

D R A F T

SUMMARY

Authorizes registered environmental health technicians to provide technical support and assistance to environmental health specialists, environmental health specialist trainees, waste water specialists and waste water specialist trainees. Establishes application process for registration as environmental health technician. Specifies duties of environmental health technician.

A BILL FOR AN ACT

1
2 Relating to environmental health technicians; creating new provisions; and
3 amending ORS 672.060, 700.010, 700.020, 700.052, 700.080 and 700.111.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 700.010 is amended to read:

6 700.010. As used in this chapter, unless the context requires otherwise:

7 (1) “Board” means the Environmental Health Registration Board, estab-
8 lished within the Oregon Health Licensing Agency.

9 (2) “Certified professional soil scientist” means a person registered in
10 good standing with the American Registry of Certified Professionals in
11 Agronomy, Crops and Soils.

12 (3) “Environmental health specialist” means a person who by education,
13 training and experience in the sanitary, biological and physical sciences is
14 qualified to perform duties in environmental sanitation, including but not
15 limited to scientific investigation and education and counseling in environ-
16 mental sanitation.

17 (4) “Environmental health specialist trainee” means a person who lacks
18 the combination of training, education and experience required for a regis-

1 tered environmental health specialist, but who is engaged in meeting the
2 requirements.

3 **(5) “Environmental health technician” means a person who by ed-**
4 **ucation and experience in the sanitary, biological and physical sciences**
5 **is qualified to provide technical support and assistance to environ-**
6 **mental health specialists, environmental health specialist trainees,**
7 **waste water specialists and waste water specialist trainees.**

8 [(5)] **(6) “Environmental sanitation” means the art and science of applying**
9 sanitary, biological and physical science principles and knowledge to im-
10 prove and control the environment and factors therein for the protection of
11 the health and welfare of the public.

12 [(6)] **(7) “Registrant” means any person registered with the agency under**
13 this chapter.

14 [(7)] **(8) “Registration” means written authorization issued under ORS**
15 **700.030 or 700.053 for the holder to perform duties in the fields of environ-**
16 **mental sanitation or waste water sanitation.**

17 [(8)] **(9) “Science courses relating to environmental sanitation” include**
18 **courses in public or community health or in sanitary, biological or physical**
19 **sciences.**

20 [(9)] **(10) “Trainee registration” means written authorization issued under**
21 **ORS 700.035 or 700.062 for the holder to perform duties as an environmental**
22 **health specialist trainee or as a waste water specialist trainee.**

23 [(10)] **(11) “Waste water specialist” means a person who by education,**
24 **training and experience in the sanitary, biological and physical sciences is**
25 **qualified to perform duties in the field of waste water treatment, disposal**
26 **and reuse where soil is used in the final stage of the treatment process.**

27 [(11)] **(12) “Waste water specialist trainee” means a person who lacks the**
28 **combination of training, education and experience required for a registered**
29 **waste water specialist, but who is engaged in the process of meeting the re-**
30 **quirements.**

31 **SECTION 2. Sections 3 to 5 of this 2013 Act are added to and made**

1 a part of ORS chapter 700.

2 **SECTION 3. (1) An applicant for registration as an environmental**
3 **health technician shall submit an application to the Oregon Health**
4 **Licensing Agency in the manner required by the Environmental**
5 **Health Registration Board. The application shall be on a form ap-**
6 **proved by the agency, include proof satisfactory to the agency, in ac-**
7 **cordance with rules adopted by the board, that the applicant meets the**
8 **education and experience requirements under subsection (3) of this**
9 **section and include payment of required fees.**

10 **(2) The agency shall issue a registration as an environmental health**
11 **technician to an applicant whose application complies with subsection**
12 **(1) of this section and who passes the examination required under**
13 **subsection (4) of this section.**

14 **(3) An applicant for registration as an environmental health tech-**
15 **nician is required to have:**

16 **(a) A degree from, at a minimum, a two-year college program in**
17 **an environmental health field;**

18 **(b) A degree from a military technical school in an environmental**
19 **health field; or**

20 **(c) A high school diploma or acceptable equivalency certification**
21 **and two years of work experience or equivalent education or technical**
22 **training in one or more of the fields of environmental health.**

23 **(4) Every applicant for registration as an environmental health**
24 **technician shall be given a written examination approved by the board.**

25 **SECTION 4. (1) A person who is registered as an environmental**
26 **health technician under section 3 of this 2013 Act may not perform the**
27 **duties of a registered environmental health specialist, except that the**
28 **person may provide support and assistance to registered environ-**
29 **mental health specialists, registered environmental health specialist**
30 **trainees, registered waste water specialists and registered waste water**
31 **specialist trainees as follows:**

1 (a) Perform pre-cover inspections of septic systems;

2 (b) Perform inspections of existing septic systems; and

3 (c) Perform other duties determined by the Environmental Health
4 Registration Board by rule.

5 (2) This section does not prohibit a registered environmental health
6 specialist, registered environmental health specialist trainee, regis-
7 tered waste water specialist or registered waste water specialist
8 trainee from performing the duties of an environmental health tech-
9 nician.

10 **SECTION 5. (1) Examinations for registration as an environmental**
11 **health technician shall be held at least once each year at such time**
12 **and place as the Oregon Health Licensing Agency may determine. The**
13 **examination must be sufficiently thorough to determine the quali-**
14 **fications, fitness and ability of the applicant to practice as an envi-**
15 **ronmental health technician and may include, in addition to the**
16 **written examination required under section 3 of this 2013 Act, an oral**
17 **examination or examination that requires a practical demonstration**
18 **of skills. The examination shall cover subject areas determined by the**
19 **Environmental Health Registration Board by rule.**

20 (2) The agency shall notify each applicant whether the applicant
21 passed or failed the examination.

22 (3) Upon written request to the agency, an applicant may discuss
23 performance on the examination.

24 (4) An applicant who fails to make a passing grade on the exam-
25 ination may be allowed to take the examination a second time upon
26 payment of required fees. The agency, at the direction of the board,
27 may require the applicant to undergo additional training as deter-
28 mined by the board before taking the examination a third or subse-
29 quent time.

30 (5) The agency shall give reasonable notice by mail of the time and
31 place of examination to each applicant accepted for examination.

1 **SECTION 6.** ORS 700.020 is amended to read:

2 700.020. Without first complying with the provisions of this chapter, no
3 person shall:

4 (1) Use or assume the title or any other designation or advertise a title
5 or designation indicating that the person is an environmental health spe-
6 cialist, **environmental health technician** or waste water specialist.

7 (2) Perform the duties of an environmental health specialist, **environ-**
8 **mental health technician** or waste water specialist.

9 (3) Append after the name of the person the title of “registered environ-
10 mental health specialist” or the letters “REHS.”

11 **SECTION 7.** ORS 700.052 is amended to read:

12 700.052. The Oregon Health Licensing Agency shall issue a registration
13 without written examination to an applicant who pays the required fees and
14 furnishes documentation, as determined by the agency by rule, showing sat-
15 isfactory evidence that the applicant meets the education requirements of
16 this chapter, and at the time of application is registered as an environmental
17 health specialist, **environmental health technician** or waste water spe-
18 cialist by a national association that is recognized by the Environmental
19 Health Registration Board or is registered by the regulatory body of another
20 state. The registration requirements of the other state or the national asso-
21 ciation, including the written examination, must be substantially equivalent
22 to registration requirements in this state.

23 **SECTION 8.** ORS 700.080 is amended to read:

24 700.080. (1) The Oregon Health Licensing Agency shall establish by rule
25 and collect fees and charges for the following **activities** related to environ-
26 mental **health specialists, environmental health technicians** and waste
27 water specialists:

28 (a) Application.

29 (b) Examination.

30 (c) Trainee registration.

31 (d) Original registration.

1 (e) Registration renewal.

2 (f) Reciprocity.

3 (g) Delinquent renewal.

4 (h) Replacement or duplicate certificate of registration.

5 (i) Reactivation of registration.

6 (j) Providing copies of official documents or records and for recovering
7 administrative costs associated with compiling, photocopying or preparing
8 and delivering the records.

9 (2) All moneys received by the agency under subsection (1) of this section
10 shall be paid into the General Fund in the State Treasury and credited to
11 the Oregon Health Licensing Agency Account, and are appropriated contin-
12 uously to and shall be used by the agency as authorized by ORS 676.625.

13 **SECTION 9.** ORS 700.111 is amended to read:

14 700.111. In the manner prescribed in ORS chapter 183 for contested cases,
15 the Oregon Health Licensing Agency may impose a form of discipline listed
16 in ORS 676.612 against any person practicing as an environmental health
17 specialist, an environmental health specialist trainee, **an environmental**
18 **health technician**, a waste water specialist or a waste water specialist
19 trainee for any of the grounds listed in ORS 676.612, and for any violation
20 of the provisions of this chapter or the rules adopted thereunder.

21 **SECTION 10.** ORS 672.060 is amended to read:

22 672.060. ORS 672.002 to 672.325 do not apply to the following:

23 (1) A registered architect practicing architecture.

24 (2) A registered environmental health specialist, [or] registered environ-
25 mental health specialist trainee **or registered environmental health**
26 **technician** working under the supervision of a registered environmental
27 health specialist practicing environmental sanitation, or a registered waste
28 water specialist, [or] registered waste water specialist trainee **or registered**
29 **environmental health technician** working under the supervision of a reg-
30 istered waste water specialist practicing waste water sanitation.

31 (3) A person working as an employee or a subordinate of a registered

1 professional engineer if:

2 (a) The work of the person does not include final engineering designs or
3 decisions;

4 (b) The work of the person is done under the supervision and control of
5 and is verified by a registered professional engineer; and

6 (c) The person does not purport to be an engineer or registered profes-
7 sional engineer by any verbal claim, sign, advertisement, letterhead, card or
8 title.

9 (4) A person practicing land surveying under the supervision of a regis-
10 tered professional land surveyor or registered professional engineer. The ex-
11 emption in this subsection does not allow an engineer to supervise a land
12 surveying activity the engineer could not personally perform under ORS
13 672.025.

14 (5) An individual, firm, partnership or corporation practicing engineering
15 or land surveying:

16 (a) On property owned or leased by the individual, firm, partnership or
17 corporation, or on property in which the individual, firm, partnership or
18 corporation has an interest, estate or possessory right; and

19 (b) That affects exclusively the property or interests of the individual,
20 firm, partnership or corporation, unless the safety or health of the public,
21 including employees and visitors, is involved.

22 (6) The performance of engineering work by a person, or by full-time em-
23 ployees of the person, provided:

24 (a) The work is in connection with or incidental to the operations of the
25 person; and

26 (b) The engineering work is not offered directly to the public.

27 (7) A person executing engineering work designed by a professional engi-
28 neer or supervising the construction of engineering work as a foreman or
29 superintendent.

30 (8) A landowner performing land surveying within the boundaries of the
31 landowner's land or the landowner's regular employee performing land sur-

1 veying services as part of the employee's official duties within the bounda-
2 ries of the land of the employer.

3 (9) An individual, firm, partnership or corporation offering to practice
4 engineering or land surveying if:

5 (a) The individual, firm, partnership or corporation holds a certificate of
6 registration to engage in the practice of professional engineering or land
7 surveying issued by the proper authority of any other state, a territory or
8 possession of the United States, or a foreign country; and

9 (b) The offer includes a written statement that the offeror is not regis-
10 tered to practice engineering or land surveying in the State of Oregon, but
11 will comply with ORS 672.002 to 672.325 by having an individual holding a
12 valid certificate of registration in this state in responsible charge of the
13 work prior to performing any engineering or land surveying work within this
14 state.

15 (10) A person making plans or specifications for, or supervising the
16 erection, enlargement or alteration of, a building, or an appurtenance
17 thereto, if the building is to be used for a single family residential dwelling
18 or farm building or is a structure used in connection with or auxiliary to a
19 single family residential dwelling or farm building, including but not limited
20 to a three-car garage, barn or shed or a shelter used for the housing of do-
21 mestic animals or livestock. The exemption in this subsection does not apply
22 to a registered professional engineer.

23 (11) A person making plans or specifications for, or supervising the
24 erection, enlargement or alteration of, a building, or an appurtenance
25 thereto, if the building has a ground area of 4,000 square feet or less and is
26 not more than 20 feet in height from the top surface of lowest flooring to the
27 highest interior overhead finish of the structure. The exemption in this sub-
28 section does not apply to a registered professional engineer.

29 (12) A construction contractor licensed under ORS chapter 701 that offers
30 services constituting the practice of engineering if:

31 (a) The services are appurtenant to construction services to be provided

1 by the contractor;

2 (b) The services constituting the practice of engineering are performed
3 by an engineer or engineers registered under ORS 672.002 to 672.325; and

4 (c) The offer by the construction contractor discloses in writing that the
5 contractor is not an engineer and identifies the engineer or engineers that
6 will perform the services constituting the practice of engineering.

7 (13) A person transcribing existing georeferenced data into a Geographic
8 Information System or Land Information System format by manual or elec-
9 tronic means, and the maintenance of that data, if the data are clearly not
10 intended to indicate the authoritative location of property boundaries, the
11 precise shape or contour of the earth or the precise location of fixed works
12 of humans.

13 (14) A person carrying out activities under ORS 306.125 or 308.245. This
14 exemption applies to the transcription of tax maps, zoning maps and other
15 public data records into Geographic Information System or Land Information
16 System formatted cadastre and the maintenance of those cadastre, if:

17 (a) The data are not modified for other than graphical purposes; and

18 (b) The data are clearly not intended to authoritatively represent property
19 boundaries.

20 (15) A person preparing maps or compiling databases depicting the dis-
21 tribution of natural or cultural resources, features or phenomena, if the maps
22 or data are not intended to indicate the authoritative location of property
23 boundaries, the precise shape or contour of the earth or the precise location
24 of fixed works by humans.

25 (16) A federal agency or its contractors, in the preparation of military
26 maps, quadrangle topographic maps, satellite imagery or other maps or im-
27 ages that do not define real property boundaries.

28 (17) A federal agency or its contractors, in the preparation or tran-
29 scription of documents or databases into a Geographical Information System
30 or Land Information System format, including but not limited to the prepa-
31 ration or transcription of federal census and other demographic data.

1 (18) A law enforcement agency or its contractors, in the preparation of
2 documents or maps for traffic accidents, crime scenes or similar purposes
3 depicting physical features or events or generating or using georeferenced
4 data involving crime statistics or criminal activities.

5 (19) A peace officer, as defined in ORS 161.015, or a fire service profes-
6 sional, as defined in ORS 181.610, conducting, reporting on or testifying
7 about or otherwise performing duties regarding an official investigation.

8 (20) A person creating general maps prepared for private firms or gov-
9 ernmental agencies:

10 (a) For use as guides to motorists, boaters, aviators or pedestrians;

11 (b) For publication in a gazetteer or an atlas as an educational tool or
12 reference publication;

13 (c) For use in the curriculum of any course of study;

14 (d) If produced by any electronic or print media, for use as an illustrative
15 guide to the geographic location of any event; or

16 (e) If prepared for conversational or illustrative purposes, including but
17 not limited to for use as advertising material or user guides.

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