

### 333-061-0072

#### Backflow Assembly Tester Certification

- (1) In order to be certified as a backflow assembly tester, individuals must successfully complete all the requirements of this rule for testing backflow prevention assemblies. Only the following individuals may perform the field-testing on backflow prevention assemblies required by these rules:
  - (a) Individuals certified by the Authority to test backflow prevention assemblies; and
  - (b) Journeyman plumbers defined as those who hold a certificate of competency issued under ORS chapter 693 or apprentice plumbers, as defined under ORS 693.010.
- (2) Journeyman plumbers or apprentice plumbers who test backflow prevention assemblies shall satisfactorily complete an Authority approved backflow assembly tester training course, according to rules adopted by the Director of Consumer and Business Services.
- (3) Individuals certified as a backflow assembly tester must comply with ORS 448.279(2).
- (4) All backflow assembly tester training courses must be approved by the Authority and taken at an Authority approved training facility.
- (5) Satisfactory completion of an approved backflow assembly tester training course means:
  - (a) Completing the course;
  - (b) Scoring at least 70 percent on the written examination; and
  - (c) Scoring at least 90 percent on the physical-performance examination.
- (6) In order to apply for initial backflow assembly tester certification, individuals must submit:
  - (a) A completed initial application with all required documentation as specified on the initial application form and in this rule, including but not limited to:
    - (A) Proof of high school graduation, GED, associate's degree, bachelor's degree, master's degree, or PhD; and
    - (B) Proof of satisfactory completion, as described in section (5) of this rule, of a backflow assembly tester initial training course within the 12 months prior to the Authority receiving the completed application; and
  - (b) The initial certification fee as specified in section (9) of this rule.
- (7) Backflow assembly tester certification expires on December 31 every two years based upon the first letter in the last name of the individual. Certification for individuals with names beginning in the letters A–K expire in even numbered years, and certification for individuals with names beginning in the letters L–Z expire in odd-numbered years. Certification renewal fees may be prorated if individuals are required to renew their certification prior to the end of the most recent two-year certification period.
  - (a) Backflow assembly testers may only perform tests if they possess current, valid certification.

- (b) In order to apply to renew backflow assembly tester certification, individuals must submit:
    - (A) A completed renewal application with all required documentation as specified on the renewal application form and in this rule, including but not limited to:
      - (i) Proof of satisfactory completion, as described in section (5) of this rule, of either a backflow assembly tester renewal course or a backflow tester initial training course within the two year period prior to the expiration date of the certification; and
      - (ii) Yearly test gauge accuracy verification or calibration reports performed in the same month every year, as determined by the backflow assembly tester; and
    - (B) The certification renewal fee, as specified in section (9) of this rule.
  - (c) The Authority may grant certification renewal without a reinstatement fee until January 31 in the year following the expiration date of the certification. A reinstatement fee as prescribed by section (9) of this rule is required in addition to the renewal fee for all renewal applications received after the grace period ending on January 31 following the expiration date of the certification.
  - (d) Backflow assembly testers that fail to renew their certification for one year following the expiration date of their certification must meet the requirements established for applicants as prescribed by sections (6) or (8) of this rule as applicable.
- (8) In order to apply for backflow assembly tester certification based on reciprocity, individuals must submit:
- (a) A completed reciprocity application form with all required documentation as specified on the application form and in these rules, including but not limited to:
    - (A) Proof of current certification from a state or entity having substantially equivalent certification training and testing standards to those set forth in these rules, as determined by the Authority;
    - (B) Proof of satisfactory completion, as described in section (5) of this rule, of a backflow assembly tester initial training course or a backflow tester renewal course within the 12 months prior to the Authority receiving the completed application;
    - (C) Proof of high school graduation, GED, associate's degree, bachelor's degree, master's degree, or PhD; and
    - (D) Yearly test gauge accuracy verification or calibration reports performed in the same month every year, as determined by the backflow assembly tester; and
  - (b) The reciprocity review and initial certification fees as specified in section (9) of this rule.
- (9) Fees related to backflow assembly tester certification.
- (a) Payments shall be made to the Oregon Health Authority, Public Health Division.

- (b) The Authority will not refund any fees once it has initiated processing an application.
  - (c) Fees are:
    - (A) Initial Certification (2-years) \$195;
    - (B) Certification Renewal (2-years) \$195;
    - (C) Reciprocity Review \$35;
    - (D) Reinstatement \$50; and
    - (E) Combination Certification Renewal (2-years) \$305.
  - (d) Initial certification fees may be prorated to the nearest year for the remainder of the 2-year certification period.
  - (e) The Combination Certification Renewal fee applies when applicants simultaneously renew their backflow assembly tester and cross connection specialist certifications.
- (10) Enforcement related to Backflow Assembly Tester certification
- (a) The Authority may deny an initial application for certification, an application for renewal of certification, an application for certification based on reciprocity, or revoke a certification if the Authority determines the applicant/backflow assembly tester:
    - (A) Provided false information to the Authority;
    - (B) Did not possess certification issued by another state or entity because it was revoked;
    - (C) Permitted another person to use their certificate number;
    - (D) Failed to properly perform backflow prevention assembly testing;
    - (E) Falsified a backflow assembly test report;
    - (F) Failed to comply with ORS 448.279(2);
    - (G) Failed to comply with these rules or other applicable federal, state or local laws or regulations; or
    - (H) Performed backflow assembly tests with a gauge that was not calibrated for accuracy within the 12-month period prior to testing the assembly.
  - (b) Applicants or backflow assembly testers who have been denied initial, renewal, or reciprocity certification or whose certifications have been revoked have the right to appeal according to the provisions of chapter 183, Oregon Revised Statutes.
  - (c) Applicants or backflow assembly testers who have been denied initial, renewal, or reciprocity certification or whose certifications have been revoked, may not reapply for certification for one year from the date of denial or revocation of certification.
  - (d) Applicants or backflow assembly testers may petition the Authority prior to one year from the date of denial or revocation and may be allowed to reapply at an earlier date, at the discretion of the Authority.
  - (e) Backflow assembly tester test reports shall be made available to the Authority upon request.

Stat. Auth.: ORS 448.131, 448.279

Stats. Implemented: ORS 448.131, 448.278, 448.279