Chapter 700

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Environmental Health Specialists; Waste Water Specialists

GENERAL PROVISIONS

700.005 Purpose

700.010 Definitions

REGISTRATION OF SPECIALISTS AND TRAINEES

700.020 Registration required

700.025 Persons not required to register

700.030 Qualifications of environmental health specialist applicant; rules for employment prior to registration

700.035 Registration of environmental health specialist trainees; rules

700.050 Environmental health specialist examination; rules

700.052 Registration without examination; rules

700.053 Qualifications of waste water specialist applicant; application; fee; examination

700.056 Duties allowed for waste water specialist; environmental health specialist may perform duties

700.059 Waste water specialist examination

700.062 Waste water specialist trainee registration

700.080 Fees; rules; disposition of receipts

700.100 Expiration date, renewal, reactivation and reinstatement of registration; rules

700.105 Continuing education requirements; rules

700.111 Grounds and procedure for discipline

REGISTRATION BOARD

700.210 Environmental Health Registration Board

700.220 Members' qualifications; term; removal; vacancies; compensation and expenses

700.230 Meetings; chairperson; quorum

700.240 Authority of Oregon Health Licensing Agency and board; rules; records of proceedings

PENALTIES

700.995 Criminal penalty

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; rules. (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; rules. 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 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]

700.250 [Repealed by 1973 c.427 §38 (700.251 enacted in lieu of 700.250)]

700.251 [1973 c.427 §39 (enacted in lieu of 700.250); 1999 c.885 §36; repealed by 2003 c.547 §118]

700.260 [1967 c.476 §17; 1995 c.79 §352; 1995 c.572 §18; 1997 c.249 §214; repealed by 2003 c.547 §118]

700.310 [1967 c.476 §6; repealed by 1995 c.572 §25]

PENALTIES

700.990 [1967 c.476 §18; repealed by 1995 c.572 §25]

700.992 [1995 c.572 §20; 2003 c.547 §111; repealed by 2005 c.648 §121]

700.995 Criminal penalty. Violation of ORS 700.020 is a Class B misdemeanor. [2003 c.547 §89]

Note: 700.995 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 700 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.