



Oregon

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Health Licensing Agency

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WHO: Oregon Health Licensing Agency
Environmental Health Registration Board
Legislation and Rules Committee
Teleconference

WHEN: Friday May 27 2011 – 2 pm to 4 pm

WHERE: Oregon Health Licensing Agency
Director's Office
700 Summer St NE, Suite 320
Salem, Oregon

What is the purpose of the meeting?

The purpose of the meeting is to allow the Environmental Health Registration Board, Legislation and Rules Committee an opportunity to review changes to the proposed administrative rules. Upon further review of ORS 700 the agency found that there were many inconsistencies between the statutory requirements and the proposed administrative rules.

The board decided at the May 6, 2011, meeting 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. Areas of major change are as follows:

- Trainee hours requirement 4,000 hours;
- No work experience requirement for reciprocity (EHS & WW)
- Applicants for environmental health specialist registration must have a bachelor degree with 45 science hours or a graduate degree in public or community health;
- Applicants for waste water specialist registration must have bachelor degree with 45 soil science hours, graduate degree in soil science and work experience or a graduate degree in soil science and certification as a professional soil scientist;
- Applicants for environmental health specialist trainee registration must pass an examination approved by the board before attaining the trainee registration;
- Environmental health specialist trainees may not extend their trainee registration but rather renew up to three times if they meet requirements; and
- Separate all environmental health and waste water requirements

On June 1, 2011, the *most current version of the* rules changes will be posted to the board Website
http://www.oregon.gov/OHLA/EHS/EHSlaws_rules.shtml.

The board is scheduled to adopt permanent administrative rules on July 19, 2011

A working lunch may be served for committee 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 committee meetings, although public comment is not generally taken during this time. Technical experts may be in attendance at committee meetings and could be called upon to provide knowledge in specific areas.

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

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

All members are asked to please give at least 24-hour notice if they are unable to attend the meeting so arrangements may be made.

**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 676.640. 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 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 an environmental health specialist, waste water specialist or other qualified person as determined by the board.~~

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

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

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

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

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

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

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

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

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

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

~~(22) **(8)** "Environmental health specialist" means an individual who has met the requirements of ORS 700.030 and has been issued a registration to practice environmental sanitation as defined in 700.040(6).~~

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

~~(15) **(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) (13) "Science courses relating to environmental sanitation" means those courses of study which relate to environmental sanitation in the physical and natural sciences and includes special courses in sanitary science and public health.~~

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

~~(26) (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) (16) "Waste water specialist" means an individual, defined in ORS 700.010(11), who has met the requirements of 700.053 and has been issued a registration to practice waste water sanitation within the scope of 700.056.~~

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

~~(30) (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:
- (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, maximum three renewals.**
- ~~(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~~ **inactive** status, and \$10 each month thereafter while in an ~~expired~~ **inactive** status.
 - (B) ~~Restoration of expired registration (payable up to three years of expiration):~~ **Reactivation: \$150.**
- ~~(G)~~ **(B) Replacement of registration, including name change: \$25.**

~~(D)~~ **(C)** Duplicate registration document: \$25 per copy with maximum of three.

~~(E)~~ **(D)** Affidavit of licensure: \$50.

~~(F)~~ **(E)** An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 700.080 & 700.240

Stats. Implemented: ORS 676.605, 700.080 & 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 4(Temp), f. & ef. 7-1-75 thru 10-28-75; SRB 5, f. 10-14-75, ef. 11-11-75; SRB 1-1981, f. & ef. 4-8-81; SRB 1-1984, f. & ef. 10-26-84; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1993(Temp), f. & cert. ef. 10-22-92; SRB 1-1993, f. & cert. ef. 3-18-93; SRB 1-1996(Temp), f. 5-15-96, cert. ef. 6-1-96; SRB 3-1996, f. 6-28-96, cert. ef. 7-1-96, Renumbered from 338-010-0020; SRB 1-1997(Temp), f. & cert. ef. 7-23-97; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-1999(Temp), f. 3-30-99, cert. ef. 4-1-99 thru 9-27-99; Administrative correction 11/17/99; SRB 1-2000, f. 1-28-00, cert. ef. 2-1-00; SRB 2-2000, f. 9-29-00, cert. ef. 10-1-00; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

DIVISION 10

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

338-010-0015

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’s Degree -- If applicant has obtained an environmental health trainee registration issued by the agency, submit:**

Comment [kml1]: MAJOR CHANGE: Just having been an EH trainee for two years does not necessarily qualify you to be a registrant. To be an EH registrant, regardless of which pathway you take to come in, you have to have a qualifying bachelor's or graduate degree. To become a trainee, you do not have to have a degree at all; instead, you can 15 quarter hours and five years experience. However, those 15 quarter hours and 5 years will never qualify you to be an actual registrant. So, if you came into the trainee program as a 15 credit hour/ five year person, you have to finish your degree before you can become a registrant. In other words, you can use the trainee program to buy some time to get your degree while you gain experience, but you cannot use it as a substitute for a degree. KL

(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 fee;

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

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

(B) Graduate Degree – submit:

(i) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying graduate degree 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 of the date of registration application pursuant to ORS 700.050 and OAR 338-010-0030; and

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

~~(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) Bachelor’s Degree Trainee - 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 sciences 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) Graduate Degree Trainee: 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);

Comment [kml2]: MAJOR CHANGES: Unlike EH, there is no way to become a WW trainee without a degree, so you don't have that problem. However, also unlike EH, there is no statute allowing the board to approve pre-registration work experience for WW. So...the only work experience that will qualify you as a WW registrant is work experience as a trainee. There is no "equivalent education and experience" pathway in WW. There is (1) trainee – bachelor or graduate, (2) reciprocity, (3) graduate degree and certification. KL

Comment [kml3]: MAJOR CHANGE: As a reminder from the Definitions section, the 45 quarter hours must be in soil sciences only, not soil sciences plus other sciences. This may be problematic at first because you may have some current WW trainees who were allowed to come into the trainee program with 45 quarter hours of science courses, but not 45 quarter hours of soil science courses, and those people do not actually have the education to qualify them to be registrants. KL

Comment [kml4]: MAJOR CHANGE: graduate degree must be in soil science, not any other science. This may be problematic at first because you may have some current WW trainees who were allowed to come into the trainee program with a graduate degree in a science, but not a graduate degree in soil science, and those people do not actually have the education to qualify them to be registrants. KL

(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 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 700.059 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 pursuant to 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.

Comment [kml5]: (6) REGULATORY and Samie- please note, unlike environmental health, a waste water trainee does not have to work under a supervisor to work lawfully. A waste water trainee only has to work under a supervisor if the trainee wants his/her hours counted as qualifying work experience towards qualifying for regular registration. KL

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;**
 - (b) Proof of having completed and passed a board approved examination within three years of 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.**
- (4) For environmental health specialist trainees registered prior to August 1, 2011, a trainee must submit proof by January 1, 2012 of having passed the examination approved by the board. If proof of having passed the examination approved for those trainees is not submitted by January 1, 2012, the trainee may be subject to disciplinary action.**

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

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

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

Stat. Auth.: ORS 700.035, 700.062, 700.240

Stats. Implemented: ORS 700.035, 700.062, 700.240

Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04

338-010-0025

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, of. 5-1-72; SRB 1-1985, f. 8 of. 11-1-85; 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 1-2004(Temp), f. 2-27-04, cert. of. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. of. 7-1-04

338-010-0030

General Examination Information

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

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

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

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

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

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

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

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

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

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

(b) 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.

(10) 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

Comment [kml6]: MAJOR CHANGE The law is different for EH and WW. WW only get two chances before they have to do something special, while EH can have as many as the board wants to give. WW trainee applicants have no test but EH trainee applicants do. KL

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

Comment [kml7]: The board does not have statutory authority to create more exemptions than are currently in law under 700.025. If this is important to EHRB and stakeholders then we could ask for legal advice on whether or not recommendations or advice to customers when solely for the purpose of installing an already approved septic tank is in fact environmental health.

(c) Documentation 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:** 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) Documentation 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 trainee employed less than full time who has not attained permanent registration or fulfillment of the two year or 4,000 clock hour work experience requirements, may be issued two additional one-year renewals of trainee registration.

(2) Trainee renewals for Environmental Health and Waste Water must be renewed in consecutive years, beginning the year after the trainee's initial registration

(3) Trainee renewals for Environmental Health and Waste Water must be submitted within six months of the trainee registration becoming invalid.

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

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

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

~~(a) Trainee name;~~

~~(b) Work location;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 676.605, 700.035, 700.062 & 700.240
Stats. Implemented: ORS 676.605, 700.035, 700.062 & 700.240
Hist.: SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08

OAR 338-010-0065

Equivalent Supervisor Qualifications

(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 be currently working in a manner directly related to the duties of an environmental health specialist in one of the following fields:

(a) Food processing including developing, implementing, managing or leading training in 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;

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

(h) Employment within a federal governmental agency;

(i) Veterinary medicine

(j) Meat, produce, bee, or grain warehouse inspection

Comment [s8]: Question for committee: do you want this to be MAY to be flexible -- include -- and if so or either can they look at others outside of the list on a case by case basis

Comment [km19]: Ask committee: should this be AND or OR -- does management of a national restaurant chain required all of the duties, some or only one. One could imagine that McDonalds Corporation may employ one person to create and administer sanitation programs.

Comment [s10]: Question for committee should veterinary medicine be an equivalent supervisor qualification

Comment [s11]: Question for committee should meat, produce, bee or grain warehouse inspection be equivalent supervisor qualification.

(2) 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, critical risk factors, and sanitation and process control. The following work experience qualifies:

Comment [kml12]: Question for committee: ambiguous. What type of risk? Health risk? Contamination risk? Etc. KL

(a) Food processing including developing, implementing, managing or leading training in 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;

Comment [s13]: Question for committee do you want this to be MAY to be flexible -- include -- and if so or either can they look at others outside of the list on a case by case basis

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

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

Comment [s14]: Ask committee: should this be AND or OR -- does management of a national restaurant chain required all of the duties, some or only one. One could imagine that McDonalds Corporation may employ one person to create and administer sanitation programs.

(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 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

**OREGON REVISED STATUTES
CHAPTER 700
005-240 & 995
2009 EDITION**



OREGON HEALTH LICENSING AGENCY

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GENERAL PROVISIONS

700.005 Purpose. Recognizing that to regulate our environment for protection of the public's health is not a natural right of any person but is a privilege granted by legislative authority, it is necessary in the interests of the health, safety and welfare of the people of this state to provide for the granting of that privilege and the regulation of its use, to the end that the public is protected from unauthorized or unqualified persons and from unprofessional conduct by persons registered to practice under this chapter. [1983 c.189 §13]

700.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Board" means the Environmental Health Registration Board, established within the Oregon Health Licensing Agency.

(2) "Certified professional soil scientist" means a person registered in good standing with the American Registry of Certified Professionals in Agronomy, Crops and Soils.

(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.

(4) "Environmental health specialist trainee" means a person who lacks the combination of training, education and experience required for a registered environmental health specialist, but who is engaged in meeting the requirements.

(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.

(6) "Registrant" means any person registered with the agency under this chapter.

(7) "Registration" means written authorization issued under ORS 700.030 or 700.053 for the holder to perform duties in the fields of environmental sanitation or waste water sanitation.

(8) "Science courses relating to environmental sanitation" include courses in public or community health or in sanitary, biological or physical sciences.

(9) "Trainee registration" means written authorization issued under ORS 700.035 or 700.062 for the holder to perform duties as an environmental health specialist trainee or as a waste water specialist trainee.

(10) "Waste water specialist" means a person who by education, training and experience in the sanitary, biological and physical sciences is qualified to perform duties in the field of waste water treatment, disposal and reuse where soil is used in the final stage of the treatment process.

(11) "Waste water specialist trainee" means a person who lacks the combination of training, education and experience required for a registered waste water specialist, but who is engaged in the process of meeting the requirements. [Amended by 1967 c.476 §1; 1971 c.650 §41; 1983 c.189 §9; 1995 c.572 §1; 1999 c.885 §34; 2003 c.547 §91; 2005 c.648 §104]

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]

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

(1) Any person teaching, lecturing or engaging in research in environmental sanitation but only in so far as such activities are performed as part of an academic position in a college or university.

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

(3) Any public health officer employed pursuant to ORS 431.035 to 431.530 and 431.705 to 431.990.

(4) Any person employed by a federal governmental agency but only at such times as the person is carrying out the functions of employment.

(5) Any person who holds a doctorate in veterinary medicine.

(6) The performances of such duties as meat inspection, produce inspection, bee inspection, grain warehouse inspection, landscaping, gardening, plumbing, septic tank or cesspool installation or insect and rodent poison application.

(7) Any employee of the Department of Environmental Quality other than an on-site waste water disposal employee.

(8) Any person employed by a local government, or its agents, while employed in a job that did not require registration under ORS 700.020 as of October 4, 1997. [1967 c.476 §4; 1991 c.563 §2; 1997 c.528 §1]

700.030 Qualifications of environmental health specialist applicant; rules for employment prior to registration. (1) Subject to ORS 676.612, upon application accompanied by payment of required fees, the Oregon Health Licensing Agency shall issue a registration to any applicant who performs to the satisfaction of the Environmental Health Registration Board on an examination approved by the board and furnishes evidence satisfactory to the agency that the applicant:

(a) 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. Accumulated schooling relevant to environmental sanitation gained while serving in the United States Public Health Service or a branch of the Armed Forces of the United States may be credited toward the educational requirement as evaluated by the current edition of the "Guide to Evaluation of Educational Experience in the Armed Services," by the American Council on Education; or

(b) 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.

(2) The agency, in consultation with the board, shall establish by rule requirements for registration as an environmental health specialist when an individual's date of employment precedes attainment of registration. [Amended by 1967 c.476 §7; 1975 c.600 §1; 1983 c.189 §1; 1995 c.572 §8; 2003 c.547 §93; 2005 c.648 §105]

700.035 Registration of environmental health specialist trainees; rules. (1) Subject to ORS 676.612, upon application and payment of required fees, the Oregon Health Licensing Agency shall issue an environmental health specialist trainee registration to any applicant who performs to the satisfaction of the Environmental Health Registration Board on an examination approved by the board and furnishes evidence satisfactory to the agency that the applicant:

(a) Has a bachelor's degree with 45 quarter hours, or the equivalent semester hours, in science courses relating to environmental sanitation from an accredited college or university; or

(b) Has at least 15 quarter hours, or the equivalent semester hours, in science courses

relating to environmental sanitation from an accredited college or university and has at least five years of experience in environmental sanitation or related activities, as determined by the board, under the supervision of a registered environmental health specialist or a person possessing equal qualifications, as determined by the board.

(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.

(3) The agency, in consultation with the board, shall establish by rule requirements for registration as an environmental health specialist trainee when an individual's date of employment precedes attainment of registration.

(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]

700.040 [Repealed by 1967 c.476 §21]

700.050 Environmental health specialist examination. (1) Examinations for registration as an environmental health specialist shall be held at least once every year at such time and place as the Oregon Health Licensing Agency may determine. The examination shall be sufficiently thorough to determine the qualifications, fitness and ability of the applicant to practice as an environmental health specialist and may be in the form of written, oral or practical demonstrations of skill. The examination shall cover subject areas determined by the Environmental Health Registration Board by rule.

(2) The agency shall notify each applicant whether the applicant passed or failed the examination.

(3) Upon written request to the agency, any applicant may discuss performance on the examination.

(4) Any applicant who fails to make a passing grade on the examination may be allowed to take the examination a second time upon payment of the required fee. The agency, in consultation with the board, may require the applicant to undergo additional training as determined by the board before taking the examination a third or subsequent time.

(5) The agency shall give reasonable notice by mail of the time and place of examination to each applicant accepted for examination. [Amended by 1967 c.476 §8; 1983 c.189 §3; 1995 c.572 §10; 1999 c.885 §35; 2003 c.547 §95; 2005 c.648 §107]

700.052 Registration without examination. The Oregon Health Licensing Agency shall issue a registration without written examination to an applicant who pays the required fees and furnishes documentation, as determined by the agency by rule, showing satisfactory evidence that the applicant meets the education requirements of this chapter, and at the time of application is registered as an environmental health specialist or waste water specialist by a national association that is recognized by the Environmental Health Registration Board or is registered by the regulatory body of another state. The registration requirements of the other state or the national association, including the written examination, must be substantially equivalent to registration requirements in this state. [2003 c.547 §101; 2005 c.648 §108]

700.053 Qualifications of waste water specialist applicant; application; fee; examination. (1) An applicant for registration as a waste water specialist shall submit an application to the Oregon Health Licensing Agency in the manner required by the Environmental Health Registration Board. The application shall be on a form approved by the agency, include proof satisfactory to the board that the applicant meets the education and experience requirements under subsection (3) of this section and include payment of required fees.

(2) The agency shall issue a registration as a waste water specialist to an applicant whose

application complies with subsection (1) of this section and who successfully completes the examination

is required under subsection (5) of this section and passes the examination required under subsection (6) of this section.

(3) An applicant for registration as a waste water specialist is required to have:

(a) A bachelor's degree from an accredited college or university, including at least 45 quarter hours or the equivalent in soil science courses and two years of experience in waste water treatment, disposal and reuse within this state supervised by a registered waste water specialist or by an equally qualified person as determined by the board;

(b) A graduate degree in soil science from an accredited college or university and one year of experience in waste water treatment, disposal and reuse within this state supervised by a registered waste water specialist or by an equally qualified person as determined by the board;

or
(c) A graduate degree in soil science from an accredited college or university and to currently be certified as a professional soil scientist.

(4) Soil science schooling obtained while serving in the United States Public Health Service or a branch of the Armed Services of the United States may be credited toward the soil science course requirement under subsection (3)(a) of this section. The board may use any system it considers reliable in assigning credit for relevant schooling under this subsection, including but not limited to assigning credit in conformance with the "Guide to Evaluation of Educational Experience in the Armed Services" published by the American Council on Education.

(5) The board may, at its discretion, conduct an examination of candidates for registration as waste water specialists. The examination may be on any matter pertaining to the fitness of the applicant to be registered as a waste water specialist, but may not duplicate matters covered on the examination required under subsection (6) of this section.

(6) Every applicant for registration as a waste water specialist shall be given a written or practical examination prepared by the board and designed to test the technical competence of the applicant in all major areas of waste water sanitation. [1995 c.572 §3; 2003 c.547 §96; 2005 c.22 §478; 2005 c.648 §109]

700.056 Duties allowed for waste water specialist; environmental health specialist may perform duties. (1) A person who is registered as a waste water specialist under ORS 700.053 shall not perform the duties of a registered environmental health specialist, except that the person may:

(a) Evaluate soils for subsurface or surface disposal of waste water or for the land application of sludge; and

(b) Based on the soil evaluation, determine the appropriate design of systems that use soil in the final stage of the waste water treatment process.

(2) This section does not prohibit a registered environmental health specialist from performing the duties of a waste water specialist. [1995 c.572 §4; 2003 c.547 §97]

700.059 Waste water specialist examination. (1) Examinations for registration as a waste water specialist shall be held at least once every year at such time and place as the Oregon Health Licensing Agency may determine. The Environmental Health Registration Board shall determine the content of the examination, utilizing such advisory committees as the board deems necessary.

(2) The agency shall notify each applicant whether the applicant passed or failed the examination.

(3) Upon written request to the board, any applicant may discuss performance on the examination.

(4) Any applicant who fails to make a passing grade on the examination may be allowed to take the examination a second time upon payment of required fees. However, any applicant who

fails the examination a second time must obtain special permission from the board to take the examination a third or subsequent time.

(5) The agency shall give reasonable notice by mail of the time and place of examination to each applicant accepted for examination. [1995 c.572 §5; 2003 c.547 §98; 2005 c.648 §110]

700.060 [Repealed by 1967 c.476 §21]

700.062 Waste water specialist trainee registration. (1) Subject to ORS 676.612, upon application and payment of required fees established by the Oregon Health Licensing Agency, the agency shall issue registration as a waste water specialist trainee to any applicant who furnishes evidence satisfactory to the agency that the applicant:

(a) Has a bachelor's degree from an accredited college or university, including at least 45 quarter hours or the equivalent in soil science courses; or

(b) Has a graduate degree in soil science from an accredited college or university.

(2) Soil science schooling obtained while serving in the United States Public Health Service or a branch of the Armed Services of the United States may be credited toward the soil science course requirement under this section. The Environmental Health Registration Board may use any system it considers reliable in assigning credit for relevant schooling under this subsection, including but not limited to assigning credit in conformance with the "Guide to Evaluation of Educational Experience in the Armed Services" published by the American Council on Education. [1995 c.572 §6; 2003 c.547 §99; 2005 c.648 §111]

700.070 [Repealed by 1967 c.476 §21]

700.080 Fees; rules; disposition of receipts. (1) The Oregon Health Licensing Agency shall establish by rule and collect fees and charges for the following related to environmental and waste water specialists:

(a) Application.

(b) Examination.

(c) Trainee registration.

(d) Original registration.

(e) Registration renewal.

(f) Reciprocity.

(g) Delinquent renewal.

(h) Replacement or duplicate certificate of registration.

(i) Reactivation of registration.

(j) Providing copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the agency under subsection (1) of this section shall be paid into the General Fund in the State Treasury and credited to the Oregon Health Licensing Agency Account, and are appropriated continuously to and shall be used by the agency as authorized by ORS 676.625. [Amended by 1967 c.476 §9; 1975 c.526 §11; 1983 c.222 §1; 1995 c.572 §11; 2003 c.547 §100; 2005 c.648 §112; 2009 c.701 §64]

700.082 [1983 c.222 §2; 1985 c.565 §117a; 1991 c.703 §37; repealed by 1995 c.572 §25]

700.085 [1967 c.476 §19; repealed by 1995 c.572 §25]

700.090 [Amended by 1967 c.476 §10; 1995 c.572 §12; repealed by 2003 c.547 §118]

700.100 Expiration date, renewal, reactivation and reinstatement of registration; rules. (1) Except as provided in subsection (2) of this section, registrations issued under this chapter expire one year from the date of issuance. The registrant is responsible for filing a

registration renewal application form. The registrant must submit to the Oregon Health Licensing Agency a completed renewal application, required renewal fee and satisfactory evidence of having completed any required continuing education credits on or before the expiration date of the registration as specified by agency rule. The registrant must be in compliance with all other requirements for renewal.

(2) The agency may vary the renewal date of a registration by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.

(3) The agency shall adopt by rule requirements for late renewal of a registration, reactivation of an expired registration or reinstatement of a registration that has been expired for more than three consecutive years. [Amended by 1967 c.476 §11; 1983 c.189 §4; 1995 c.572 §13; 1997 c.249 §212; 2001 c.274 §2; 2003 c.547 §103; 2005 c.648 §113; 2009 c.701 §65]

700.105 Continuing education requirements; rules. The Oregon Health Licensing Agency, in consultation with the Environmental Health Registration Board, may adopt rules establishing continuing education requirements that an applicant must meet to obtain renewal of a registration. [1983 c.189 §11; 1995 c.572 §14; 2003 c.547 §104; 2005 c.648 §114]

700.110 [Amended by 1967 c.476 §12; 1983 c.189 §5; 1995 c.572 §15; repealed by 2003 c.547 §118]

700.111 Grounds and procedure for discipline. In the manner prescribed in ORS chapter 183 for contested cases, the Oregon Health Licensing Agency may impose a form of discipline listed in ORS 676.612 against any person practicing as an environmental health specialist, an environmental health specialist trainee, a waste water specialist or a waste water specialist trainee for any of the grounds listed in ORS 676.612, and for any violation of the provisions of this chapter or the rules adopted thereunder. [2003 c.547 §105; 2005 c.648 §115]

700.115 [1971 c.734 §168; 1973 c.829 §70; 1995 c.572 §16; repealed by 2003 c.547 §118]

700.120 [Amended by 1967 c.476 §13; repealed by 1971 c.734 §21]

700.130 [Amended by 1967 c.476 §14; repealed by 1973 c.829 §71]

REGISTRATION BOARD

700.210 Environmental Health Registration Board. There is established within the Oregon Health Licensing Agency the Environmental Health Registration Board to consist of seven members to be appointed by the Governor. [Amended by 1967 c.424 §6; 1971 c.650 §42; 1973 c.792 §47; 1983 c.189 §6; 1997 c.632 §13; 2003 c.547 §107; 2005 c.648 §116]

700.220 Members' qualifications; term; removal; vacancies; compensation and expenses. (1) The members of the Environmental Health Registration Board appointed by the Governor shall be appointed from among the residents of this state and shall have the following qualifications and terms of office:

(a) One shall be a physician licensed to practice medicine or surgery by the Oregon Medical Board who has an emphasis in public health.

(b) Four shall be persons registered under this chapter who have at least four years of experience in environmental sanitation.

(c) One shall be a representative of the food or food and alcoholic beverage retail industry.

(d) One shall be a public member.

(2) The term of office of each member of the Environmental Health Registration Board is four years, but a member serves at the pleasure of the Governor. Vacancies shall be filled by the

Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is again eligible for appointment to serve on the board.

(3) The members of the board are entitled to compensation and expenses as provided in ORS 292.495, to be paid from the Environmental Health Registration Account. [Amended by 1967 c.476 §15; 1969 c.314 §100; 1971 c.650 §43; 1983 c.189 §7; 1987 c.158 §147; 1997 c.249 §213; 2003 c.547 §108; 2005 c.648 §117; 2009 c.701 §66]

700.230 Meetings; chairperson; quorum. (1) The Environmental Health Registration Board shall hold a meeting at least once each year.

(2) The board shall annually elect a chairperson from its members.

(3) Four members shall constitute a quorum but no action may be taken on any question unless four members are in accord. [Amended by 1983 c.189 §8; 2003 c.547 §109]

700.240 Authority of Oregon Health Licensing Agency and board; rules; records of proceedings. (1) The Oregon Health Licensing Agency, in consultation with the Environmental Health Registration Board, has such authority as is reasonably necessary to administer this chapter, including the authority to adopt rules pursuant to ORS chapter 183.

(2) The agency has authority to administer oaths and subpoena witnesses.

(3) The agency shall keep a record of all proceedings of the agency, including a register of all registrants. These records shall at reasonable times be open to the public.

(4) When the agency is satisfied that an applicant for registration under this chapter has complied with all of the requirements thereof, it shall have issued to such applicant an appropriate certificate evidencing registration. [Amended by 1967 c.476 §16; 1995 c.572 §17; 2003 c.547 §110; 2005 c.648 §118]

700.995 Criminal penalty. Violation of ORS 700.020 is a Class B misdemeanor.

