VIRGINIA REGISTER OF REGULATIONS

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TABLE OF CONTENTS

Register Information Page 2641

Publication Schedule and Deadlines 2642

Petitions for Rulemaking 2643

Periodic Reviews and Small Business Impact Reviews 2644

Regulations 2647

1VAC20-100. Ranked Choice Voting (Final) 2647

9VAC25-196. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less (Forms) 2649

18VAC15-30. Virginia Lead-Based Paint Activities Regulations (Fast-Track) 2650

18VAC15-40. Home Inspector Licensing Regulations (Proposed) 2653

18VAC41-20. Barbering and Cosmetology Regulations (Proposed) 2660

Guidance Documents 2668

General Notices 2669

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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposed regulation in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety, and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar of Regulations no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*.

If the Governor finds that the final regulation contains changes made after publication of the proposed regulation that have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § 2.2-4012 of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at register.dls.virgina.gov.

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE *VIRGINIA REGISTER*

The *Virginia Register* is cited by volume, issue, page number, and date. **34:8 VA.R. 763-832 December 11, 2017,** refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **John S. Edwards, Chair; James A. Leftwich, Jr., Vice-Chair; Ward L. Armstrong; Nicole Cheuk; Richard E. Gardiner; Ryan T. McDougle; Christopher R. Nolen; Steven Popps; Charles S. Sharp; Malfourd W. Trumbo; Amigo R. Wade; Wren M. Williams.**

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PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the Virginia Register of Regulations website (http://register.dls.virginia.gov).

July 2023 through July 2024

Volume: Issue	Material Submitted By Noon*	Will Be Published On
39:24	June 28, 2023	July 17, 2023
39:25	July 12, 2023	July 31, 2023
39:26	July 26, 2023	August 14, 2023
40:1	August 9, 2023	August 28, 2023
40:2	August 23, 2023	September 11, 2023
40:3	September 6, 2023	September 25, 2023
40:4	September 20, 2023	October 9, 2023
40:5	October 4, 2023	October 23, 2023
40:6	October 18, 2023	November 6, 2023
40:7	November 1, 2023	November 20, 2023
40:8	November 14, 2023 **(Tuesday)**	December 4, 2023
40:9	November 29, 2023	December 18, 2023
40:10	December 13, 2023	January 1, 2024
40:11	December 27, 2023	January 15, 2024
40:12	January 10, 2024	January 29, 2024
40:13	January 24, 2024	February 12, 2024
40:14	February 7, 2024	February 26, 2024
40:15	February 21, 2024	March 11, 2024
40:16	March 6, 2024	March 25, 2024
40:17	March 20, 2024	April 8, 2024
40:18	April 3, 2024	April 22, 2024
40:19	April 17, 2024	May 6, 2024
40:20	May 1, 2024	May 20, 2024
40:21	May 15, 2024	June 3, 2024
40:22	May 29, 2024	June 17, 2024
40:23	June 12, 2024	July 1, 2024
40:24	June 26, 2024	July 15, 2024
40:25	July 10, 2024	July 29, 2024

*Filing deadlines are Wednesdays unless otherwise specified.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PSYCHOLOGY

Initial Agency Notice

Title of Regulation: **18VAC125-20. Regulations Governing the Practice of Psychology.**

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Name of Petitioner: David Baker.

Nature of Petitioner's Request: The petitioner requests that the Board of Psychology amend subdivision 6 e of 18VAC125-20-42 to allow evidence of documentation of a retired license to practice psychology in another jurisdiction as acceptable for an application for licensure by endorsement.

Agency Plan for Disposition of Request: The petition for rulemaking will be published in the Virginia Register of Regulations on July 3, 2023. The petition will also be published on the Virginia Regulatory Town Hall at www.townhall.virginia.gov to receive public comment, which will open on July 3, 2023, and will close on August 2, 2023. The board will consider the petition and all comments in support or opposition at the next meeting after the close of public comment. Currently, that meeting is scheduled for September 19, 2023. The petitioner will be notified of the board's decision after that meeting.

Public Comment Deadline: August 2, 2023.

Agency Contact: Jaime Hoyle, Executive Director, Board of Psychology, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4406, or email jaime.hoyle@dhp.virginia.gov.

VA.R. Doc. No. PFR23-34; Filed June 9, 2023, 9:47 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Health conducted a periodic review and a small business impact review of **12VAC5-110, Regulations for the Immunization of School Children**, and determined that this regulation should be retained as is. The board is publishing its report of findings dated May 19, 2023, to support this decision.

Section 32.1-46 of the Code of Virginia provides the State Board of Health authority to promulgate the regulations for the immunization of school children. The regulation specifies immunizations that are required for attendance at public or primary elementary, middle, or secondary schools; child care centers; nurseries; family day cares; and developmental centers in Virginia. The regulation is necessary as vaccine requirements ensure protection of children from vaccine preventable diseases, particularly in settings, such as schools and childcare facilities, where vaccine preventable diseases are likely to spread.

The regulations clearly detail the immunizations that are required for school entry, including spacing, ages, and intervals; the process for exemption from the requirements; the responsibilities of school and providers; and the penalties that apply for noncompliance.

The State Board of Health has a regulatory action amending the regulation that is currently under Executive Branch review that conforms the regulation to § 32.1-46 of the Code of Virginia, which was amended by Chapter 1223 of the 2020 Acts of Assembly. The decision to retain the regulation as is as a result of this periodic review is based on the assumption that those amendments will go into effect.

The State Board of Health has reviewed the regulation considering the following: the current evidence-based, routinely recommended vaccinations for children; Virginia's process for implementing school required vaccines; and public comments received during the review. Based on those factors, the board has determined that the Regulations for the Immunization of School Children should be retained as is, making no change.

There is a continued need for the regulation as it is essential to outline the requirements for immunization of school children, as required by Chapter 2 (§ 32.1-35 et seq.) of Title 32.1 of the Code of Virginia. The overwhelming majority of comments received concerning this regulation are in regard to adding the COVID-19 vaccine to the list of required immunizations for school entry. To date, the board has not taken any steps to add the COVID-19 vaccine to these regulations.

The regulation is clearly written and easily understandable. The regulation does not overlap or duplicate any other federal or state law or regulation. Once the current pending regulatory action is made effective, the regulation will not conflict with any other federal or state law or regulation. Prior to the pending action, the regulation was last updated in 2019 to conform it to Chapter 222 of the 2019 Acts of Assembly. Retaining the regulations as is does not appear to cause an adverse economic impact on small businesses in the Commonwealth of Virginia.

Contact Information: Kristin Collins, Policy Analyst, Office of Epidemiology, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7298.

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Health conducted a periodic review and a small business impact review of **12VAC5-475, Regulations Implementing the Virginia Donor Registry**, and determined that this regulation should be amended. The board is publishing its report of findings dated April 1, 2023, to support this decision.

In its current form the regulation is necessary to offer opportunities to constituents to declare their intent to donate their organs and tissues upon death. The Virginia Donor Registry offers a source for obtaining necessary information to identify potential donors in a timely manner to facilitate the donation process. The registry also allows for maintenance of metrics to assess the availability of viable potential donors located within the Commonwealth. The regulations are necessary for the protection of public health, safety, and welfare. The regulation is also clearly written and easily understandable.

The board recommends amending the chapter to conform the language to Virginia Administrative Code style and to correct technical errors. Section 32.1-292.2 of the Code of Virginia establishes the Virginia Donor Registry with the intent of saving lives by reducing the shortage of organs and tissues for transplantation and to implement cost savings for patients and various state agencies by eliminating needless bureaucracy. During review, the board considered the following: (i) there is a continued need for the regulation to ensure that the death of potential organ and tissue donors are reported in a timely fashion; (ii) there have been no known complaints or comments regarding the regulation; (iii) the regulation is not complex and specifically states the duties and responsibilities of those involved; (iv) there are no observed overlaps or conflicts with federal or state laws or regulations; and (v) the regulation was evaluated over a three-month period, ensuring the stakeholders were involved throughout the evaluation process. The Virginia Transplant Council is responsible for maintaining and updating the registry, and funds are available to manage it appropriately.

The regulation outlines the duties of the council in reference to the Virginia Donor Registry, stipulates what information is maintained in the registry, who has access to that information, and how it is disseminated. The regulation is effective in its intent and is necessary to continue to offering opportunities for the citizens to donate their organs and tissues upon their death as they intended in a cost effective and timely fashion.

Contact Information: Rick Sikon, Operational Director, Virginia Department of Health, James Madison Building, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7190.

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TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Housing and Community Development conducted a periodic review and a small business impact review of **13VAC5-112, Enterprise Zone Grant Program Regulation**, and determined that this regulation should be retained as is. The board is publishing its report of findings dated May 2023, to support this decision.

The regulation is required pursuant to § 59.1-541 of the Code of Virginia and is necessary to administer the provisions of the Enterprise Zone Grant Program. The regulations appear to be effective and are easy to understand. The regulation will be retained without change. The regulation was last updated in 2022 to account for changes to the Code of Virginia. The regulation was also updated in 2021 to update application procedures. Outside of regulatory changes, the board is likely to pursue changes to various administrative procedures to streamline program administration and produce greater efficiency. Additionally, a comment regarding classification of jobs was received during the review and given due consideration, but the board determined no related update should be made at this time. The regulation does not appear to be overly complex; it does not duplicate or conflict with other federal or state law. Maintaining consistency with current rules will assist participants (including small business) in continuing to be able to utilize the program.

Contact Information: Kyle Flanders, Senior Policy Analyst, Department of Housing and Community Development, Main Street Centre, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 786-6761.

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TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Agency Notice

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **18VAC15-11, Public Participation Guidelines; 18VAC15-20, Virginia Asbestos Licensing Regulations; 18VAC15-30, Virginia Lead-Based Paint Activities Regulations;** and **18VAC15-40, Home Inspector Licensing Regulations**. The review of each regulation will be guided by the principles in Executive Order 19 (2022). The purpose of a periodic review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to these regulations, including whether each regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins July 3, 2023, and ends July 24, 2023.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Tanya Pettus, Administrator, Virginia Board for Asbestos, Lead, and Home Inspectors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-1795.

COMMON INTEREST COMMUNITY BOARD

Agency Notice

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **18VAC48-30, Condominium Regulations**. The review of this regulation will be guided by the principles in Executive Order 19 (2022). The purpose of a periodic review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the

protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins July 3, 2023, and ends July 24, 2023.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Stephen Kirschner, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8510.

FAIR HOUSING BOARD

Agency Notice

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **18VAC62-10, Public Participation Guidelines;** and **18VAC62-20, Fair Housing Certification Regulations**. The review of each regulation will be guided by the principles in Executive Order 19 (2022). The purpose of a periodic review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to these regulations, including whether each regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public comment period begins July 3, 2023, and ends July 24, 2023.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Stephen Kirschner, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552.

TITLE 1. ADMINISTRATION

STATE BOARD OF ELECTIONS

Final Regulation

REGISTRAR'S NOTICE: The State Board of Elections is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 8 of the Code of Virginia, which exempts agency action relating to the conduct of elections or eligibility to vote.

Title of Regulation: **1VAC20-100. Ranked Choice Voting (amending 1VAC20-100-10, 1VAC20-100-40, 1VAC20-100-50, 1VAC20-100-70).**

Statutory Authority: § 24.2-673.1 of the Code of Virginia.

Effective Date: June 20, 2023.

Agency Contact: Ashley Coles, Regulatory Coordinator, Department of Elections, Washington Building, 1100 Bank Street, 1st Floor, Richmond, VA 23219, telephone (804) 864-8933, or email ashley.coles@elections.virginia.gov.

Summary:

The amendments (i) create new definitions and amend existing definitions; (ii) make a distinction between tabulation on the voting system in the first-choice ranking tabulation round and tabulation on software for the ranked choice voting rounds, clarification of the determination of election thresholds for candidates to win, and the addition and amendment of terms related to ballot treatment in tabulation; (iii) clarify the treatment of ballots during tabulation in the case of ranked choice overvotes and skipped rankings to account for differences between the first-choice ranking tabulation round and the ranked choice voting tabulation rounds; (iv) conform the tabulation process to the established processes for ranked choice voting, particularly in relation to the voting systems and ranked choice voting tabulation software; (v) create a first-choice ranking tabulation round where only first-choice rankings are tabulated and a candidate has an opportunity to win based upon first-choice rankings by reaching the "maximum possible threshold" without proceeding to the ranked choice voting tabulation rounds; (vi) provide that software may be used for tabulation of the ranked choice voting rounds, subject to approval by the Department of Elections; (vii) detail the reporting of results and preservation of records related to ranked choice voting elections; (viii) require reporting of first-choice ranking tabulation results by precinct, reporting of ranked choice voting round results, and the retaining of a record of votes cast for public inspection and copying; and (ix) require the Department of Elections to develop guidance for compliance with the reporting requirements.

1VAC20-100-10. Definitions.

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

"Active ballot" means a ballot that counts toward an active candidate in the current round of counting.

"Active candidate" means a candidate or person who has not been defeated during a round-by-round vote count. In a count that lasts multiple rounds, the number of active candidates will decrease with each round.

"Duplicate ranking" means a voter has assigned one candidate multiple rankings.

"Election threshold" means the number of votes sufficient for a candidate to be elected in a multi-winner, single transferable vote contest, except in the first-choice ranking tabulation round. The election threshold equals the total valid votes ~~counted~~ cast for active candidates in the first round of tabulation, pursuant to 1VAC20-100-50 C, divided by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions. Election threshold = ((Total valid votes cast for active candidates in the first round)/(Seats to be elected+1))+1, with any fraction disregarded.

"First-choice ranking tabulation round" means the stage of tabulation of first-choice rankings completed at each precinct on the voting system, pursuant to 1VAC20-100-50 A.

"Highest-ranked active candidate" means the active candidate assigned to a higher ranking than any other active candidates.

"Inactive ballot" means a ballot that can no longer be counted due to the ballot having no rankings remaining for active candidates ~~in the round~~.

"Instant runoff voting" means no more than one seat in the office must be filled by the election.

"Maximum possible threshold" means the number of first-choice rankings from active ballots received in the first-choice ranking tabulation round sufficient for a candidate to be elected. The maximum possible threshold equals the total ballots cast for the office, including valid first-choice rankings, undervotes, skipped rankings, or overvotes for the office, divided by the sum of one plus the number of offices to be

filled, then adding one, disregarding any fractions. Maximum possible threshold = ((Total ballots cast for the office)/(Seats to be elected+1))+1, with any fraction disregarded.

"Ranked choice overvote" means a voter assigned more than one candidate the same ranking.

"Ranked choice undervote" means a voter has left a ranking unassigned.

"Ranked choice voting" means a method of casting and tabulating votes in which (i) voters rank candidates in order of preference~~,~~; (ii) tabulation ~~proceeds in rounds such that in each round either a candidate or candidates are elected or the last-place candidate is defeated,~~ of first-choice rankings and votes cast at other rankings is conducted; (iii) if the number of candidates elected after first-choice ranking tabulation is less than the number of offices to be filled, tabulation proceeds in rounds such that in each round either a candidate is elected or the last-place candidate is defeated; (iv) votes for voters' next-ranked candidates are transferred from elected or defeated candidates~~,~~; and ~~(iv)~~ (v) tabulation ends when the number of candidates elected equals the number of offices to be filled. Ranked choice voting is known as "instant runoff voting" when electing a single office and "single transferable vote" when electing multiple offices.

"Ranking" means the ordinal number assigned on a ballot to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking, and so on, consecutively, up to the number of candidates indicated on the ballot.

"Round" means a stage of the vote tabulation, pursuant to 1VAC20-100-50 B or C, in which a person may be elected or the last ranked person ~~is~~ defeated.

"Single transferable vote" means more than one seat in the office must be filled by the election.

"Skipped ranking" means ~~a voter has left a ranking unassigned but ranks a candidate at a subsequent ranking~~ an undervote on a ballot where a voter validly ranks a candidate at a subsequent ranking treated as provided in subdivision 2 of 1VAC20-100-40.

"Surplus fraction" is a number equal to the quotient of the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total, (or (V-T)/V, in which "V" is the elected candidate's vote total and "T" is the election threshold), truncated after four decimal places.

"Surplus vote" means the number of votes a candidate receives beyond the election threshold set for a single transferable vote race.

"Tabulation" means the counting and, where necessary, transferring of votes cast in a ranked choice voting election that occurs in two stages:

1. Determination by voting system in the first-choice ranking tabulation round of first-choice ranking votes cast for each candidate and the creation of a record of votes cast at all ranking choices for each ballot cast.

2. Determination in a round, using the record of votes cast created by the voting system in the first-choice ranking tabulation round, of the votes to be transferred from eliminated candidates to active candidates, of the vote totals for active candidates after vote transfers, and of whether a candidate has received the number of votes sufficient to be elected.

"Transfer value" means the proportion of a vote that a ballot will contribute to its highest-ranked active candidate. Each ballot begins with a transfer value of one. If a ballot contributes to the election of a candidate under 1VAC20-100-50 ~~B~~ C, it receives a new transfer value.

1VAC20-100-40. Ballot treatment.

As prescribed by § 24.2-673.1 of the Code of Virginia, ballots shall be tabulated in the following manner:

1. Ranked choice overvote.

a. ~~A ballot with~~ In the case of a ranked choice overvote ~~shall be counted in the initial round if voter intent can be determined. The ballot~~ for a ranking on a ballot, the ranking shall not be counted in any round ~~in which the ballot has a ranked choice overvote~~, and the next valid ranking shall be counted in all rounds except the first-choice ranking tabulation.

b. ~~A ballot with a~~ In the case of a duplicate ranking for an active candidate, only the voter's highest ranking for the candidate shall be counted ~~unless the voter's choice was defeated in a previous round~~. Valid rankings after a duplicate ranking shall be counted.

2. Skipped ranking.

a. In the event of a ballot with a skipped ranking, the next valid ranking shall be counted, except in the first-choice ranking tabulation round.

b. In the event the ballot reaches two consecutive skipped rankings, the ballot will be considered an inactive ballot.

3. Tie breaking.

a. In the event two persons have an equal number of votes for a seat and a higher number than any other person in the last round of an election conducted by ranked choice voting, the candidate or person to be elected shall be determined by lot as prescribed by § 24.2-674 of the Code of Virginia.

b. In the event two or more persons have an equal number of votes for a seat and the fewest number of votes in a round of an election conducted by ranked choice voting, tabulation cannot be continued until one of the persons is defeated. The person to continue as an active candidate

shall be determined by lot as prescribed by § 24.2-674 of the Code of Virginia.

1VAC20-100-50. Ranked choice voting tabulation.

A. First-choice ranking tabulation round. For all elections for an office conducted by ranked choice voting, only first-choice rankings shall be counted in the first-choice ranking tabulation round. If any candidate has a vote total greater than or equal to the maximum possible threshold, that person shall be designated as elected. If the number of candidates whose vote total is equal to or greater than the maximum possible threshold is equal to the number of seats to be filled, those candidates are declared elected and tabulation in additional rounds shall not be conducted. If the number of candidates whose vote total is equal to or greater than the maximum possible threshold is less than the number of seats to be filled, tabulation shall proceed as set forth in subsections B and C of this section.

B. Instant runoff voting round. For any election for one office conducted by ranked choice voting, each active ballot shall count as one vote in each round for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds with each round proceeding sequentially as follows:

1. If any active candidate has a majority of votes from active ballots in a round of tabulation, that person shall be designated as elected and the tabulation is complete.

2. If two or fewer active candidates remain, the candidate with the greatest number of votes is elected and tabulation is complete.

~~2.~~ 3. If more than two active candidates remain and no candidate has a majority of votes on active ballots in a round of tabulation, the active candidate with the fewest votes is defeated, votes for the defeated candidate are transferred to each ballot's ~~next ranked~~ highest-ranked active candidate, and a new round begins with subdivision 1 of this subsection.

~~B.~~ C. Single transferable vote round. For any election for more than one office conducted by ranked choice voting, each active ballot shall count, at its current transfer value, for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds. Each round proceeds sequentially, until tabulation is complete, as follows:

1. If the sum of the number of elected persons and the number of active candidates is less than or equal to the number of office seats to be filled, then all active candidates are designated as elected, and tabulation is complete. Otherwise, the tabulation proceeds pursuant to subdivision 2 of this subsection.

2. If any active candidate has a number of votes greater than or equal to the election threshold for the contest, that person shall be designated as elected. Each ballot counting for an elected person is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected person, truncated after the fourth decimal place. The transfer value of each ballot cast for an elected candidate must be transferred to the highest-ranked active candidate on that ballot. Each person elected under this subdivision is deemed to have a number of votes equal to the election threshold for the contest in all future rounds and a new round begins pursuant to subdivision 1 of this subsection.

3. If no candidate or person is elected pursuant to subdivision 2 of this subsection, the candidate with the fewest votes is defeated and votes for the defeated candidates shall be transferred at their current transfer value to each ballot's next-ranked active candidate and a new round begins pursuant to subdivision 1 of this subsection.

~~C.~~ D. Surplus transfer. If in a round of counting conducted under subsection ~~B~~ C of this section, two or more active candidates have a number of surplus votes greater than the election threshold for the contest, the surpluses shall be distributed in rounds in which the largest surplus is distributed first, with any ties resolved by lot as required by § 24.2-674 of the Code of Virginia.

E. Tools, including software, used for tabulation in subsections B and C must be approved for use by the Department of Elections.

1VAC20-100-70. Election results.

~~Results for all rounds~~ A. The following information must be publicly posted on the Department of Elections website at https://www.elections.virginia.gov~~.~~:

1. First-choice ranking tabulation round vote results, reported by precinct; and

2. Results for each round completed pursuant to 1VAC20-100-50 B and C, including final results.

B. A record of votes cast at all rankings, as tabulated in the first-choice ranking tabulation round, shall be created and retained for public inspection and copying.

C. The Department of Elections shall develop guidance for compliance with this section consistent with other requirements in the Code of Virginia.

VA.R. Doc. No. R23-7585; Filed June 15, 2023, 12:05 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available

from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

Title of Regulation: **9VAC25-196. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less.**

Agency Contact: Joseph B. Bryan, Guidance and Regulation Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-2659, or email joseph.bryan@deq.virginia.gov.

FORMS

~~Registration Statement for the VPDES General Permit For Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less, Form VAG25-RS (rev. 1/2018)~~

Registration Statement for the VPDES General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less, Form VAG25-RS (rev. 2/2022)

VPDES Change of Ownership Agreement Form (rev. 4/2018)

VPDES General Permit for Noncontact Cooling Water (VAG25) Notice of Termination (rev. 1/2021)

Water Division Permit Application Fee Form, 9VAC25-20 Form 5 (rev. 10/2018)

VA.R. Doc. No. R23-7600; Filed June 8, 2023, 2:31 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Fast-Track Regulation

Title of Regulation: **18VAC15-30. Virginia Lead-Based Paint Activities Regulations (amending 18VAC15-30-510).**

Statutory Authority: §§ 54.1-201 and 54.1-501 of the Code of Virginia.

Public Hearing Information: No public hearing is currently scheduled.

Public Comment Deadline: August 2, 2023.

Effective Date: September 1, 2023.

Agency Contact: Trisha L. Lindsey, Executive Director, Board for Asbestos, Lead, and Home Inspectors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8595, FAX (866) 350-5354, or email alhi@dpor.virginia.gov.

Basis: Section 54.1-501 of the Code of Virginia enumerates the legal authority for the board to administer the licensure program for lead-based paint activities and promulgate regulations necessary to carry out the requirements of Chapter 5 (§ 54.1-500 et seq.) of the Code of Virginia.

In addition, 40 CFR Part 745, Subpart Q outlines the requirements for authorization of state programs to administer and enforce the standards, regulations, or other requirements established under the Toxic Substances Control Act of 1976 (15 USC § 2601 et seq.) and requirements for lead-based paint activities regulation are established under 40 CFR 745.325.

Purpose: The General Assembly has charged the board with the responsibility for regulating individuals and firms who engage in lead-based paint activities by requiring that such individuals and firms obtain a license in order to engage in the occupations that perform these activities. The board is also charged with establishing standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act of 1992 and U.S. Environmental Protection Agency (EPA) regulations.

Activities that disturb lead-based paint in target housing and child-occupied facilities increase the threat of lead-based paint exposure by dispersing lead particles in the air and over household items. Both adults and children can receive hazardous lead paint exposures by inhaling or ingesting lead-based paint dust. Studies have shown that lead poisoning can cause permanent damage to the brain and other organs. In children, lead poisoning can cause lower IQ levels and behavioral problems. The performing of activities that disturb lead-based paint by individuals who lack sufficient expertise or fail to employ minimum safeguards to prevent dispersal of lead particles poses a risk to the public health and welfare.

The goal of the amendments is to update the regulation to incorporate the current U.S. Department of Housing and Urban Development (HUD) guidelines that are applicable to lead-based paint activities. The amendments will make the regulation clearer to regulants by ensuring the list of documented methodologies is current and accurate and keep the regulation consistent with applicable EPA regulations.

Rationale for Using Fast-Track Rulemaking Process: The amendments are expected to be noncontroversial because the amendments are limited to incorporating by reference the edition of the HUD guidelines that are currently applicable to lead-based paint activities. The amendments do not increase existing requirements or impose new requirements on regulants and ensure that the standards in the regulation are consistent with applicable EPA regulations.

Substance: Amendments update the applicable edition of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing as it pertains to the appropriate methodologies for performing a lead-based paint inspection, lead-hazard screen, and risk assessment or abatement. The current edition of these guidelines is the Second Edition, published July 2012.

Issues: The primary advantage of the amendments to the public and the Commonwealth is that the regulation will be clearer to regulants who engage in lead-based paint activities by ensuring

the list of documented methodologies is current and accurate and align the regulation with applicable EPA regulations. There are no identifiable disadvantages to either the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented represents DPB's best estimate of these economic impacts.[1]

Summary of the Proposed Amendments to Regulation. The Virginia Board for Asbestos, Lead, and Home Inspectors (Board) proposes to update in the regulation the edition of the U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing that must be followed when performing a lead-based paint inspection, lead-hazard screen, risk assessment or abatement.

Background. The current regulation[2] states that: "E. When performing a lead-based paint inspection, lead-hazard screen, risk assessment or abatement, a licensed individual must perform that activity in compliance with documented methodologies. Documented methodologies that are appropriate for this chapter include the following:

1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995 edition, including the 1997 Revision to Chapter 7: Lead-Based Paint Inspection.

"5. Any future EPA or HUD guidance that may replace the above methodologies."

The Board proposes to replace June 1995 edition, including the 1997 Revision to Chapter 7: Lead-Based Paint Inspection with Second Edition, July 2012.

Estimated Benefits and Costs. The existing and proposed regulation state that when performing a lead-based paint inspection, lead-hazard screen, risk assessment or abatement that the individual must comply with any future HUD guidance that may replace the methodologies incorporated from "June 1995 edition, including the 1997 Revision to Chapter 7: Lead-Based Paint Inspection". Thus, the proposed updating of the edition of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing in the regulation that must be followed when performing a lead-based paint inspection, lead-hazard screen, or risk assessment or abatement does not change the regulatory text. Nevertheless, the proposal may be beneficial for readers of the regulation who are not cognizant of the July 2012 edition.

Businesses and Other Entities Affected. The proposed amendments pertain to the 284 licensed lead workers, 135 licensed lead supervisors, 86 licensed lead inspectors, 157 licensed lead risk assessors, 28 licensed lead project designers, 15 licensed interim licensees (supervisors, inspectors, and risk assessors), and 59 licensed lead abatement contractors in the Commonwealth.[3] All 59 licensed lead abatement contractors are small businesses.[4]

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[5] An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. Since the proposal neither increases costs nor reduces revenue, no adverse impact is indicated.

Small Businesses[6] Affected.[7] The proposal does not adversely affect small businesses.

Localities[8] Affected.[9] The proposal neither disproportionally affects any localities nor introduces costs for local governments.

Projected Impact on Employment. The proposal does not affect total employment.

Effects on the Use and Value of Private Property. The proposal neither affects the use and value of private property nor real estate development costs.

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[1]Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2]See 18VAC15-30-510: https://law.lis.virginia.gov/admincode/title18/agency15/chapter30/section510/

[3]Data source: Department of Professional and Occupational Regulation

[4]Ibid

[5]Pursuant to § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[6]Pursuant to § 2.2-4007.04, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million."

[7]If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may

have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[8]"Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

[9]Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency's Response to the Economic Impact Analysis: The Virginia Board for Asbestos, Lead, and Home Inspectors concurs with the results of the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The amendments update the appropriate methodologies for performing a lead-based paint inspection, lead-hazard screen, risk assessment, or abatement incorporated by reference into the regulation to the current Second Edition of the U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, published July 2012.

18VAC15-30-510. General requirements.

A. This part establishes work practice standards for conducting lead-based paint activities in target housing and child-occupied facilities.

B. Notification shall be sent by the licensed lead abatement contractor to the Virginia Department of Labor and Industry prior to the commencement of any lead-based paint abatement activities. The notification shall be sent in a manner prescribed by the Virginia Department of Labor and Industry.

C. No licensed lead abatement contractor shall enter into a contract to perform a lead abatement project if the lead inspection or project design is to be performed by individuals with an employer/employee relationship with, or financial interest in, the lead abatement contractor unless the contractor provides the building owner with a "Virginia Lead Consumer Information and Disclosure Sheet," which is available from the board. Persons licensed to perform post-abatement clearance procedures shall be independent of and have no financial interest in or an employer/employee relationship with the licensed lead abatement contractor.

D. The relationships described in subsection C of this section must be disclosed, and the disclosure form must be signed and dated by the building owner~~,~~ or ~~his~~ the building owner's agent~~,~~ and the contracting entity prior to the signing of any contract to conduct lead-based paint activities. The contractor must provide the disclosure form to all parties involved in the lead abatement project. The disclosure form shall be kept on the lead abatement project site and available for review.

E. When performing a lead-based paint inspection, lead-hazard screen, risk assessment, or abatement, a licensed individual must perform that activity in compliance with documented methodologies. ~~Documented~~ The following documented methodologies that are appropriate for this chapter ~~include the following~~ are incorporated by reference:

1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, ~~June 1995 edition, including the 1997 Revision to Chapter 7: Lead-Based Paint Inspection~~ Second Edition, July 2012.

2. 40 CFR Part 745, Subpart D (January 6, 2020, update).

3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil (60 FR 47248-47257, September 11, 1995).

4. EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report (EPA 747-R-95-001, March 1995).

~~5. Any future EPA or HUD guidance that may replace the above methodologies.~~

~~6. Regulations, guidance, methods or protocols authorized by the board.~~

F. Individuals conducting lead-based paint activities shall comply with the work practice standards enumerated in this chapter.

G. Any lead-based paint activities, as described in this chapter, shall be performed only by individuals licensed by the board to perform such activities.

H. All reports and plans required by 18VAC15-30-520 through 18VAC15-30-651 shall be maintained by the licensed firm or individual who prepared the report for at least three years. The licensed firm or individual also shall provide copies of these reports to the building owner or person who contracted for its services.

DOCUMENTS INCORPORATED BY REFERENCE (18VAC15-30)

~~Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995, including the 1997 revision to Chapter 7: Lead-Based Paint Inspection, U.S. Department of Housing and Urban Development.~~

Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Second Edition, July 2012, U.S. Department of Housing and Urban Development

EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil (60 FR 47248-47257, September 11, 1995)

Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report (EPA 747-R-95-001, March 1995)

VA.R. Doc. No. R23-7173; Filed June 2, 2023, 2:41 p.m.

Proposed Regulation

Title of Regulation: **18VAC15-40. Home Inspector Licensing Regulations (amending 18VAC15-40-10, 18VAC15-40-120, 18VAC15-40-130).**

Statutory Authority: §§ 54.1-201 and 54.1-501 of the Code of Virginia.

Public Hearing Information:

August 9, 2023 - 10 a.m. - Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor Richmond, VA 23233

Public Comment Deadline: September 1, 2023.

Agency Contact: Trisha L. Lindsey, Executive Director, Board for Asbestos, Lead, and Home Inspectors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8595, FAX (866) 350-5354, or email alhi@dpor.virginia.gov.

Basis: Section 54.1-501 of the Code of Virginia authorizes for the Virginia Board for Asbestos, Lead, and Home Inspectors to administer the licensure program for home inspectors. Additionally, Chapter 398 of the 2022 Acts of Assembly directs the board to amend the regulation "to require that a home inspection and the report on its findings include a determination of whether the home's smoke detectors are in 'good working order,' as defined by the board."

Purpose: The General Assembly has charged the board with the responsibility for regulating those who engage in the practice of home inspection by requiring that such individuals obtain a license in order to perform home inspections on residential buildings for compensation. Home inspections are a common component of residential real estate transactions. The parties to such transactions rely on the expertise of a home inspector to provide an accurate evaluation of the condition of a home that is being purchased. The evaluation provided by a home inspector can have a significant effect on the transaction, particularly if there are substantial defects in the condition of the property. Home inspections performed by individuals who lack sufficient training and expertise expose the public to the risk of harm, which can include financial harm to home purchasers who may have to assume costs after acquiring the property to remedy defects that were not properly identified during the home inspection. Similarly, home inspections and home inspection reports that fail to meet certain minimum standards can deprive the parties to a residential real estate transaction of an accurate evaluation of the condition of a home that is being purchased.

The proposed amendments mandated by the General Assembly are intended to provide additional protection to members of the public who utilize the services of a home inspector by requiring a home inspection and report to include a determination of the working order of smoke alarms in the residential building or new residential structure. The anticipated result is that smoke alarms that are not in good working order will be repaired or replaced, which may help prevent loss of life or serious injury in the event there is a fire.

Substance: The proposed amendments were developed and recommended by a committee of subject matter experts, including licensed home inspectors, a representative of the Department of Housing and Community Development, a representative of home builders, and other individuals involved in the building industry. The committee's recommendations adopted by the board include (i) changes to the definitions section, (ii) requirements for a home inspection contract adding a provision that the requirements for inspection and testing of smoke alarms cannot be excluded from a home inspection contract, and (iii) requiring that a home inspection report must include a determination of whether any smoke alarms that are readily accessible in the residential building or new residential structure are in good working order, as the term is defined in the regulation. A home inspector is not required to test a smoke alarm if the alarm is part of a central alarm system, or security system that will automatically notify a fire department or other authorities. A home inspection report must state whether a smoke alarm is not readily accessible, or if there are limitations in determining its good working order. The home inspection report must also include an advisory regarding smoke alarms.

Issues: The expected advantage of the amendments to the public is that individuals who are informed about the condition and working order of smoke alarms in a home that is inspected will repair or replace any smoke alarms that are not in good working order. This could potentially avoid the loss of life or serious injury in the event of a fire.

There may be potential disadvantages resulting from the regulatory change. The regulatory change may result in additional costs for home inspections. Under the current regulation, a home inspector is only required to note the presence or absence of smoke detectors in a home inspection report, but is not required to assess their condition or perform any testing related to their functionality. The inspection of smoke alarms to determine their good working order, including operating the smoke alarm test function, would likely cause home inspections to take longer. This may affect the number of inspections a home inspector can perform in a day. In addition, the added requirement may cause home inspectors to spend more time in preparing home inspection reports, as these reports will now have to account for the condition of each smoke alarm in a home. A possible result is that the price of a home inspection may increase. An increase in costs for home inspections may cause some individuals to forgo requesting an inspection during a real estate transaction.

An issue that the regulatory change may not address is whether the operating of a smoke alarm test function is truly determinative of whether a smoke alarm is properly functional. According to some of the public comment received following publication of the previous stage, the only way to properly test whether a smoke alarm works is to test it with smoke. Operating of the test function may only serve to demonstrate the alarm sounds.

Another issue concerns the potential for home inspectors to be subject to sanctions by local authorities for generating "false alarms" as the result of testing smoke alarms. Some smoke alarms are parts of home security systems designed to automatically contact fire and emergency services whenever an alarm activates. To the extent local fire and emergency response resources are caused to be diverted to nonemergency alarms, this may create a potential disadvantage. Another issue concerns the extent to which a home inspector may be liable in the event of a fire at a home where the home inspector conducted an inspection and made a determination of the good working order of the smoke alarms. Finally, the actual repair or replacement of smoke alarms that are determined not to be in good working orders remains up to the home owner. To the extent a home inspection determines the presence of smoke alarms in a home that are not in good working order, this regulation does not require the repair or replacement of such smoke alarms.

There are no known advantages or disadvantages to the agency or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented represents DPB's best estimate of these economic impacts.[1]

Summary of the Proposed Amendments to Regulation. As the result of a 2022 legislative mandate, the Virginia Board for Asbestos, Lead, and Home Inspectors (Board) proposes to: define "good working order" for smoke alarms, require home inspectors to determine whether smoke alarms in the home are in good working order if they are readily accessible (with an exception for those that would produce a false alarm to a fire department), include this determination in their home inspection report, and other associated amendments.

Background. The current regulation states that: "In conducting a home inspection and reporting its findings, the home inspector, at a minimum, shall inspect the condition of and shall describe in writing the composition or characteristics of the following readily accessible components and readily observable defects, except as may be limited in the home inspection contract agreement:

6. Electrical system.

j. Presence or absence of smoke detectors."

That is the only mention of smoke detectors or smoke alarms in the current regulation. Note that it allows components, including smoke detectors, to be excluded from the contract agreement, and thus not included in the inspection and report.

Chapter 398 of the 2022 Acts of Assembly, in its entirety, states that "The Board for Asbestos, Lead, and Home Inspectors (the Board) shall update the regulations in 18VAC15-40-130 to require that a home inspection and the report on its findings include a determination of whether the home's smoke detectors are in "good working order," as defined by the Board." The legislation makes clear that smoke detectors should not be excluded from the contract agreement. The Board proposes to insert a sentence stating this in the regulation.

During development of this regulation the Department of Professional and Occupational Regulation (DPOR) recognized that the terms "smoke alarm" and "smoke detector" refer to different types of devices in the International Building Code.[2] A smoke detector is a device that senses particles of combustion, but does not contain control components and an alarm notification appliance. Smoke detectors are typically components of security systems. The current regulation and the legislation both use the term "smoke detector." DPOR believes that "smoke alarm" is what was intended. Consequently, the Board also proposes to add the following definition to the regulation: "'Smoke alarm' means a single station or multiple station alarm responsive to smoke or 'smoke detector' as used in Chapter 398 of the 2022 Acts of Assembly." Additionally, the Board proposes to amend "Presence or absence of smoke detectors" to "Presence or absence of smoke alarms."

Pursuant to Chapter 398, the Board also proposes to define "Good working order" as "with respect to a smoke alarm inspected during a home inspection, that the smoke alarm is securely attached, not physically damaged, and operation of the test function is successful."

Additionally, the Board proposes to amend 18VAC15-40-130 Home inspection report by adding a new subsection, which states that "For any smoke alarms that are readily accessible, the home inspection report must include a determination of whether the smoke alarms are in good working order." The proposed text includes an exception for when the smoke alarm is part of a central alarm system or security system in which such testing will automatically alert a fire department or other authority. The proposed new text also requires that if the smoke alarm is not readily accessible, or there are any limitations in determining whether it is in good working order, that this be included in the report. Finally, the proposed new subsection requires that the home inspection report include the following advice to the client and disclaimer language:

It is recommended that a home have smoke alarms on each level of the dwelling and in every bedroom or sleeping area. Clients should replace any existing smoke alarms that are not in good working order with new ones and install smoke alarms where they may be missing or not properly located. Any test of a smoke alarm during a home inspection only reflects its condition at the time of inspection and is not a guarantee, warranty, or any form of insurance. A test performed during the home inspection does not supersede the smoke alarm manufacturer's testing recommendations. Clients should follow the manufacturer's instructions for proper placement, installation and maintenance.

Estimated Benefits and Costs. In 2021 the National Fire Protection Association issued a report that found that the risk of dying in reported home structure fires is 55% lower in homes that have working smoke alarms than in homes without alarms or those with non-working alarms.[3] Additionally, it found that 16% of home fire deaths were caused by fires in properties where smoke alarms failed to operate.[4] Thus, to the extent that the proposed requirements increase the likelihood that homeowners have working smoke alarms, there is the strong potential that fewer Virginians may die in home fires.

DPOR does not have data on the percentage of home inspectors who currently test smoke alarms as part of their inspections. Anecdotally it appears that some provide the service while others do not. For those inspectors who have been choosing to not test smoke alarms, the proposed requirement that the home inspection report include a determination of whether the readily accessible smoke alarms are in good working order would introduce some cost in that (i) these inspectors would be required to spend time in an activity that otherwise they would not do, and (ii) potentially there may be some additional risk of liability in the event of a fire at a home where the home inspector conducted an inspection and made a determination of the good working order of the smoke alarms and the alarms fail during the fire. The potential additional risk of liability may be lessened somewhat by the disclaimer language that is to be required to be in the report. Some of these inspectors may choose to raise the price they charge for inspections in response.

Businesses and Other Entities Affected. The proposed amendments affect the 1,137 licensed home inspectors in the Commonwealth,[5] their employers, and consumers who make use of home inspection services.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[6] An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. As discussed, the proposed requirement that the home inspection report include a determination of whether the readily accessible smoke alarms are in good working order would produce cost, but since that is directly required by the legislation, no adverse impact is indicated for adding the language to the regulation.

Small Businesses[7] Affected.[8]

Types and Estimated Number of Small Businesses Affected. The proposed amendments affect small firms that provide home inspection services. DPOR does not have data on the number of small firms that provide home inspection services.

Costs and Other Effects. For those small home inspection firms that have chosen to not test smoke alarms in their inspections, the proposed requirement that the home inspection report include a determination of whether the readily accessible smoke alarms are in good working order would introduce some cost as described above in the Estimated Benefits and Costs section of this report.

Alternative Method that Minimizes Adverse Impact. As the requirement that produces cost is from the legislation, there are no clear alternative methods that both reduce adverse impact and meet the intended policy goals.

Localities[9] Affected.[10] The proposed amendments do not appear to disproportionally affect any localities or introduce costs for local governments.

Projected Impact on Employment. The proposed amendments are not likely to substantively affect total employment.

Effects on the Use and Value of Private Property. To the extent that the proposed requirements increase the likelihood that homeowners have working smoke alarms, some fires may be detected earlier, potentially allowing for the fires to be put out sooner. This could potentially limit the damage to the property, as well reduce the likelihood of fatalities.

For those home inspection firms that have chosen to not test smoke alarms in their inspections, the proposed requirement that the home inspection report include a determination of whether the readily accessible smoke alarms are in good working order would introduce some cost as described in the Estimated Benefits and Costs section of this report. This may have a small negative effect on their value.

The proposal does not affect real estate development costs.

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[1]Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2]See https://codes.iccsafe.org/content/IBC2018P6/chapter-2-definitions#IBC2018P6_Ch02_Sec202

[3]See https://www.nfpa.org/News-and-Research/Data-research-and-tools/Detection-and-Signaling/Smoke-Alarms-in-US-Home-Fires

[4]Ibid

[5]Data source: Department of Professional and Occupational Regulation

[6]Pursuant to Code § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[7]Pursuant to § 2.2-4007.04, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million."

[8]If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable

effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[9]"Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

[10]Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency's Response to Economic Impact Analysis: The Virginia Board for Asbestos, Lead, and Home Inspectors concurs with the results of the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

Pursuant to Chapter 398 of the 2022 Acts of Assembly, the proposed amendments (i) add a definition for "good working order"; (ii) require that a home inspection report include a determination of whether readily accessible smoke alarms are in good working order; and (iii) prohibit a home inspector from excluding the inspection and assessment of smoke alarms from the home inspection contract.

18VAC15-40-10. Definitions.

A. Section 54.1-500 of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

"Board"

"Home inspection"

"Home inspector"

"Person"

"Residential building"

B. Section 54.1-517.2:1 of the Code of Virginia provides definitions of the following terms and phrases as used in 18VAC15-40-130:

"Bonding"

"Corrugated stainless steel tubing"

"Grounding"

C. The following words and terms when used in this chapter shall have the following meanings unless a different meaning is provided or is plainly required by the context:

"Address of record" means the mailing address designated by the licensee to receive notices and correspondence from the board.

"Adjacent" means adjoining or within three feet of the residential building and that may affect the residential building.

"Applicant" means an individual who has submitted an application for licensure.

"Application" means a completed, board-prescribed form submitted with the appropriate fee and other required documentation.

"Client" means a person who engages the services of a home inspector for a home inspection.

"Compensation" means the receipt of monetary payment or other valuable consideration for services rendered.

"Component" means a part of a system.

"Contact hour" means 50 minutes of participation in a structured training activity.

"CPE" means continuing professional education.

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

"Financial interest" means financial benefit accruing to an individual or to a member of ~~his~~ an individual's 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, forgiveness of debt, 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; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds 3.0% of the asset value of the business; or (vi) an option for ownership of a business, real property, or personal property if the ownership interest will consist of clause (i) or (iv) of this definition.

"Fireplace" means an interior fire-resistant masonry permanent or prefabricated fixture that can be used to burn fuel and is either vented or unvented.

"Foundation" means the element of a structure that connects to the ground and transfers loads from the structure to the ground. Foundations may be shallow or deep.

"Good working order" means, with respect to a smoke alarm inspected during a home inspection, that the smoke alarm is securely attached, not physically damaged, and operation of the test function is successful.

"Licensee" means a home inspector as defined in Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation that is unlawful to practice without such license.

"New residential structure" or "NRS" means a residential structure for which the first conveyance of record title to a purchaser has not occurred or the purchaser has not taken possession, whichever occurs later.

"NRS specialty" means a designation granted by the board to a home inspector that authorizes such individual to conduct home inspections on any new residential structure.

"Outbuilding" means any structure on the property that is more than three feet from the residential building and that may affect the residential building.

"Prelicense education course" means an instruction program approved by the board and is one of the requirements for licensure effective July 1, 2017.

"Readily accessible" means available for access without requiring moving or removing of any obstacles.

"Reinstatement" means the process and requirements through which an expired license can be made valid without the licensee having to apply as a new applicant.

"Renewal" means the process and requirements for periodically approving the continuance of a license.

"Residential structure" means a structure consisting of no more than two dwelling units or a townhouse.

"Smoke alarm" means (i) a single station or multiple station alarm responsive to smoke; or (ii) a "smoke detector" as used in Chapter 398 of the 2022 Acts of Assembly.

"Solid fuel burning appliances" means a hearth and fire chamber or similarly prepared place in which a fire may be built and that is built in conjunction with a chimney, or a listed assembly of a fire chamber, its chimney, and related factory-made parts designed for unit assembly without requiring field construction.

"System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.

"Virginia Residential Code" means the provisions of the Virginia Construction Code (Part I (13VAC5-63-10 et seq.) of 13VAC5-63) applicable to R-5 residential structures and that includes provisions of the International Residential Code as amended by the Board of Housing and Community Development.

18VAC15-40-120. Home inspection contract.

A. For the protection of both the client and the licensee, both parties shall sign a legible, written contract clearly specifying the terms, conditions, and limitations and exclusions of the work to be performed.

B. At a minimum, the written contract shall include:

1. Name, business name (if applicable), business address, and telephone number of the home inspector.

2. License number of the home inspector~~,~~ and notation of NRS specialty, if applicable.

3. Name of the clients.

4. Physical address of the residential property to be inspected.

5. Cost of the home inspection.

6. A listing of all areas and systems to be inspected, including those inspections that are either partial or limited in scope.

7. A statement in the contract that the home inspection does not include a review for compliance with regulatory requirements (Virginia Uniform Statewide Building Code or other codes, regulations, laws, ordinances, etc.).

8. To the extent that any of the following categories are not covered by the home inspection, they shall be noted as exclusions in the inspection contract:

a. The condition of systems or components that are not readily accessible.

b. The remaining life of any system or component.

c. The strength, adequacy, effectiveness, or efficiency of any system or component.

d. The causes of any condition or deficiency.

e. The methods, materials, or costs of corrections.

f. Future conditions, including failure of systems and components.

g. The suitability of the property for any specialized use.

h. The market value of the property or its marketability.

i. The advisability of the purchase of the property.

j. The presence of diseases harmful to humans or potentially hazardous plants or animals, including wood destroying organisms and mold.

k. The presence of any environmental hazards, including toxins, carcinogens, noise, asbestos, lead-based paint, mold, radon, and contaminates in soil, water, and air.

l. The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.

m. The operating costs of systems or components.

n. The acoustical properties of any system or component.

o. The presence of components involved in manufacturer's recalls.

p. The inspection of outbuildings.

To the extent any other items are not specifically included in the home inspection by agreement of the parties, they shall also be noted as exclusions in the home inspection contract.

9. Estimated delivery date to the client of the home inspection report.

10. Dated signatures of both the home inspector and the client or the client's authorized representative.

C. The home inspection contract shall make written disclosure that the home inspection report is based upon visual observation of existing conditions of the inspected property at the time of the inspection and is not intended to be, or to be construed as, a guarantee, warranty, or any form of insurance. This provision does not prevent a home inspector from offering a separate guarantee, warranty, or any form of insurance if he so chooses.

D. The requirements of 18VAC15-40-130 D regarding smoke alarms will not be excluded from the home inspection contract.

E. If the home inspector recommends a person to the client for repairs or modifications to the inspected property, the home inspector shall disclose to the client all financial interests that the home inspector has with the recommended person. The disclosure shall be written within the home inspection contract.

18VAC15-40-130. Home inspection report.

A. Home inspection reports shall contain:

1. Information pertaining to the licensee, including:

a. Licensee's name;

b. Business address;

c. Telephone number; and

d. License number and expiration date, to be followed by "NRS" if so designated and performing a home inspection on a new residential structure;

2. The name, address, and telephone number of the client or the client's authorized representative, if available at the time of the inspection;

3. The physical address of the residential property inspected; and

4. The date, time (to include both start and finish times of the home inspection), and weather conditions at the time of the home inspection.

B. In conducting a home inspection and reporting its findings, the home inspector, at a minimum, shall inspect the condition of and shall describe in writing the composition or characteristics of the following readily accessible components and readily observable defects, except as may be limited in the home inspection contract agreement:

1. Structural system.

a. Foundation.

b. Framing.

c. Stairs.

d. Crawl space~~,~~; the method of inspecting the crawl space shall be noted and explained in the home inspection report. If the crawl space cannot be inspected, the licensee shall explain in the home inspection report why this component was not inspected.

e. Crawl space ventilation and vapor barriers.

f. Slab floor, when present.

g. Floors, ceilings, and walls.

2. Roof structure, attic, and insulation.

a. Roof covering. The method of inspecting the roof covering shall be noted and explained in the home inspection report. If the roof covering cannot be inspected, the licensee shall explain in the home inspection report why this component was not inspected.

b. Roof ventilation.

c. Roof drainage system, to include gutters and downspouts.

d. Roof flashings, if readily visible.

e. Skylights, chimneys, and roof penetrations, but not antennae or other roof attachments.

f. Roof framing and sheathing.

g. Attic, unless area is not readily accessible.

h. Attic insulation.

3. Exterior of residential building or NRS.

a. Wall covering, flashing, and trim.

b. Readily accessible doors and windows, but not the operation of associated security locks, devices, or systems.

c. Decks, balconies, stoops, steps, porches, attached garages, carports, and any associated railings that are adjacent to the residential building or NRS and on the same property but not associated screening, shutters, awnings, storm windows, detached garages, or storm doors.

d. Eaves, soffits, and fascias where readily accessible from ground level.

e. Walkways, grade steps, patios, and driveways, but not fences or privacy walls.

f. Vegetation, trees, grading, drainage, and any retaining walls adjacent to the residential building or NRS.

g. Visible exterior portions of chimneys.

4. Interior of residential building or NRS.

a. Interior walls, ceilings, and floors of residential building or NRS and any adjacent garage.

b. Steps, stairways, railings, and balconies and associated railings.

c. Countertops and installed cabinets, including hardware.

d. Doors and windows, but not the operation of associated security locks, devices, or systems.

e. Garage doors and permanently mounted and installed garage door operators. The automatic safety reverse function of garage door openers shall be tested, either by

physical obstruction as specified by the manufacturer, or by breaking the beam of the electronic photo eye but only when the test can be safely performed and will not risk damage to the door, the opener, any nearby structure, or any stored items.

f. Fireplaces, venting systems, hearths, dampers, and fireboxes, but not mantles, fire screens and doors, seals, and gaskets.

g. Solid fuel burning appliances, if applicable.

5. Plumbing system.

a. Interior water supply and distribution systems, including water supply lines and all fixtures and faucets, but not water conditioning systems or fire sprinkler systems.

b. Water drainage, waste, and vent systems, including all fixtures.

c. Drainage sumps, sump pumps, and related piping.

d. Water heating equipment, including energy source and related vent systems, flues, and chimneys, but not solar water heating systems.

e. Fuel storage and distribution systems for visible leaks.

6. Electrical system.

a. Service drop.

b. Service entrance conductors, cables, and raceways.

c. Service equipment and main disconnects.

d. Service grounding.

e. Interior components of service panels and sub panels, including feeders.

f. Conductors.

g. Overcurrent protection devices.

h. Readily accessible installed lighting fixtures, switches, and receptacles.

i. Ground fault circuit interrupters.

j. Presence or absence of smoke ~~detectors~~ alarms.

k. Presence of solid conductor aluminum branch circuit wiring.

l. Arc fault interrupters shall be noted if installed but not tested if equipment is attached to them.

7. Heating system.

a. Heating equipment, including operating controls, but not heat exchangers, gas logs, built-in gas burning appliances, grills, stoves, space heaters, solar heating devices, or heating system accessories such as humidifiers, air purifiers, motorized dampers, and heat reclaimers.

b. Energy source.

c. Heating distribution system.

d. Vent systems, flues, and chimneys, including dampers.

8. Air conditioning system.

a. Central and installed wall air conditioning equipment.

b. Operating controls, access panels, and covers.

c. Energy source.

d. Cooling distribution system.

C. Systems in the home that are turned off, winterized, or otherwise secured so that they do not respond to normal activation using standard operating controls need not be put into operating condition. The home inspector shall state, in writing, the reason these systems or components were not inspected.

D. For any smoke alarms that are readily accessible in the residential building or NRS, the home inspection report must include a determination of whether the smoke alarms are in good working order as defined in 18VAC15-40-10.

1. A home inspector is not required to operate the test function of a smoke alarm if the smoke alarm is part of a central alarm system or security system in which such testing will automatically alert a fire department or other authority. To the extent the home inspector is unable to determine whether testing will cause an automatic alert, the home inspector is not required to operate the test function of the smoke alarm.

2. If a smoke alarm is not readily accessible or there are any limitations in determining whether it is in good working order, the home inspection report must state that it is not readily accessible or describe such limitations, as applicable.

3. The home inspection report must include the substance of the following: It is recommended that a home have smoke alarms on each level of the dwelling and in every bedroom or sleeping area. Clients should replace any existing smoke alarms that are not in good working order with new ones and install smoke alarms where they may be missing or not properly located. Any test of a smoke alarm during a home inspection only reflects its condition at the time of inspection and is not a guarantee, warranty, or any form of insurance. A test performed during the home inspection does not supersede the smoke alarm manufacturer's testing recommendations. Clients should follow the manufacturer's instructions for proper placement, installation, and maintenance.

E. In accordance with § 54.1-517.2:1 of the Code of Virginia, if a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective May 1, 2008, the home inspector shall include that observation in the report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia."

VA.R. Doc. No. R23-7350; Filed June 5, 2023, 9:26 a.m.

BOARD FOR BARBERS AND COSMETOLOGY

Proposed Regulation

Title of Regulation: **18VAC41-20. Barbering and Cosmetology Regulations (amending 18VAC41-20-200, 18VAC41-20-210, 18VAC41-20-220).**

Statutory Authority: § 54.1-201 of the Code of Virginia.

Public Hearing Information:

August 28, 2023 - 9 a.m. - Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 200, Richmond, VA 23233

Public Comment Deadline: September 15, 2023.

Agency Contact: Kelley Smith, Executive Director, Board for Barbers and Cosmetology, 9960 Mayland Drive Suite 400, Richmond, VA 23233, telephone (804) 367-8590, FAX (866) 245-9693, or email barbercosmo@dpor.virginia.gov.

Basis: Section 54.1-201.5 of the Code of Virginia gives authority to the Board for Barbers and Cosmetology to promulgate regulations. It gives the board the power and duty to promulgate regulations necessary to ensure continued competency, to prevent deceptive or misleading practices by practitioners, and to effectively administer the regulatory system administered by the regulatory board.

Purpose: The purpose of this action is to reduce unnecessary burdens in the cosmetology training program and reduce the training hours for the cosmetology license to better reflect the minimum number of hours necessary for a student to become a safe practitioner. During the 2022 General Assembly session, members of the General Laws Committee narrowly rejected a bill that would lower the required cosmetology training hours to 1,000 hours. In doing so, members expressed the desire for the board to take action itself in lowering the cosmetology hours. Following that session, the board created a regulatory advisory panel (RAP) composed of school owners, curriculum writers, public school and private school instructors, salon safety experts, and industry leaders to review a proposed cosmetology curriculum. The RAP completed surveys assessing each curriculum item for whether there was a safety risk addressed by the training, whether training was the least restrictive means to address that risk, and, if so, what were the minimum number of hours needed for the student to perform that service safely. The average number of training hours from the RAP was 892 hours. The board reviewed the RAP's recommendations; considered license portability, national trends in hours, and minimum safety requirements; and voted to lower the hours from 1,500 hours to 1,000 hours.

During the January 9, 2023, board meeting, the board developed specific curriculum and performance standards, including the minimum clock or credit hours necessary to achieve minimum competency. Establishing a minimum clock or credit hours will assist both schools and students in understanding the minimum hours necessary to ensure minimum competency and protect the health, safety, and welfare of the public. The proposed amendments will establish clear and effective curriculum criteria to ensure competency and integrity and prevent deceptive acts by people offering cosmetology training.

Substance: The proposed amendments will lower the cosmetology training hours from 1,500 to a minimum of 1,000. The revised cosmetology curriculum ensures the training is no more burdensome than necessary while ensuring students are training to be minimally competent practitioners.

The expected curriculum proposed amendments (i) change cosmetology curricula shall be based on a minimum 1,500 to a minimum of 1,000 clock hours; (ii) remove the existing cosmetology curriculum outlined in this section and add the cosmetology curriculum approved at the January 9, 2023, board meeting; (iii) add 1,000 hours to the cosmetology minimum requirements; and (iv) remove the existing minimum performances for cosmetology and add the minimum performances for cosmetology approved at the January 9, 2023, board meeting.

Issues: The primary advantage of the proposed amendments to the public is to ensure the public's safety when receiving cosmetology services by ensuring practitioners are minimally competent. The board determined that cosmetologists are competent to provide services safely to the public with a minimum of 1,000 hours of training, without that required amount of training being overly burdensome on potential licensees. The board concluded that 1,500 hours is more than necessary to provide for minimum competency in performing cosmetology services safely on the public. This proposed amendment may allow more individuals to participate in cosmetology programs by reducing the entry requirement hours by one third, and could lead to more entrants into workforce.

The addition of language to include instruction in textured hair and the usage of a straight razor will ensure cosmetologists are competent to provide safe services on all hair types and all services within their scope of practice. This will have the added advantage to promote inclusiveness of additional members of the public. The added specific hour requirements for different aspects of safety and sanitation training will provide additional protection of the health, safety, and welfare of the public.

The primary disadvantage to the public is that there will be more onus on employers to supplement training, and students will not have all the technical skills to perform every service at a high level, but it is expected that the students will become more technically proficient as their careers progress.

The primary advantage of the proposed amendments to the Commonwealth will be having the least restrictive regulations necessary to protect the safety of the public. The Commonwealth will benefit from enhanced license portability and the addition of specific hours in safety and sanitation, as well as instruction on textured hair, brings Virginia's regulations in line with national trends. There are no anticipated disadvantages to the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented represents DPB's best estimate of these economic impacts.[1]

Summary of the Proposed Amendments to Regulation. The Board for Barbers and Cosmetology (Board) proposes to lower the required training hours for the cosmetology license from 1,500 hours to a minimum of 1,000 hours.

Background. According to the Department of Professional and Occupational Regulation (DPOR), during the 2022 General Assembly session, the Board was asked to examine the cosmetology training hour requirement during a legislative subcommittee meeting. Following that session, the Board created a Regulatory Advisory Panel (RAP) composed of training school owners, curriculum writers, public school and private school instructors, as well as a salon safety expert and industry leaders, to review the required cosmetology curriculum in the regulation. The RAP members assessed each curriculum item to determine whether a safety risk was addressed by the training, whether the training was the least restrictive means of addressing that risk and, if so, the minimum number of hours that would be needed for the student to perform that service safely.

The average number of training hours recommended by the RAP was 892 hours. However, due to license portability concerns, the Board rejected 892 hours as too few for the cosmetology license. Currently, the lowest amount of cosmetology training hours among states is 1,000 hours (MA, VT, NY, TX, CA). Three of these states have lowered their hours to 1,000 over the past few years (CA, TX, VT). The Board states that while several states will not accept a 1,000-hour training program (requiring these applicants to obtain additional hours in a school), many states currently do accept that amount, either by itself or in combination with experience. Training fewer than 1,000 hours would likely not be accepted by many other states and would render the license substantially less portable than the 1,000 hours standard.

As a result, the Board wishes to adopt the 1,000 hours as the minimum required number of hours in total, and to also allot the minimum number of hours, and the number of performances, that will be required per topic in the cosmetology curriculum. Revisions to topics and performances are also needed to align the regulations with the cosmetology scope of practice in the Code of Virginia. It is worth noting that instead of mandating the exact hours of training for each curriculum item, the Board proposes to adopt a minimum number of training hours for each subject adding up to nearly 1,000 hours in total.

The Board states that after reviewing the RAP's recommendations, and taking into consideration the license portability concerns, national trends in hours, and minimum safety requirements, it determined that the hours could be lowered from 1,500 hours to a minimum of 1,000 hours while ensuring students were adequately trained to perform services on the public safely. The proposed regulation would implement the Board approved reduction in training hours for the cosmetology license.

Estimated Benefits and Costs. This regulation requires that each training school submit its curriculum to the Board for review and approval. Since the proposed changes would revise the curriculum subjects that must be covered, along with a minimum number of hours and a minimum number of performances that must be devoted to each subject, all of the 139 training schools would have to revise their curriculums and submit it to the Board for review and approval. Consequently, each training school is expected to face administrative costs to develop a new curriculum, and similarly DPOR is expected to face administrative costs to review the submitted curriculum and take action.

In general, decreasing the number of training hours may have the unintended consequence of hampering license portability from Virginia to other states as well as increasing safety risks to customers. However, in this case, it appears the Board was cognizant of those unintended consequences and addressed them by adopting 1,000 hours instead of the RAP's recommendation of 892 hours. Similarly, by adopting a minimum number of required training hours rather than dictating a set number of hours, the Board is essentially providing flexibility to the training providers to adjust and respond to potential portability issues should they arise. Under the proposed regulation, training providers are allowed to adopt curricula that have more than the minimum number of hours proposed by the Board. If portability issues become prevalent, the market would most likely reward those training providers who offer a solution in the form of a more rigorous or a supplemental training program. In short, nothing in this action would preclude an alternative or supplemental curriculum that is more rigorous from being approved by the Board so long as the minimum hours are met in each training topic.

Although cosmetology schools can offer programs with more than 1,000 hours, it can be reasonably expected to see some significant reduction in hours across all schools, such that the typical number of hours is closer to 1,000 hours than the current 1,500 hours. A significant reduction in actual hours offered by schools would likely result in a reduction in tuition costs. For example, in order to predict tuition expenses for a cosmetology program in Virginia with a minimum of 1,000 hours, the Board looked at cosmetology tuition prices in New York because that state has a 1,000-hour cosmetology school requirement. The average tuition and fees for a New York cosmetology training program are reported to be $14,600. The current average tuition and fees for a cosmetology program in Virginia are $18,143. Using the New York tuition as a base and adjusting for other factors, DPOR estimates that the schools in Virginia offering a 1,000-hour cosmetology program may

reduce their tuition fees to $12,156 per student, an up to $5,987 reduction in tuition per student. For the estimated 300 cosmetology students receiving training each year,[2] the total tuition savings would be approximately $1.8 million. Of course, any reduction in tuition would mean lower revenue for the schools, but lower hours would also mean lower operating costs to them, thus the net effect on profit cannot be determined. Furthermore, lower tuition costs could ease entry into the profession and encourage, according to DPOR estimates, approximately 30 additional entrants into the profession (approximately a 10% increase over existing students) which would offset approximately $364,680[3] of the revenue loss due to lower tuition.

Finally, a 500-hour reduction in training means that students can graduate earlier and start earning wages. According to DPOR, the median hourly wage for hairdressers, hairstylists, and cosmetologists in Virginia is $16.71. This translates to $8,355 earning potential for each student during the 500 hours that could be spent working rather than being trained. The earning potential for all 300 students per year corresponds to approximately $2.5 million, depending on the extent to which these students find employment.

Businesses and Other Entities Affected. The proposed amendments primarily affect cosmetology training schools and their students going forward. Currently, approximately 300 students are enrolled in 139 training schools across Virginia. None of the schools or the students appears to be disproportionately affected.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.[4] An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. As noted above, as a result of the fewer training hours, cosmetology schools can expect a reduction in their revenues. In addition, the schools would likely incur some administrative costs as they would have to revise their curriculum. Thus, an adverse impact on cosmetology training schools is indicated.

Small Businesses[5] Affected.[6] According to DPOR, most of the training schools may be considered as small business. Thus, the proposed amendments appear to adversely affect small businesses.

Types and Estimated Number of Small Businesses Affected. There are up to 139 cosmetology training schools that are considered small businesses.

Costs and Other Effects. The proposed amendments would introduce administrative costs to the schools for the development of a new curriculum. Additionally, the schools are likely to reduce their tuition and incur some revenue losses. Thus, an adverse impact on small businesses is indicated.

Alternative Method that Minimizes Adverse Impact. There does not appear to be a clear alternative method that both reduces adverse impact and meet the intended policy goals.

Localities[7] Affected.[8] The proposed amendments apply throughout the Commonwealth but do not introduce costs for local governments.

Projected Impact on Employment. As discussed, lower training hours would likely reduce the schools' demand for labor some of which may be offset by the additional demand to train new entrants encouraged by the easier entry into the profession. Also, the cosmetology students would be able to practice their trade earlier and enter the labor force more quickly. There is not sufficient information to determine which of these effects would dominate.

Effects on the Use and Value of Private Property. The proposed amendments would likely reduce the duration of the training and have a negative revenue impact on schools, but shorter training would also likely reduce the overall cost of training. The net impact on profitability and consequently the asset value of the schools is indeterminate.

No direct impact on real estate development costs is expected.

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[1] Section 2.2-4007.04 of the Code of Virginia requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

[2]This estimate does not include the students enrolled in cosmetology training offered by high schools which are outside the scope of this regulation.

[3]$364,680 =$12,156x30

[4]Pursuant to Code § 2.2-4007.04 D: In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

[5]Pursuant to § 2.2-4007.04, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million."

[6]If the proposed regulatory action may have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to § 2.2-4007.1 of the Code of Virginia, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

[7]"Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

[8]Section 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Agency's Response to Economic Impact Analysis: The Board for Barbers and Cosmetology concurs with the results of the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed amendments (i) lower the training hours for the cosmetology license to a minimum of 1,000 hours; and (ii) add topics and performances required to align the regulation with the cosmetology scope of practice in the Code of Virginia, assigning hour minimums to each topic listed in the curriculum.

18VAC41-20-200. General requirements.

A barber, cosmetology, nail, or waxing school shall:

1. Hold a school license for each and every location.

2. Hold a salon license if the school receives compensation for services provided in its clinic.

3. Employ a staff of and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively.

a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs.

b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs.

4. Develop individuals for entry level competency in barbering, master barbering, cosmetology, nail care, or waxing.

5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.

a. Barber curricula shall be based on a minimum of 1,100 clock hours and shall include performances in accordance with 18VAC41-20-220.

b. Master barber curricula shall be based on a minimum of 400 clock hours and shall include performances in accordance with 18VAC41-20-220.

c. Dual barber/master barber program curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18VAC41-20-220.

d. Cosmetology curricula shall be based on a minimum of ~~1,500~~ 1,000 clock hours and shall include performances in accordance with 18VAC41-20-220.

e. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with 18VAC41-20-220.

f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with 18VAC41-20-220.

6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.

7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.

8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the board.

18VAC41-20-210. Curriculum requirements.

A. Each barber school shall submit with its application a curriculum, including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for barbering shall include the following:

1. School policies;

2. State law, regulations, and professional ethics;

3. Business and shop management;

4. Client consultation;

5. Personal hygiene;

6. Cutting the hair with a razor, clippers, and shears;

7. Tapering the hair;

8. Thinning the hair;

9. Shampooing the hair;

10. Shaving;

11. Trimming a moustache or beard;

12. Applying hair color;

13. Analyzing skin or scalp conditions;

14. Giving scalp treatments;

15. Giving basic facial massage or treatment;

16. Sanitizing and maintaining implements and equipment; and

17. Honing and stropping a razor.

B. Each barber school seeking to add a master barber program shall submit with its application a curriculum, including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used,

and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for master barbering shall include the following:

1. Styling the hair with a hand hair dryer;

2. Thermal waving;

3. Permanent waving with chemicals;

4. Relaxing the hair;

5. Lightening or toning the hair;

6. Hairpieces and wigs; and

7. Waxing limited to the scalp.

C. Each school seeking to add a dual barber/master barber program shall submit with its application a curriculum, including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for dual barber/master barber program shall include the following:

1. School policies;

2. State law, regulations, and professional ethics;

3. Business and shop management;

4. Client consultation;

5. Personal hygiene;

6. Cutting the hair with a razor, clippers, and shears;

7. Tapering the hair;

8. Thinning the hair;

9. Shampooing the hair;

10. Styling the hair with a hand hair dryer;

11. Thermal waving;

12. Permanent waving with chemicals;

13. Relaxing the hair;

14. Shaving;

15. Trimming a moustache or beard;

16. Applying hair color;

17. Lightening or toning the hair;

18. Analyzing skin or scalp conditions;

19. Giving scalp treatments;

20. Waxing limited to the scalp;

21. Giving basic facial massage or treatment;

22. Hair pieces;

23. Sanitizing and maintaining implements and equipment; and

24. Honing and stropping a razor.

D. Each cosmetology school shall submit with its application a curriculum, including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for cosmetology shall include the following:

1. Orientation and business topics - minimum of 45 hours of instruction:

a. School policies;

b. ~~State law, regulations, and professional ethics~~ Management;

c. ~~Personal hygiene; and~~ Sales, inventory, and retailing;

d. ~~Bacteriology, sterilization, and sanitation~~ Taxes and payroll;

e. Insurance;

f. Client records and confidentiality; and

g. Professional ethics and practices.

2. ~~Manicuring and pedicuring: a. Anatomy and physiology; b. Diseases and disorders; c. Procedures to include both natural and artificial application; and d. Sterilization~~ Laws and regulations - minimum of 10 hours of instruction.

3. ~~Shampooing and rinsing~~ General sciences - minimum of 55 hours of instruction:

a. ~~Fundamentals~~ Principles and practices of infection control;

b. ~~Safety rules;~~ Material Safety Data Sheet (MSDS); and

c. ~~Procedures; and d. Chemistry, anatomy, and physiology~~ Chemical usage and safety.

4. ~~Scalp treatments: a. Analysis b. Disorders and diseases; c. Manipulations; and d. Treatments~~ Applied sciences - minimum of 40 hours of instruction: Anatomy, physiology, and histology.

5. ~~Hair styling~~ Shampooing, rinsing, and scalp treatments for all hair types, including textured hair - minimum of 25 hours of instruction:

a. ~~Anatomy and facial shapes;~~ Client consultation and analysis; and

b. ~~Finger waving, molding, and pin curling; c. Roller curling, combing, and brushing; and d. Heat curling, waving, and pressing~~ Procedures, manipulations, and treatments.

6. ~~Hair cutting~~ Hair styling for all hair types, including textured hair - minimum of 65 hours:

a. ~~Anatomy and physiology~~ Fingerwaving, molding, and pin curling;

b. ~~Fundamentals, materials, and equipment;~~ Roller curling, combing, and brushing; and

c. ~~Procedures; and d. Safety practices~~ Heat curling, waving, and pressing.

7. ~~Permanent waving chemical relaxing:~~ Hair cutting for all hair types, including textured hair - minimum of 125 hours:

a. ~~Analysis;~~ Fundamentals, materials, and equipment; and

b. ~~Supplies and equipment; c. Procedures and practical application; d. Chemistry; e. Recordkeeping; and f. Safety~~ Procedures.

8. ~~Hair coloring and bleaching~~ Permanent waving and chemical relaxing for all hair types, including textured hair - minimum of 115 hours:

a. ~~Analysis and basic color theory~~ Chemistry;

b. Supplies and equipment; and

c. Procedures and practical application~~; d. Chemistry and classifications; e. Recordkeeping; and f. Safety~~.

9. ~~Skin care and make up~~ Hair coloring and bleaching for all hair types, including textured hair - minimum of 160 hours:

a. ~~Analysis~~ Basic color theory;

b. ~~Anatomy;~~ Supplies and equipment; and

c. ~~Health, safety, and sanitary rules; d. Procedures; e. Chemistry and light therapy; f. Temporary removal of hair; and g. Lash and brow tinting~~ Procedures and practical application.

10. Wigs, hair pieces, and related theory - minimum of 15 hours:

~~a. Sanitation and sterilization;~~

~~b.~~ a. Types; and

~~c.~~ b. Procedures.

11. ~~Salon management: a. Business ethics; and b. Care of equipment.~~ Straight razor use and shaving - minimum of 20 hours.

12. Manicuring and pedicuring - minimum of 75 hours:

a. Nail theory, nail structure, and composition;

b. Nail procedures, including manicuring, pedicuring, and nail extensions; and

c. Electric filing.

13. Skin care - minimum of 160 hours of instruction:

a. Client skin analysis and consultation;

b. Effleurage and related movements and manipulations of the face and body;

c. Cleansings procedures;

d. Masks;

e. Extraction techniques;

f. Machines, equipment, and electricity;

g. Manual facials and treatments;

h. Machine, electrical facials, and treatments; and

i. General procedures and safety measures.

14. Makeup - minimum of 35 hours of instruction:

a. Setup, supplies, and implements;

b. Color theory;

c. Consultation;

d. General and special occasion application;

e. Camouflage;

f. Application of false lashes and lash extensions;

g. Lash and tinting;

h. Lash perming;

i. Lightning of the hair on the body except scalp; and

j. General procedures and safety measures.

15. Body and other treatments - minimum of 20 hours of instruction:

a. Body treatments;

b. Aromatherapy; and

c. General procedures and safety measures.

16. Hair removal - minimum of 35 hours of instruction:

a. Client consultation and analysis;

b. Waxing;

c. Mechanical hair removal;

d. Tweezing and threading; and

e. Chemical hair removal.

E. Each nail school shall submit with its application a curriculum, including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for nail care shall include the following:

1. Orientation:

a. School policies; and

b. State law, regulations, and professional ethics;

2. Sterilization, sanitation, bacteriology, and safety;

3. Anatomy and physiology;

4. Diseases and disorders of the nail;

5. Nail procedures (i.e., manicuring, pedicuring, and nail extensions); and

6. Nail theory and nail structure and composition.

F. Each waxing school shall submit with its application a curriculum, including a course syllabus, a detailed course

content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for waxing shall include the following:

1. Orientation:
   a. School policies;
   b. State law, regulations, and professional ethics; and
   c. Personal hygiene.
2. Skin care and treatment:
   a. Analysis;
   b. Anatomy and physiology;
   c. Diseases and disorders of the skin;
   d. Health sterilization, sanitation, bacteriology, and safety, including infectious disease control measures; and
   e. Temporary removal of hair.
3. Skin theory, skin structure, and composition.
4. Client consultation:
   a. Health conditions;
   b. Skin analysis;
   c. Treatments;
   d. Client expectations; and
   e. Health forms and questionnaires.
5. Waxing procedures for brow, lip, facial, legs, arms, underarm, chest, back, and bikini areas:
   a. Fundamentals;
   b. Safety rules; and
   c. Procedures.
6. Wax treatments:
   a. Analysis;
   b. Disorders and diseases;
   c. Manipulations; and
   d. Treatments.
7. Salon management:
   a. Business ethics; and
   b. Care of equipment.

G. A licensed school with an approved barber, master barber, dual barber/master barber, cosmetology, nail technician, or wax technician program may conduct an assessment of a student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and 18VAC41-20-220.

The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

18VAC41-20-220. Hours of instruction and performances.

A. Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 clock hours for dual barber/master barber program ~~and~~, 1,000 hours for cosmetology, 150 clock hours for nail care, and 115 clock hours for waxing.

B. The curriculum requirements for barbering must include the following minimum performances:

Hair and scalp treatments	10
Hair services	320
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Basic facials	5
TOTAL	370

C. The curriculum requirements for master barbering must include the following minimum performances:

Bleaching and frosting	10
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
TOTAL	120

D. The curriculum requirements for dual barber/master barber program must include the following minimum performances:

Hair and scalp treatments	10
Hair styling services	320
Bleaching and frosting	10
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Cold permanent waving or chemical relaxing	25

Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
Basic facials and waxings	5
TOTAL	490

E. The curriculum requirements for cosmetology must include the following minimum performances:

~~Hair and scalp treatments~~	~~10~~
~~Hair styling~~	~~320~~
~~Tinting~~	~~15~~
~~Bleaching and frosting~~	~~10~~
~~Temporary rinses~~	~~10~~
~~Semi-permanent color~~	~~10~~
~~Cold permanent waving or chemical relaxing~~	~~25~~
~~Hair shaping~~	~~50~~
~~Wig care, styling, placing on model~~	~~5~~
~~Finger waving and thermal waving~~	~~30~~
~~Manicures and pedicures~~	~~15~~
~~Basic facials and waxings~~	~~5~~
~~Sculptured nails, nail tips, and wraps~~	~~20~~
~~TOTAL~~	~~525~~
Shampooing, rinsing, and scalp treatments, for all hair types, including textured hair:	20
Hair styling, for all hair types, including textured hair:	60
Hair cutting, for all hair types, including textured hair:	60
Permanent waving-chemical relaxing, for all hair types, including textured hair:	60
Hair coloring and bleaching, for all hair types, including textured hair:	50
Wigs, hair pieces, and related theory:	5
Straight razor use and shaving	12
Manicuring and pedicuring	15 procedures
Sculptured nails, nail tips, and wraps	3 full sets
Body and other treatments	10
Makeup	30
Skin care	20
Hair removal	15
TOTAL	360

F. The curriculum requirements for nail care must include the following minimum performances:

Manicures	30
Pedicures	15
Individual sculptured nails and nail tips	200
Individual removals	10
Individual nail wraps	20
TOTAL	275

G. The curriculum requirements for waxing must include the following minimum performances:

Arms	4
Back	2
Bikini area	6
Brows	12
Chest	1
Facial (i.e., face, chin, and cheek and lip)	6
Leg	3
Underarm	2
TOTAL	36

VA.R. Doc. No. R23-7333; Filed June 7, 2023, 1:23 p.m.

GUIDANCE DOCUMENTS

PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the public comment period, comments may be made through the Virginia Regulatory Town Hall website (http://www.townhall.virginia.gov) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional period. The guidance document may also be withdrawn.

The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (http://www.townhall.virginia.gov) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, Richmond, Virginia 23219.

STATE BOARD OF EDUCATION

Title of Document: Child Care Subsidy Program Guidance Manual - Revised Guidance.

Public Comment Deadline: August 2, 2023.

Effective Date: August 3, 2023.

Agency Contact: Jim Chapman, Regulatory and Legal Coordinator, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, or email jim.chapman@doe.virginia.gov.

DEPARTMENT OF MOTOR VEHICLES

Title of Document: Department of Motor Vehicles Policy for Adaptive Equipment and Certified Driving Rehabilitation Specialist Certified Driving Rehabilitation Specialist Referrals.

Public Comment Deadline: August 2, 2023.

Effective Date: August 3, 2023.

Agency Contact: Nicholas Megibow, Senior Policy Analyst, Department of Motor Vehicles, 2300 West Broad Street, Richmond, VA 23220, telephone (804) 367-6701, or email nicholas.megibow@dmv.virginia.gov.

BOARD OF NURSING

Titles of Documents: Disposition of Disciplinary Cases against Practitioners Practicing on Expired Licenses or Registrations.

Medication Administration Training Curriculum Approved by the Board of Nursing for Various Settings.

Public Comment Deadline: August 2, 2023.

Effective Date: August 3, 2023.

Agency Contact: Erin Barrett, Senior Policy Analyst, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

GENERAL NOTICES

STATE AIR POLLUTION CONTROL BOARD

Public Comment Opportunity on Draft Permit from the Department of Environmental Quality to Limit Air Pollution Emitted by a Facility in Henrico County, Virginia

Purpose of notice: To seek public comment on a draft permit from the Department of Environmental Quality (DEQ) to limit air pollution emitted by a facility in Henrico County, Virginia.

Public comment period: June 14, 2023, to July 14, 2023

Permit name: Federal Operating Permit issued by DEQ, pursuant to applicable air laws and regulations

Applicant name and address: Virginia Electric and Power Company, 120 Tredegar Street, 3rd Floor Clearinghouse, 3.147, Richmond, VA 23219

Facility name, address, and registration number: Dominion Energy, Darbytown CT Station; 6001 Fergus Boulevard, Henrico, VA 23231; Registration #50997

Project description: Virginia Electric and Power Company has applied for renewal of the permit for the Darbytown CT Station. The facility is classified as a major source of air pollution. The permit would allow the source to operate various fuel-burning equipment, including dual fuel combustion turbines, an emergency engine-generator, and a parts washer.

How to comment or request a public hearing: DEQ accepts comments and requests for public hearing by hand-delivery, email, fax, or postal mail. All comments and requests must be in writing and be received by DEQ during the comment period. Submittals must include the names, mailing addresses, or email addresses of the commenter or requester and of all persons represented by the commenter or requester. A request for public hearing must also include (i) the reason why a public hearing is requested; (ii) a brief, informal statement regarding the nature and extent of the interest of the requester or of those represented by the requestor, including how and to what extent such interest would be directly and adversely affected by the permit; and (iii) specific references, where possible, to terms and conditions of the permit with suggested revisions. Please note this draft permit is being concurrently reviewed as a proposed permit by the U.S. Environmental Protection Agency. A public hearing may be held, including another comment period if public response is significant, based on individual requests for a public hearing, and there are substantial, disputed issues relevant to the permit.

The public may review the draft permit and application at the DEQ office listed by appointment or may request copies of the documents from the contact person listed. Contact the agency staff listed for public comments, document requests, and additional information.

Contact Information: Anthony Faddoul, Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Glen Allen, VA 23060, telephone (804) 489-1769, FAX (804) 698-4178, or email anthony.faddoul@deq.virginia.gov.

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Public Comment Opportunity for Proposed Renewal of Variances to Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services

Notice of action: The Department of Behavioral Health and Developmental Services (DBHDS), in accordance with Part VI, Variances (12VAC35-115-220), of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services (12VAC35-115), hereafter referred to as the "Human Rights Regulations," is announcing an opportunity for public comment on applications for proposed renewal of existing variances to the Human Rights Regulations. The purpose of the regulations is to ensure and protect the legal and human rights of individuals receiving services in facilities or programs operated, licensed, or funded by DBHDS.

Each variance application references the specific part of these regulations to which a variance is needed, the proposed wording of the substitute rule or procedure, and the justification for a variance. Such application also describes time limits and other conditions for duration and the circumstances that will end the applicability of the variance. After considering all available information, including comments, DBHDS intends to submit a written decision deferring, disapproving, modifying, or approving each variance renewal application. All variances shall be approved for a specific time period. The decision and reasons for variance will be published in a later issue of the Virginia Register.

Purpose of notice: DBHDS is seeking comment on the applications for proposed renewal of the following existing variances to the Human Rights Regulations at five private providers.

I. Variance to Procedures to Ensure Dignity. 12VAC35-115-50 C 7 and C 8: In order to maintain the safety and security of residents (youth) the programs restrict communication via telephone and visitation to only those placed on a list generated at admission with input from the parent or legal guardian and the resident and the clinical treatment team, if applicable.

1. Holiday House of Portsmouth (12VAC35-115-50 C 8 only).

2. The Barry Robinson Center.

3. Kempsville Center for Behavioral Health.

4. Newport News Behavioral Health Center.

II. Variance to Procedures for Restrictions on Freedoms of Everyday Life. 12VAC35-115-100 A 1 a and A 1 g: In order to utilize a point level system (Behavior Management Model) affecting movement of an individual within the service setting (grounds, community, purchases in program store).

1. Harbor Point Behavioral Health Center.

2. Kempsville Center for Behavioral Health (requiring an individual earn points through a level system in order to access the store).

3. Newport News Behavioral Health Center (12VAC35-115-100 A 1 a only).

III. Variance to Procedures for Use of Seclusion, Restraint, and Time Out. 12VAC35-115-110 C 16: In order to utilize time out as part of the unit restriction policy. Kempsville Center for Behavioral Health. (At times deemed necessary due to unsafe behaviors, to provide additional safety and security measures by preventing movement by an individual from that individual's assigned unit for periods longer than 30 minutes.)

Variances to these regulations by the providers listed are reviewed by the SHRC at least annually, with reports to the State Human Rights Committee (SHRC) regarding the variances as requested. These proposed variance renewals are expected to be considered by the SHRC at its meeting on August 17, 2023.

Public comment period: July 3, 2023, through August 1, 2023.

Description of proposal: The proposed variance applications for renewal must comply with the general requirements of Part VI, Variances (12VAC35-115-220), of the Human Rights Regulations.

How to comment: In addition to the online forum, DBHDS also accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address, and telephone number of the person commenting and be received by DBHDS by the last day of the comment period. All information received is part of the public record.

To review a proposal: Variance applications and any supporting documentation may be obtained by contacting the DBHDS representative listed.

Contact Information: Taneika Goldman, Director, Office of Human Rights, Department of Behavioral Health and Developmental Services, 1220 East Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988, FAX (833) 734-2308, or email taneika.goldman@dbhds.virginia.gov.

State Human Rights Committee Decision on Variances to the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services

Notice of action: The Department of Behavioral Health and Developmental Services (DBHDS), in accordance with Part VI, Variances (12VAC35-115-220), of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services (12VAC35-115), hereafter referred to as the "Human Rights Regulations," is announcing a decision on an application for proposed variances to the Human Rights Regulations submitted to the State Human Rights Committee (SHRC). The purpose of the regulations is to ensure and protect the legal and human rights of individuals receiving services in facilities or programs operated, licensed, or funded by DBHDS.

Each variance application references the specific part of these regulations to which a variance is needed, the proposed wording of the substitute rule or procedure, and the justification for a variance. Such application also describes time limits and other conditions for duration and the circumstances that will end the applicability of the variance. All variances shall be approved for a specific time period. The decision and reasons for variance are described.

Purpose of notice: After considering all available information, at its meeting on April 13, 2023, the SHRC voted to approve the application for variances to the Human Rights Regulations for the DBHDS Western State Hospital for a one-year period, with quarterly updates to both the local human rights committee and SHRC. Updates must include data about the number of instances when unapproved items (contraband) were identified; types of unapproved items identified; all complaints, incidents, or injuries directly related to the implementation of the variance; and any instances where staff did not implement the variance according to policy.

Variance is requested to the following section: 12VAC35-115-50 C 6 a: Dignity. Specifically, the subdivision states, "An individual's access to mail may be limited only if the provider has reasonable cause to believe that the mail contains illegal material or anything dangerous. If so, the director or the director's designee may open the mail, but not read it, in the presence of the individual."

Explanation: Contraband is an ongoing issue at Western State Hospital, and patients can be sent anything in the mail. Envelopes could contain unsafe objects, and packages may include items that could be used to harm staff or inflict self-harm. Western State Hospital staff believe that by opening all patient mail well inside the nurse's station, and away from the door, while in full view of surveillance cameras, this still allows patients to confirm what is in the mail while preserving staff's ability to safely and promptly intervene if there is contraband. Western State Hospital staff would not open the mail, including letters, without patients being present and in full view of the opening. Western State Hospital will also make sure that when opening letters, no confidential information will be read, but will only establish that there is no contraband contained with the letters.

This request was prompted by a recent incident that highlighted serious potential risks. As such, Western State Hospital obtained approval from the DBHDS Commissioner, State Human Rights Director, and State Human Rights Committee Chair in accordance with 12VAC35-115-220, to implement this request as a temporary variance pending approval pursuant to the full application process. The temporary variance was implemented December 16, 2022.

Contact Information: Taneika Goldman, Director, Office of Human Rights, Department of Behavioral Health and Developmental Services, 1220 East Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988, FAX (833) 734-1241, or email taneika.goldman@dbhds.virginia.gov.

State Human Rights Committee Decision on Variances to the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services (12VAC35-115)

Notice of action: The Department of Behavioral Health and Developmental Services (DBHDS), in accordance with Part VI, Variances (12VAC35-115-220), of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services (12VAC35-115), hereafter referred to as the "Human Rights Regulations," is announcing a decision on an application for proposed variances to the Human Rights Regulations submitted to the State Human Rights Committee (SHRC). The purpose of the regulations is to ensure and protect the legal and human rights of individuals receiving services in facilities or programs operated, licensed, or funded by DBHDS.

Each variance application references the specific part of these regulations to which a variance is needed, the proposed wording of the substitute rule or procedure, and the justification for a variance. Such application also describes time limits and other conditions for duration and the circumstances that will end the applicability of the variance. All variances shall be approved for a specific time period. The decision and reasons for variance are described.

Purpose of notice: After considering all available information, at its meeting on April 13, 2023, the SHRC voted to not approve the application for variance to the Human Rights Regulations for Recovery Innovations, also known as "RI" or DBA "RI International."

Variance to Procedures for Use of Seclusion: 12VAC35-115-110 C 3: Use of Seclusion, Restraint, and Time Out. Specifically, the subdivision states, "Only residential facilities for children that are licensed under the Regulations for Children's Residential Facilities (12VAC35-46) and inpatient hospitals may use seclusion and only in an emergency."

Explanation: The RI International Chantilly Crisis Center is the first Crisis Now facility in Virginia. Access to a seclusion room is standard in the Crisis Now facility model, as part of a continuum of enhanced treatment tools. RI International reports that access to a seclusion room is a mandatory safety measure that is required to operate as a Crisis Now facility and to be able to accept any individual who needs behavioral health crisis services regardless of the individual's level of agitation or clinical symptoms.

RI International requests a variance to allow use of a seclusion room to provide a "dignified clinically appropriate alternative approach to crisis management without the stigma associated with inpatient admission or criminalization."

Contact Information: Taneika Goldman, Director, Office of Human Rights, Department of Behavioral Health and Developmental Services, 1220 East Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988, FAX (833) 734-1241, or email taneika.goldman@dbhds.virginia.gov.

STATE BOARD OF EDUCATION

Public Hearing on the Draft 2023 Mathematics Standards of Learning

The State Board of Education will hold public hearings regarding the revisions to the 2016 Mathematics Standards of Learning. The Standards of Learning identify academic content for essential components of the mathematics curriculum at different grade levels for Virginia's public schools. The Draft 2023 Mathematics Standards of Learning can be accessed on the Virginia Department of Education's website.

Public comment regarding the Draft 2023 Mathematics Standards of Learning may be submitted using the Draft 2023 Mathematics Standards of Learning – Public Comment Form or via email to vdoe.mathematics@doe.virginia.gov no later than Wednesday, August 9, 2023.

Public comment may also be provided by speaking at one of nine public hearings. Speakers will have three minutes to speak and should bring copies of their comments for the Board of Education. Public hearings will be held both in-person and virtually.

Additional information about participating in a public hearing regarding the Draft 2023 Mathematics Standards of Learning is available on the Revisions to the 2016 Mathematics Standards of Learning webpage.

For additional information about the proposed revised Mathematics Standards of Learning, contact Tina Mazzacane by email at tina.mazzacane@doe.virginia.gov.

Contact Information: Jim Chapman, Director of Board Relations, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Enforcement Action for Chaney Enterprise Limited Partnership

The Department of Environmental Quality (DEQ) proposes to issue a consent special order to Chaney Enterprise Limited Partnership for alleged violations of the Virginia Air Pollution Control Law at the facility located at 5901 Richmond Henrico Turnpike, Richmond, Virginia (Latitude 37.6032, Longitude -77.4165). A description of the proposed action is available at the DEQ office listed or online at www.deq.virginia.gov. The agency contact will accept comments by email or postal mail from July 3, 2023, to August 2, 2023.

Contact Information: Cara Witte, Enforcement Specialist, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 712-4192, FAX (804) 698-4178, or email cara.witte@deq.virginia.gov.

Proposed Enforcement Action for the City of Covington

Department of Environmental Quality (DEQ) is proposing an enforcement action for the City of Covington for violations of State Water Control Law and regulations in Covington, Virginia. The proposed order is available from the DEQ contact or at https://www.deq.virginia.gov/permits-regulations/public-notices/enforcement-orders. The DEQ contact will accept written comments from July 3, 2023, to August 2, 2023.

Contact Information: Nelson Dail, Department of Environmental Quality, 901 Russell Drive, Salem, VA 24153, FAX (804) 698-4178, or email nelson.dail@deq.virginia.gov.

Proposed Enforcement Action for Hiway MHC LLC

An enforcement action has been proposed for Hiway MHC LLC for violations of State Water Control Law and regulations and applicable permit at the Hiway Mobile Home Community sewage treatment plant located in Leesburg, Virginia. The proposed consent order is available from the Department of Environmental Quality (DEQ) contact or at https://www.deq.virginia.gov/permits/public-notices. The DEQ contact will accept written comments from July 4, 2023, through August 3, 2023.

Contact Information: Jim Datko, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email james.datko@deq.virginia.gov.

Proposed Enforcement Action for King George County Service Authority

An enforcement action has been proposed for King George County Service Authority for violations of State Water Control Law and regulations and applicable permits at the Dahlgren District, Purkins Corner, and Fairview Beach wastewater treatment plants located in King George County, Virginia. The proposed consent order is available from the Department of Environmental Quality (DEQ) contact or at https://www.deq.virginia.gov/permits/public-notices. The DEQ contact will accept written comments from July 4, 2023, through August 3, 2023.

Contact Information: Jim Datko, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email james.datko@deq.virginia.gov.

Proposed Enforcement Action for Marine Corps Base Quantico

An enforcement action has been proposed for Marine Corps Base Quantico for violations of State Water Control Law and regulations and applicable permit at the COCO Fuel Depot, Shiloh Perimeter Road, and S. Hangman Tree Road facilities located in Marine Corps Base Quantico, Virginia. The proposed consent order is available from the Department of Environmental Quality (DEQ) contact or at https://www.deq.virginia.gov/permits/public-notices/enforcement-orders. The DEQ contact will accept written comments from July 7, 2023, to August 6, 2023.

Contact Information: Katherine Mann, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email katherine.mann@deq.virgnia.gov.

Proposed Enforcement Action for Russell County, Virginia

An enforcement action has been proposed for Russell County, Virginia for violations of the State Water Control Law and regulations at 53 East Main Street, Lebanon, Russell County, Virginia. The Department of Environmental Quality proposes to issue a consent order to resolve violations associated with the site. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. The staff contact person will accept comments by email or postal mail from July 3, 2023, through August 2, 2023.

Contact Information: Jonathan Chapman, Enforcement Specialist, Department of Environmental Quality, Southwest Regional Office, 355-A Deadmore Street, Abingdon, VA 24210, or email jonathan.chapman@deq.virginia.gov.

Proposed Enforcement Action for Woodbridge MHP LLC

An enforcement action has been proposed for Woodbridge MHP LLC for violations of State Water Control Law and regulations and applicable permit at the Woodbridge Mobile Home Park located in Woodbridge, Virginia. The proposed

consent order is available from the Department of Environmental Quality (DEQ) contact or at https://www.deq.virginia.gov/permits/public-notices/enforcement-orders. The DEQ contact will accept written comments from July 3, 2023, to August 3, 2023.

Contact Information: Holly Shupe, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email holly.shupe@deq.virgnia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Draft Home Health Provider Manual Chapters 4, 5, and 6 for Review

The draft Home Health Provider Manual Chapters 4, 5, and 6 are now available on the Department of Medical Assistance Services website at https://www.dmas.virginia.gov/for-providers/general-information/medicaid-provider-manual-drafts/.

Contact Information: Meredith Lee, Policy, Regulations, and Manuals Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, or email meredith.lee@dmas.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, Pocahontas Building, 900 East Main Street, 8th Floor, Richmond, VA 23219; *Telephone:* (804) 698-1810; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at https://commonwealthcalendar.virginia.gov.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at http://register.dls.virginia.gov/documents/cumultab.pdf.

Filing Material for Publication in the *Virginia Register of Regulations:* Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.