



Health Licensing Office  
Environmental Health Registration Board



Feb. 27, 2015  
700 Summer St. NE, Suite 320  
Salem, Oregon

---

**MINUTES**

---

**MEMBERS PRESENT**

Jeff Freund, Chair  
Holly Skogley, Vice Chair  
Frank Brown  
Caroline Gross-Regan  
Norman Marsh  
Jonathan Schott

**STAFF PRESENT**

Holly Mercer, Director  
Sylvie Donaldson, Fiscal Services and Licensing Manager  
Bob Bothwell, Regulatory Operations Manager  
Anne Thompson, Policy Analyst  
Debby Daniels, Qualification Specialist  
Samie Patnode, Policy Analyst  
Sarah Kelber, Communications Coordinator

**GUESTS PRESENT**

Mark Nystrom, policy manager for the  
Association of Oregon Counties (joined at  
9:53 a.m.)  
Robert (Bob) Baggett, Oregon Department  
of Environmental Quality

**Call to order**

Jeff Freund called the meeting of the Environmental Health Registration Board (EHRB) to order at 9:30 a.m. Roll was called.

Director Holly Mercer opened the meeting with an agenda change. While the topics of the meeting would remain, the order in which they would be presented would be altered so the roundtable discussion and members of the public wishing to address the Board could go first.

**Items for board action**

◆ **Approval of revised agenda**

Norman Marsh made a motion, with a second by Holly Skogley, to approve the revised agenda. Motion passed unanimously.

◆ **Approval of minutes**

Caroline Gross-Regan made a motion, with a second by Jonathan Schott, to approve the minutes for Oct. 24, 2014. Motion passed unanimously.

**Policy – roundtable discussion**

Mercer opened the discussion with background on the issue. There have been ongoing conversations

about onsite pre-cover septic inspections, which must be done in a set amount of time or the inspections are waived, and they are handled differently by the counties. Some counties contract with the Oregon Department of Environmental Quality (DEQ) to have them done. The conversations started with DEQ workgroup recommendations to get more of the inspections done. In the report, rural Oregon was defined as the area outside of the Portland and Willamette Valley. Randy Trox of DEQ submitted information on counties; the inspections were waived about 50 percent of the time.

Mercer said she would like to clear up the misperception that the Board is somehow a barrier to solving the problems associated with the onsite inspections.

Mark Nystrom said he has spent so much time and effort on this issue that involves just a few number of onsite pre-cover inspections in Eastern Oregon, that he would like to see a solution soon or his clients may pursue a legislative fix. Freund said the Board agrees on the scale of the problem and that Harney County averages about 11 construction permits a year.

Bob Baggett said the numbers Trox provided represent counties with a lot of activity that gave programs back to DEQ, and the agency had to do more work with the same amount of resources. Baggett said the focus was on inspecting construction so there weren't delays and that the statutes allow for the septic system inspection waivers. He said when the economy crashed, there were layoffs and fewer people were spread over a bigger area. Baggett said there never was an expectation that all the requested onsite septic inspections in rural areas were going to get done and that DEQ has done a lot to make sure systems are put in properly.

Nystrom said that every county would like to run their own program, but with the decrease in timber payments and counties getting less income, about 9 percent of county income is discretionary, so some counties don't want to take this program back. Septic systems rarely spur complaints, but there are health issues. Nystrom said he would prefer to take care of this with rules rather than legislation, and there seems to be some "low-hanging fruit," to makes this easier for someone like the soil scientist in Harney County who lacks the [supervised] hours to get a license from the EHRB. He said there is technology, like Skype, that can be used to gather data on installations as well.

Baggett said that in the rural areas there are only a few installers. Technology could help solve the problem. He said an installer can take a photo and send it in. Baggett said he doesn't know if this is a perceived problem at the rural county level or if it's the desire for flexibility. He said real efficiencies could come from cross training – if someone is going out for an electrical inspection, have them trained to check the plumbing in the house. Baggett said for some reason, we've been focusing on this one thing for a long time.

Jonathan Schott asked for clarification on the problem. He asked why this was a Board issue and what the guests were requesting. He said he is in Baker and that access to everything is an issue and there is nothing in the rules that is blocking anything being discussed.

Nystrom said there is a retired soil scientist and a county was wanting him to help out with inspections and he felt there was a barrier to him being able to work.

Baggett said the soil scientist was discussed at the work group; the individual could work as a trainee

forever. He took the test and passed it, but he just wants to be registered. He said he thought there was two issues – the specific soil scientist and wanting to create efficiencies.

Skogley said there was the perception that non-registered environmental health specialists (REHS) would be doing that work.

Mercer said that if there was a complaint about a person doing this work without a license that HLO would do an investigation.

Nystrom said the public health side has said the waived inspections aren't right and we've been trying to work with them, but that he doesn't remember how the path led to this Board.

Freund said there are many ways this can be solved.

One of the recommendations was around waste water specialist trainees that have professional experience as determined by the Environmental Health Registration Board (EHRB) in another scientific field. The idea was for EHRB to offer a credit toward the required number of supervised hours. There is an EHRB rule around waste water trainees: qualifications require 3,840 hours of qualified work experience as a trainee under a specified supervisor to become fully certified.

Mercer said there was a trainee in a rural county who met with Mercer and Donaldson who has taken the test but who said they work very few hours every year and probably would never get the 3,840 required hours. Mercer said the Board could open the rules and add some language around the required two years of training, adding work experience or education to provide an option around the 3,840 hours – the equivalent of two years of working full time.

The Board discussed the history around the hours added to the two years of experience called for in the statute, and Mercer said that a change in the rules might allow some flexibility in the rules for applicants who may have experience working for the federal government or have other appropriate experience.

Fiscal Services and Licensing Manager Sylvie Donaldson said the Board's waste water statute only says two years of experience; there is nothing about full time or part time.

Freund said this one applicant from a rural county might be behind a lot of the discussions and if they crafted some new rule language around the wastewater rules it may solve some problems.

Frank Brown asked about the rulemaking time line, and if the Board could take any action at the meeting. Mercer said the administrative rule language should be properly noticed before the Board can take action on it, but if the Board was willing to add a meeting in the next few weeks just to address the proposed rule, the time frame could be compressed.

### **Public/interested parties' feedback**

David Bussen, Douglas County, Oregon Environmental Health Association, suggested that Bill Emminger address the group. Emminger, Environmental Health Director, Benton County, said he appreciated the conversation about using new technology to help REHS and more strategic training for REHS under DEQ rules would build some efficiencies. He said final decisions would rest with REHS,

and cross training with REHS in counties would make sense, as would breaking down silos with DEQ.

Mike Matthews, Coalition of Environmental Health Supervisors (CLEHS), presented the group's White Paper. Matthews said the REHS who issues a permit in counties is responsible for getting a system installed right. He said there are REHS in every county in the state – maybe they can take DEQ training for different kinds of inspections.

Kim Aldrich, Oregon Wastewater Association, said the installers want inspections so the responsibility doesn't lie with them. She said she wants the word "rural" used. She didn't want these rules and changes the Board does to affect the Willamette Valley and Portland. She was concerned that changing the amount of hours that an applicant has to do should be done case-by-case. She also encouraged an intern program to get people involved in the field.

Freund encouraged Nystrom to go back to his clients and tell them about the Board's effort to look at the training hours on a case-by-case basis. Freund also said that maybe another answer to the problem is higher fees; the fees for permits in the rural counties are very low and fees should pay for the program.

Baggett said that the rural counties who asked to take their programs back from DEQ said it was because the fees charged by DEQ were too high for their residents. Counties are trying to find efficiencies to keep their fees low.

Nystrom said he felt positive about reporting what was discussed.

Mercer said the proposed rule around the waste water hours will have to be noticed at another meeting and staff will propose an extra meeting date to review proposed rule language and rulemaking schedule.

## **Reports**

### **◆ Director's report**

Director Holly Mercer outlined staff changes, including the introduction of new Communications Coordinator Sarah Kelber. Mercer also made the Board aware of the U.S. Supreme Court ruling in the case North Carolina State Board of Dental Examiners v. the Federal Trade Commission. She said she is waiting for the Oregon Department of Justice's guidance on this case.

Brown asked Mercer if there have been any cost savings since HLO was taken over by the Oregon Health Authority. Mercer said that HLO didn't have that information yet, but that she expected some numbers soon.

### **◆ Licensing and fiscal statistical reports**

Donaldson reviewed how new licenses and renewals were tracking by age and gender, and said about 50 percent of renewals are being done online.

Freund pointed out how the licensees were older and that this is a problem. Freund asked if recruitment into the profession would be something the Board could do or, in light of the Supreme Court ruling, would that be handled by professional associations. Donaldson said there were some odd things in the statute that may be keeping people out of the profession, including the 45 science hours that must be within a person's bachelor's degree and that a person's waste water training has to be done in Oregon.

Mercer said associations are the driver behind promoting the profession and getting statutes changed.

Donaldson said the Board's fiscal picture is improving.

◆ **Regulatory report**

Regulatory Operations Manager Bob Bothwell told the Board that they had received six complaints this biennium and that four were open; two were closed. There was one complaint in the last biennium.

**Other board business**

Mercer said staff would check the calendars and contact Board members regarding another Board meeting to be scheduled in the next few weeks to discuss the proposed rule and rule schedule and the waste water trainee's qualifications in light of the new rule.

The meeting adjourned at 12:24 p.m.

Minutes prepared by: Anne Thompson, Policy Analyst