

**OREGON HEALTH LICENSING AGENCY
ENVIRONMENTAL HEALTH REGISTRATION BOARD
MINUTES OF November 17, 2006**

MEMBERS PRESENT

Herbert Hirst, Chairperson, Public Member
Richard Sherman, Environmental Health Specialist
Susan Kendrick, Environmental Health Specialist
Paul R. Cieslak, MD

BY TELEPHONE

Richard Maher, Environmental Health Specialist

MEMBERS EXCUSED

Russell Hanson, Environmental Health Specialist

STAFF PRESENT

Susan K. Wilson, Direction
Larry Peck, Regulatory Operation's Manager
Samantha Patnode, Board Liaison

PUBLIC PRESENT

Michael Kucinski, Department of Environmental Quality

CALL TO ORDER

Chairperson Herbert Hirst called the meeting of the Environmental Health Registration Board to order at 10:00 a.m. June 5, 2006, at the Oregon Health Licensing Agency (OHLA) in the Rhoades Conference Room, 700 Summer St NE, Suite 320, Salem, Oregon.

APPROVAL OF AGENDA

MOTION

Mr. Sherman made a motion and Mr. Maher seconded to approve the agenda. The motion passed with Mr. Hirst, Mr. Sherman, Ms. Kendrick, Mr. Maher, and Dr. Cieslak voting aye.

APPROVAL OF MINUTES

MOTION

Mr. Maher made a motion and Mr. Sherman seconded to approve the minutes of June 5, 2006. The motion passed with Mr. Hirst, Mr. Sherman, Ms. Kendrick, Mr. Maher, and Dr. Cieslak voting aye.

REPORTS

Revenues and Expenditures

Ronald Riggs, OHLA Fiscal Services Division Manager, provided members with an overview of the Board's fiscal status for the July 1, 2005 – September 30, 2006 biennium, reporting a \$103,167 ending biennium balance.

Mr. Riggs, Fiscal Division Manager, explained the two main categories of interest. **Personal Services** are employee compensation and related benefits. **Services and Supplies** are non-personnel expenses for agency operations. Charges are divided into two types direct and indirect for each program. Indirect costs are for agency operation and include office supplies, rent, telephones, data processing hardware and software, etc. and are distributed by a prorated. Direct charges include attorney general counsel, postage, rules, instate travel or investigative costs etc. and are distributed at actual rates.

Mr. Riggs reported on policy package 201 uniform fee structure within the Agency Request Budget, which will establish a revenue pool that provides a consistent formula for funding the OHLA. He noted the proposed fee for environmental health specialists would be \$21 per year.

Mr. Riggs stated there were a total of 29 online renewals from June through October 2006 for Environmental Health Registration Board.

Compliance

Yvette Tamamoto, Compliance Specialist, referenced the complaint percentage report which reflects agency-wide cumulative board / council percentages stating that the Environmental Health Registration Board has received no complaints for the reporting period of January 1 through September 30, 2006.

Ms. Tamamoto presented a report, which shows a breakdown of complaints received, and the ratio of complaints per registrant base for 2002 through 2005.

Ms. Tamamoto reported that there had been no complaints closed and no open complaint filed since the June 5, 2006 board meeting.

Licensing

Tina McCallister, Examination Coordinator, provided a 2006 report that breaks down the active and inactive licenses as follows:

Environmental Health Specialist

- Active 240
- Inactive 76

Environmental Health Specialist Trainee

- Active 43
- Inactive 45

Wastewater Specialist

- Active 12
- Inactive 2

Wastewater Specialist Trainee

- Active 1
- Inactive 2

Ms. McCallister provided a comparison report for the years 2002 and 2003, 2003 and 2004, and reported 2004 and 2005 (noted below)

Environmental Health Specialist – Full Year Comparison 2004 - 2005

- Original Registrations Issued – 15 (decrease of 5)
- Registrations Renewed – 230 (decrease of 86)

Environmental Health Specialist Trainee – Full Year Comparison 2004 - 2005

- Original Registrations Issued – 23 (increase of 11)
- Registrations Extended – 8 (increase of 7)

Waste Water Specialist – Full Year Comparison 2004 - 2005

- Original Registrations Issued – 2 (increase of 1)
- Registrations renewed – 7 (decrease of 4)

She reported on the monthly statistics of original registrations issued, registrations renewed,

and late renewals for 2005 through 2006.

Examinations

Ms. McCallister provided the Board with an examination comparison for 2002 through 2005.

Environmental Health Specialist – 2004 through 2005

- Pass – 14 (increase of 7)
- Fail – 4 (decrease of 2)

Waste Water Specialist – 2004 through 2005

- There were none conducted

Outreach and Communication

Mr. Bohot, OHLA Communications Officer, presented revised brochures. He noted that the revisions were intended to describe the multifaceted environmental health profession to all stakeholders. He stated OHLA has revised the environmental health “consumer” brochure to reflect the environmental health field and regulatory environment in Oregon.

Mr. Bohot reported completion of the OHLA Board and Council Member Orientation Handbook, and informed members that filming of the new board/council member video shooting is complete. He stated that online renewals are now available on the OHLA Web site.

Mr. Bohot provided a revised copy of the Environmental Health Specialist fact sheet, which includes qualifications and continuing education requirements and approved courses. He stated that the fact sheet has more detailed information on required qualifications for consumers, practitioners, stakeholders and prospective applicants.

Mr. Bohot presented the new continuing education web page that has been updated and expanded. The new page includes information on hourly requirements, the type of courses and subject matter allowed for continuing education credit, self-attestation, and approved courses. He gave a web tour of the continuing education page at www.oregon.gov/OHLA/EHS.

Mr. Bohot reported the OHLA Annual Performance Report for the fiscal year 2006.

- Percentage of contested case disciplinary action be resolved informally
- Percentage of critical status complaints investigated within one week of receipt
- Percentage of applicants who attain same-day licensing status
- Percentage of licensee who renew online
- Percentage of customers rating the agency's customer service as good or excellent

Discussion ensued regarding the type of critical status complaints would be received by the Environmental Health Registration Board. Mr. Peck stated Regulatory Operations Division determines if a complaint needs to be referred to another agency, OHLA then works collaboratively with that agency to resolve the complaint.

Mr. Hirst asked if the legislature reviews the agency's performance measures. Ms. Wilson stated that the legislature has established the criteria and a committee reviews agencies performance measures to determine if specific criteria has been met.

ITEMS FOR BOARD ACTION

DEQ Time of Transfer Evaluations/Criteria and Position Statement (20 seconds)

Mr. Mike Kucinski from the Oregon Department of Environmental Quality (DEQ) provided a memorandum on *Time-of-Transfer Evaluations*. He reported that DEQ adopted a new rule January 1, 2006, requiring Time-of-Transfer evaluations for Alternative Treatment Technology (ATT) systems, and noted that the evaluations must be performed by DEQ personnel, a contract county agent, a qualified person registered under ORS Chapters 672 or 700, a person with accreditation as an international wastewater system inspector, or person who holds other certification approved by DEQ. Mr. Kucinski explained the evaluation criteria and reporting pertinent information relevant to the performance of the system:

- Age of the system
- Usage and capacity design
- Records of installation
- Maintenance and repairs to the system
- Type and size of the system;
- Conditions of system components;
- Evidence of any failures
- Complete sketch of system showing location and distances of major components.

He stated that if the evaluator observes a failing system, a copy of the report must be sent to the buyer, seller and DEQ or contract country agent. The property owner is responsible for submitting an application to DEQ or a contract county agent for permits required to repair the system; DEQ will determine what repairs are needed. Dr. Cieslak suggested adding "registered" to environmental health specialist and waste water specialist for clarification on the position statement. He asked whether the Board or DEQ would respond to a complaint when an individual does not meet the DEQ criteria and is operating a business and advertising to perform site evaluations. Mr. Kucinski stated DEQ would respond to the complaint.

Mr. Maher asked about capacity loads and how DEQ determines if a system can handle the demands of a large family moving into a property that has previously had less usage/demand. Mr. Kucinski explained that the systems are sized and require ongoing maintenance and that the evaluation includes assessing capacity requirements. Mr. Maher asked if older systems are being evaluated, even when there hasn't been a system failure, noting changes in technology and improvements in design. Mr. Kucinski clarified that the DEQ rule applies only to Alternative Treatment Technology (ATT) systems. Mr. Maher stated that older systems are the ones that pose the greatest environmental impact. The Board agreed to review assessment of older systems in the future. Mr. Peck noted that the Position Statement should state it applies only to the ATT systems.

MOTION

Dr. Cieslak made a motion and Ms. Kendrick seconded to accept the position statement related to Time of Transfer Evaluations with minor changes. The motion passed with Mr. Hirst, Mr. Sherman, Ms. Kendrick, Mr. Maher, and Dr. Cieslak voting aye.

On Site Evaluation for Septic Systems (14 minutes, 25 seconds)

The Rules Advisory Committee met on October 27, 2006, and reviewed information provided by the Department of Environmental Quality (DEQ). The committee recommended the Board adopt DEQ's "Site Evaluation Guide for Septic Systems" which delineates what constitutes an evaluation and who can perform site evaluations.

MOTION

Mr. Sherman made a motion and Mr. Maher seconded to accept the position statement for Onsite Evaluation for Septic Systems and use of Site Evaluation Guide for Septic Systems. The motion passed with Mr. Hirst, Mr. Sherman, Ms. Kendrick, Mr. Maher, and Dr. Cieslak voting aye.

Education and Training Requirements (20 minutes, 8 seconds)

Tina McCallister, Examination Coordinator, stated board members asked that the education and training requirements be reviewed to eliminate unnecessary restrictions, because of a limited pool of trained environmental health specialists in Oregon. OHLA recommends the issue be deferred to the Education Committee after discussion.

Mr. Hirst asked if a bachelor's degree with a minimum of 45 quarter hours in environmental sciences is required under statute.

Ms. Kendrick inquired if the approved list of science courses would count toward a degree and if the Board could evaluate other science degrees. Ms. McCallister suggested re-evaluating ORS 700.035(1)(b) to append other courses. Mr. Sherman stated that he is experiencing issues with individuals from foreign countries that have education and degrees that do not meet qualifications for licensure as an environmental health specialist in Oregon. Ms. Kendrick inquired if her degree in biology would be applicable for licensure. Ms. Wilson stated that "biology" would not be accepted, because the statute is very specific that the degree must be in public or community health. Mr. Hirst suggested that the Education Committee meet to review the information and give the board latitude to decide what courses to accept because the universities are always changing curriculum. Mr. Peck discussed the statutory authority in ORS 700 to determine qualifications, which could be clarified further in rule. Mr. Hirst stated that the Board can accept other sciences as equivalent, or recognize a master degree in specific areas. He noted the distinction will be how many years of training will be required.

MOTION

Dr. Cieslak made a motion and Mr. Maher seconded that a master's degree in any of the categories listed on the "approved list of science courses" be recognized for licensure. The motion passed with Mr. Hirst, Mr. Sherman, Ms. Kendrick, Mr. Maher, and Dr. Cieslak voting aye.

Mr. Sherman stated that he attended the National Environmental Health Conference and Iowa does not require a bachelor of science degree. He explained the state sanitarians who do have degrees in Iowa have said their inspection programs are failing and individuals are not sufficiently trained to respond to disasters. Ms. Wilson stated Oregon counties have complained there are more jobs to fill than qualified people. Mr. Hirst inquired if an individual attends a community college and receives the training and science courses for an associate degree, could they become an environmental health specialist trainee. Mr. Sherman stated they could only become an environmental technician, who are required to have either an associate's degree or a high school diploma. He explained their scope of practice is limited to taking water samples or doing other minor tasks.

2007 Board Meeting Dates (56 minutes, 39 seconds)

MOTION

Mr. Sherman made a motion and Dr. Cieslak seconded to approve the 2007 board meeting dates starting at 10:00 a.m. The motion passed with Mr. Hirst, Mr. Sherman, Ms. Kendrick, Mr. Maher, and Dr. Cieslak voting aye.

- May 18, 2007
- November 16, 2007

2007 SubCommittees (58 minutes, 51 seconds)

MOTION

Ms. Kendrick made a motion and Dr. Cieslak seconded that the 2007 Subcommittees remain the same until a new person is assigned to the Board. The motion passed with Mr. Hirst, Mr. Sherman, Ms. Kendrick, Mr. Maher, and Dr. Cieslak voting aye.

- **Application / Education:** Richard Sherman, Susan Kendrick, Richard Maher
- **Continuing Education:** Richard Sherman, Susan Kendrick]
- **Enforcement:** Richard Sherman, Richard Maher
- **Legislation & Rules:** Susan Kendrick, Richard Sherman, Herb Hirst

2007 Chair and Vice Chair (62 minutes, 15 seconds)

MOTION

Mr. Sherman made a motion and Ms. Kendrick seconded to retain Herb Hirst as 2007 Chair and Richard Maher as 2007 Vice Chair. The motion passed with Mr. Hirst, Mr. Sherman, Ms. Kendrick, Mr. Maher, and Dr. Cieslak voting aye.

Ms. Patnode announced that currently the food industry representative board position is still vacant.

Public Comment

None

Board Interest File

Mr. Hirst stated the Board interest file is available for review by the Board.

Ms. Wilson discussed the legislative session for the upcoming year.

Mr. Hirst adjourned the meeting at 12:25 p.m.

I attest that the Environmental Health Registration Board minutes of May 18, 2007, are a true and accurate reflection of the matters discussed and the views of the participants.

Samantha Patnode, Board Liaison