



Oregon

Theodore R. Kulongoski, Governor

Health Licensing Agency

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WHO: Oregon Health Licensing Agency
Environmental Health Registration Board
Legislative & Rules Committee

WHEN: April 18, 2011, 9 am

WHERE: Oregon Health Licensing Agency
Rhoades Conference Room
700 Summer St NE
Salem, Oregon 97301-1285

COMMITTEE: Mike Kucinski, Dr. Paul Cieslak, and Jeffrey Hampton

What is the purpose of the meeting?

The purpose of the meeting is to review proposed administrative rules Chapter 338 Division 5 through 30 and continue to review and discuss the definition and duties of an environmental health specialist.

A working lunch may be served for committee members and designated staff in attendance. Please visit <http://egov.oregon.gov/OHLA/COS/meetings.shtml> for current meeting information. Please use appropriate language, manners and protocols when conducting business.

Currently, the Environmental Health Registration Board is in the first phase of administrative rulemaking. Often during this time public comment is not taken in an effort to prepare for the second phase of administrative rulemaking. Once the board approves proposed administrative rules they are filed with the Secretary of State. The proposed date is March 1, 2011, at which time the public comment period begins. During this time written comments will be accepted. The public comment period will close as of March 28, 2011. On March 28, 2011, the agency and the Board will hold a public hearing where oral testimony will be received by a contracted hearings officer. The full board will review and consider all comments and recommendations as well as adopt permanent rules at the full board meeting on May 6, 2011. Please send all comments to Samie Patnode, Policy Analyst, 700 Summer St NE, Suite 320, Salem, OR 97301-1287 or email: samie.patnode@state.or.us

The committee may go into Executive Session to review and discuss records exempt from public disclosure under ORS 192.660 (2)(f) and to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed under ORS 192.660(2)(h). No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

Is the public or licensees allowed to attend the Meeting?

Yes. Members of the public are invited and encouraged to be in attendance at all board/council meetings. However, public comment will not be permitted at this time. Board members may opt to call on subject matter experts (SME) for knowledge in specific areas. Decisions to call on SMEs will be made by the board members at the time of the meeting.

Who do I contact if I have questions or need special accommodations?

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact Sinnamon Harris, Board Specialist at (503) 373-1938 or sinnamon.m.harris@state.or.us



OK

Oregon Health Licensing Agency
Environmental Health Registration Board
9 am, Monday, April 18, 2011
700 Summer Street N.E., Suite 320
Salem, Oregon

Call to Order

- Public Attendance & Participation – ORS 192.630(1)
- Administrative Rule Schedule

1. Review Proposed Administrative Rules

- Written Public Comment
- Agency Recommendations

Break – 10:00 to 10:15

2. Review and Discuss Definition and Duties of an Environmental Health Specialist (continuation)

- Review NEHA Study Guide for Environmental Health Specialist

Working Lunch 11:30 to Noon

3. Review and Discuss Definition and Duties of a Waste Water Specialist



Oregon Health Licensing Agency (OHLA)
ENVIRONMENTAL HEALTH REGISTRATION BOARD
Legislation & Rules Committee
9:00 am Monday, April 18, 2011
700 Summer Street N.E., Suite 320
Salem, Oregon

Call to Order

- Public Attendance & Participation – ORS 192.630(1)

1. Proposed Administrative Rules

- Review Public Comment & Hearing Officer Report
- Legislative Intent & History

Break – 10:00 to 10:15

2. Collaborative Rulemaking – Duties of an Environmental Health Specialists

- Participants
- Schedule

Working Lunch 11:30 to Noon

3. Review and Discuss Definition and Duties of an Environmental Health Specialist

- Continue Review NEHA Study Guide for Environmental Health Specialist

OREGON HEALTH LICENSING AGENCY



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Environmental Health Registration Board

Athletic Trainers
Barbers
Body Piercing
Technicians
Denturists
Direct Entry
Midwives
Electrologists
Environmental
Health Specialists
Estheticians
Hair Designers
Hearing Aid
Specialists
Nail Technicians
Nursing Home
Administrators
Permanent Color
Technicians
Respiratory
Therapists
Sex Offender
Therapists
Tattoo Artists
Waste Water
Specialists

Board of Athletic
Trainers
Board of
Cosmetology
Board of Direct Entry
Midwifery
Board of Denture
Technology
Environmental
Health Registration
Board
Nursing Home
Administrators Board
Respiratory
Therapist Licensing
Board
Sex Offender
Treatment Board
Advisory Council on
Hearing Aids
Advisory Council for
Electrologists,
Permanent Color
Technicians & Tattoo
Artists

Administrative Rulemaking Schedule

November 5, 2010	Board Meeting approve rulemaking schedule
January 7, 2011	Legislation & Rule Committee – 9 am Review rules and fiscal impact
January 20, 2011	Legislation & Rules Committee – 9 am Review rules and fiscal impact
February 4, 2011	Board meeting recommending proposed administrative rules to agency – 9am
March 1, 2011	Notice of Proposed Rules Oregon Bulletin
March 1, 2011	Temporary Administrative Rules effective – annual registration
March 24, 2011	Legislation & Rule Committee – 9 am
March 28, 2011	Last day for public comment
March 28, 2011	Public Hearing – 11 am
March 28, 2011	Tentative Rulemaking Schedule
April 18, 2011	Legislation & Rules Committee – 9 am
May 6, 2011	Board meeting to recommend permanent adoption of administrative rules to agency.
June 1, 2011	Permanent Administrative rules effective
July 1, 2011	Permanent Administrative rules effective – delinquent & reactivation fee
August 28, 2011	Temporary Rule Expires

Visit us on the Web at www.oregon.gov/OHLA

**OREGON HEALTH LICENSING AGENCY,
ENVIRONMENTAL HEALTH REGISTRATION BOARD**

DIVISION 5

REGISTRATION: GENERAL ADMINISTRATION

338-005-0020

Definitions

The following definitions apply to OAR 338-005-0020 through 338-020-0050.

~~(1) "Agency" means the Health Licensing Office. The agency is responsible for the budget, personnel, performance-based outcomes, consumer protection, fee collection, mediation, complaint resolution, discipline, rulemaking and record keeping.~~

(1) "Agency" means the Oregon Health Licensing Agency. The agency is responsible for the budget, personnel, performance-based outcomes, consumer protection, fee collection, mediation, complaint resolution, discipline, rulemaking and record keeping.

(2) "Board" means, pursuant to ORS 700.210, the entity that advises the agency in matters relating to the practice of environmental sanitation and waste water sanitation, including establishing practice standards, education and training requirements, and advises the agency on all disciplinary issues in accordance with ORS 700.240. The agency director controls the regulatory operations and has decision-making authority on all substantive matters.

~~(3) "Candidate" means the applicant seeking registration as an environmental health specialist, environmental health specialist trainee, waste water specialist or waste water specialist trainee.~~

~~(4) "C.E.U." means a continuing education unit. The terms "continuing education credit" and "continuing education unit" are synonymous and may be used interchangeably.~~

(3) " CEU." means a continuing education unit and the numerical value determined by the Board to be earned by a renewal applicant by attending a specified Training course. The terms "continuing education credit" and "continuing education unit" are synonymous and may be used interchangeably..

~~(5) "College level" means those courses of instruction given at an accredited college or university with assigned credit toward the achievement of a baccalaureate degree.~~

~~(6) "Contact hours" means academic classroom or course work hours including but not limited to workshops, symposiums, seminars, or laboratory exercises. Contact time does not include personal travel time to or from the training site, registration or check-in periods, breaks or lunch time granted during attendance at any continuing education seminar or course.~~

~~(7) "Continuing education unit" means the numerical value determined by the Board to be earned by a renewal applicant by attending a specified Training course.~~

~~(8) "Direct personal supervision" means supervision without any intermediary or deputy.~~

~~(9) "Director" means the individual who is responsible for the performance of the agency as defined in ORS 676.610. The director appoints all subordinate officers and employees to carry out the duties of the agency.~~

(10) **(4)** "Duties of an environmental health specialist" means activities which include, but are not limited to, the enforcement of regulations and statutes; planning ~~and/or~~ or conducting surveys, investigations, and inspections; interpretation and utilization of data to promote environmental sanitation as it affects the health of the public or the quality of the environment.

(11) **(5)** "Duties of an environmental health specialist trainee" means the utilization of the same skills, responsibilities and activities as the duties of an environmental health specialist; however, in a learning, training capacity and under the supervision of a registered or other qualified person as determined by the board.

(12) **(6)** "Duties of a waste water specialist" means activities limited to those identified in ORS 700.056(1).

~~(13)~~ (7) "Duties of a waste water specialist trainee" means the utilization of the same skills, responsibilities and activities as the activities of a waste water specialist; however in a learning, training capacity and under the supervision of a an environmental health specialist, waste water specialist or other qualified person as determined by the board.

~~(14) "Expired registration" means a registration that is not renewed prior to the expiration date (not to exceed three years). Persons with expired registrations~~

may not legally work in the field of environmental sanitation or waste water sanitation.

~~(16) "Health Licensing Office" means the agency.~~

~~(17) "Official transcript" means an original document certified by the school indicating hours and types of course work, examinations and scores that the student has completed, which has been submitted through mail by the school or by courier from the school to the Board office in a sealed envelope.~~

~~(18) "Other qualified person" means a person with qualifications and background in environmental sanitation equal to those of an environmental health specialist or a waste water specialist as determined by the board.~~

~~(19) "Reasonable notice" means notification in no less than 10 calendar days.~~

~~(20) "Reciprocity" means:~~

~~(a) Registration in another state based on the equivalent standards of training and education required for Oregon registration as an environmental health specialist or waste water specialist according to the provisions of ORS 700.030 and 700.035; and~~

~~(b) A written examination successfully completed by the candidate which is equivalent to the written examination required in Oregon of candidates for registration by examination at time of application.~~

~~(21) "Related activities" means those activities which have a discernable connection to environmental sanitation.~~

~~(22) (8) "Environmental health specialist" means an individual who has met the requirements of ORS 700.030 and has been issued a registration to practice environmental sanitation as defined in 700.010(6).~~

~~(23) (9) "Environmental health specialist trainee" means an individual who has met the requirements of ORS 700.035 and has been issued a registration to practice environmental sanitation under supervision in order to complete the required training, education and work experience under 700.030 for registration as a an environmental health specialist.~~

~~(15) (10) "Full-time employment or equivalent hours" means employment consisting of a 40 hour work week for a minimum of 96 consecutive weeks not to exceed two years; or, a period of employment with a cumulative total of 3,840 clock hours.~~

(11) "NEHA" means National Environmental Health Association.

(12) "Official Transcript" means an original document certified by an accredited college or university indicating hours and types of course work, examinations and scores that the student has completed, which has been submitted by the accredited college or university by mail or courier to the agency in a sealed envelope in accordance with ORS 700.030 and 700.053.

~~(24)~~ **(13) "Science courses relating to environmental sanitation" means those courses of study which relate to environmental sanitation in the physical and natural sciences and includes special courses in sanitary science and public health.**

~~(25)~~ **(14) "Soil science courses" means, as used in ORS 700.053(3), at least 23 quarter hours or 15 semester hours, or combination thereof, of college courses in soil science, plus enough additional quarter or semester hours in other related college courses of study in the physical and natural sciences to equal a total of 45 quarter hours or 30 semester hours.**

~~(26)~~ **(15) "Supervision" means the direction and control exercised over one person by another in a traditional employee/employer relationship. Supervision includes ongoing oversight of work in the field and office, and review of reports, investigations or inspections conducted.**

~~(27) "Timely renewal" means an application for registration renewal received on or before the expiration date.~~

~~(28)~~ **(16) "Waste water specialist" means an individual, defined in ORS 700.010(11), who has met the requirements of 700.053 and has been issued a registration to practice waste water sanitation within the scope of 700.056.**

~~(29)~~ **(17) "Waste water specialist trainee" means an individual who has met the requirements of ORS 700.062 and has been issued a registration to practice waste water sanitation under supervision in order to complete the required training, education and work experience under 700.053 for registration as a waste water specialist.**

~~(30)~~ **(18) "Waste water sanitation" means the art and science of applying sanitary, biological and physical science principles in the evaluation of soil for subsurface or surface disposal of waste water or for the land application of sludge; and determining the appropriate design of systems that use soil in the final stage of the waste water treatment processes.**

~~(34)~~ **(19) "Work experience" means performing the duties of an environmental health specialist while in trainee status under the supervision of a registered**

environmental health specialist or the equivalent in specific areas of environmental health. Work experience duties include:

- (a) Exercising independent value judgment regarding environmental sanitation in an on site setting;
- (b) Evaluating and approving permits and plans meeting environmental sanitation requirements;
- (c) Issuing waivers and exceptions to existing regulations when warranted by circumstances;
- (d) Providing information and guidance to individuals regarding plans, permits or other documents to ensure approval can be secured when all requirements are met;
- (e) Performing on-location inspections for a determination of compliance.

Stat. Auth.: ORS 676.605, 676.615, 700.240
Stats. Implemented: ORS 676.605, 676.615, 700.240
Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; Renumbered from 338-010-0010 & 338-020-0020; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-005-0030

Fees

- (1) Applicants and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.
- (2) Fees established by the Oregon Health Licensing Agency are as follows:
 - (a) Application:
 - (A) Registration -- environmental health specialist: \$150.
 - (B) Registration -- waste water specialist: \$150.
 - (C) Registration by reciprocity: \$200.
 - (D) Trainee registration -- environmental health specialist: \$150.
 - (E) Trainee registration -- waste water specialist: \$150.
 - (b) Examination:
 - (A) Oregon laws & rules: \$50:

- (B) Written -- environmental health specialist: \$250.
- (C) Written -- waste water specialist: \$250.
- (c) Original issuance of registration (including by reciprocity):
 - (A) Environmental health specialist: ~~\$300~~ **\$150 for one year**.
 - (B) Waste water specialist: ~~\$300~~ **\$150 for one year**.
 - (C) Trainee registration -- environmental health specialist: \$300 **for two years**.
 - (D) Trainee registration -- waste water specialist: \$300 **for two years**.
- (d) Renewal of registration:
 - (A) Environmental health specialist: ~~\$300~~ **\$150 for one year**.
 - (B) Waste water specialist: ~~\$300~~ **\$150 for one year**.
- (e) Trainee extension (six month increments):
 - (A) Environmental health specialist **trainee**: \$100.
 - (B) Waste water specialist **trainee**: \$100.
- (f) Other administrative fees:
 - (A) Delinquent (late) renewal of registration: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.
 - ~~(B) Restoration of expired registration (payable up to three years of expiration): \$150.~~
 - (C) Replacement of registration, including name change: \$25.
 - (D) Duplicate registration document: \$25 per copy with maximum of three.
 - (E) Affidavit of licensure: \$50.
 - (F) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 700.080 & 700.240
 Stats. Implemented: ORS 676.605, 700.080 & 700.240
 Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 4(Temp), f. & ef. 7-1-75 thru 10-28-75; SRB 5, f. 10-14-75, ef. 11-11-75; SRB 1-1981, f. & ef. 4-8-81; SRB 1-1984, f. & ef. 10-26-84; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1993(Temp), f. & cert. ef. 10-22-

92; SRB 1-1993, f. & cert. ef. 3-18-93; SRB 1-1996(Temp), f. 5-15-96, cert. ef. 6-1-96; SRB 3-1996, f. 6-28-96, cert. ef. 7-1-96, Renumbered from 338-010-0020; SRB 1-1997(Temp), f. & cert. ef. 7-23-97; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-1999(Temp), f. 3-30-99, cert. ef. 4-1-99 thru 9-27-99; Administrative correction 11/17/99; SRB 1-2000, f. 1-28-00, cert. ef. 2-1-00; SRB 2-2000, f. 9-29-00, cert. ef. 10-1-00; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

DIVISION 10

**REGISTRATION OF ENVIRONMENTAL HEALTH SPECIALISTS,
WASTE WATER SPECIALISTS, AND TRAINEES**

338-010-0015

Application Requirements

An individual applying for an environmental health or waste water specialist registration must:

- (1) Meet the requirements of OAR 331 division 30.**
- (2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.**
- (3) In addition to requirements listed in subsection (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:**
 - (a) Registration Pathway 1 –Qualification through Trainee Program:**

If applicant has obtained trainee registration issued by the agency, submit:

 - (A) Proof of 3,840 hours work experience as a registered trainee, under a supervisor, in accordance with OAR 338-010-0050;**
 - (B) Examination fees;**
 - (C) Proof of having completed and passed a board approved examination within three years of the date of registration application pursuant to ORS 700.050 and OAR 338-010-0030; and**
 - (D) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.**
 - (b) Registration Pathway 2 – Reciprocity:**
 - (A) Submit official transcript as defined in OAR 338-005-0020;**
 - (B) Submit an affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of current registration, which is active with no current or pending disciplinary action, as an environmental health specialist or waste water specialist. The registration must have been issued by a**

regulatory body of another state, pursuant to ORS 700.052, or a national association recognized by the board; and

(C) Pay all registration fees.

(c) Registration Pathway 3 – Equivalent Education and Experience:

(A) Bachelor's Degree – submit:

(i) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying Bachelor's degree pursuant to ORS 700.030(1)(a);

(ii) Proof of two years qualifying work experience. Qualifying pre-registration work experience under ORS 700.030(2) is work experience obtained under ORS 700.025 directly related to duties listed in ORS 700.010(5), OAR 338-005-0020(4) and 700.056; or

(iii) Examination fee;

(iv) Proof of having completed and passed a board approved examination within three years of the date of registration application pursuant to ORS 700.050 and OAR 338-010-0030; and

(v) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.

(B) Graduate Degree – submit:

(i) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying graduate degree pursuant to ORS 700.030(1)(b); and

(ii) Proof of one year qualifying work experience. Qualifying pre-registration work experience under ORS 700.030(2) is work experience obtained under ORS 700.025 directly related to duties listed in ORS 700.010(5), OAR 338-005-0020(4) and ORS 700.056; or

(iii) Proof of one year experience under a trainee registration. and

(iv) Examination fees;

(v) Proof of having completed and passed a board approved examination within three years of the date of registration application pursuant to ORS 700.050 and OAR 338-010-0030; and

(vi) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.

~~(1) Individuals applying for registration to practice environmental sanitation or waste water sanitation must meet requirements of OAR 331-030-0000 and 331-030-0020, in addition to the requirements of this rule, that are applicable to the specific field of practice and qualification pathway for which registration is being sought.~~

~~(2) Applicants must submit a completed application form prescribed by the agency, which shall be accompanied by payment of the appropriate fees. The completed application shall contain the information listed in OAR 331-030-0000(5), and include the following:~~

~~(a) Signed and completed "Background Information Fact Sheet" which contains information on educational and work experience;~~

~~(b) Official transcripts from college, university and post graduate records;~~

~~(c) Evidence of prescribed educational and work experience as required by ORS 700.030, 700.053, and OAR 338-010-0025.~~

~~(3) Reciprocity: Applications for registration based on reciprocity as defined in ORS 700.052 and OAR 338-005-0020(20) must meet the requirements listed in subsections (1) and (2) of this rule. Documentation shall include a copy of the current registration and describe the type of examination completed for registration in another state or country.~~

~~(4) All documentation and payment of fees must be complete and received by the agency to be eligible and scheduled to take the examination.~~

Stat. Auth.: ORS 676.605, 700.030, 700.053, 700.240

Stats. Implemented: ORS 676.605, 700.030, 700.053, 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 4(Temp), f. & ef. 7-1-75 thru 10-28-75; SRB 5, f. 10-14-75, ef. 11-11-75; SRB 1-1985, f. & ef. 11-1-85; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-010-0017

Application for Registration as a Trainee

An individual applying for an environmental health or waste water specialist trainee registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be

accompanied by payment of the required application and trainee registration fees; and

(3) Submit one of the following:

(i) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of a qualifying Bachelor's degree pursuant to ORS 700.035(1)(a); or

(ii) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of qualifying 15 quarter hours or their equivalent semester hours and proof of five years of qualifying work experience, pursuant to ORS 700.035(1)(b). Qualifying pre-registration work experience under ORS 700.035(3) is work experience obtained under ORS 700.025 directly related to duties listed in ORS 700.010(5) and 700.056

~~(1) Individuals applying for a "trainee" registration to practice environmental health or waste water sanitation must meet the requirements of OAR 331-030-0000, in addition to the requirements of subsection (2) of this rule.~~

~~(2) Applicants must submit a completed application form prescribed by the agency which shall be accompanied by payment of the application and registration fees. The completed application must contain the information listed in OAR 331-030-0000(5), and include evidence of prescribed education, such as official transcripts from college, university and post graduate records, and work experience as required in ORS 700.035, 700.062, or OAR 338-010-0025.~~

~~(3) Persons must hold a valid trainee registration to receive credit for work experience, while employed and performing duties of environmental sanitation or waste water sanitation as defined in OAR 338-005-0020(31).~~

Stat. Auth.: ORS 700.035, 700.062, 700.240
Stats. Implemented: ORS 700.035, 700.062, 700.240
Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-010-0025

General Requirements for Registration; Requirements for Reciprocity

~~(1) Applicants for registration shall submit satisfactory evidence to the Board that they have completed the prescribed education and work experience requirements as listed in one of the following areas:~~

~~(a) Environmental health specialist: ORS 700.030;~~

~~(b) Waste water specialist: ORS 700.053;~~

(c) Trainee—environmental health specialist: ORS 700.035; or

(d) Trainee—waste water specialist: ORS 700.062.

(2) Applicants for registration by reciprocity shall provide evidence satisfactory to the Board that they have passed an examination equivalent to the examination required at the time of application for Oregon registration, and that they have the education and work experience equivalent to that required for an applicant for registration by examination in Oregon.

(3) Credits will be allowed toward work experience requirements for activities directly related to Environmental Sanitation and Waste Water Sanitation, and which were experienced in the military, industrial, special agency, or other situation, and shall be credited at the rate of one time unit of experience for each time unit of related work provided supervision occurred by a qualified person as determined by the Board.

Stat. Auth.: ORS 700.030, 700.035, 700.053, 700.062, 700.240

Stats. Implemented: ORS 700.030, 700.035, 700.053, 700.062, 700.240

Hist.: SRB 2, f. 4-7-72; ef. 5-1-72; SRB 1-1985, f. & ef. 11-1-85; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-010-0030

General Examination Information

(1) The board approved examination for an environmental health specialist registration is the NEHA examination and NEHA passing score. The NEHA examination may be administered by an entity approved by the agency.

(2) The board approved examination for a waste water specialist registration is a state prepared examination, administered by the agency. The passing score for the examination is 68 percent.

(3) An applicant must meet identification requirements listed under OAR 331-030-0000.

(4) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in languages other than English.

(5) Examination candidates may be electronically monitored during the course of testing.

(6) The Board will establish by policy a maximum time allowance for each section of the examination.

(7) Notwithstanding subsection (8) of this section taking notes, textbooks, notebooks, electronic equipment and communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.

(8) Candidates taking the waste water examination may use an agency issued calculator and text books during the examination.

(9) A candidate may be immediately disqualified during or after the examination for conduct that interferes with the examination. The examination may be invalidated and examination fees may be forfeited. Such conduct includes but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, attempting to give, receive or solicit aid during the examination process;

(b) Taking such items including but not limited to items listed in subsection (6) and (7) of this rule into the examination area;

(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;

(d) Failing to follow directions relative to the conduct of the examination; and

(e) Exhibiting behavior that impedes the normal progress of the examination.

(10) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination.

~~(1) Notwithstanding subsection (8) of this rule, the agency will administer an examination to qualified applicants. The agency reserves the right to alter or adjust examination dates, times and locations as it deems necessary to meet emergency situations and will notify applicants in advance.~~

~~(2) Applicants will qualify for examination upon compliance with all applicable provisions of OAR 338-010-0015, 338-010-0017 and 338-010-0025. Applicants will not be allowed to sit for the examination if documentation is incomplete or incorrect.~~

~~(3) Applicants must present photographic identification, such as a driver's license, and their original Social Security card to the examination proctor.~~

(4) In order to qualify for registration, an applicant must receive a passing score of at least 68 percent on the written examination.

(5) **EXAMINATION CONDUCT:** Examinations are conducted in a designated area with restricted access. Examination conduct differs between an environmental health specialist and a waste water specialist. Authorization for bringing any written material or electronic equipment or devices is subject to approval of the Board. Taking unauthorized items into the examination area may invalidate the examination and result in forfeiture of the examination and fees.

(6) **EXAMINATION DISQUALIFICATION:** An examination applicant will be immediately disqualified during or after the examination for conduct that interferes with the examination. Such conduct includes:

(a) Giving or attempting to give assistance to others in answering questions during the examination;

(b) Receiving or attempting to receive assistance during the examination, including assistance from other individuals, from notes, books or devices to answer questions;

(c) Removing or attempting to remove any secure examination-related information, notes, or materials from the examination site;

(d) Failing to follow directions relative to the conduct of the examination;

(e) Exhibiting behavior which impedes the normal progress of the examination;
and

(f) Endangering the health or safety of a person involved in the examination.

(7) Disqualification will invalidate the examination and result in forfeiture of the examination and fees. The applicant will be required to reapply, submit additional examination fees, and request in writing to schedule another examination. Reexamination will be scheduled at a date, time and place determined by the Director following the date of disqualification.

(8) Satisfactory passage of the National Environmental Health Association examination, administered by an approved entity meeting NEHA requirements, will be recognized. The agency will accept verification directly from NEHA of a passing score as meeting Oregon examination requirements.

(9) Applicants will be responsible for any cost incurred from taking the examination at an alternative location other than an examination conducted at the Health Licensing Office.

Stat. Auth.: ORS 676.605, 700.050, 700.059, 700.240
Stats. Implemented: ORS 676.605, 700.050, 700.059, 700.240
Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1993, f. & cert. ef. 3-18-93; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2003(Temp), f. & cert. ef. 4-25-03 thru 10-17-03; SRB 2-2003, f. 9-24-03, cert. ef. 10-1-03; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-010-0033

Examination Retake; Qualification

Applicants who fail the examination shall have an opportunity for examination retake in accordance with provisions of ORS 700.050(4) and 700.059(4); however, retake of the written examination shall be subject to an approved examination schedule set by the agency and completion of any required additional training as determined by the Board.

- (1) Applicants have up to three attempts to pass the examination.
- (2) Applicants failing to pass an examination on the third attempt must receive additional training as prescribed by the board.
- (3) All retake examinations are subject to an approved examination schedule set by the agency.

Stat. Auth.: ORS 700.050, 700.059, 700.240
Stats. Implemented: ORS 700.050, 700.059, 700.240
Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-010-0035

Registration Issuance; Exemption

- (1) Pursuant to ORS 700.020, a person shall not practice environmental sanitation or waste water sanitation or claim to be an environmental health specialist or waste water specialist, including that a person shall not display a sign or in any way advertise or purport to be a registrant or to be engaged in the field of environmental sanitation or waste water sanitation, without first obtaining a registration under ORS Chapter 700.
- (2) Registrants are subject to the provisions of OAR 331-030-0010 regarding issuance and renewal of a registration, and to the provisions of 331-030-0020 regarding authorization to practice, identification, and the requirements for issuance of a duplicate authorization.
- (3) Notwithstanding other exemptions listed in ORS 700.025(6), registration is not required for persons who provide recommendation or advice to clients, when advice is solely for the purpose of installation of an approved septic tank or cesspool system, and is not related to counseling or consulting in connection with

Comment [s1]: Ask AAG if the agency has the authority to supersede the 3840 maximum hour requirement – regarding a retake examination ORS 700.050 – theory is that since the statute says the board can decide to require more hours it would automatically be under the trainee registration. I think the case could be made.

Committee would like to set a limit of how many times a retake can be done before you have to go back to re apply or a total number of examinations.

the duties of waste water sanitation as defined in **ORS 700.056**. ~~OAR 338-005-0020(30)~~.

Stat. Auth.: ORS 676.605, 700.100, 700.240
Stats. Implemented: ORS 676.605, 700.100, 700.240
Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 1-1985, f. & ef. 11-1-85; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-010-0038

Registration Issuance and Renewal

(1) REGISTRATION AND RENEWAL: A registrant is subject to the provisions of OAR Chapter 331, division 30 regarding the issuance and renewal of a registration, provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate registration.

(2) REGISTRATION RENEWAL: Registration renewal must be made prior to the registration entering inactive status. The registrant must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fee pursuant to 338-005-0030; and

(c) Attestation to having obtained required continuing education under 338-020-0030 every two years whether registration is current or expired.

(3) INACTIVE REGISTRATION: Registration renewal made after the registration enters inactive status. A registration may be inactive for up to three years. The registrant must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and registration fees pursuant to OAR 338-005-0030;

(c) Attestation to having obtained required continuing education under 338-020-0030 every two years whether registration is current or expired;

(4) EXPIRED REGISTRATION: A registration that has been inactive for more than three years is expired and the registrant must reapply and meet the requirements listed in OAR 338-010-0015.

Comment [s2]: What is the right wording here? Are they attesting to the renewal cycle they are late for.

(5) A registrant failing to meet continuing education requirements listed under OAR 338-020-0030 must reapply and meet requirements pursuant to OAR 338-010-0015.

~~(1) Renewal applications received by the agency or postmarked after a registration has expired, but within one year from the expiration date, may be approved upon payment of the renewal fee and delinquency fees.~~

~~(2) A registration that has been expired for more than one, but less than three years, may be renewed upon payment of the registration renewal fee and a restoration fee.~~

~~(3) All registered environmental health specialists and waste water specialists shall obtain 2.0 credits or 20 contact hours of continuing education training every two years as a condition of renewal, whether registration is current or expired.~~

~~(4) Submission of appropriate continuing education documentation required in OAR 338-020-0050(1) shall be accumulated and held by the registrant until such time as notified of audit by the agency according to provisions of 338-020-0030(3) and 338-020-0050(1) and (2).~~

~~(5) A registrant who fails to renew within three years following the date of expiration, may be granted a registration upon reapplication, payment of registration and/or examination fee(s), and successful completion of examination according to OAR 338-010-0030(4).~~

Stat. Auth.: ORS 676.605, 676.615, 700.100 & 700.240
Stats. Implemented: ORS 676.605, 676.615, 700.100 & 700.240
Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

338-010-0050

Trainee Registration Standards

~~(1) An environmental health specialist trainee or waste water specialist trainee registration will be issued to individuals when all qualifications **listed under OAR 338-010-0015(3) are met**. have been met and payment of the required fees have been received. The registration will be valid for a period of two years, expiring on the last day of the month two years from the date of issuance. The original two-year trainee registration fee will not be prorated.~~

(2) A trainee may take the board prescribed examination for registration as an environmental health specialist or waste water specialist before completion of the required work experience.

(5) A trainee registration is not renewable. A trainee, who has not attained permanent registration or fulfillment of the two year or 3,840 clock hour work experience requirements, may be issued up to two six month extensions of their trainee registration, subject to the following conditions:

(a) Trainee was not employed full-time;

(b) Trainee submits work experience on a form prescribed by the agency, documenting hours of work experience hours attained while in trainee status;

(c) Trainee submits satisfactory evidence that the trainee is or will be working in the field of environmental sanitation and will be under the supervision of an Oregon registered environmental health specialist or other person possessing equivalent credentials approved by the Board; and

(d) Extension requests must be submitted within six months of the original trainee registration becoming invalid.

~~(2) The trainee registration will state the registrant's name, address, registration number, expiration date and bear the signature of the registrant.~~

~~(3) The trainee registration will not be extended beyond a two-year period unless the cumulative hours of work experience total less than 3,840 clock hours. In the event the trainee has acquired less than 3,840 clock hours, the registration may be extended for an additional period of time in increments of six months based on projected completion date of work experience. The extension fee will be prorated at \$100 per six-month period.~~

~~(4) The registrant must complete Certificate form and obtain a supervisor's signature, attesting to the following information:~~

~~(a) Trainee name;~~

~~(b) Work location;~~

~~(c) Date(s) work experience started and if applicable, ended;~~

~~(d) Total hours of work experience recorded as of the date of certification;~~

~~(e) Disclosure as to whether the work experience is based on full time or part time employment~~

~~(f) Activity performed and clock hours recorded for work experience per activity.~~

~~(5) Holding a trainee registration does not prevent a registrant from taking the board-prescribed examination for registration as an environmental health specialist or waste-water specialist before completion of the required work experience. The trainee must satisfactorily complete prescribed work experience and the written examination within the two-year registration period or within a 3,840 total clock-hour limitation.~~

~~(6) All registered trainees shall obtain 1.0 credits or 10 contact hours of continuing education training every year as a condition of holding the registration.~~

~~(7) Persons who previously held a trainee registration, which expired without attainment of permanent registration or fulfillment of the two-year or 3,840 clock-hour limitation, may be issued an extension to their trainee registration subject to the following conditions:~~

~~(a) Submission of the Certification of Work Experience form documenting previous hours of work experience attained while in trainee status;~~

~~(b) Submission of satisfactory evidence that the trainee is or will be working in the field of environmental sanitation and will be under the direct supervision of an Oregon registered environmental health specialist or other person possessing equivalent credentials approved by the Board;~~

~~(c) Submission of continuing education required in subsection (6) of this rule and in accordance with provisions of OAR 338-020-0030. Documentation must meet the requirements of 338-020-0050(3).~~

~~(8) The trainee registration issued will be valid only for the remaining period of time from those hours previously accumulated for a maximum cumulative total of two years or 3,840 clock hours.~~

~~(9) Trainees who fail to meet requirements of subsection (7)(a) through (c) will not be eligible for a registration extension until all qualifications have been met.~~

~~(10) An individual who holds a trainee registration that has been expired for more than three years, and who has not yet completed the 3,840 required hours of training, will be required to reapply and meet all registration requirements in accordance with ORS 700.100(4). Trainee registrations that are extended under this rule will only be valid for the time remaining to complete an aggregate 3,840 hours of training or six months, whichever occurs first.~~

Stat. Auth.: ORS 676.605, 700.035, 700.062 & 700.240

Stats. Implemented: ORS 676.605, 700.035, 700.062 & 700.240

Hist.: SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

OAR 338-010-0065

Equivalent Supervisor Qualifications

Pursuant to ORS 700.030(1)(b), 700.035(4) and 700.053, non-registrant supervisors working under ORS 700.025 are considered equivalent to registrant supervisors.

Comment [s3]: Are there other individuals other than registrants that are qualified to act as supervisors? Other than 700.025

OAR 338-010-0070

Qualifying Work Experience

(1) Qualifying work experience pursuant to ORS 700.030 regarding environmental health must involve technical skills that demonstrate the applicant's knowledge of general food safety concepts, critical risk factors, sanitation and process control. The following work experience qualifies:

(a) Food processing including developing, implementing, managing or leading training in the following areas: sanitation programs, pest control, water systems, HACCP, statistical process control, food safety, good manufacturing practices, and product development;

(b) Inspector for federal government or similar organization;

(c) Management of national restaurant chain at the corporate level including developing, implementing, managing or leading training in the following areas: sanitation programs, public health, vector control, water systems, HACCP, food safety, the federal codes or process control.

(2) Qualifying work experience pursuant to ORS 700.053(3)(a) regarding wastewater must involve technical skills that demonstrate knowledge of wastewater systems including developing, implementing, managing or leading training in the design, engineering, supervision or installation of wastewater systems.

(3) The following will not be considered as qualifying work experience:

(a) Production line or running repetitive sample evaluations in the lab will not be; or

(b) Experience as a cook, server, greeter or exterminator would not be considered.

General Considerations: The percent of time spent at job duties that count as qualifying experience will also be used to calculate the total years of

experience. For example, if 50% of an applicant's job duties include qualifying sanitation and quality control duties and 50% of the applicant's job duties are computer related, then two years of work experience would be considered as one year for the purpose of experience towards registration.

In general, two years of qualifying experience as described above, will receive one-year credit towards registration. This may be adjusted up or down as deemed necessary by the committee members evaluating the applicant. The applicant's entire file should be reviewed prior to approval. The Health Licensing Office is to provide the applicant name and file to the committee for any applicant who has experience or education that requires evaluation.

Comment [s4]: Not sure if we should add this in or not. – seems that either they have the experience or not or should be apply some mathematical formula.

DIVISION 20

CONTINUING EDUCATION FOR ENVIRONMENTAL HEALTH SPECIALISTS, WASTE WATER SPECIALISTS, AND TRAINEES

338-020-0000

Continued Competency

(1) ~~To ensure continuing efforts on the part of Oregon environmental health specialists, waste water specialists, and trainees to remain current with new developments in environmental sanitation and waste water sanitation and to encourage diversified training and qualifications in the profession continuing education is required as a condition of registration.~~

(2) ~~Continuing education requirements apply whether the renewal applicant is living or working within Oregon or outside of the state so long as Oregon registration is maintained.~~

Stat. Auth.: ORS 700.105

Stats. Implemented: ORS 700.105

Hist.: SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; Renumbered from 338-020-0010; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-020-0030

Continuing Education Requirements

(1) To maintain registration, environmental health specialists and waste water specialists must complete 2.0 credits or 20 contact hours every two years. Hours in excess of those required for the two-year reporting period shall not be carried forward and applied toward the succeeding two-year CEU renewal requirements.

(2) Each registrant shall report compliance with the continuing education requirement through attestation on the registration renewal document. Registrants are subject to provisions of OAR 338-020-0050 pertaining to periodic audit of continuing education.

(3) Continuing education shall be approved for participation or attendance at an approved instructional program presented, recognized, or under the auspices of any institution, agency, professional organization or association, which conducts educational meetings, workshops, symposiums, seminars and other such activities where CEU credit is offered.

(4) Continuing education shall address subject matter related to Environmental Sanitation in accordance with ORS 700.010(6) and (9) and OAR 338-005-0020(10) and (24), or Waste Water Sanitation in accordance with ORS 700.010(11), 700.056 and OAR 338-005-0020(25) and (30).

(5) CEU credit will be awarded for contact hours per unit and will be based on the following criteria:

(a) Completion of established courses taken from a recognized college or university at the same rate of credit established by that institution;

(b) Professional courses which meet academic requirements in content, instruction and evaluation will be assigned CEU credit at the same rate as academic courses.

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may receive credit at the rate of 1 CEU for each ten contact hours of attendance.

(6) To ensure adequate proof of continuing education course completion is available for audit or investigation by the **Oregon Health Licensing Office Agency**, practitioners shall maintain a record of attendance for two years following renewal.

Stat. Auth.: ORS 676.605, 700.105, 700.240

Stats. Implemented: ORS 676.605, 700.105, 700.240

Hist.: SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-020-0050

Continuing Education: Audit, Required Documentation and Sanctions

(1) The **Oregon Health Licensing Office Agency** will audit a select percentage of registrations determined by the Board to verify compliance with continuing education requirements.

(2) Registrants notified of selection for audit of continuing education attestation shall submit to the agency within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 338-020-0030.

~~(3) Documentation of attendance at a program or course provided by the sponsor must include:~~

~~(a) Name of sponsoring institution/association or organization;~~

~~(b) Title of presentation and description of content;~~

~~(c) Name of instructor or presenter;~~

~~(d) Date of attendance, duration in hours, or CEU credit;~~

~~(e) Course agenda;~~

~~(f) Official transcript, diploma, certificate, statement or affidavit from the sponsor, attesting to attendance.~~

~~(4) If documentation of continuing education is invalid or incomplete, the registrant must correct the deficiency within 30 calendar days from the date of notice. Failure to correct the deficiency within the prescribed time shall constitute grounds for disciplinary action.~~

~~(5) Misrepresentation of continuing education, or failing to meet continuing education requirements or documentation may result in disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the registration.~~

(3) If selected for audit, the registrant must provide documentation of the required continuing education, which must include:

(a) Certificate of completion, official transcript, statement or affidavit from the sponsor attesting to attendance or other documentation approved by the agency.

(b) Name of sponsoring institution/association or organization;

(c) Title of presentation and description of content;

(d) Name of instructor or presenter;

(e) Date of attendance and duration in hours; and

(f) Course agenda.

(4) If documentation of continuing education is incomplete, the registrant has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the registration.

Stat. Auth.: ORS 676.605, 700.105, 700.240

Stats. Implemented: ORS 676.605, 700.105, 700.240

Hist.: SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; Renumbered from 338-020-0110; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-020-0060

Continuing Education Credit Criteria

CEU's will be awarded for contact hours per unit and will be based on the following criteria:

- (1) CEU credit will be awarded for established courses taken from a recognized college or university at the same rate of credit established by that institution.
- (2) Professional courses which meet academic requirements in content, instruction and evaluation will be assigned CEU credit at the same rate as academic courses.
- (3) Courses which do not meet standards as set forth in subsection (1) and (2) of this section, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may receive credit at the rate of one (1) CEU for each ten hours of attendance.

Stat. Auth.: ORS 700.105
Stats. Implemented: ORS 700.105
Hist.: SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, eert. ef. 6-1-96; Renumbered from 338-020-0110

DIVISION 30

DISCIPLINE AND ENFORCEMENT

338-030-0020

Investigative Authority

The **Oregon Health Licensing Office Agency** may initiate and conduct investigations of matters relating to the practice of environmental health, pursuant to ORS 676.608, and may take appropriate disciplinary action in accordance with the provisions of 676.612 and 700.111.

Stat. Auth.: ORS 676.605, 676.615, 700.111, 700.240

Stats. Implemented: ORS 676.605, 676.615, 700.111, 700.240

Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

1 BEFORE THE HEALTH LICENSING AGENCY
2 OF THE STATE OF OREGON
3

4 **In the Matter of the**)

5 *Amendment of Oregon Administrative Rules:*)

6 ADOPT: 338-010-0065)

7 AMEND: 338-005-0020, 338-005-0030, 338-010-0015,
8 338-010-0030, 338-010-0033, 338-010-0035, 338-010-0038,
9 338-010-0050, 338-020-0030, 338-020-0050, 338-030-0020)

10 REPEAL: 338-010-0017, 338-010-0025, 338-020-0000,
11 338-020-0060)
12)
13)
14)

) SUMMARY OF PUBLIC
) HEARING TESTIMONY
) WITH RECOMMENDATIONS
) OF HEARINGS OFFICER

) PUBLIC HEARING HELD ON:
) March 28, 2011

14 **BACKGROUND**

15 Concurrent public hearings were held for the purpose of receiving comments about the adoption,
16 repeal and amendments to proposed rules in OAR 338 to address issues related to the program under
17 the Environmental Health Registration Board (EHRB). The proposed rules are intended to
18 accomplish the following: (1) streamline definitions in order to meet rulemaking protocols and
19 define relevant terms, (2) change from a two-year registration cycle to a one-year registration cycle.
20 (3) align with statutory provisions by establishing a reactivation fee and number of years a registrant
21 can renew late up to three years to align with renewal requirements and agency protocol, (4) amend
22 align renewals with agency standards and protocols, including current renewal, late renewal up to
23 three years, and after three years reapplication through one of two pathways, (5) establish
24 qualification requirements, (6) amend examination requirements to include all information related to
25 examinations into one administrative rule, (7) amend trainee registration requirements and supervisor
26 qualifications, (8) repeal OAR 338-020-0000 and OAR 335-020-0060 due to redundancy, (9) amend
27

1 continuing education auditing requirements to streamline with agency protocols and documentation
2 requirements, and (10) amend rule to include disciplinary authority for failing to meet continuing
3 education requirements..

4 Prior to the hearings, the Health Licensing Agency (“Agency”) filed Notices of Proposed
5 Rulemaking Hearing and a Statement of Need and Fiscal Impact with the Secretary of State which
6 were published on March 1, 2011 in the *Oregon Bulletin*. Interested persons were invited to offer
7 oral testimony and written comment on the proposed amendments. The Notices provide that the last
8 day to submit written comments is March 28, 2011. The public hearing was conducted on March 28,
9 2011 beginning at 11:00 A.M. and ending at 11:15 A.M. in the Rhoades Conference Room on the
10 third floor of the Veterans Affairs Building located at 700 Summer Street, NE, Salem, Oregon. The
11 hearing was conducted by Bert P. Krages, attorney, who served as the Hearings Officer.

12 **REASONS FOR PROPOSED CHANGES**

13 The purposes of the proposed changes to OAR Chapter 338 are to set forth registration and
14 certification requirements and reduce the financial headship to licensees by changing the registration
15 cycle.

16 **SUMMARY OF PROPOSED RULES**

17 Summaries of the changes applicable to each program can be found in the attached Notice of
18 Proposed Rulemaking and the Proposed Rules.

19 **WRITTEN COMMENTS AND DOCUMENTS**

20 The Agency received four written submissions commenting on the proposed rules prior to the
21 preparation of the recommendations of the hearings officer.

22 Cynthia Gaines M.S., REHS, commented that the phrase “trainee registration not renewable” set
23 forth in proposed OAR 338-010-0050(2) should read “trainee registration is not renewable.”

24 Brian Rabe, a waste water specialist with Cascade Earth Sciences, suggested that the Agency
25 consider the issue of Waste Water Specialists using the terms “registered waste water specialist” or
26 “RWWS” to indicate their certification. He suggested the possibility of the legislature amending
27

1 ORA 700.020.

2 Gary Van Der Veen, REHS, commented that the time available for a environmental health
3 specialist trainee to complete the work experience hours should reflect the text of ORS 700.035(2)
4 which states that a “person may not be registered as an environmental health specialist trainee for
5 more than two years’ full-time employment in the environmental sanitation profession, or the
6 equivalent hours if employment in environmental sanitation is less than full-time or 40 hours per
7 week.” Mr. Van Der Veen noted that many trainees work part time and it can take as long as 5 years
8 for some part time employees to acquire enough hours to meet the work experience requirement. He
9 stated that his employer would like to have a two-year limit placed on the time that a trainee can
10 work without taking the examination.

11 William Emminger, REHS, also commented that the proposed rule regarding work experience
12 hours for trainees, OAR 338-010-0050(3) be revised to mirror the text of ORS 700.035(2). He
13 suggested that it would be appropriate to allow for two one-year extensions to make it easier for part-
14 time and FMLA employees to meet the work experience requirement. He further recommended that
15 trainee registrations be renewed annually instead of the single two-year term to make the registration
16 process more affordable for trainees. He also suggested that the continuing education auditing
17 provision at OAR 338-020-0050(3)(a) be amended by adding an “or” so that an audited person
18 would only have to provide information about a course if the person did not have a certificate of
19 completion.

20 **ORAL TESTIMONY**

21 No oral testimony was presented at the public hearing.

22 **HEARING OFFICER’S COMMENTS AND RECOMMENDATIONS**

23 The recommendations of the hearings officer are set forth below regarding the areas in which
24 comments were provided. In addition, some general recommendations applicable to other issues are
25 provided at the end of this section.
26
27

1 ***Extensions for Environmental Health Specialist Trainees***

2 ORS 700.035(2) permits additional time beyond the two-year trainee registration period if the
3 trainee’s employment in environmental sanitation is less than full-time or 40 hours per week. It does
4 not contain any specific limit on the amount of time that a trainee working part time in
5 environmental health must complete the work experience requirement except that the time may not
6 be longer than the “equivalent hours.” Under the OAR 338-010-0050(3) as currently proposed, a
7 total extendable term is equivalent to about 0.67 full-time employment. It is the opinion of the
8 hearings officer that this could impose an unnecessary hardship on trainees who are employed at a
9 lower level. The hearings officer recommends that the EHRB reevaluate the necessity and
10 desirability of limiting extensions to two six-month periods.

11 ***Registration Fees for Trainees***

12 As currently proposed, OAR 338-005-0030 would require trainees to pay a fee of \$300 for a two-
13 year term whereas registered specialists would pay \$150 for a one-year term. One of the commenters
14 noted that this presents a financial hardship to trainees. The hearings officer believes this position
15 has merit and further notes that certain trainees are eligible to complete their work experience
16 requirement in less than two years. The hearings officer recommends that the EHRB consider
17 allowing trainees to pay a fee of \$150 for issuance and a subsequent fee of \$150 for a one year
18 renewal of the registration.

19 ***Audit Documentation***

20 One commenter suggested that OAR 338-020-0050(3)(a) be amended by adding an “or” so that
21 an audited person would only have to provide information about a continuing education course if the
22 person did not have a certificate of completion. The hearings officer notes that the Agency approves
23 continuing education courses so it appears that it would have prior knowledge of the name of
24 sponsoring organization, title of presentation, description of content, name of instructor or presenter,
25 dates and duration, and the course agenda. Considering the approval process, a document such as a
26 certificate of completion would appear to suffice in terms of providing adequate proof that the
27

1 audited person attended a course meeting the continuing education requirements. Therefore, the
2 hearings officer recommends that the EHEB and Agency consider revising OAR 338-020-0050(3)(a)
3 as suggested by the commenter.

4 ***Use of “Registered Waste Water Specialist” or “RWWS” as Credentials***

5 One commenter suggested that the Agency consider the issue of Waste Water Specialists using
6 the terms “registered waste water specialist” or “RWWS” to indicate their certification. Considering
7 the limited number of certified waste water specialists and the absence of any evidence that
8 unlicensed persons are using such terms, the hearings officer does not see this as an issue important
9 enough to warrant legislative action at this time. The examiner notes that ORS 700.240 appears to
10 give the EHRB and Agency authority to regulate the use of these terms if they are inclined to do so.

11 ***OAR 338-010-0050(2)***

12 The hearings officer recommends that OAR 338-010-0050(2) be revised to read “trainee
13 registration is not renewable.”

14 ***Various Issues***

15 During his review of the proposed rules, the hearings officer noted a few issues that were not
16 addressed by public comments. These issues are raised for the benefit of the EHRB and Agency to
17 consider at their discretion.

18 OAR 338-020-0050(3)(a) has a punctuation error at the end of the subsection, The period should
19 be a semicolon.

20 Regarding OAR 338-010-0050(2)(a), the term “was not employed full time” should be probably
21 be reworded to read something similar to “was not employed full time as a an environmental health
22 specialist or waste water specialist trainee during the term of the registration.” A trainee who worked
23 full time during part of the term but was required by circumstances to work part time during other
24 parts should remain eligible for an extension. Similarly, a trainee who worked part time in
25 environmental sanitation or waste water field but held a full time job in another occupation should
26 remain eligible for an extension.

◆◆◆
**Environmental Health
Registration Board
Public Comment**
◆◆◆

PATNODE Samie * OHLA DIR

From: Cynthia GAINES [cynthia.gaines@multco.us]
Sent: Wednesday, March 16, 2011 2:35 PM
To: samie.patnode@state.or.us
Subject: EHRB Proposed Rules

Samie,

I wanted to let you know that there is a word missing from the following portion of proposed new text:
338-010-005 (2) A trainee registration not renewable. (I believe it should read " A trainee registration {is} not renewable.")

Thanks,
Cindy

--

****PLEASE note new email address as of October 2010****

Cindy Gaines, MS, REHS
Multnomah County Environmental Health
3653 SE 34th Ave
Portland, OR 97202
phone 503.988.3663 x 22530
fax 503.988.5844
cynthia.gaines@multco.us

PATNODE Samie * OHLA DIR

From: Rabe, Brian T. [brian.rabe@valmont.com]
Sent: Wednesday, March 16, 2011 10:16 AM
To: samie.patnode@state.or.us
Cc: Michael Kucinski
Subject: FW: Registration Initials

Good Morning Samie and Mike,

Below is the language from the statute and my suggestion for a "housekeeping" change to designate the official initials to be used for waste water specialists. Steve Wert and I have been using WWS since the beginning (and now Kim Aldrich is too), so I think that would be an acceptable alternative to RWWS.

Thanks.
Brian

From: Rabe, Brian T. [mailto:brian.rabe@valmont.com]
Sent: Wednesday, January 26, 2011 4:58 PM
To: Kimberlee Aldrich
Cc: Steve Wert
Subject: RE: Registration Initials

REGISTRATION OF SPECIALISTS AND TRAINEES

700.020 Registration required. Without first complying with the provisions of this chapter, no person shall:

- (1) Use or assume the title or any other designation or advertise a title or designation indicating that the person is an environmental health specialist or waste water specialist.
- (2) Perform the duties of an environmental health specialist or waste water specialist.
- (3) Append after the name of the person the title of "registered environmental health specialist" or the letters "REHS." [Amended by 1967 c.476 §2; 1995 c.572 §7; 2003 c.547 §92]

I just got off the phone with Kraig Bohot, the Public Information Officer for OHLA. We reviewed the statute together. As you can see, the REHS designation is specifically identified in statute. Alas, no such designation was included for us. However, the phrase throughout the statute is "waste water specialist" (two words). If we were to be consistent with how the REHS was designated (and could be fixed during the next legislative session if the board elected to add it to their list of housekeeping items) would logically be:

- (4) Append after the name of the person the title of "registered waste water specialist" or the letters "RWWS."

I don't think any of us have used those initials, but that would be the logical choice. What do each of you think?

Brian T. Rabe, CPSS, WWS
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PATNODE Samie * OHLA DIR

From: Gary Van Der Veen [vanderveeng@co.yamhill.or.us]
Sent: Monday, March 14, 2011 2:50 PM
To: 'samie.patnode@state.or.us'
Cc: 'EMMINGER Bill'
Subject: Limitation of 2 - 6 month extensions - EHST

It is Yamhill County's position that limiting an Environmental Health Specialist Trainee to 2, 6 month extensions over the initial 2 year license is not adequate to accommodate the length of time that it may take some Trainees to complete their hours.

The way that I interpret ORS 700.035(2), is that a person has the equivalent of 2 years (full time) at 40 hours per week or the equivalent as a part time employee to complete their EHST hours. Which equates to 4160 hours. I believe in rule that is set at 4000 hours give or take to account for vacation, ect...

700.035 Registration of environmental health specialist trainees; rules.

(2) A person may not be registered as an environmental health specialist trainee for more than two years' **full-time employment** in the environmental sanitation profession, or the **equivalent hours** if employment in environmental sanitation is **less than full-time or 40 hours per week**.

Ideally an extension would not be needed in any instance (the initial trainee license should cover for 4000 hours rather than 2 years) and the 4000 hours would be the measure that we are concerned with.

A lot of counties hire trainees as part time employees at between 0.2 and 0.8 FTE (Full Time Employees) the interpretation that A Trainee only has 2 calendar years (730 Days) , rather than 2 hour years (4000 work Hours) is burdensome to trainees, and their employers. It can take 5 years for a trainee to acquire enough hours (4000 hours) at 0.2 FTE or longer if they have a long term illness or other issue.

Yamhill County would like to see a limit placed on the time a trainee can work without taking the REHS Exam, a 2 year limitation (calendar year) with a maximum of 3 attempts would be a good guideline placed on this part of the process. As for the amount of time it takes to complete trainee hours, this should not be a determining factor in a trainees employment limiting to 2 years with 2 extensions. Placing a time line on a trainee for trainee hours is burdensome on both the employer, and the trainee. Neither win or benefit from limiting trainee hour extensions, the employer and hence the people of Oregon loose because they forfeit the training hours, time and wages spent on the trainee, the trainee looses by having an arbitrary timeline and undue stress placed on them to complete a task that is completely out of their control.

Thank you for your time;

*Gary Van Der Veen, REHS
Yamhill County Public Health
412 NE Ford St.
McMinnville, OR 97128
Phone: (503) 434-7439
Cell: (971) 241-7785
Fax: (503) 472-9731*

derveeng@co.yamhill.or.us

Yamhill County HHS is committed to supporting safety, wellness and dignity for all.

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PATNODE Samie * OHLA DIR

From: EMMINGER Bill [Bill.EMMINGER@Co.Benton.OR.US]
Sent: Friday, March 11, 2011 7:35 PM
To: Patnode, Samie ; randy.i.everitt@state.or.us
Cc: Alex Giel; Amy Chapman (E-mail); Annette Pampush (E-mail); Dan Haldeman (E-mail); MARTIN David.C; LELAND David.E; Dawn Smith; Delbert Bell (E-mail); EMMINGER Bill; PIPPERT Eric.A; Eric Evans; Eric_Mone@co.deschutes.or.us; Francis Smith (E-mail); SHIBLEY Gail.R; Gary Van Der Veen; Genni B. Lehnert; Glenn Pierce (E-mail); gvmeyer@co.douglas.or.us; Hal E NAUMAN (E-mail); Jackson Baures; Jeff Lang (E-mail); Jim Solvedt (E-mail); John Mason (E-mail); John Zalaznik (E-mail); jon.k.kawaguchi@multco.us; Michael Kucinski; lfisher@co.wallowa.or.us; lila.wickham@multco.us; MOUA MaiKia.K; Mark Edington (E-mail); mtaylor@co.clatsop.or.us; Max.Hamblin@co.jefferson.or.us; McNickle Michael; Melissa Newman; Michael Meszaros (E-mail); Mike Matthews; oregonclho@gmail.com; RANDY TROX (E-mail); huffray@fmtc.com; Richard Sherman (E-mail); Rick Hallmark - Coos County (E-mail); Rick Partipilo (E-mail); Russ Hanson (E-mail); Sherree Smith; Skogley, Holly; KEIFER Stephen.B; Steve Dahl (E-mail); DIETZ Susan.J; terit@co.wasco.or.us; Toby Harris (E-mail); marylcp@yahoo.com
Subject: CLEHS Comments Regarding Draft OAR 338 Environmental Health Specialist Rule

To: Oregon Health Licensing Agency,

The following are some recommendations for changes that were discussed at the Conference of Local Environmental Health Supervisor's (CLEHS) meeting on March 10, 2011. We are requesting that this information be entered as public comment from CLEHS related to draft OAR 338 Registered Environmental Health Specialist rule.

ORS 700.035(b)(2) says, "A person may not be registered as an environmental health specialist trainee for more than two years' full-time employment in the environmental sanitation profession, or the equivalent hours if employment in environmental sanitation is less than full-time or 40 hours per week."

Some environmental health programs may employ trainees part-time. We are requesting that:

- 1) Language in OAR 338 mirror language in ORS 700.
- 2) That should a trainee license need to be extended that extension be granted annually until the two full years of equivalent hours of employment is earned. This will help to streamline compliance for part-time employees and/or employees who were on FMLA.
- 3) Trainee licenses are renewed annually instead of paying for two-years. Annual renewal is more affordable for trainees, especially ones who are working part-time.
- 4) Amend OAR 338-020-0050(3)(a) to add an "or" at the end of the sentence. A "certificate of completion" should be sufficient documentation of training if it includes the person's name, course, and hours/CEU's granted. The remaining materials could still be provided if a "certificate of completion" is not provided.

Respectfully Submitted,



*Bill Emminger
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Corvallis, Oregon 97339-0579
Office: (541) 766-6841
www.co.benton.or.us/health*

Guideline for Approving Work Experience of Sanitarian and Wastewater Trainees

An applicant must have two years of experience sanitation under the supervision of a registered sanitarian or the applicant must possess equal qualifications as determined by the board. This is a guideline for determining if the applicant's qualifications are acceptable to the board to use instead of experience under the supervision of a registered sanitarian.

The applicant's position of responsibility will be considered when evaluating their past professional experience. Production, quality assurance and sanitation experience in the food processing industry must be evaluated, as well as restaurant or other food service experience. Experience of wastewater trainees will also be evaluated.

Food processing Experience: The applicant's experience must involve technical skills that demonstrate the applicant's knowledge of general food safety concepts, critical risk factors, sanitation and/or process control. Professional experience as an inspector, such as with the FDA, AIB or similar organizations, will also be considered.

Experience that would qualify for consideration might include experience developing, implementing, managing and/or leading training in the following areas: sanitation programs, pest control, water systems, HACCP, statistical process control, food safety, good manufacturing practices, product development.

Experience working on the production line or running repetitive sample evaluations in the lab will not be considered.

Restaurant Experience: The applicant's experience must involve technical skills that demonstrate the applicant's knowledge of general food safety concepts, critical risk factors, sanitation and/or process control. This experience may be more commonly found in a national restaurant chain at the corporate level.

Experience that would qualify for consideration might include experience developing, implementing, managing and/or leading training in the following areas: sanitation programs, public health vector control, water systems, HACCP, food safety, the FDA food code and/or process control. Experience that would also qualify for consideration would be a pest control *manager*.

Wastewater Experience: The applicant's experience must involve technical skills that demonstrate the applicant's knowledge of wastewater systems.

Experience that would qualify for consideration might include experience developing, implementing, managing and/or leading training in the design, engineering, supervision and/or installation of wastewater systems.

General Considerations: The percent of time spent at job duties that count as qualifying experience will also be used to calculate the total years of experience. For example, if 50% of an applicant's job duties include qualifying sanitation and quality control duties and 50% of the applicant's job duties are computer related, then two years of work experience would be considered as one year for the purpose of experience towards registration.

In general, two years of qualifying experience as described above, will receive one-year credit towards registration. This may be adjusted up or down as deemed necessary by the committee members evaluating the applicant. The applicant's entire file should be reviewed prior to approval. The Health Licensing Office is to provide the applicant name and file to the committee for any applicant who has experience or education that requires evaluation.

Environmental Health Specialist Registration Board

Approved List of Science Courses

The following courses ARE acceptable as a "basic science":

A

AIR QUALITY
ANATOMY

B

BACTERIOLOGY
BIOCHEMISTRY
BIOLOGY W/LABORATORY
BIOPHYSICS
BOTANY

C

CELL / CELLULAR PHYSIOLOGY
CHEMISTRY (INORGANIC/LAB)
CHEMISTRY (ORGANIC/LAB)

E

ECOLOGY (IF TAUGHT IN BIO. DEPT.)
EMBRYOLOGY
ENDOCRINOLOGY
ENTOMOLOGY

ENVIRONMENTAL HEALTH COURSES

EPIDEMIOLOGY

F

FOOD BACTERIOLOGY
FOOD SCIENCE

G

GENETICS
GEOLOGY
GEOPHYSICS

H

HAZARDOUS WASTE

HEALTH SCIENCE

HERPETOLOGY

HISTOLOGY

HYDRO GEOLOGY

HYDROLOGY

I

ICHTHYOLOGY

INDUSTRIAL HYGIENE

L

LIMNOLOGY

M

MATHEMATICS (COLLEGE ALGEBRA +)

MICROBIOLOGY W/LAB

MOLECULAR BIOLOGY

O

OCCUPATIONAL HEALTH

ORNITHOLOGY

P

PARASITOLOGY

PATHOLOGY

PHYSICAL GEOLOGY

PHYSICS

PHYSIOLOGY

PLANT TOXICOLOGY

PUBLIC HEALTH

R

RADIOLOGICAL HEALTH

S

SANITARY ENGINEERING

SEWAGE SANITATION

SOIL SCIENCE

T

TOXICOLOGY

V

VECTOR CONTROL

VIROLOGY

Z

ZOOLOGY

Basic Science Requirements:

A "basic science" is a course that provides the student with an understanding of the fundamental principles of the subject. Science courses must normally be acceptable to a science degree. Courses designed only for liberal arts, general education or non-science degrees are not acceptable. Remedial mathematics and science courses are not acceptable as meeting the basic science requirements. Credit will not be allowed for more than one course with essentially the same content. The general sciences must be integrative courses that include those principles essential to the overall discipline. The remaining basic science courses may be limited to one or more divisions within the discipline and may be more descriptive in their approach.

These courses must be acceptable in a science degree such as Biology or pre-med. In other words, the Chemistry course that a History major would take to complete the science requirements would normally not be acceptable. They are the fundamental science courses that form the core structures for all science coursework.

College algebra (third-year algebra) is a course for which intermediate algebra or trigonometry shall normally be prerequisites.

If applicant holds a masters degree in any of the areas above and has one year of work experience they do not need to have 45 science hours. Per the board on November 17, 2006.

** Exam – Old PES raw score of 175 = 70%

To compute quarter hours to semester hours multiply hours by 2/3

****To compute semester hours to quarter hours multiply hours by 1.5****

Environmental Health Specialist Registrations Board List of Science Courses to be Considered

The following courses are applied science courses to be considered:

A

AIR POLLUTION
ASTRONOMY

B

BIOGEOGRAPHY
BIostatISTICS

C

CLIMATOLOGY
COMMUNITY HEALTH
COMPUTER SCIENCE

D

DAIRY SCIENCE

F

FAMILY HOUSING

G

GEOGRAPHY
GEOMORPHOLOGY

H

HEALTH EDUCATION
HISTORICAL GEOLOGY

L

LEAD TRAINING

M

METEOROLOGY

P

PALEONTOLOGY
PHYSICAL SCIENCE

S

STATISTICS

W

WEATHER CLIMATE



Oregon Health Licensing Agency

MEMORANDUM

April 18, 2011

To: Environmental Health Registration Board, Legislation & Rules Committee

From: Samie Patnode, Policy Analyst

Subject: Collaborative Rulemaking

The agency met with legal counsel regarding questions raised at the March 24, 2011, Legislation and Rules Committee. Due to the vast scope of practice and duties of an environmental health specialist, the agency concluded a collaborative rulemaking assessment was necessary to ensure all agencies and organizations affected by defining the duties of an environmental health specialist are able to participate and collaborate during the rulemaking process. After the assessment the agency recommends a Collaborative rulemaking committee be formed pursuant to OAR 137-001-0007.

Recommend Rulemaking Collaborators:

- National Environmental Health Association; _____
- DHS, Senior & Disabled Services _____
- Oregon Health Authority, Public Health _____
- Department of Agriculture _____
- Department of Environmental Quality _____
- CLEHS _____
- CLOH _____
- County Health Departments _____
 - Multnomah _____
 - Clackamas _____
 - Marion-Polk _____
 - Lane _____
 - Washington _____

Are there other rulemaking collaborators that may be useful?

Dates for Collaborative rulemaking Committee: (locations and meeting times may vary.)

Collaborative Rulemaking Committee	June 22, 2011
Collaborative Rulemaking Committee	July 27, 2011
Board Meeting	August 5, 2011
Collaborative Rulemaking Committee	August 26, 2011
Collaborative Rulemaking Committee	September 16, 2011
Collaborative Rulemaking Committee	October 21, 2011
Board Meeting	November 4, 2011
Collaborative Rulemaking Committee	November 16, 2011
Collaborative Rulemaking Committee	December 2, 2011

During the May 6, 2011, board meeting, the board may approve the collaborative rulemaking recommendation and a current rulemaking schedule.

Not inspecting currently

Nursing home kitchen inspections

Cosmetology facility

Electrology, permanent color and tattoo facility

Tanning facilities – maybe EHS

Body piercing facilities

Lead & Asbestos Inspections

Mobile home parks

City or County Playgrounds

Amusement parks

Housing inspections (large apartment complexes)

Hospitals

Currently inspecting in Oregon

Day care centers – exemption but Dept of Employment requires

All public schools - exemption but Dept of Education requires

All restaurants in State of Oregon –

Pool and Spas – including apartment pool

Public water supply (local systems)

Hotels and Motels

Organizational camp – boy scout – good example of all encompassing of environmental health

RV Park

Septic system siting (find site) and permitting

Drinking water @ DHS (large systems) exception for (DEQ)

Duties of an Environmental Health Specialist means environmental inspections, surveys, investigations, and reviews that satisfy a governmental requirement designed to ensure protection from potential health and safety hazards posed by but not limited to following:

- (a) Potable water ;**
- (b) Wastewater;**
- (c) Recreational water;**
- (d) Food service;**
- (e) Solid waste;**
- (f) Hazardous chemicals and substances;**
- (g) Radioactive materials;**
- (h) Infectious pathogens in a non-medical setting;**
- (i) Other unsanitary conditions.**

Legal Counsel Questions

If there is more than one person involved (consultant who reports to registrant) is the decider and signer has to be registered but not the consultant?

If a government agency for example requires a permit, and contracts for the services of a EHS to perform the necessary inspection we want the EHS to be registered if the government agency substantially relies upon this report.

Are sampling, analysis, issuing permit, documenting and reporting covered under the words in the first paragraph?

A GUIDE FOR ENVIRONMENTAL
HEALTH RESPONSIBILITIES
AND COMPETENCIES

*A BASIC PREPARATION GUIDE FOR THE
REHS/RS EXAMINATION*

REHS/RS Study Guide – Third Edition

In the process of getting this guide to a consistent format, stylistic and content changes were made. The authors and publishers have exerted every effort to ensure that the content set forth in this study guide is in accord with the current standard of practice and prudent professional recommendations at the time of publication. However, in view of ongoing research, changes in government regulations, and the constant flow of new information in the field, it is imperative that the environmental health professional stay current with the literature in the field and maintain continuing education status. Using this guide is not a guarantee for passing the examination.

The authors, as subject matter experts, have donated considerable time and effort to bring this examination and third edition of the study guide to the environmental health community in a timely and professional manner. It should be noted that the authors do not receive any royalties by the sale or distribution of this study guide.

Editor: Heidi J. Shaw,
Credentialing Coordinator, NEHA

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Printed in the United States of America
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Appendix A

ENVIRONMENTAL HEALTH SPECIALIST EXAM CONTENT OUTLINE

I. GENERAL ENVIRONMENTAL HEALTH (14% of exam)

A. Conduct Environmental Health Investigations, Inspections, and Audits

1. Determine the nature of the environmental health problem
2. Gather historical and site information
3. Conduct interviews using standardized techniques
4. Consider possible causal agents
5. Knowledge of epidemiology
6. Design an investigation
7. Implement an investigation using scientific methods
8. Evaluate and interpret data
9. Perform a risk assessment
10. Determine need for remediation
11. Initiate enforcement proceedings
12. Ensure proper self-protection
13. Knowledge of environmental health inspector safety (slips, falls, stings, bites, sun protection, cold protection, gloves, dog bites, bloodborne diseases, defensive driving, etc.)
14. Analyze inspection findings
15. Determine corrective action required
16. Document inspection
17. Knowledge of how to present a case to a prosecutor or attorney for court presentation

B. Conduct Epidemiological Investigations

1. Record complaint and document essential information
2. Determine scope of the problem
3. Plan and implement an investigation
4. Collect and analyze data in a scientific manner
5. Knowledge of epidemiological terms (epidemic, endemic, incidence, etc.)
6. Knowledge of emerging agents and *diseases* (*E.coli* 0157:H7, *Listeria*, *Cryptosporidium*, *Campylobacter*, HIV)
7. Knowledge of HIPAA laws regarding medical records

C. Collect Samples and Specimens for Laboratory Analysis

1. Knowledge of sampling techniques and sampling theory
2. Collect specimens in a legally defensible manner
3. Preserve and protect samples and specimens
4. Document critical information about samples and sites
5. Interpret test results

D. Perform Routine Field Tests and Measurements

1. Select proper equipment
2. Knowledge of equipment operation principles
3. Calibrate and/or validate test equipment
4. Perform accurate measurements and calculations
5. Interpret test results

E. Plan Land Use

1. Perform a site assessment
2. Analyze environmental impact of development
3. Knowledge of soil science and geology
4. Understand multiple factors influencing land-use planning (political, economic, environmental, legal, public health)

F. Review Construction Plans

1. Interpret architectural plans and blueprints
2. Assess equipment for compliance with applicable standards
3. Recommend necessary revisions of the construction plans
4. Inspect construction to determine degree of compliance
5. Knowledge of the plan review process

G. Environmental Microbiology

1. Knowledge of sanitization
2. Knowledge of sterilization
3. Knowledge of antisepsis
4. Knowledge of disinfection

H. Contamination Control

1. Knowledge of principles of contamination control
2. Knowledge of cross contamination,
3. Knowledge of direct contamination
4. Knowledge of contamination sources

II. STATUTES, REGULATIONS, & STANDARDS (6% of exam)

A. Knowledge of Source and Nature of Legal Authority

1. Knowledge of source and nature of legal authority

B. Knowledge of Law concerning Inspections (search warrants, right of entry, seizures, etc.)

1. Knowledge of law concerning inspections (search warrants, right of entry, seizures, etc.)

C. Knowledge of Lawfulness of Agency Administrative Actions

1. Understand legal differences among permits, licenses, and registration
2. Knowledge of embargo, search, seizure, condemnation, and nuisance abatement

D. Evaluate Compliance with Appropriate Federal Laws

1. Knowledge of current environmental health laws and regulations

E. Knowledge of Standards

1. Knowledge of ISO, NSF, UL, NFPA, ANSI, and BISCC

III. FOOD PROTECTION (14% of exam)

A. Inspection and Investigation of Food Establishments

1. Identify chemical, biological, and physical hazards
2. Perform appropriate tests of food
3. Inspect equipment
4. Apply correct food sampling procedures
5. Assess food handling procedures
6. Assess food storage practices
7. Instruct food managers when inspecting

B. Food Safety, Protection, Quality and Storage

1. Knowledge of time, temp., and hygiene factors
2. Knowledge of HACCP
3. Identify food source
4. Evaluate food purity (adulteration and contamination)
5. Verify product identification
6. Evaluate labeling
7. Knowledge of physical & chemical control systems
8. Knowledge of food processes
9. Knowledge of food presentation

C. Temporary Events with Food Service

1. Develop food handling plans for temporary events
2. Inspect mobile-catering vehicles

D. Transportation of Food

1. Review shipping-manifest documents
2. Assess equipment sanitation
3. Evaluate critical factor controls during transport & delivery of food

IV. POTABLE WATER – (8% of exam)

A. Conduct Sanitary Surveys of Potential or Existing Water Systems and Watersheds

1. Perform accurate testing and sampling of water
2. Interpret results of water analysis properly
3. Evaluate effects of actual and potential sources of pollution on water quality

4. Understand land use issues related to development of water systems
5. Knowledge of water supply systems (groundwater, wells, etc)
6. Knowledge of water treatment systems (design and operation)
7. Knowledge of the water cycle and its relation to geology
8. Knowledge of chemical, physical, and biological contaminants
9. Knowledge of diseases associated with contaminated water
10. Knowledge of water conservation and reclamation methods
11. Knowledge of emergency sources of water

V. WASTEWATER (8% of exam)

A. Conduct Investigations of Wastewater Management Systems

1. Knowledge of biological & physical composition of sewage
2. Knowledge of disease-causing microorganisms and toxic chemicals found in sewage
3. Knowledge of industrial wastes (common problems)
4. Understand land use issues in relation to wastewater management systems
5. Knowledge of soil characteristics (texture, granular structure, etc.)
6. Perform a site investigation including a soil analysis - 2
7. Understand processes used in municipal wastewater management systems (filtration, aeration, stabilization, etc)
8. Knowledge of small sewage treatment systems (septic tank, drain field, etc)
9. Knowledge of prefabricated wastewater systems
10. Knowledge of stream classifications and wastewater discharge standards
11. Assist in developing wastewater reclamation and disposal program

VI. SOLID AND HAZARDOUS WASTE (4% of exam)

A. Knowledge of Waste Management Systems

1. Knowledge of waste types (hazardous, infectious, municipal, solid)
2. Knowledge of medical, biological, and "hazardous" waste issues associated with household waste collection
3. Knowledge of on-site and off-site processing (incineration, densification, composting, etc)
4. Knowledge of sanitary landfill design and methods
5. Knowledge of storage of hazardous waste (technology, procedures, regulations, land use)
6. Understand social and scientific limitations on waste management (economic, political, technology, ecological, health, and legal)

7. Understand health risks associated with poor waste management

B. Conduct Waste Management Investigations

1. Identify type of waste and assess risk factors
2. Identify source of waste and persons responsible for dumping

C. Public Education

1. Instruct public on principles and practices of responsible waste management (source reduction, recycling, etc)

VII. HAZARDOUS MATERIALS (2% of exam)

A. Conduct Investigations of Hazardous Materials

1. Use proper self-protection procedures at site
2. Identify type of hazardous materials (chemical, biological, flammable, explosive, radioactive, etc)
3. Assist with emergency response (notify authorities, containment, evacuation)
4. Verify compliance with regulations

VIII. VECTORS, PESTS, AND POISONOUS PLANTS (6% of exam)

A. Develop Controls for Vectors, Pests and Poisonous Plants

1. Identify vectors, pests, poisonous plants and poisonous plants
2. Knowledge of the life cycle and conditions favorable to growth of vectors, pests, and poisonous plants
3. Understand multi-method control (education, biological, physical, legal)
4. Knowledge of natural & source reduction methods of control
5. Knowledge of epidemiology of vector-borne diseases (transmission modes, symptoms, etc)
6. Understand chemical controls (proper use, storage, health risks, and environmental effects)
7. Determine nature and scope of field problems
8. Conduct an environmental assessment before applying controls
9. Provide public instruction about vector, pest, and poisonous plants

IX. RADIATION PROTECTION (2% of exam)

A. Conduct Investigations of Radiation Hazards

1. Knowledge of radiation (atomic structure, types of radiation, ionization, half-life, etc)
2. Knowledge of sources of radiation exposure
3. Knowledge of the health hazards of radiation exposure

4. Knowledge of medical uses of radiation and its hazards
5. Knowledge of radiation protection methods
6. Understand radiation factors and their interaction (time, distance, shielding, exposure level)
7. Perform tests to determine presence of harmful radiation
8. Evaluate decontamination procedures
9. Monitor use of radioactive materials (transportation, application, storage, and disposal)

X. OCCUPATIONAL SAFETY AND HEALTH (2% of exam)

A. Conduct Investigations of Work Sites

1. Identify health and safety hazards at work sites
2. Knowledge of common accidents and prevention programs
3. Knowledge of OSHA principles
4. Analyze potential hazards
5. Evaluate environmental health impact of industrial hazards and accidents

XI. AIR QUALITY AND NOISE (2% of exam)

A. Assess Ambient Air Quality

1. Knowledge of types of air pollutants (nitrogen and sulfur oxides, carbon monoxide and dioxide, hydrocarbons, etc)
2. Knowledge of air pollution sources (man-made and natural)
3. Understand air pollution problems and effects (biosphere, human and animal health, plant life, economic, visibility)
4. Knowledge of ambient air quality parameters and standards
5. Conduct air sampling and measure pollutants
6. Knowledge of air pollution control methods
7. Knowledge of diseases associated with air pollution
8. Understand environmental factors that influence air pollution (meteorology and topography)

B. Survey Noise Control

1. Knowledge of the properties of sound (terminology and physics)
2. Understand the health hazards of noise
3. Knowledge of the sources of noise

XII. HOUSING SANITATION AND SAFETY (6% of exam)

A. Conduct Investigations of Public and Private Housing

1. Understand the health and social problems resulting from substandard housing
2. Knowledge of housing codes (building, electrical, plumbing, fire, etc)

3. Identify serious health and safety hazards (structural, electrical, fire, plumbing, and indoor air pollutants)
4. Investigate sewage and water system problems
5. Understand heating, ventilation, and cooling systems
6. Appraise level of sanitation (debris, odors, cleanliness, etc)
7. Identify child safety hazards (lead-based paint, abuse, neglect)

B. Conduct Investigations of Mobile Home and Recreational Vehicle Parks

1. Examine utility connections (sewer, water, electrical, gas)
2. Examine attachment of units (adequate anchoring)

XIII. INSTITUTIONS AND LICENSED ESTABLISHMENTS (12% of exam)

A. Understand the Health Hazards and Sanitation Problems of Institutions

1. View institutions as small communities with environmental health concerns (air, water, food, wastewater, solid waste, etc)
2. Consider factors influencing health (high density, proximity, hours of operation)
3. Understand the hazards of cleaning chemicals and maintenance equipment

B. Conduct Epidemiological Investigations of Institutions

1. Investigate HVAC system problems (sick-building syndrome, etc)
2. Consider multiple routes of disease transmission

C. Conduct Investigations of Facilities, Institutions and Licensed Establishments

1. Apply universal blood and body fluid precautions during inspections
2. Knowledge of disease transmission in a high risk population
3. Knowledge of infections likely to occur in a facility (*E.coli*, staph, strep, tuberculosis, etc)
4. Knowledge of methods to prevent nosocomial infection
5. Knowledge of biohazard containment equipment and procedures
6. Assess infectious and chemical waste disposal procedures
7. Appraise transportation and laundering of linens
8. Review housekeeping procedures to prevent transfer of pathogens
9. Appraise food delivery systems
10. Knowledge of sanitation, environmental and health hazards associated with specific licensed establishments (tanning salons, massage clinics, tattoo parlors, cosmetology salons, and fitness centers.
11. Inspect tanning salons for sanitation and health hazards
12. Inspect massage clinics for sanitation and health hazards

13. Inspect tattoo parlors for sanitation and health hazards
14. Inspect cosmetology salons for sanitation and health hazards
15. Examine restroom sanitation, equipment and diaper-changing facilities
16. Identify hazardous materials (lead-based paint, asbestos, radon, etc)
17. Appraise safety of playground areas, recreational yards, equipment, and toys
18. Investigate safe storage of hazardous chemicals and dangerous equipment
19. Review precautions taken to prevent disease transmission (hygiene, isolation, etc)
20. Evaluate health, security, and safety hazards in special facilities (laboratories, gyms, shops, kitchens, correctional institutions, etc)
21. Understand unique sanitation problems (overcrowding, bathroom sanitation, sabotage, etc)
22. Knowledge of infections likely to occur in facilities (TB, Hepatitis, HIV, etc)
23. Recommend corrective actions based on sanitation, safety, and security concerns
24. Awareness of special needs within various types of institutional contexts (correctional institutions, medical facilities, childcare facilities, schools, and other facilities)

XIV. SWIMMING POOLS AND RECREATIONAL FACILITIES (8% of exam)

A. Inspect Swimming Pools, Hot Tubs, and Spas

1. Knowledge of direct and indirect transmission of disease in recreational and therapeutic pools
2. Knowledge of facility designs and equipment operation
3. Knowledge of water treatment systems
4. Knowledge of swimming pool chemistry
5. Knowledge of disinfection processes
6. Sample and test water according to standard procedures
7. Evaluate life guards and safety procedures
8. Compute swimming pool calculations (turnover rate, swimmer load, flow rate, etc)
9. Knowledge of health risks associated with hot tubs and spas
10. Knowledge of proper cleaning methods and maintenance procedures for recreational and therapeutic pools
12. Knowledge of pool/spa chemical storage, hazards and handling.

B. Inspect natural recreation areas and facilities

1. Inspect temporary use facilities (campgrounds, cabins, RVs, etc)
2. Inspect swimming and bathing facilities (water quality, restrooms, beaches, etc)
3. Assess health and safety risks
4. Conduct a general inspection (water, food, waste, animal control, etc)

C. Amusement Parks and Temporary Mass Gatherings

1. Review design plans and equipment
2. Conduct health and safety inspections
3. Evaluate environmental impact, including remediation

XV. DISASTER SANITATION AND EMERGENCY PLANNING (6% of exam)

A. Preparing for Disasters

1. Understand Department of Transportation's Emergency Response Guidebook
2. Understand key components of the HAZWOPER regulations
3. Knowledge of the Incident Command System (ICS) and the National Incident Management System (NIMS)
4. Ability to conduct risk assessment
5. Knowledge of food and water security
6. Assist with planning for emergencies
7. Understand techniques used in emergency situations (water, wastewater, hazardous waste, radiation, etc.)

B. Assist with Management of Disaster Situations

1. Determine equipment and supply needs
2. Follow proper chain of command for decisions
3. Implement emergency response plans

C. Assist with Post-Disaster Management

1. Inspect temporary facilities and services (shelter, water, food, waste, etc)
2. Establish infection control procedures
3. Assess vector and pest problems and implement control measures
4. Knowledge of bioterrorism



