



Oregon

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Health Licensing Agency

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REVISED 7/14/11

WHO: Oregon Health Licensing Agency
Environmental Health Registration Board

WHEN: Tuesday, July 19, 2011 – 9 am

WHERE: Oregon Health Licensing Agency
Rhoades Conference Room
700 Summer St NE, Suite 320
Salem, Oregon

What is the purpose of the meeting?

The purpose of the meeting is:

- To adopt permanent administrative rules under Chapter 338 Division 5 through 30. The Board will review public comment received by the agency since rulemaking process began in January 2011.

Permanent administrative rules include but are not limited to general housekeeping issues, trainee requirements, work experience, equivalent supervisors, application requirement for each registration type and examination requirements.

- Determine whether a supervisor possesses equal qualifications to that of a registered environmental health specialist

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

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. All public audience members are asked to sign-in on the attendance roster prior to the meeting. Comments may be heard under public comment at the end of the meeting. Please wait to be recognized by the Chairperson prior to commenting.

Is it possible to watch the meeting live on the internet?

Yes. You may access the meeting at <https://oregon.ilinc.com/join/kxbypsz> (Link provided is specific to this meeting date) If you need assistance accessing the meeting contact the iLinc Join Help Desk at 1-800-799-4510, and select option "1."

What if the board/council enters into executive session?

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

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.

ISSUE

Determine whether the supervisor for Rhonda Robb, Marla Harrison, possesses equal qualifications to that of a registered environmental health specialist.

DISCUSSION

According to the Oregon Statutes and Administrative Rules below, the board must determine if Marla Harrison who works for the Port of Portland as an Environmental General Manager, possesses the qualifications equivalent to a Registered Environmental Health Specialist. Ms. Harrison appears to meet the educational and training requirements of an Environmental Health Specialist. The following supporting documentation related to Ms. Harrison's qualifications are included:

- Transcripts showing bachelor's degree and 45 science credits;
- Two years work experience;
- Position description showing duties related to environmental health
- Job duties relating to environmental health for the trainee, Rhonda Robb.

Pursuant to ORS 700.025(2), Ms. Harrison is exempt from holding a license as an Environmental Health Specialist because she is a licensed professional engineer. Refer to the Oregon Revised Statutes and Oregon Administrative Rules listed below in determining qualifications.

700.010

(3) "Environmental health specialist" means a person who by education, training and experience in the sanitary, biological and physical sciences is qualified to perform duties in environmental sanitation, including but not limited to scientific investigation and education and counseling in environmental sanitation.

(5) "Environmental sanitation" means the art and science of applying sanitary, biological and physical science principles and knowledge to improve and control the environment and factors therein for the protection of the health and welfare of the public.

700.035

(4) An environmental health specialist trainee shall be supervised by a registered environmental health specialist or a person possessing equal qualifications as determined by the board. [1967 c.476 §5; 1983 c.189 §2; 1995 c.572 §9; 2003 c.547 §94; 2005 c.648 §106]

700.025 Persons not required to register. The provisions of ORS 700.020 (2) do not apply to:

(2) Any person who is a sanitary engineer, public health engineer or registered professional engineer.

RECOMMENDATION

Determine through review of credentials that Marla Harrison possesses equivalent qualifications to that of a registered environmental health specialist and is approved to train Rhonda Robb.

ISSUE:

Adopt, amend and repeal certain Environmental Health Registration Board permanent administrative rules.

DISCUSSION:

Review and consider hearing officer recommendations and public comment, received from March 1, 2011 through June 28, 2011.

The following is a summary of changes including revisions made to the proposed administrative rules which are noted in *italics* below:

338-005-0020 Definitions

Align definitions with statutory requirements, reduce to avoid duplication and modify for readability. Number of definitions reduced from 31 to 11.

338-005-0030 Fees

Amend fees to allow all environmental health and waste water specialist including trainees to receive an annual registration. Environmental health specialist trainees may be qualified for three subsequent renewals. Delete trainee extension and restoration to align with statutory requirements.

338-010-0015 Environmental Health Application

Amend application requirements for environmental health specialist's (EHS) including specific pathways which align with statutory requirements.

Registration Pathway 1 Qualification through EHS trainee:

- **Qualifying Bachelors Degree**
 - Official transcript showing attainment of a bachelors degree with 45 science hours;
 - Proof of 4,000 hours as a trainee under a supervisor under ORS 700.030 or OAR 338-010-0065;
 - Pay examination fee;
 - Proof of having completed and passed a board approved exam within three years preceding the date of application; and
 - Pay registration fees.

- **Qualifying Graduate Degree**
 - Official transcript showing attainment of a graduate degree in public or community health;
 - Proof of 2,000 hours as a trainee under a supervisor under ORS 700.030 or OAR 338-010-0065;
 - Pay examination fee;
 - Proof of having completed and passed a board approved exam within three years preceding the date of application; and
 - Pay registration fees.

Registration Pathway 2 Reciprocity

- Submit official transcript showing attainment of qualifying degree;
- Submit affidavit of licensure with current active status form a regulatory body or national association; and
- Pay registration fees.

Registration Pathway 3 Equivalent Education and Experience:

- **Bachelors Degree 45 science hours:**
 - Official transcript showing attainment of a bachelors degree with 45 science hours;
 - Proof of 4,000 qualifying work experience pursuant to OAR 338-010-0070 a under a qualifying supervisor under OAR 338-010-0065;
 - Examination fee
 - Proof of having completed and passed a board approved exam within three years of the day of application; and
 - Pay registration fees.
- **Graduate Degree in Public or Community Health:**
 - Official transcript showing attainment of a graduate degree in public or community health;
 - Proof of 2,000 qualifying work experience pursuant to OAR 338-010-0070 a under a qualifying supervisor under OAR 338-010-0065;
 - Examination fee
 - Proof of having completed and passed a board approved exam within three years preceding the date of application; and
 - Pay registration fees.

338-010-0016 Waste Water Application

Revise application requirements for waste water specialist's (WWS) including specific pathways which align with statutory requirements.

Registration Pathway 1 Qualification through WWS trainee:

- **Qualifying Bachelors Degree**
 - Official transcript showing attainment of a bachelors degree with 45 soil science hours;
 - Proof of 4,000 hours as a trainee under a supervisor under ORS 700.053 or OAR 338-010-0065;
 - Pay examination fee;
 - Proof of having completed and passed a board approved exam within three years of the day of application; and
 - Pay registration fees.

- **Qualifying Graduate Degree**
 - Official transcript showing attainment of a graduate degree in soil science;
 - Proof of 2,000 hours as a trainee under a supervisor under ORS 700.053 or OAR 338-010-0065;
 - Pay examination fee;
 - Proof of having completed and passed a board approved exam within three years of the day of application; and
 - Pay registration fees.

Registration Pathway 2 Reciprocity

- Submit official transcript showing attainment of qualifying degree;
- Submit affidavit of licensure with current active status form a regulatory body or national association; and
- Pay registration fees.

Registration Pathway 3 Graduate Degree and Certification:

- Official transcript showing attainment of a graduate degree in soil science;
- Proof of current credential as a professional soil scientist;
- Examination fee
- Proof of having completed and passed a board approved exam within three years of the day of application; and
- Pay registration fees.

338-010-0017

Application for Registration as an Environmental Health Specialist Trainee

Revise application requirements for EHS trainee to align with statutory requirements by submitting proof of a bachelor degree with 45 science hours or 15 hours in science courses and five years experience (10,000 hours). Requiring passage of a board approved examination prior to obtaining trainee registration.

338-010-0025

Application for Registration as a Waste Water Specialist Trainee

Revise application requirements for WWS trainee to align with statutory requirements by submitting proof of a bachelor degree with 45 soil science hours or a graduate degree in soil science.

338-010-0030

General Examination Information

Streamlined the examination requirements including scheduling, languages, approved items available during certain examinations, computer based testing, monitoring, prohibitions and consequences.

338-010-0033

Examination Retake: Qualification

Revise retake examinations including scheduling, and number of failed examinations allowed and procedures for retaking. Also additional training after failing the 3rd attempt is not considered trainee work experience.

338-010-0035

Exemption

Deletes subsection (1) and (2) do to redundancy in the statute and no statutory authority to add exemptions.

338-010-0038

Environmental Health and Waste Water Registration Issuance and Renewal

Revise to align renewal with agency standards and protocols. Protocol for registration holder include renew, renew late up to 3 years, and after 3 years reapply. Additionally clarify that continuing education must be maintained the registration is active or inactive.

338-010-0050

Environmental Health Trainee Registration Standards

Allows for two one year renewals for trainee registration if the trainee was not working full time and if the trainee was originally issued a two-year registration.

Allows for three one year renewals for trainee registration if the trainee was not working full time and if the trainee was originally issued a one-year registration.

Renewals must be submitted six months before the registration becomes invalid.

Requires that any EHS trainees who renew their registration after August 1, 2011, be required to take and pass the Oregon laws and rules examination prior to receiving a trainee registration.

OAR 338-010-0065

Equivalent Supervisor Experience

Adopt new rule to specify who is an equivalent supervisor including education and training requirements

OAR 338-010-0070

Qualifying Work Experience

Specifies qualifying work experience used through the administrative rules including food processing, federal work, management of national chain restaurants. This rules also excludes what is not considered to be qualifying work experience.

338-020-0030

Continuing Education Requirements

Amend due to agency protocols.

338-020-0050

Continuing Education: Audit, Required Documentation and Sanctions

Revise to clarify auditing procedure for registrants including consequences for providing incomplete continuing education documentation.

338-030-0020

Investigative Authority

Delete due to redundancy in statute.

RECOMMENDATION:

Adopt permanent administrative rules.

**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 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.~~

(2) " 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) (3) "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) (4) "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, but in a learning, training capacity and under the supervision of a registered or other qualified person as determined by the board.~~

~~(12) (5) "Duties of a waste water specialist" means activities limited to those identified in ORS 700.056(1).~~

~~(13) (6) "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, but 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) "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) "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) (7) "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 **4000** clock hours, **obtained in no more than 208 consecutive weeks, not to exceed four years .**~~

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

(9) "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) "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)~~ **(10) "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) "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) "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)~~ **(11) "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.**

~~(31) "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~~ **\$25**:

(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~~ **\$150 for one years.**

(D) Trainee registration -- waste water specialist: ~~\$300~~ **\$150 for one years.**

(d) Renewal of registration:

(A) Environmental health specialist: ~~\$300~~ **\$150 for one year.**

(B) Waste water specialist: ~~\$300~~ **\$150 for one year.**

(C) Trainee registration -- environmental health specialist: \$150 for one year, maximum three renewals.

(D) Trainee registration -- waste water specialist: \$150 for one year.

(e) Trainee extension (six month increments):

(A) Environmental health specialist: \$100.

(B) Waste water specialist: \$100.

(f) (e) 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.

(A) Delinquency fee: \$50 for each year in inactive status up to three years.

(B) Restoration of expired registration (payable up to three years of expiration): **Reactivation: \$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

DRAFT

DIVISION 10

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

338-010-0015

Environmental Health Application Requirements

An individual applying for an environmental health 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 Environmental Health Trainee Program:

(A) Trainee with Qualifying Bachelor's Degree -- If applicant has obtained an environmental health trainee registration issued by the agency, 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 4,000 hours work experience as a registered environmental health specialist trainee, under a registrant supervisor as specified in ORS 700.030 or equivalent supervisor as described in OAR 338-010-0065;
- (iii) Examination fees;
- (iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See 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) Trainee with Qualifying Graduate Degree -- If applicant has obtained an environmental health trainee registration issued by the agency, submit:

(i) Official transcript as defined in OAR 338-005-0020 demonstrating attainment of a Graduate degree in public or community health;

(ii) Proof of 2,000 hours work experience as a registered environmental health specialist trainee, under a registrant supervisor as specified in ORS 700.030 or equivalent supervisor as described in OAR 338-010-0065;

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See 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) Registration Pathway 2 – Reciprocity:

(A) Submit official transcript as defined in OAR 338-005-0020 demonstrating attainment of qualifying Bachelor's degree, or of qualifying graduate degree in public or community health, pursuant to ORS 700.030(1)(a) or (b);

(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. The registration must have been issued by a regulatory body of another state 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 4,000 hours qualifying work experience under an equivalent supervisor as described in OAR 338-010-0065. Qualifying pre-registration work experience under ORS 700.030(2) is work experience obtained pursuant to OAR 338-010-0070 or under ORS 700.025, directly related to the duties of an environmental health specialist;

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See 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 in public or community health, pursuant to ORS 700.030(1)(b);

(ii) Proof of: 2,000 hours qualifying work experience under an equivalent supervisor as described in OAR 338-010-0065; or, Qualifying pre-registration work experience under ORS 700.030(2) is work experience obtained pursuant to OAR 338-010-0070 or under ORS 700.025, directly related to the duties of an environmental health specialist;

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See 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.

~~(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

338-010-0016

Waste Water Specialist Application Requirements

An individual applying for a 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 Waste Water Trainee Program.

(A) Trainee with Bachelor Degree: if applicant has obtained a waste water trainee registration issued by the agency, submit:

(i) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying bachelors degree with the requisite soil science courses, pursuant to ORS 700.030(3)(a);

(ii) Proof of 4,000 hours qualifying work experience under ORS 700.053(3)(a) as a registered waste water specialist trainee, under a supervisor specified in ORS 700.053 or equivalent supervisor as approved by the board;

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See ORS 700.059 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) Trainee with Graduate Degree: if applicant has obtained a waste water trainee registration issued by the agency, submit:

(i) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying graduate degree in soil science pursuant to ORS 700.053(3)(b);

(ii) Proof of 2,000 hours of qualifying work experience under ORS 700.053(3)(b) as a registered waste water specialist trainee, under a supervisor specified in ORS 700.053 or equivalent supervisor as described

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See ORS 700.059 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) 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 as a waste water specialist, which is active with no current or pending disciplinary action. The registration must have been issued by a regulatory body of another state or a national association recognized by the board; and

(C) Pay all registration fees.

(c) Registration Pathway 3 -- Graduate Degree and Certification. Submit:

(i) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying graduate degree in soil science pursuant to ORS 700.053(3)(c); and

(ii) Proof of current certification as a professional soil scientist under ORS 700.053(3)(c);

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See ORS 700.059 and OAR 338-010-0030; and

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

338-010-0017

Application for Registration as an Environmental Health Specialist Trainee

An individual applying for an environmental health 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 fees; and

(3) Submit the following:

(a) Examination fees; and

(b) Proof of having completed and passed a board approved examination within three years preceding the date of trainee registration application pursuant to ORS 700.035 and OAR 338-010-0030; and

(c) 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

(d) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of qualifying 15 quarter hours in science courses or their equivalent semester hours and proof of 10,000 hours of qualifying work experience, pursuant to ORS 700.035(1)(b). Qualifying work experience is work experience obtained under ORS 700.025 that is directly related to duties of an environmental health specialist; and

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

~~(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. of. 6-1-96; SRB 1-1998, f. 4-29-98, cert. of. 5-1-98; SRB 2-2004, f. 6-29-04, cert. of. 7-1-04

338-010-0025

Application for Registration as a Waste Water Specialist Trainee

An individual applying for a 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:

(a) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of a qualifying Bachelor's degree with 45 quarter hours in soil science courses, pursuant to ORS 700.062(1)(a); or

(b) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of a qualifying graduate degree in soil science pursuant to ORS 700.062(1)(b).

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) The board approved examination for an environmental health specialist trainee is a state prepared Oregon laws and rules examination administered by the agency. The passing score for the examination is 70 percent.

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

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

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

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

(8) Notwithstanding subsection (9) and (10) 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.

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

(10) Candidates taking the Oregon laws and rules examination may use an agency issued copy of the Oregon administrative rules and Oregon revised statutes.

(11) 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) Violations of subsection (7) of this rule;

(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.

(12) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination if applicant is disqualified from taking the examination for reasons under subsections (7) and (9) of this rule.

~~(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) Environmental Health and Environmental Health Trainee Applicants have up to three (3) attempts to pass the examination.

(2) Environmental Health and Environmental Health Trainee Applicants failing to pass an examination on the third attempt must receive additional training prescribed by the board before any additional retakes. Any additional training required for the purpose of retaking an examination is not considered trainee work experience.

(3) Waste Water Applicants have up to two attempts to pass the examination.

(4) Waste Water Applicants failing to pass an examination on the second attempt must obtain special permission from the board before any additional retakes.

(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 the duties of waste water sanitation as defined in . 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

Environmental Health and Waste Water 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: To avoid delinquency penalties, 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 of having obtained required annual continuing education under OAR 338-020-0030, on a form prescribed by the agency, whether registration is current or inactive.

(3) INACTIVE REGISTRATION RENEWAL: A registration may be inactive for up to three years. When renewing after entering inactive status, 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 of having obtained required annual continuing education under OAR 338-020-0030, on a form prescribed by the agency, whether registration is current or inactive;

(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.

(5) A registrant failing to meet continuing education requirements listed under OAR 338-020-0030 is expired and 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 Renewal

~~(1) An environmental health specialist trainee or waste water specialist trainee registration will be issued to individuals when all qualifications 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.~~

(1) An environmental health specialist trainee registered prior to August 1, 2011, must pass the examination approved under OAR 338-010-0030(3) by the board to renew trainee registration.

(2) An Environmental Health Specialist trainee employed full-time may be issued a one-year renewal of the trainee registration.

(3) An Environmental Health trainee employed less than full time and who has not attained permanent registration or fulfillment of the two year or 4,000 clock hour work experience requirements after two years of less than full time employment may be issued up to three additional one-year renewals of trainee registration.

(4) An environmental health specialist trainee registered prior to August 1, 2011 and granted an initial two-year trainee registration may be issued up to two additional one-year renewals of trainee registration.

(5) An environmental health specialist trainee must be renewed in consecutive years, beginning the year after the trainee's initial registration.

(6) An environmental health specialist trainee renewal must be submitted within six months of the current trainee registration becoming invalid; delinquency fees will not be assessed for trainee registration renewals.

~~(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

(1) Environmental Health: pursuant to ORS 700.030 and 700.035(4), to be considered equivalent to a registrant supervisor, an individual must possess:

(a) A bachelor degree with 45 science quarter hours and two years of work experience directly related to the duties of an environmental health specialist; or

(b) A graduate degree in public or community health and one year of work experience directly related to the duties of an environmental health specialist.

(2) To qualify as an equivalent supervisor in environmental health an individual must work in a manner directly related to the duties of an environmental health specialist throughout the period of supervision.

(3) Work experience directly related to the duties of an environmental health specialist includes but is not limited to one of the following fields:

(a) Food processing including developing, implementing, managing or leading training in any of the following areas: sanitation programs, pest control, water systems, Hazard Analysis & Critical Control Points, statistical process control, food safety, good manufacturing practices, and product development;

(b) Inspector for United States Food and Drug Administration, United States Department of Agriculture, American Institute of Baking, or similar organization;

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

(d) The duties of an environmental health specialist in a jurisdiction that does not require licensure for environmental sanitation;

(e) Teaching, lecturing or engaging in research in environmental sanitation as part of an academic position in a college or university;

(f) Public health engineering;

(g) As a public health officer employed pursuant to ORS 431.035 to 431.535 and 431.705 to 431.990;

(4) Waste Water: pursuant to ORS 700.053, non-registrant supervisors must be approved by the board on a case by case basis.

OAR 338-010-0070

Qualifying Work Experience

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

(a) Food processing including developing, implementing, managing or leading training in any of the following areas: sanitation programs, pest control, water systems, Hazard Analysis & Critical Control Points, statistical process control, food safety, good manufacturing practices, and product development;

(b) Inspector for United States Food, United States Department of Agriculture and Drug Administration, American Institute of Baking, or similar organization, Center for Disease Control;

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

(d) The duties of an environmental health specialist in a jurisdiction that does not require licensure for environmental sanitation.

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

(a) Production line or running repetitive sample evaluations in the; or

(b) Experience as a cook, server, greeter or exterminator.

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, cert. ef. 6-1-96; Renumbered from 338-020-0110

DRAFT

DIVISION 30

DISCIPLINE AND ENFORCEMENT

338-030-0020

Investigative Authority

The Health Licensing Office 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

DRAFT

Environmental Health Legislation Board



Public Comment

March 1, 2011

through

June 28, 2011

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.l.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); gymeyer@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); marylcph@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
Environmental Health Division Director
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Office: (541) 766-6841
www.co.benton.or.us/health*

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 loses 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: 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 Craig 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: 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 ASD

From: Jeff Freund [Jeff_Freund@co.deschutes.or.us]
Sent: Wednesday, May 18, 2011 3:38 PM
To: Caroline Gross-Regan; Dan Bussen; Jeff Hampton; Michael Kucinski; CIESLAK Paul.R
Cc: PATNODE Samie * OHLA DIR (samie.patnode@state.or.us)
Subject: FW: CLEHS recommendations

Here's Bill's (clehs) clarification to their earlier questions. I think the 3 annual renewals for trainees addresses the first two and the CEU thing seems to be more of an issue of the agencies getting ceu certificates in the correct format. Samie and I discussed some outreach from OHLA to ceu issuing agencies so everyone's on the same page.

Jeff

From: EMMINGER Bill [mailto:Bill.EMMINGER@Co.Benton.OR.US]
Sent: Wednesday, May 18, 2011 1:50 PM
To: Jeff Freund
Subject: RE: CLEHS recommendations

Jeff, sorry I've not gotten back to before now. My e-mail has been working over time and this one got buried. See my answers below. At the end of your e-mail I've attached CLEHS Comments to OHLA that was sent on March 11, 2011. Hope my comments are still helpful. Bill

-----Original Message-----

From: Jeff Freund [mailto:Jeff_Freund@co.deschutes.or.us]
Sent: Wednesday, March 16, 2011 1:20 PM
To: EMMINGER Bill
Subject: CLEHS recommendations

Hi Bill,

Looking for some help to wade through some of the stuff CLEHS presented to OHLA.

-are there specific parts of 338 that you would like to mimic ORS 700?
Is this just to make the OAR and ORS more consistent?

***Answer:** Yes, CLEHS position is that should a trainee license need to be extended that extension should be granted annually until the two full years of full-time equivalent (FTE) hours of employment is earned. No more six month extensions. The economy and work force is changing. Trainee licenses should be renewed annually instead of paying for two-years. Annual renewal is more affordable for trainees, especially ones who are working part-time, and mirrors what the current practice is for REHS annual renewal. No one has ever*

explained to me what is accomplished by renewal every six months that couldn't be done at one year.

-I have also been thinking about the trainee time accrual thing. In this time of more part-time work than full-time, it can be difficult for a trainee to accumulate the necessary hours in the allotted window of time. Has this been an obstacle for some counties and keeping trainees? Currently the rule allows for up to 2-6 month extensions for them to get in their time. I agree that maybe a little more time be allocated, but I'm not sure unlimited extensions is the answer. I think we have to draw the line somewhere. This scenario could drag on for years. Finding a way to get your hours is one of the "rites of passage". Would adding a third 6 month extension help? That would give a trainee 3.5 years to accrue their hours.

Answer: CLEHS agree a limit should be set, but the line has already been drawn under statute – Two years equivalent experience. It is not necessary in our opinion to make the rule artificially more restrictive. Doing so creates an artificial barrier to both employers' and employees. Some very good people who are being developed will be terminated and their careers cut short because of an artificial barrier of two-six months extensions. It is my understanding in talking with some CLEHS members that we currently have a number of part-time REHS Trainees who are doing a great job and who have been granted numerous extensions. One person mentioned they knew of a trainee who had 10-six month extensions, because the trainee has not worked enough hours to reach the minimum 2 years of equivalent. If true this means that OHLA is possibly violating its current rule. My read of the proposed rule is that after two - six month extensions we would have to terminate an employee. I'm concerned that this rule could be very problematic for counties that hire part-time or on-call employees. What happens if a trainee becomes pregnant and takes a year or two off? What about a trainee who is called away to military service? A person who is LDS and goes on a two year church mission? A trainee who has a medical condition? A trainee who is working on an advanced degree? For example, one of my on-call employees has been working on his PhD the last four years. He should graduate next year – He currently is fully licensed as REHS, but if he was a REHS Trainee I would have to terminate him because he would have exhausted his extensions). I currently have an intern/volunteer who when she does apply for a trainee licenses, will likely already have six month or more (FTE) experience she can document. She may be ready for full licensure in less than two years with experience she has been able to document. If the statute allows two year equivalent then the rule needs to do the same. I would eliminate the six month extensions as needless and counter productive to hiring a qualified work force. Annual renewal of the trainee license will accomplish the same thing. If the trainee is not performing as expected it is up to the hiring agency to terminate that employee and they can do that any time through their established HR process.

-I agree with the CEU's and why require 5 additional things on top of the Certificate of Completion? Adding an "or" would make sense, but apparently changing one little word is a big deal. I spoke with Samie and it doesn't seem like this has been a problem since they pre-approve all the CEU's for REHS. Sounds like this is canned language intended more for the other professions under OHLA. Can you give me an example of an issue with this? Most CEU certificates list the sponsor, title, date and # of hours but do not typically list the agenda nor the presenter. We did discuss adding a "CEU certificate template" on the website so everyone knows what should be on one. This may be more of an issue between the sponsoring agency/organization giving the CEU's and the form they present to the OHLA.

Answer: This may not be a problem for OHLA for the classes they pre-approve, but many REHS attend training that is not pre-approved. OR-EPI, NEHA, FEMA, Soils classes offered by DEQ or OSU, Emergency Preparedness, CD 101, CD 303, FDA training, OSU course of Environmental Health at Home are just a few that immediately come to mind that are not routinely preapproved by OHLA. For example, I attended OR-Epi this year and they had a sign-up for Nursing CEUs but not REHS CEUs. I was looking at the draft language for the REHS rule last night and it seems like OHLA has done a better job formatting the CEU process that I think will work.

http://www.oregon.gov/OHLA/EHS/docs/EHRB_Rules/5_EHRB_Proposed_Rule_Text.pdf

Let me know. Thanks

Jeff Freund, RS
Deschutes County Environmental Health
2577 NE Courtney Drive
Bend, OR 97701
541-388-6563 FAX 541-322-7604

From: EMMINGER Bill
Sent: Friday, March 11, 2011 7:35 PM
To: Patnode, Samie ; Randy L Everitt (randy.l.everitt@state.or.us)
Cc: Alex Giel; Amy Chapman (E-mail); Annette Pampush (E-mail); Dan Haldeman (E-mail); David C MARTIN (E-mail); David E LELAND (david.e.leland@state.or.us); Dawn Smith; Delbert Bell (E-mail); EMMINGER Bill; Eric A PIPPERT (E-mail); Eric Evans; Eric Mone (Eric_Mone@co.deschutes.or.us); Francis Smith (E-mail); Gail R SHIBLEY (E-mail); 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 (jon.k.kawaguchi@multco.us); KUCINSKI.Michael@deq.state.or.us; Laina Fisher (lfisher@co.wallowa.or.us); Lila Wickham (lila.wickham@multco.us); MaiKia K MOUA (E-mail) (maikia.k.moua@state.or.us); Mark Edington (E-mail); Maureen Taylor (E-mail) (mtaylor@co.clatsop.or.us); Max Hamblin (Max.Hamblin@co.jefferson.or.us); McNickle Michael; Melissa Newman; Michael Meszaros (E-mail); Mike Matthews; Morgan Cowling (oregonclho@gmail.com); RANDY TROX (E-mail); Ray Huff (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; Stephen KEIFER (E-mail); Steve Dahl (E-mail); Susan J DIETZ (susan.j.dietz@state.or.us); Teri Thalhofer (E-mail) (terit@co.wasco.or.us); Toby Harris (E-mail); Wilkie Mary (marylcph@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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PATNODE Samie * OHLA ASD

From: EMMINGER Bill [Bill.EMMINGER@Co.Benton.OR.US]
Sent: Friday, May 27, 2011 12:23 PM
To: CIESLAK Paul.R; Michael Kucinski; dhbussen@co.douglas.or.us;
Jeff_Freund@co.deschutes.or.us; Patnode, Samie ; randy.l.everitt@state.or.us
Subject: Preliminary Comments related to Draft OAR 338
Attachments: EHRB_TeleCon_Board_5-27-2011.pdf

The following are some preliminary comments related to the changes proposed to OAR 338 in the attached report. I also have placed the draft OAR 338 on the agenda to discuss at our next Conference of Local Environmental Health Supervisors (CLEHS) meeting scheduled for June 9, 2011. I may have some additional comments to share on CLEHS behalf after that date, but I wanted bring these three issues to your attention in time for your next Environmental Health Registration Board meeting:

- 1) There should be no limit on how long a trainee may hold a training license provided they have not exceeded the two year equivalent established in statute. The current statute sets a reasonable standard that should be mirrored in rule and not embellished or restricted. **ORS 700.030 (1) (a)** says, *"Has a bachelor's degree from an accredited college or university with at least 45 quarter hours, or the equivalent semester hours, in science courses relating to environmental sanitation and **two years of experience in environmental sanitation under the supervision of a registered environmental health specialist** or a person possessing equal qualifications, as determined by the board."* **(Bold added for emphasis)**

Some very well educated and highly motivated trainees may be harmed and the profession may be diminished by setting a standard in rule that is more stringent than what is established in statute. We currently have trainees in Oregon who have obtained a trainee license and have not yet begun full-time employment. Some of these individuals are working part-time, or as unpaid interns or volunteers to gain work experience. In some cases trainees may have had to discontinue their training because of medical or personal reasons. What about a new mother who chooses to take four or five years off to raise her new born? A recent college graduate who goes on a mission for their church for two or more years? Also, given the current economic climate, some individuals may not have an opportunity to complete their training before the proposed number of three extensions run out. In some cases new hires may be laid off and are having trouble finding a new job in order to complete their training. In at least one case, the person obtained their training license about one year ago and has been working on average one day a week to build their hours. In this case they would be penalized for being what they thought as proactive in getting their training license as soon as possible after graduation. If the rule is enacted as proposed *"...Environmental health specialist trainees may not extend their trainee registration but rather renew up to three times if they meet requirements;"* They would be disqualified from holding a REHS license after three extensions. On the other hand, if the same applicant waited to get their training licenses after obtaining full-time employment, not only could they count the hours on their new job, but they could have counted their previous hours of training.

There are adequate safe guards that makes setting a limit on the number of renewals for a trainee license unnecessary. First, the REHS examination is a tough exam to pass. If a trainee can pass this exam they have demonstrated basic knowledge. Second, a part-time employee, intern, or volunteer who has been working at learning this profession for three, four, five, or six years has a very stronger commitment to the environmental health profession. Third, the hiring agency will not

hire someone who they feel is not qualified to do the job. Fourth, most employers will conduct reference checks to assess the knowledge, skills, and abilities of the person they are considering.

Recommendation: 1) Delete the requirement for placing a maximum on the number of renewals for a training license, and 2) Make the training license renewable annually until the two year equivalence is met. At which point an REHS license could be issued.

- 2) The proposal to increase training time from 3840 to 4000 may be unrealistic if the expectation is to complete the training in two years. Assuming we are dealing with a full-time employee, the hours available for work are:

Full-time equivalent is 2080 annually or 4160 biennially
- Vacation 80 hrs. annually or 160 hrs. biennially
- 10 Holidays annually = 80 hrs. annually or 160 hrs. biennially
Total hrs. available to do work is 1920 annually or 3840 biennially.

Increasing the training from 3840 to 4000 would require trainees to either work holidays or not take vacations in order to complete the training requirements within two years. This proposed change may also violate Bureau of Labor and Industry (BOLI) regulations.

Recommendation: If the intent is to complete training within two years, then I suggest we keep the total training hours at 3840. Otherwise we need to make it clear to all concerned that it will most likely take trainees longer than two years of full-time work to complete training and the rules and statutes should be adjusted accordingly.

- 3) As written this rule reduces training time for someone with a graduate degree in public or community health. I agree in principle with the concept that "relevant" graduate work should count towards reduced training hours. However while some graduate degrees in public or community health may relate to environmental health, some do not. Both of these programs often have major gaps such as not providing training on food safety; drinking water system design and construction; swimming pool/spa design, construction and operation; recreational water safety; solid waste and landfill design construction and management; onsite waste water system design, construction, and operation; soil science, soil morphology, and soil geology to name a few. Some degrees in public or community health are more tailored to the nursing or health education profession. The rule as written does not recognize graduate degrees in other fields that may be more relevant to the Environmental Health profession such as: Environmental Health, Environmental Management, Environmental Policy, Environmental Science, Environmental Toxicology, Environmental Engineering, Toxicology, Chemistry, Biology, Physics, etc. For example, an Environmental Health Specialist who is working in the radiological field may benefit more from a Master's degree in Physics more than a Master's degree in Public Health or Community Health. A REHS working in mosquito control work, where I started my career, may benefit more from a Master's in Biology.

To see an example of graduate programs in public health at Oregon State University go to: <http://oregonstate.edu/admissions/graduate/gradmajors.php>. For example a graduate degree in public health at OSU is limited to: Biostatistics (MPH only); environment, safety and health (MPH, PhD); epidemiology (MPH only); health management and policy (MPH, PhD); health promotion (MPH only); health promotion and health behavior (PhD only); international health (MPH only). While some of these graduate programs may enhance the minimum knowledge, skills, and abilities, others may not warrant reducing the training time for a REHS.

To see an example of a graduate degree program in Environmental Management, Environmental Policy, Environmental Science, Public Administration, Environmental Affairs at Indiana University School of Public and Environmental Affairs (SPEA) go to:
<http://www.iub.edu/academic/majors/e.shtml>

To see an example of a graduate degree program in Environmental Science, Environmental Studies, at University of Oregon go to <http://gradschool.uoregon.edu/?page=programs>

You may also be interested in checking out the Association for Environmental Health Academic Programs (AEHAP) at <http://www.aehap.org/> AEHAP promotes and supports National Environmental Health Science and Protection Accreditation Council (EHAC) accredited environmental health degree programs in response to a severe national environmental health workforce shortage.

Recommendation: We should look at this section carefully and consider expanding the types of graduate degrees beyond the limited choices offered in public or community health programs to make sure we don't lose some very highly qualified applicants.

Respectfully submitted,



*Bill Emminger
Environmental Health Division Director
Benton County Health Department
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530 NW 27th Street
Corvallis, Oregon 97339-0579
Office: (541) 766-6841
www.co.benton.or.us/health*

PATNODE Samie * OHLA ASD

From: EMMINGER Bill [Bill.EMMINGER@Co.Benton.OR.US]
Sent: Tuesday, June 07, 2011 11:16 AM
To: CIESLAK Paul.R; Michael Kucinski; Jeff_Freund@co.deschutes.or.us; Patnode, Samie ; randy.l.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; Ifisher@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); marylcph@yahoo.com
Subject: FW: Environmental Health Registration Board - Revised Proposed Administrative Rules
Attachments: 2-EHRB_Public_Comment_Extended.pdf; 1-EHRB_6-1-11_Draft_Rules.pdf

REHS Board,

I have the draft Environmental Health Registration Board rules on the CLEHS agenda for discussion on June 9th, 2011. We will probably get to this topic around 11:15 am or shortly thereafter. I've allotted 20 minutes for discussion. If you would like to participate in this discussion you may do it in person or by call in following the instructions below. After the discussion it is my intention to compile CLEHS comments into a recommendation for Oregon Health Licensing Agency to consider as part of your rule making.

Date: Thursday, June 9th, 2011
Time: 10:00 am-2:00 pm.
Location: Charnelton Building, Room 471
151 W. 7th St., Eugene, OR 97401

To participate by phone call: (888) 379-9287
Then enter the Six-Digit PARTICIPANT Security Number: 902267

Background: As you know I have already shared some preliminary concerns with the REHS Board at your meeting last week. One new area has emerged and will also be discussed at Thursday's CLEHS meeting.

New Issue: The draft rule is more restrictive than statute concerning both undergraduate and graduate degree qualifications. The statutes recognize degrees in sanitary, biological, or physical sciences whereas the rule does. Many environmental health specialists have degrees in sanitary, biological, or physical sciences. A trend that will likely continue, especially in lieu of Oregon State University eliminating their undergraduate degree in environmental health.

ORS 700.010(8) currently says, "Science courses relating to environmental sanitation" include courses in public or community health or in sanitary, biological or physical sciences. See, <http://www.leg.state.or.us/ors/700.html>

The draft rule is more restrictive in several sections and will reduce local health department's ability to hire qualified individuals, see http://egov.oregon.gov/OHLA/EHS/docs/EHRB_Rules/1-EHRB_6-1-11_Draft_Rules.pdf

Some examples where the draft rule is more restrictive include:

- 338-010-0015(3)(a)(B)(i) Official transcript as defined in OAR 338-005-0020 demonstrating attainment of a Graduate degree in public or community health;
- 338-010-0015(3)(b)(A) Submit official transcript as defined in OAR 338-005-0020 demonstrating attainment of qualifying Bachelor's degree, or of qualifying graduate degree in public or community health, pursuant to ORS 700.030(1)(a) or (b);
- OAR 338-010-0065 Equivalent Supervisor Qualifications (1) Environmental Health: pursuant to ORS 700.030 and 700.035(4), to be considered equivalent to a registrant supervisor, an individual must possess a bachelor degree with 45 science quarter hours or a graduate degree in public or community health and must have been working in a manner directly related to the duties of an environmental health specialist throughout the period of supervision, including but not limited to one of the following fields:

Draft Recommendation: Amend the rules to be consistent with state statute by adding "....or sanitary, biological, or physical science" or cross reference to ORS 700.010(8).

- 338-010-0015(3)(a)(B)(i) Official transcript as defined in OAR 338-005-0020 demonstrating attainment of a Graduate degree in public or community health or sanitary, biological, or physical science;
- 338-010-0015(3)(b)(A) Submit official transcript as defined in OAR 338-005-0020 demonstrating attainment of qualifying Bachelor's degree, or of qualifying graduate degree in public or community health or sanitary, biological, or physical science, pursuant to ORS 700.030(1)(a) or (b);
- OAR 338-010-0065 Equivalent Supervisor Qualifications (1) Environmental Health: pursuant to ORS 700.030 and 700.035(4), to be considered equivalent to a registrant supervisor, an individual must possess a bachelor degree with 45 science quarter hours or a graduate degree in public or community health or sanitary, biological, or physical science and must have been working in a manner directly related to the duties of an environmental health specialist throughout the period of supervision, including but not limited to one of the following fields:

From: PATNODE Samie * OHLA ASD [mailto:samie.patnode@state.or.us]

Sent: Tuesday, June 07, 2011 9:53 AM

Subject: Environmental Health Registration Board - Revised Proposed Administrative Rules

Date: June 7, 2011

To: Stakeholders & Interested Parties

From: Samantha Patnode, Policy Analyst

Subject: Revised Proposed Administrative Rules

The Oregon Health Licensing Agency (agency) and the Environmental Health Registration Board (board) were scheduled to adopt permanent administrative rules on May 6, 2011 with an effective

date of June 1, 2011. However, upon further review of ORS 700 the agency found that there were many inconsistencies between the statutory requirements and the proposed administrative rules.

On May 6, 2011, the board decided to *extend public comment* from June 1 to June 30, 2011, to allow stakeholders time to provide input regarding the additions made to the proposed administrative rules.

On May 27, 2011 the Legislation and Rules Committee met to review changes made to the proposed administrative rules prior to releasing them for further public comment.

Please send all comments to the following:

Samie Patnode, Policy Analyst

700 Summer St NE, Suite 320

Salem, OR 97301-1287

samie.patnode@state.or.us

Work: (503) 373-1917

Fax: (503) 585-9114

The board is scheduled to adopt permanent administrative rules on July 19, 2011, where all public comment will be considered.

Revised proposed text can be located on the board Web site at http://www.oregon.gov/OHLA/EHS/EHSlaws_rules.shtml. For alternative formats please contact (503)373-1917 or samie.patnode@state.or.us

PATNODE Samie * OHLA ASD

From: KRUGER Scott [Scott.Kruger@Co.Benton.OR.US]
Sent: Tuesday, June 07, 2011 12:43 PM
To: Patnode, Samie
Subject: proposed rule change

I would like to comment on the proposed rule change. I still don't understand how OHLA justifies charging me \$150 per year when they provide me no direct services. I understand that the model suggested that we are a small group so our fees are higher. I contend that once you become fully registered, other than auditing our profession and maintaining a web page, there are no direct services provided. Does auditing our group and maintaining a web page and printing a license equal a fee of \$150 per individual?

Thank you

Scott Kruger R.E.H.S
Benton County Environmental Health
541-766-6650
scott.kruger@co.benton.or.us

Date: June 15, 2011

Samie Patnode
Policy Analyst
Oregon Health Licensing Agency
700 Summer St NE, Suite 320
Salem, OR 97301-1287

Regarding: CLEHS Public Comments Related to Draft OAR 338

Dear Samie,

We appreciate the time you took out of your busy schedule to meet with the Conference of Local Environmental Health Supervisors (CLEHS) at our June 9th 2011 meeting to review the proposed version of OAR 338 Environmental Health Registration Board rules.

Local environmental health programs hire the majority of environmental health specialist in the state of Oregon. As such we have a vested interest in making sure that we hire quality employees who are ethical, as well as being both technically and professionally competent. We welcome this opportunity to work with the Oregon Health Licensing Agency to promote our common aims.

As a follow-up to the June 9th CLEHS meeting we are formally submitting the following issues and where appropriate suggested amends to the proposed rules. There are four issues we liked to address: 1) Two Year Equivalence, 2) the Proposal to Increase Training Time from 3840 hours to 4000 hours, 3) Reduced Training Time for Graduate Work in Community Health and Public Health 4) to highlight where we believe the draft Rule is in Conflict with ORS 700 as it relates to Undergraduate Degrees.

- 1) **Two Year Equivalent:** CLEHS felt very strongly in a 92% (11/12) vote that there should be no limit on how long a trainee may hold a training license provided they have not exceeded the two year full-time employment established in statute. The current statute sets a reasonable standard that should be mirrored in rule and not embellished or restricted. **ORS 700.035** says,

“(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.”

Recommendations:

- 1) Make the training license renewable annually until the two year equivalence is met.

- 2) Delete the following section in the draft rule 338-010-0050(2) that says,
“An Environmental Health trainee employed less than full time and who has not attained permanent registration or fulfillment of the two year or 4,000 clock hour work experience requirements after two years of less than full time employment may be issued two additional one-year renewals of trainee registration.” Or
- (3) Amend draft rule 338-010-0050(2) to say,
“An Environmental Health trainee employed less than full time and who has not attained permanent registration or fulfillment of the two year or 4,000 clock hour work experience requirements may be issued a training license until the equivalent of two years of full-time work experience is met.”

Reason: Some very well educated and highly motivated trainees may be harmed and the profession may be diminished by setting a standard in rule that is more stringent than what is established in statute. If the draft rule is enacted as proposed *“...Environmental health specialist trainees may not extend their trainee registration but rather renew up to three times if they meet requirements;”* They would be disqualified from holding a REHS license after three extensions. The following are some examples of why limiting the training license to anything less than the *equivalent of two years of full-time work experience* is problematic:

- Some environmental health programs have had to reduce the work weeks from 40 hours to 37.5 hours in response to the down turn in the economy. As a result trainees working in these programs will take longer than two years obtain their license.
- We currently have trainees in Oregon who have obtained a trainee license and have not yet begun full-time employment. Some of these individuals are working part-time, or as unpaid interns or volunteers to gain work experience.
- In some cases trainees may have had to discontinue their training because of medical or personal reasons. For example, a new mother who chooses to take four or five years off to raise her new born. A recent college graduate who goes on a mission for their church for two or more years.
- Given the current economic climate, some current or future trainees may not have an opportunity to complete their training before the proposed number of extensions run out. In some cases new hires may be laid off and are having trouble finding a new job in order to complete their training.
- In at least one case, the person obtained their training license about one year ago and has been working on average one day a week to build their hours. In this case they would be penalized for being what they thought as proactive in obtaining their training license as soon as possible after graduation. Alternatively if the same trainee waited to get their training license after they were employed not only could they

count the hours in their new job, but would be able to retrospectively count volunteer and/or internship hours.

There are adequate safe guards that make setting a limit on the number of renewals for a trainee license unnecessary. First, the license renewal is relatively expensive and anyone not truly interested in actively working on meeting the requirements to become a Registered Environmental Health Specialist will stop renewing their training licenses within a year or two. Second, the REHS examination is a tough exam to pass. If a trainee can pass this exam they have demonstrated basic knowledge. Third, a part-time employee, intern, or volunteer who has been working at learning this profession for three, four, five, or six years has a very strong commitment to the environmental health profession; they should not be penalized by the establishment of some arbitrary barrier that is more restrictive than state statute. Fourth, the hiring agency will not hire someone who they feel is not qualified to do the job. Fifth, most employers will conduct reference checks to assess the knowledge, skills, and abilities of the person they are considering.

- 2) **Proposal to Increase Training Time from 3840 hours to 4000 hours:** The proposal to increase training time from 3840 to 4000 may be unrealistic if the expectation is to complete the training in two years. Assuming we are dealing with a full-time employee, the hours available for work are:

Full-time equivalent is 2080 annually or 4160 biennially
- Vacation 80 hrs. annually or 160 hrs. biennially
- 10 Holidays annually = 80 hrs. annually or 160 hrs. biennially
Total hrs. available to do work is 1920 annually or 3840 biennially.

Increasing the training from 3840 to 4000 would require trainees to either work holidays or not take vacations in order to complete the training requirements with-in two years. This proposed change may also violate Bureau of Labor and Industry (BOLI) regulations. Also, some environmental health programs have had to reduce the work weeks from 40 hours to 37.5 hours in response to the down turn in the economy. As a result trainees working in these programs will take longer than two years obtain their license.

Recommendation:

- 1) If the intent is to complete training within two years, then the total work hours that are available is 3840 with holidays and vacation time removed. CLEHS recommends that the current practice should be continuing; or
- 2) if the hours are increased then CLEHS recommends that the statute be amended to set 4000 hrs. as the new standard.

- 3) **Reduced Training Time for Graduate Work in Community Health and Public Health:** As written both ORS 700.030(1)(b) and the draft rule OAR 338 reduces training time for someone with a graduate degree in public or

community health. CLEHS agrees in principle with the concept that “relevant” graduate work should count towards reduced training hours and encourages OHLA to expand this provision to other graduate degrees such as environmental health, biological, chemical or physical sciences.

Historically OHLA has taken a much broader view approving graduate work in fields other than Community Health and Public Health. For example we have REHS trainees who were awarded a Master’s degree in Soil Science from Oregon State University and were allowed to shorten their training time from two years to one year. Strictly speaking the Masters in Soil Science is not a graduate degree from a public or community health program. While some graduate degrees in public or community health may relate to environmental health, some do not. Both Community Health and Public Health programs often have major gaps such as not providing training on food safety; food microbiology, drinking water system design and construction; swimming pool/spa design, construction and operation; recreational water safety; solid waste and landfill design construction and management; onsite waste water system design, construction, and operation; soil science, soil morphology, and soil geology to name a few. Some graduate degrees in public or community health are more tailored to the nursing or health education profession than the environmental health profession. Both the statute and draft rule as written does not recognize graduate degrees in other fields that are more relevant to the Environmental Health profession such as graduate degrees in: Environmental Health, Environmental Management, Environmental Policy, Environmental Science, Environmental Toxicology, Environmental Engineering, Toxicology, Chemistry, Biology, Physics, etc. For example, a REHS who is working in the onsite program will benefit immensely from a Master’s Degree in Soil Science, a REHS working in the radiological field may benefit more from a Master’s degree in Physics more than a Master’s degree in Public Health or Community Health. A REHS working in food safety will benefit more from a Master’s degree in Microbiology or Food Microbiology, a REHS who is a generalist may benefit more with a Master’s degree in Environmental Health or Environmental Science.

To see an example of graduate programs in public health at Oregon State University go to: <http://oregonstate.edu/admissions/graduate/gradmajors.php>. For example a graduate degree in public health at OSU is limited to: Biostatistics; environment, safety and health, epidemiology, health management and policy, health promotion and health behavior, and international health. While some of these graduate programs may enhance the minimum knowledge, skills, and abilities, others may not warrant reducing the training time for a REHS.

To see an example of a graduate degree from programs that are not community health or public health related but are more focused on the environmental health profession such as Environmental Management,

Environmental Policy, Environmental Science, Public Administration, Environmental Affairs at Indiana University School of Public and Environmental Affairs (SPEA) go to:
<http://www.iub.edu/academic/majors/e.shtml>

To see an example of a graduate degree from programs that are not community health or public health related but are more focused on the environmental health profession such as in Environmental Science, Environmental Studies, at University of Oregon go to
<http://gradschool.uoregon.edu/?page=programs>

You may also be interested in checking out the Association for Environmental Health Academic Programs (AEHAP) at <http://www.aehap.org/> AEHAP promotes and supports National Environmental Health Science and Protection Accreditation Council (EHAC) accredited environmental health degree programs in response to a severe national environmental health workforce shortage.

Recommendations:

1) **Short term:** CLEHS recommends that OHLA should look at OAR 338-010-015(3)(c)(B) carefully and consider expanding the types of graduate degrees to the extent possible beyond the limited choices offered in public or community health programs to make sure we don't lose some very highly qualified applicants.

2) **Long Term:** Amend ORS 700.030(b) to be consistent with current practice to read, *"Has a graduate degree in public or community health, environmental health, biological, chemical or physical sciences and one year of experience in environmental sanitation health under the supervision of a registered environmental health specialist or person possessing equal qualifications, as determined by the board."*

4) **Draft Rule is in Conflict with ORS 700 as it relates to Undergraduate Degrees:**

The draft rule is in conflict with statute concerning undergraduate degree qualifications. ORS 700.030(a) says, "

"Has a bachelor degree from an accredited college or university with at least 45 quarter hours, or the equivalent semester hours, in science courses relating to environmental sanitation and two years of experience in environmental sanitation under the supervision of a registered environmental health specialist or person possessing equal qualifications, as determined by the board." See, <http://www.leg.state.or.us/ors/700.html>

No mention is made in this section of the ORS of a degree in public or community health. It is broadly written to include a *bachelor degree from an*

accredited college or university. The requirement for a graduate degree in public health and community health is not mention until the next section ORS 700.030(1)(b) is narrowly written and only applies to persons seeking to reduce their training time from two years to one. ORS 700.030(1)(b) says,

“Has a graduate degree in public or community health from an accredited college or university and one year of experience in environmental sanitation under the supervision of a registered environmental health specialist or a person possessing equal qualifications, as determined by the board.”

Many environmental health specialists currently employed in the State of Oregon have undergraduate degrees in sanitary, biological, chemical, or physical sciences. A trend that will likely continue, especially in lieu of Oregon State University elimination of their undergraduate degree in environmental health.

ORS 700 currently recognizes degrees in sanitary, biological, or physical sciences whereas the draft rule does not. For example, ORS 700.010,
(3) *“Environmental health specialist” means a person who by education, training and experience in the sanitary, biological and physical sciences is qualified to perform duties in environmental sanitation, including but not limited to scientific investigation and education and counseling in environmental sanitation.*
(5) *“Environmental sanitation” means the art and science of applying sanitary, biological and physical science principles and knowledge to improve and control the environment and factors therein for the protection of the health and welfare of the public.*
(8) *“Science courses relating to environmental sanitation” include courses in public or community health or in sanitary, biological or physical sciences.*

The draft rule is more restrictive in several sections and will reduce local health department’s ability to hire qualified individuals, see http://egov.oregon.gov/OHLA/EHS/docs/EHRB_Rules/1-EHRB_6-1-11_Draft_Rules.pdf

Some examples where the draft rule is more restrictive include:

- 338-010-0015(3)(b)(A) Submit official transcript as defined in OAR 338-005-0020 demonstrating attainment of qualifying Bachelor’s degree, or of qualifying graduate degree in public or community health, pursuant to ORS 700.030(1)(a) or (b);
- OAR 338-010-0065 Equivalent Supervisor Qualifications (1) Environmental Health: pursuant to ORS 700.030 and 700.035(4), to be considered equivalent to a registrant supervisor, an individual must possess a bachelor degree with 45 science quarter hours or a


graduate degree in public or community health and must have been working in a manner directly related to the duties of an environmental health specialist throughout the period of supervision, including but not limited to one of the following fields:

Recommendation: Amend the draft rules to be consistent with state statute by adding “... or sanitary, biological, or physical science or cross reference to ORS 700.030(1)(a).

- Amend 338-010-0015(3)(b)(A) to say, “*Submit official transcript as defined in OAR 338-005-0020 demonstrating attainment of qualifying Bachelor’s degree, or of qualifying graduate degree in public or community health or sanitary, biological, or physical science, pursuant to ORS 700.030(1)(a) ~~or (b)~~;*”
- Amend OAR 338-010-0065(1) Equivalent Supervisor Qualifications to say, “*Environmental Health: pursuant to ORS 700.030 and 700.035(4), to be considered equivalent to a registrant supervisor, an individual must possess a bachelor degree with 45 science quarter hours or a graduate degree in public or community health or sanitary, biological, or physical science and must have been working in a manner directly related to the duties of an environmental health specialist throughout the period of supervision, including but not limited to one of the following fields:...*”

We look forward to continuing to work with you and OHLA.

Respectfully Submitted,



Bill Emminger, REHS
Chair

Conference of Local Environmental Health Supervisors
Benton County Health Department
P.O. Box 579
530 NW 27th Street
Corvallis, Oregon 97339-0579
Office: (541) 766-6841
www.co.benton.or.us/health

PATNODE Samie * OHLA ASD

From: Lila WICKHAM [lila.wickham@multco.us]
Sent: Thursday, June 16, 2011 1:12 PM
To: Samie.Patnode@state.or.us
Cc: Bill Emminger; Jon Kawaguchi
Subject: Re: CLEHS Public Comments Related to Draft OAR 338

Samie, please consider the issue of workforce challenges that I have outlined below. I am concerned the EHS registration revisions will further impact the workforce challenges that we already face because it is more constrictive than the prior interpretation, particularly as it constricts the time that a person may continue in their role as an EHST.

On Thu, Jun 16, 2011 at 9:20 AM, EMMINGER Bill <Bill.EMMINGER@co.benton.or.us> wrote:

Lila, please submit to Samie directly at Samie.Patnode@state.or.us and copy me. You make some excellent points that should not be lost. Bill

From: Lila WICKHAM [mailto:lila.wickham@multco.us]
Sent: Wednesday, June 15, 2011 10:08 PM
To: EMMINGER Bill
Cc: Jon Kawaguchi; Morgan Cowling MPA; Kathleen OLeary
Subject: Fwd: CLEHS Public Comments Related to Draft OAR 338

Great reply Bill. Have a great time in Ireland. The only thing I would have added is

Workforce Development Challenges Facing Environmental Health

- Between 40 percent and 50 percent of the environmental health workforce will be eligible to retire in the next five years.
- More than 90 percent of the current workforce has no formal degree in public health or environmental health.
- Decades of high turnover have resulted in a workforce that is inexperienced, inadequately trained, and in need of emerging leaders to fill leadership roles rapidly being vacated because of large numbers of retirements.
- Extensive emergency response training is needed for emerging threats, including natural and human-made disasters.
- Many environmental public health programs are severely understaffed and are continuously seeking competent environmental health practitioners.

----- Forwarded message -----

From: EMMINGER Bill <Bill.EMMINGER@co.benton.or.us>

Date: Wed, Jun 15, 2011 at 6:16 PM

Subject: CLEHS Public Comments Related to Draft OAR 338

To: "Patnode, Samie" <Samie.Patnode@state.or.us>, randy.l.everitt@state.or.us
Cc: Alex Giel <AGIEL@co.josephine.or.us>, "Amy Chapman (E-mail)" <achapman@co.lincoln.or.us>, "Annette Pampush (E-mail)" <apampush@co.tillamook.or.us>, "Dan Haldeman (E-mail)" <danh@co.deschutes.or.us>, "David C MARTIN (E-mail)" <David.C.Martin@state.or.us>, david.e.leland@state.or.us, Dawn Smith <dsmith@oda.state.or.us>, "Delbert Bell (E-mail)" <dbell@co.klamath.or.us>, EMMINGER Bill <Bill.EMMINGER@co.benton.or.us>, "Eric A PIPPERT (E-mail)" <Eric.A.PIPPERT@state.or.us>, Eric Evans <eevans@malheurco.org>, Eric Mone@co.deschutes.or.us, "Francis Smith (E-mail)" <fsmith@co.coos.or.us>, "Gail R SHIBLEY (E-mail)" <Gail.R.Shibley@state.or.us>, Gary Van Der Veen <derveeng@co.yamhill.or.us>, "Genni B. Lehnert" <genni@co.umatilla.or.us>, "Glenn Pierce (E-mail)" <glennp@co.wasco.or.us>, gvmeyer@co.douglas.or.us, "Hal E NAUMAN (E-mail)" <HNAUMAN@co.clatsop.or.us>, Jackson Baures <bauresjb@jacksoncounty.org>, "Jeff Lang (E-mail)" <Jeffrey.Lang@co.lane.or.us>, "Jim Solvedt (E-mail)" <solvedt.jim@co.polk.or.us>, "John Mason (E-mail)" <JOHNm@co.deschutes.or.us>, "John Zalaznik (E-mail)" <JohnZ@co.wasco.or.us>, jon.k.kawaguchi@multco.us, KUCINSKI,Michael@deq.state.or.us, lfisher@co.wallowa.or.us, lila.wickham@multco.us, maikia.k.moua@state.or.us, "Mark Edington (E-mail)" <Medington@chdpublichealth.com>, mtaylor@co.clatsop.or.us, Max.Hamblin@co.jefferson.or.us, McNickle Michael <mcnicklem@co.yamhill.or.us>, Melissa Newman <melissan@umatillacounty.net>, "Michael Meszaros (E-mail)" <Meszarosm@co.curry.or.us>, Mike Matthews <mike.matthews@co.hood-river.or.us>, oregonclho@gmail.com, "RANDY TROX (E-mail)" <trox.randall@deq.state.or.us>, huffray@fmtc.com, "Richard Sherman (E-mail)" <rsherman@co.marion.or.us>, "Rick Hallmark - Coos County (E-mail)" <rhallmark@co.coos.or.us>, "Rick Partipilo (E-mail)" <rpartipilo@co.linn.or.us>, "Russ Hanson (E-mail)" <Russ.Hanson@co.crook.or.us>, Sherree Smith <mchealth@co.morrow.or.us>, "Skogley, Holly" <HSkogley@co.linn.or.us>, "Stephen KEIFER (E-mail)" <Stephen.B.Keifer@state.or.us>, "Steve Dahl (E-mail)" <SteveD@co.clackamas.or.us>, susan.j.dietz@state.or.us, terit@co.wasco.or.us, "Toby Harris (E-mail)" <toby_harris@co.washington.or.us>, marylcph@yahoo.com

Samie,

Please accept the attached document as CLEHS public comment related to OAR 338. I will be leaving for Ireland Thursday evening, but you can reach me by cell phone at 541-740-7480 Thursday until 5:00 pm. Thanks for meeting with CLEHS on June 9th.



Bill Emminger
Environmental Health Division Director
Benton County Health Department
P. O. Box 579
530 NW 27th Street
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Office: (541) 766-6841
www.co.benton.or.us/health

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Lila Wickham, RN MS

Director Multnomah County Environmental Health

3653 SE 34th Ave

Portland, OR 97202

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Blackberry: 503-793-4255

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lila.wickham@multco.us

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Fax: 503-988-4041

Grant County Health Department

528 East Main St. Ste. E, John Day (541) 575-0429 1-888-443-9104 Fax: (541) 575-3604
Mailing Address: 528 East main Street, Suite E, John Day, OR 97845

June 20, 2011

A copy of this document is being sent by email.

Samie Patnode
Oregon Health Licensing Agency
Environmental Health Registration
700 Summer St. NE # 320
Salem, OR 97301-1287

Re: Draft Rule- OAR 338 comments and experience

Dear Mr. Patnode:

I am writing this letter to you after notification by Mr. Bill Emminger of draft rule revisions proposed under OAR 338. This letter relates our experience in providing for an EHS to serve Grant, Harney and Wheeler counties as well as serving as a Registered Nurse because of budgetary constraints in these small counties.

In 2004 all County Health Departments in Oregon were notified that each county that had a health department must provide staff to perform environmental health inspections related to licensing of food service, travelers accommodations, recreational vehicle parks and swimming pools. The staff was required to meet licensing standards required for EHS and/or EHST with your agency and to receive training deemed appropriate by the FPLHS program of the Oregon Health Division.

In March of 2005, I contracted with Grant and Harney Counties to provide those services required under the programs that existed at that time and serve as Environmental Health Supervisor in both counties working under health administrators and/or supervising nurses. My contract specified that I was to train an EHST up to the point of being an EHS to serve in the counties as per agreement between the counties. Thus I could resume retirement.

I was to train an EHST from existing nursing staff because the scope of work and income from programs required that all funding sources be used to provide for local service. At that time, one day per week in each county appeared sufficient to get the required inspections, follow up and office work completed for the environmental health functions. The remaining days of the work week were devoted to nursing demands in the various other programs. It took all sources of funding to maintain this person to cover these joint activities because both of these counties had and continue to have the highest unemployment in the state. Qualified persons with adequate educational background could not afford to move to the area just for a single discipline.

During the first year, I began to train two different nurses that worked for Grant County. The increase in overall workload for the nurses and their mild disinterest in the environmental health field made it difficult to schedule their participation in the inspection activities. Both nurses ended up moving to other locales to pursue nursing careers or because of spousal employment demands.

In March 2006, John Combs, current EHST was hired as a four year, BS degree, RN and qualified for EHST training. The health administrator for Grant County moved on and John began to fill that position, the Emergency Services Coordinator position, and the EHST position. John is interested in environmental health as well as the other disciplines and has a great ability to learn and organize his work load. Yes, he works extra hours. Yes, he is a local man who has been retrained to a

professional position from being an injured logger. Having trained 5 previous EHS during my work experience with Malheur County, I can say that John is a great candidate for EHS and the very best person that I have had the opportunity to train.

It became apparent early on in the training process that the required 3850 hours of training to achieve EHS status would take a long time. John suggested that he be allowed to travel to Deschutes County to observe additional duties that were not available from our base work load. He then contracted with Wheeler County to conduct the Environmental Health program for that county on a routine basis. We also contracted with the state and assumed the Drinking Water Program. These multiple programs provided additional training opportunities as well as revenue from licensing grant and invoice activities which covered the related costs and did not require any general fund money to be spent from the skimpy tax bases in each county.

John recently accumulated the required training hours. This process took over 5 years to complete. He is now preparing for the EHS exam. He is a great "local" asset in that part of the state. "Local" is very important in the consideration of work performance in these rural counties. Even though I came from another rural county, 112 to 118 miles one way in distance, and had 24 hour, on call, cell service in most areas, there were instances when I could not provide a quality response to some situations. A few people had to wait until I could get back to the area in a week or two. The other consideration in using a local person is one of "trust." These people respond to a much higher degree to a "local" with family history who has been one of them.

I served on the Environmental Health Registration Board in the early nineties when it was decided to change to the NEHA exam. The wording of the act as it now stands was left intact for the reasons specified in this letter. Please do not "house keep" this set of rules into something that causes additional problems to deal with when attempting to get competent employees in any county health departments in this state.

Respectfully,

Leray Huff, REHS
Environmental Health Supervisor

Cc: By email to John Combs, Grant County and Bill Emminger, CLEHS Chair and State Senator Ted Ferrioli and Representative Cliff Bentz

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

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.

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.

