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**HOUSE BILL NO. 58**

Offered January 14, 2026

Prefiled December 30, 2025

*A BILL to amend and reenact §§ 32.1-228.1, 54.1-300, 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-504.1, 54.1-512, 54.1-516, and 54.1-517 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 5 of Title 54.1 an article numbered 4, consisting of a section numbered 54.1-517.6; and to repeal §§ 32.1-229.01 and 32.1-229.01:1 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; radon measurement, mitigation, and mitigation compliance inspection services; Virginia Board for Asbestos, Lead, and Home Inspectors renamed; penalty.*

Patrons—Krizek and Fowler

Committee Referral Pending

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-228.1, 54.1-300, 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-504.1, 54.1-512, 54.1-516, and 54.1-517 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 5 of Title 54.1 an article numbered 4, consisting of a section numbered 54.1-517.6, as follows:**

**§ 32.1-228.1. Department designated state radiation control agency; powers and duties.**

A. The Department of Health is hereby designated as the state radiation control agency. The Commissioner of Health may employ, compensate, and prescribe the duties of such individuals as may be necessary to discharge the responsibilities imposed by this article.

**B. The Department shall:**

1. Collect and disseminate information relating to control of sources of radiation including:
  - a. Establishing and maintaining a file of all applications for, issuances, denials, transfers, renewals, modifications, suspensions and revocations of, and amendments to all licenses;
  - b. Establishing and maintaining a file of registrants possessing sources of radiation requiring registration under the provisions of this article and any administrative or judicial action pertaining thereto; and
  - c. Establishing and maintaining a file of all agency rules and regulations related to regulation of sources of radiation, pending or promulgated, and proceedings thereon.
2. Establish a database of registered and certified X-ray machines, which shall include but not be limited to the name of the owner or operator and the location of the machine.
3. Pursuant to its powers enumerated in § 32.1-25, provide for scheduled and random unannounced inspections of facilities and physicians' offices that provide mammography services to ensure compliance with laws, regulations, or conditions specified by the Board.
4. Establish forms for the periodic Radiation Inspection Report.
5. Develop programs for responding adequately to radiation emergencies and coordinate such programs with the Department of Emergency Management.
6. ~~Make available to the public a list of persons who are certified as professionals to offer screening, testing, or mitigation for radon pursuant to § 32.1-229.01.~~
7. Publish and make available a list of qualified inspectors of X-rays and X-ray machines.

**§ 54.1-300. Definitions.**

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

"Board" means the Board for Professional and Occupational Regulation.

"Certification" means the process whereby the Department or any regulatory board issues a certificate on behalf of the Commonwealth to a person certifying that he possesses the character and minimum skills to engage properly in his profession or occupation.

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

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

"Inspection" means a method of regulation whereby a state agency periodically examines the activities and premises of practitioners of an occupation or profession to ascertain if the practitioner is carrying out his profession or occupation in a manner consistent with the public health, safety, and welfare.

"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 a license.

"Registration" means a method of regulation whereby any practitioner of a profession or occupation may be required to submit information concerning the location, nature, and operation of his practice.

"Regulatory board" means the Auctioneers Board, Board for Architects, Professional Engineers, Land

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Surveyors, Certified Interior Designers and Landscape Architects, Board for Barbers and Cosmetology, Board for Branch Pilots, Board for Contractors, Board for Hearing Aid Specialists and Opticians, Board for Professional Soil Scientists, Wetland Professionals, and Geologists, Board for Waste Management Facility Operators, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, Cemetery Board, Real Estate Appraiser Board, Real Estate Board, Fair Housing Board, Virginia Board for Asbestos, Lead, *Radon*, and Home Inspectors, and Common Interest Community Board.

#### CHAPTER 5.

### ASBESTOS, LEAD, *RADON*, AND HOME INSPECTION CONTRACTORS AND WORKERS.

#### § 54.1-500. Definitions.

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

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs, or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

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

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test, and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction, or alteration of an asbestos-containing material. An "asbestos project" or "asbestos abatement project ~~shall~~" does not include nonfriable asbestos-containing roofing, flooring, and siding materials ~~which~~ that when installed, encapsulated, or removed do not become friable.

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

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

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

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

"Friable" means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0

milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design, and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the U.S. Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment; explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments, and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

*"National certification body" means the National Radon Proficiency Program, the National Radon Safety Board, or another credentialing organization deemed acceptable by the U.S. Environmental Protection Agency.*

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

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, or any combination thereof.

*"Radon" means a naturally occurring radioactive element that is produced by the breakdown of uranium and exists as a colorless, odorless, and tasteless inert gas.*

*"Radon measurement professional" means a person certified by a national certification body who provides radon measurement for compensation and who meets the requirements of this chapter.*

*"Radon mitigation compliance inspector" means a person certified by a national certification body who provides a visual assessment and generates a compliance report and who meets the requirements of this chapter.*

*"Radon mitigation specialist" means a person certified by a national certification body who provides radon mitigation for compensation and who meets the requirements of this chapter.*

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

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

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

The Virginia Board for Asbestos, Lead, Radon, and Home Inspectors shall be appointed by the Governor and composed of ~~12~~ 14 members as follows: (i) one shall be a representative of a Virginia-licensed asbestos contractor, (ii) one shall be a representative of a Virginia-licensed lead contractor, (iii) one shall be either a Virginia-licensed asbestos inspector or project monitor, (iv) one shall be a Virginia-licensed lead risk assessor, (v) one shall be a representative of a Virginia-licensed asbestos analytical laboratory, (vi) one shall be a representative of an asbestos or lead training program, (vii) one shall be a member of the Board for Contractors, (viii) three shall be Virginia-licensed home inspectors, ~~and~~ (ix) *one shall be a radon measurement professional*, (x) *one shall be a radon mitigation specialist*, and (xi) two shall be citizen members. After the initial staggering of terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The home inspector, *radon measurement professional*, and *radon mitigation specialist* members appointed to the Board shall have practiced ~~as a home inspector~~ in their respective professions for at least five consecutive years immediately prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall

elect from its membership a chairman and a vice-chairman to serve for a period of one year. ~~Seven~~ Eight members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

**§ 54.1-501. Powers and duties of the Board.**

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include ~~but not be limited to~~ the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos ~~and~~, lead, ~~and~~ radon licenses, and governing conflicts of interest among various categories of asbestos ~~and~~, lead, ~~and~~ radon licenses;

2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, training managers, and principal instructors;

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

4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;

5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;

6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and ~~United States~~ U.S. Environmental Protection Agency regulations. If the ~~United States~~ U.S. Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations; ~~and~~

7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties; ~~and~~

8. *Promulgate, in accordance with the Administrative Process Act and not inconsistent with this chapter, regulations for the licensure of radon measurement professionals, radon mitigation specialists, and radon mitigation compliance inspectors requiring qualification for initial and renewal applications based on successful completion of training approved by and examinations conducted by a national certification body, the proper conduct of radon measurement professionals, radon mitigation specialists, and radon mitigation compliance inspectors licensed by the Board, and the proper discharge of their duties.*

**§ 54.1-503. Licenses required.**

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

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

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful

for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.

*E. It shall be unlawful for any individual who does not possess a license as a radon measurement professional, radon mitigation specialist, or radon mitigation compliance inspector issued by the Board to perform radon measurement, mitigation, or mitigation compliance inspection services for compensation on a building.*

**§ 54.1-504.1. Notices for handling asbestos.**

The Department of Professional and Occupational Regulation shall include with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the ~~Virginia Board for Asbestos, Lead, and Home Inspectors.~~

**§ 54.1-512. Exemptions from licensure.**

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's, and worker's licenses.

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

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

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

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

*F. This chapter shall not apply to any person who performs radon measurement, radon mitigation, or radon mitigation compliance inspection services within a residence that they own, unless such residence is occupied by a person or persons other than the owner or the owner's immediate family.*

**§ 54.1-516. Disciplinary actions.**

A. The Board may reprimand, fine, suspend, or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, *radon measurement professional, radon mitigation specialist, radon mitigation compliance inspector,* or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, training manager, or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; ~~or~~
3. Fails to meet any applicable federal or state standard when performing an asbestos project or service or performing lead-based paint activities; *or*
4. *Fails to comply with the applicable current radon standards developed and maintained by the American Association of Radon Scientists and Technologists through the standards development process of the American National Standards Institute, or any other radon testing and mitigation standards deemed acceptable by virtue of reference by the U.S. Environmental Protection Agency when conducting radon testing or mitigation.*

B. The Board may reprimand, fine, suspend, or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project or (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project.

C. The Board may reprimand, fine, suspend, or revoke the license of a home inspector, *radon measurement professional, radon mitigation specialist, or radon mitigation compliance inspector.*

**§ 54.1-517. Penalties for willful violations.**

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

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

*Article 4.*

*Radon Measurement, Mitigation, and Mitigation Compliance Inspection Services.*

**§ 54.1-517.6. Requirements for initial licensure; renewal; standards of compliance.**

A. The Board shall issue a license to practice radon measurement, radon mitigation, or radon mitigation compliance inspection services in the Commonwealth to an individual who holds an unexpired certification from a national certification body, and who:

1. Submits a completed application as required by the Board;
2. Maintains a general liability insurance policy with a minimum coverage limit of \$250,000 per occurrence; and
3. Completes the educational and attestation requirements and passes an examination of a national certification body, if deemed necessary by the Board.

B. The Board shall renew a license to practice radon measurement, radon mitigation, or radon mitigation compliance inspection services in the Commonwealth to an individual who holds an unexpired certification from a national certification body, and who:

1. Submits a completed application as required by the Board; and
2. Maintains a general liability insurance policy with a minimum coverage limit of \$250,000 per occurrence.

C. Any person conducting or offering to conduct radon measurement, radon mitigation, or radon mitigation compliance inspection services in the Commonwealth pursuant to this section shall comply with the applicable current radon standards developed and maintained by the American Association of Radon Scientists and Technologists through the standards development process of the American National Standards Institute, or any other radon testing and mitigation standards deemed acceptable by virtue of reference by the U.S. Environmental Protection Agency.

2. That §§ 32.1-229.01 and 32.1-229.01:1 of the Code of Virginia are repealed.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.