

## **“Responsible Charge” Rulemaking Summary**

The Oregon statute addressing the public practice of geology uses the term “responsible charge” as do OSBGE rules adopted in OAR Chapter 809. The Board finds that neither the statute nor existing rules sufficiently defines the meaning of “responsible charge” in relation to registration requirements for geologists. The primary purpose of the proposed rule changes is to clarify what the statutory term “responsible charge” means with respect to registration and the public practice of geology in Oregon. The goal is to ensure that work experience obtained by an individual in “responsible charge” is appropriately credited while protecting public, health, and safety through the registration of only those individuals qualified to publicly practice geology in Oregon.

The public practice of geology in Oregon requires registration unless specifically exempted by statute. A person working in Oregon under a statutory exemption could be working in responsible charge. Public practice of geology outside of Oregon is regulated through licensure in some jurisdictions but not all. A person working outside of Oregon could be working in responsible charge, whether under another license or unlicensed. The rule revisions proposed by OSBGE would ensure a focus on the type of work completed and not only on where the work occurred. The rule revisions also cover a range of situations where a person in a supervisory role may be able to demonstrate work in responsible charge and thus could also vouch for the geology work experience for another individual under his or her supervision.

The existing rules that refer to “responsible charge” are listed here; all are targeted for amendment to ensure consistent and clear use of terminology:

- 809-003-0000 Definitions
- 809-030-0005 Experience Standards
- 809-030-0015 Qualifications for Geologist Practice Examination
- 809-030-0020 Qualifications for Engineering Geologist Examination
- 809-050-0000 Use of Seal
- 809-050-0010 Qualifications for Registration Without Examination

Related statutory provisions are found at: ORS 672.505(11), 672.555(2)(b) and (2)(b)(D), and 72.565(2)(b).

A secondary but also important purpose of these rule changes is to ensure language use is clear and consistent across OSBGE rules. The Board has proposed additional rule revisions not directly related to the responsible charge issue to clarify requirements for different types of registration and temporary permits, revise language deemed potentially unclear to registrants, and to enhance overall readability. The Board is also taking this opportunity to amend qualification standards for the certified engineering geologist registration to allow a combination of supervised and responsible charge work experience which is not allowed under existing rules.