Code of Virginia provide definitions of the following terms and phrases as used in this chapter.

Board
Soil
Soil evaluation
Soil science
Soil scientist

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

"Application" means a completed application with the appropriate fee and any other required documentation, including but not limited to references, employment verification, degree verification, and verification of examination and licenses.

"CSSE" means the Council of Soil Science Examiners.

"Field study" means the investigation of a site to secure soils information by means of landscape analysis and soil borings, excavations or test pits which are plotted on a base map or other documents (e.g., aerial photographs, topographic maps, scaled site plans, subdivision plans, or narrative description of the location).

"Soil map" means a map showing distribution of soil types or other soil mapping units in relation to the prominent landforms and cultural features of the earth surface.

"Soil survey" means a systematic field investigation of the survey area that provides a soil evaluation and a system of uniform definitions of soil characteristics for all the different kinds of soil found within the study area, all of which are incorporated into a soil report which includes a soil map.

Historical Notes:

Derived from VR627-02-01 §1.1, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

PART II.

ENTRY

18VAC145-20-60. General application requirements.

- A. Applicants for licensure shall meet the requirements established in Chapter 22 (§54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.
- B. All applications and accompanying materials become the property of the board upon receipt by the board.
- C. The board may make further inquiries and investigations with respect to applicants' qualifications and documentation to confirm or amplify information supplied.
- D. Applicants who do not meet the requirements of this chapter may be approved following consideration by the board in accordance with the provisions of the Virginia Administrative Process Act (§2.2-4000 et seq. of the Code of Virginia).

Historical Notes:

Derived from VR627-02-01 §2.1, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

18VAC145-20-70. Repealed.

18VAC145-20-90. Qualifying experience in soil evaluation.

Minimum experience requirements are established in Chapter 22 (§54.1-2200 et seq.) of Title 54.1 of the Code of Virginia. Applicants shall satisfy the length of experience established relative to their education. Applicants shall demonstrate experience in two or more of the following areas:

1. Soil mapping. Compiled soil maps representing at least 5,000 acres as part of a soil survey or surveys with a formal mapping legend under the direct guidance of an experienced technical supervisor. Only maps in a published report, a report scheduled to be published or a report of a publishable quality shall be deemed as acceptable for this type of experience;
2. Soil evaluation. Conducted at least 20 soil evaluations for specific land uses under the direct guidance of an experienced technical supervisor. Examples of such uses include, but are not limited to, onsite wastewater disposal, residential and commercial development, sanitary landfill sites, forestry or agriculture production, soil erosion and sediment control, shrink-swell, or hydric soils. The finished product must have been submitted to a client or government agency (e.g., Health Department, Environmental

Protection Agency, Department of Environmental Quality, Department of Conservation and Recreation, or local planning commission);

3. Field/Laboratory studies. Conducted at least 10 detailed field or laboratory studies under the direct guidance of an experienced technical supervisor. The field or laboratory study must have resulted in a soil evaluation report that was accepted by the client or government agency;
4. Research/Teaching. Conducted at least one research project as part of a thesis or publication or taught at least one full-time course in a soil science curriculum at an accredited institution of higher education the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist;
5. Consulting (public/private). Assembled or compiled soil information with existing data or field studies and evaluated data for a specific land use. The work may have been done independently or under supervision. At least three written reports must have been submitted to the client or government agency; or
6. Education. Each year of full-time undergraduate study in a soils curriculum or related natural science may count as one-half year of experience up to a maximum of two years. Each year of full-time graduate study in a soils curriculum may count as one year of experience up to a maximum of two years. One year equals 30 semester credit hours earned or 45 quarter credit hours earned. Any credits used to meet the education requirements established in Chapter 22 (§54.1-2200 et seq.) of Title 54.1 of the Code of Virginia may not be used to meet experience requirements.

Historical Notes:

Derived from VR627-02-01 §2.4, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

18VAC145-20-91. Core course requirements.

- A. At least 15 semester hours selected from the identified courses in this subsection or the equivalent are required for course work or a degree core to be considered a degree in a soil science curriculum or a related natural science degree.

Intro to Crop and Soil Environmental Sciences	Soil – Plant – Animal Interrelationships in Grasslands
Soil Evaluation	Aluminum Chemistry in the Soil System
Soils	Soil Physics or Physical Properties
Soils Lab	Soil Genesis/Classification
Man and Environment	Soil Fertility/Management
Soil Survey/Taxonomy	Soil Fertility/Management Lab

Soil Microbiology	Soil/Groundwater Pollution
Soil Resource Management	Soils for Waste Disposal
Soil Chemistry	Soil Microbiology Lab
Topics in Soil Genesis	Forest Soils/Hydrology
Soil Seminar	Clay Mineralogy
Special Studies(Soils Based)	Soil Interpretations
Field Studies (Soils Based)	Advanced Concepts in Soil Genesis
Soils and Land Use	Independent Studies (Soil Based)
Soil Physical and Colloidal Chemistry	Soil Biochemistry
Soil - Plant Relations	Soil Geomorphology
	Soil Conservation

- B. Applicants may petition the board to review the syllabus and other supporting documents of a course not listed in subsection A of this section for academic credit. The course must contain content that enhances applicants' knowledge in the study of soils. Applicants must demonstrate course equivalency in order to receive academic credit. Petitions to the board for such review must be made in writing.

Historical Notes:

Derived from Virginia Register Volume 18, Issue 7, eff. January 16, 2002; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

18VAC145-20-100. Examination.

- A. Applicants shall be required to pass all parts of the CSSE-prepared exam.
- B. Applicants shall meet all other requirements established in Chapter 22 (§54.1-2200 et seq.) of Title 54.1 of the Code of Virginia in order to be granted board approval to sit for the exam.
- C. Completed applications must be received by the board no less than 60 days prior to the exam date or the applicants may be deferred to the next exam administration.
- D. Applicants approved by the board shall be exam-eligible for a period of three years from the date of their initial board approval. Applicants who do not pass the exam at the end of the three-year period are no longer exam-eligible.
- E. To become exam-eligible again, applicants shall reapply to the board and meet all entry requirements current at the time of their reapplication. Upon approval by the board, applicants shall become exam-eligible for another period of three years.

- F. Board-approved applicants eligible for admission to both parts of the exam must first pass the Fundamentals in Soil Science exam before being admitted to the Professional Practices in Soil Science exam.
- G. Applicants will be notified by the board of whether they passed or failed the exam. The exam may not be reviewed by the applicants. Exam scores are final and not subject to change.

Historical Notes:

Derived from VR627-02-01 §2.5, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

18VAC145-20-111. Repealed.

PART III.

RENEWAL/REINSTATEMENT AND FEES

18VAC145-20-120. Expiration.

Licenses issued under this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the license.

Historical Notes:

Derived from VR627-02-01 §3.1, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

18VAC145-20-130. Procedures for Renewal.

- A. The board sends a renewal notice to the license holder at the last known address of record at least 30 days prior to expiration of the license. Failure to receive this notice does not relieve the license holder from the requirement to renew the license. License holders shall keep the board informed of their current mailing address. Changes of address shall be reported to the board in writing within 30 calendar days of the change.
- B. In addition to the established fee, proof of satisfactory completion of continuing education (CE) shall be required to renew a license. Documentation submitted as proof of completion of CE must demonstrate that the CE meets the requirements established in 18VAC145-20-145.
- C. If the renewal fee and proof of completion of CE are not received by the board within 30 days following the license expiration date, a late renewal fee of \$25 shall be required in addition to the regular renewal fee. Upon receipt of the requisite fee and proof of completion of CE, the license shall be renewed for an additional two years. A license that is not renewed within six months after its expiration is no longer eligible for renewal. The license may be reinstated pursuant to the requirements of 18VAC145-20-140.
- D. The date the fee and documented proof of completion of CE are received by the board or its agent shall determine whether a late renewal fee, the reinstatement fee, or reapplication is required.
- E. A license suspended by board order may not be renewed until the period of suspension has ended and all terms and conditions of the board's order have been met. Individuals renewing licenses within 30 days after the suspension is lifted will not be required to pay a late fee.

- F. A revoked license may not be renewed. An individual whose license has been revoked shall file a new application and obtain board approval to recover licensure. Examination may not be waived.

Historical Notes:

Derived from VR627-02-01 §3.2, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

18VAC145-20-140. Reinstatement.

- A. If the renewal fee, late renewal fee, and documented proof of completion of CE are not received by the board within six months following the license expiration date, the license holder shall be required to pay the fee for reinstatement. The fee for reinstatement shall include the regular renewal fee plus the reinstatement fee.
- B. If the reinstatement fee and documented proof of completion of CE are not received by the board within one year following the license expiration date, the individual shall no longer be considered a license holder. To become licensed again, the individual shall apply as a new applicant, meet all current education, experience, and examination requirements established in this chapter.

Historical Notes:

Derived from VR627-02-01 §3.3, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

18VAC145-20-145. Continuing education requirements.

- A. Licensees shall complete eight contact hours of continuing education (CE) per year for renewal or reinstatement. CE shall be completed pursuant to the provisions of this section.
- B. CE must be completed during the time prior to the renewal or reinstatement of a license and shall be valid for that renewal or reinstatement only.
- C. CE activities completed by licensees may be accepted by the board provided the activity:
 - 1. Consists of content and subject matter directly related to the practice of soil science;
 - 2. Has a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the practice of soil science and may be in areas related to business practices, including project management, risk management, and ethics,

that have demonstrated relevance to the practice of soil science as defined in § 54.1-2200 of the Code of Virginia;

3. Is taught by instructors who are competent in the subject matter, either by education or experience, for those activities involving an interaction with an instructor;
4. Contains an assessment by the sponsor at the conclusion of the activity that verifies that the licensee has successfully achieved the purpose and objective for any self-directed activity; and
5. Results in documentation that verifies the licensee's successful completion of the activity.

D. Computation of credit.

1. Fifty contact minutes shall equal one hour of CE. For activities that consist of segments that are less than 50 minutes, those segments shall be totaled for computation of CE for that activity.
2. The number of hours required to successfully complete any CE activity must have been predetermined by the sponsor. A licensee shall not claim more credit for any CE activity than was predetermined by the sponsor at the time the activity was completed.
3. A licensee may not receive credit for any CE activity that was not completed in its entirety. No credit shall be given for partial completion of a CE activity.
4. A licensee applying for renewal or reinstatement shall not receive credit for completing a CE activity with the same content more than once during the time period prior to the renewal or reinstatement.

Historical Notes:

Derived from Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

18VAC145-20-151. Fees.

The fees for licensure are listed below. Checks or money orders shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus an additional processing charge as authorized by § [2.2-614.1](#) C of the Code of Virginia.

Fee Type	When Due	Amount Due
New application	With application	\$90
Renewal fee	Prior to license expiration	\$70
Late renewal fee	More than 30 days after license expiration	\$25
Reinstatement fee	More than six months after license expiration	\$90

Historical Notes

Derived from Virginia Register Volume 18, Issue 7, eff. January 16, 2002; amended, Virginia Register Volume 21, Issue 3, eff. December 1, 2004; Volume 26, Issue 22, eff. September 1, 2010; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

PART IV.

STANDARDS OF PRACTICE AND CONDUCT

18VAC145-20-160. Professional conduct.

A licensed professional soil scientist:

1. Shall not submit any false statements, make any misrepresentations or fail to disclose any facts requested concerning any application for initial licensure, renewal, or reinstatement;
2. Shall not engage in any fraud, deceit or misrepresentation in advertising, in soliciting or in providing professional services;
3. Shall not knowingly sign, stamp, or seal any plans, drawings, blueprints, surveys, reports, specifications, maps or other documents not prepared or reviewed and approved him;
4. Shall not knowingly represent a client or employer on a project on which he represents or has represented another client or employer without making full disclosure thereof;
5. Shall express a professional opinion only when it is founded on adequate knowledge of established facts at issue and based on a background of technical competence in the subject matter;
6. Shall not knowingly misrepresent factual information in expressing a professional opinion;
7. Shall immediately notify the client or employer and the appropriate regulatory agency if his professional judgment is overruled and not adhered to when advising appropriate parties of any circumstances of a substantial threat to the public health, safety, or welfare; and
8. Shall exercise reasonable care when rendering professional services and shall apply the technical knowledge, skill, and terminology ordinarily applied by practicing soil scientists.

Historical Notes:

Derived from VR627-02-01 §4.1, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

18VAC145-20-170. Sanctions and powers of the board.

- A. The board has the power to sanction any license holder at any time after a hearing conducted pursuant to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Sanctions may include but are not limited to the issuance of fines, the suspension of a license, the revocation of a license, or the levying of an additional requirement for remedial education. Sanctions may be levied against any regulant who has been determined by the board to have:
1. Committed fraud or deceit in obtaining or attempting to obtain initial licensure, renewal, or reinstatement;
 2. Performed any act in the practice of his profession likely to deceive, defraud, or harm the public;
 3. Committed any act of gross negligence, incompetence, or misconduct in the practice of soil science;
 4. Been convicted of a felony under the terms specified in § 54.1-204 of the Code of Virginia; or
 5. Violated or cooperated with others having violated any provisions of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia or any regulation of the board.
- B. The board may refuse to grant, renew, or reinstate the license of any person for any of the reasons specified in subsection A of this section or in circumstances where an individual fails to comply with the requirements of Chapter 22 (§ 54.1-2200 et seq.) of the Code of Virginia and this chapter.

Historical Notes:

Derived from VR627-02-01 §4.2, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002; Virginia Register Volume 31, Issue 10, eff. March 1, 2015.

NOTICE

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 Board for Professional Soil Scientists, Wetland Professionals and Geologists. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2013 session. Any changes made during the 2013 session became effective July 1, 2013, 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.

§ 54.1-2200. Definitions.

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

"Board" means the Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

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

"Eligible soil scientist" means a person who possesses the qualifications specified in this chapter to become licensed.

"Eligible wetland professional" means a person who possesses the qualifications specified in this chapter to become certified.

"Geologist" means a person engaged in the public practice of geology.

"Geology" means the science dealing with (i) the earth and its history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures which compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases, and other natural materials.

"Practice of geology" means the performance of any service or work for the general public wherein the principles and methods of geology are applied.

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, but not limited to, observation, investigation, and consultation on measured, observed and inferred soils and their properties; analysis of the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports and interpretive drawings.

"Practice of wetland delineation" means the delineation of wetlands by accepted principles and methods including, but not limited to, observation, investigation, and consultation on soil,

vegetation, and hydrologic parameters; and preparation of wetland delineations, descriptions, reports and interpretive drawings.

"Qualified geologist" means an uncertified person who possesses all the qualifications specified in this chapter for certification.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface which are capable of supporting plant life and have properties caused by the combined effects, as modified by topography and time, of climate and living organisms upon parent materials.

"Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil and predicting their suitability for and response to various uses.

"Soil science" means the science dealing with the physical, chemical, mineralogical, and biological properties of soils as natural bodies.

"Soil scientist" means a person having special knowledge of soil science and the methods and principles of soil evaluation as acquired by education and experience in the formation, description and mapping of soils.

"Virginia certified professional geologist" means a person who possesses all qualifications specified in this chapter for certification and whose competence has been attested by the Board through certification.

"Virginia certified professional wetland delineator" means a person who possesses the qualifications required for certification by the provisions of this chapter and the regulations of the Board and who is granted certification by the Board.

"Virginia licensed professional soil scientist" means a person who possesses the qualifications required for licensure by the provisions of this chapter and the regulations of the Board and who has been granted a license by the Board.

"Wetland delineation" means delineating wetland limits in accordance with prevailing state and federal regulatory guidance and describing wetland types.

"Wetland professional" means a person having special knowledge of wetland science and the methods and principles of wetland delineation as acquired by education and experience in the formation, description and mapping of wetlands.

"Wetland science" means the science dealing with the physical, chemical, and biological properties of wetland systems integrated through ecological and morphological relationships.

"Wetlands" means the same as that term is defined in §§ 28.2-1300 and 62.1-44.3.

§ 54.1-2200.2. Board for Professional Soil Scientists, Wetland Professionals, and Geologists; membership; quorum.

A. Notwithstanding the provisions of § 54.1-200, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists shall be composed of 13 members as follows: three licensed professional soil scientists, three certified professional wetland delineators, three geologists, and three citizen members. The State Geologist shall serve as an ex officio member of the Board. The geologist members shall be of varied backgrounds. The professional soil scientist members shall have experience in at least one of the following areas: (i) soil mapping and classification, (ii) soil suitability and land use, (iii) teaching and research in soil science, and (iv) environmental protection regulations. Of the wetland professional members, one shall have experience in wetland delineation and description, one shall have experience in teaching and research in wetland science, and one shall have experience with natural resource regulations. Terms of the members shall be for four years.

B. The Board shall annually elect a chairman from its membership. Seven board members, consisting of at least two soil scientists, two professional wetland delineators, two geologists, and one citizen, shall constitute a quorum.

C. The Governor may select the professional soil scientist members from a list of at least three names for each vacancy submitted by the Virginia Association of Professional Soil Scientists. The Governor may notify the Virginia Association of Professional Soil Scientists of any professional vacancy other than by expiration among the professional soil scientist members of the Board and nominations may be made for the filling of the vacancy.

D. The Governor may select the wetland professionals from a list of at least three names for each vacancy submitted by the Virginia Association of Wetland Professionals. The Governor may notify and request nominations from the Virginia Association of Wetland Professionals of any professional vacancy other than by expiration among the wetland professional members.

§ 54.1-2201. Exceptions.

A. The certification program for wetland delineation set forth in this chapter shall be voluntary and shall not be construed to prohibit:

1. The practice of wetland delineation by individuals who are not certified professional wetland delineators as defined in this chapter;
2. The work of an employee or a subordinate of a certified professional wetland delineator or of an individual who is practicing wetland delineation without being certified;
3. The work of any professional engineer, landscape architect, or land surveyor as defined by § 54.1-400 in rendering any of the services that constitute the practice of wetland delineation or the practice of soil evaluation; or

4. The practice of any profession or occupation that is regulated by another regulatory board within the Department.

B. The licensing program for professional soil scientists shall not be construed to prohibit:

1. The work of an employee or a subordinate of a licensed soil scientist;

2. The work of any professional engineer, landscape architect, or land surveyor as defined in § 54.1-400 in rendering any services that constitute the practice of soil evaluation; or

3. The practice of any profession or occupation that is regulated by another regulatory board within the Department.

C. Nothing in this chapter shall authorize an individual to engage in the practice of engineering, the practice of land surveying or the practice of landscape architecture, unless such individual is licensed or certified pursuant to Chapter 4 (§ 54.1-400 et seq.).

§ 54.1-2205. License required; application; requirements for licensure; continuing education.

A. No person shall engage in, or offer to engage in, the practice of soil evaluation in the Commonwealth unless he has been licensed under the provisions of this chapter.

B. In order to be licensed as a professional soil scientist, an applicant shall:

1. Submit satisfactory evidence verified by affidavits that the applicant:

a. Is 18 years of age or older;

b. Is of good moral character; and

c. Has successfully completed such educational and experiential requirements as are required by this chapter and the regulations of the Board.

2. Achieve a score acceptable to the Board on an examination in the principles and practice of soil evaluation and satisfy one of the following criteria:

a. Hold a bachelor's degree from an accredited institution of higher education in a soils curriculum which has been approved by the Board and have at least four years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or

b. Hold a bachelor's degree in one of the natural sciences and have at least five years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or

c. Have a record of at least eight years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or

d. Have at least four years of experience in soil science research or as a teacher of soils curriculum in an accredited institution of higher education which offers an approved four-year program in soils and at least two years of soil evaluation experience, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist.

C. The Board shall establish by regulation requirements for continuing education as a prerequisite to the maintenance and renewal of a license issued under this chapter, not to exceed eight contact hours per year.

D. Individuals applying for a license as a professional soil scientist between July 1, 2013, and July 1, 2015, who (i) have been certified as professional soil scientists by the Board or (ii) have achieved a score set by the Board on the examination required by this section shall be licensed by the Board if all other requirements of this chapter or Board regulations have been met, unless an applicant is found by the Board to have engaged in any act that would constitute grounds for disciplinary action.

§ 54.1-2206. Waiver of examination.

A. The Board may waive the requirement for examination pursuant to § 54.1-2205 upon written application from an individual who holds an unexpired certificate or license, or its equivalent, issued by a regulatory body of another state, territory or possession of the United States and is not the subject of any disciplinary proceeding before such regulatory body which could result in the suspension or revocation of his certificate or license, if such other state, territory or possession recognizes the license issued by the Board.

B. The Board shall waive the requirement for examination pursuant to § 54.1-2206.2 upon the written application from an individual who holds an unexpired certificate or its equivalent issued by a regulatory body of another state, territory or possession of the United States or has been provisionally certified under the U.S. Army Corps of Engineers Wetland Delineator Certification Program of 1993 and is not the subject of any disciplinary proceeding before such regulatory body, which could result in the suspension or revocation of his certificate.

§ 54.1-2207. Unprofessional conduct.

Any professional soil scientist who is licensed or any wetland delineator who is certified, as provided in this chapter, shall be considered guilty of unprofessional conduct and subject to disciplinary action by the Board, if he:

1. Obtains his certification or license through fraud or deceit;

2. Violates or cooperates with others in violating any provision of this chapter, the Code of Professional Ethics and Conduct or any regulation of the Board;
3. Performs any act likely to deceive, defraud or harm the public;
4. Demonstrates gross negligence, incompetence or misconduct in the practice of soil evaluation or wetland delineation; or
5. Is convicted of a felony.

§ 54.1-2208. Unlawful representation as a licensed professional soil scientist or certified wetland delineator.

A. No person shall represent himself as a licensed professional soil scientist unless he has been so licensed by the Board. Any person practicing or offering to practice soil evaluation within the meaning of this chapter who, through verbal claim, sign, advertisement, or letterhead, represents himself as a licensed professional soil scientist without holding a license from the Board shall be guilty of a Class 1 misdemeanor.

B. No person shall represent himself as a certified professional wetland delineator unless he has been so certified by the Board. Any person practicing or offering to practice wetland delineation within the meaning of this chapter who, through verbal claim, sign, advertisement, or letterhead, represents himself as a certified professional wetland delineator without holding such a certificate from the Board shall be guilty of a Class 1 misdemeanor.



Department of Professional and Occupational Regulation

**9960 Mayland Drive, Suite 400
Richmond, Virginia 23233**

BULK RATE
U.S. POSTAGE
PAID
Permit No. 2005
Richmond, VA

NOTICE

PLEASE REFER TO FIRST PAGE OF BOOKLET FOR NOTES ON IMPORTANT CHANGES.