

House Bill 3166

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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 amending ORS 672.060,
3 700.010, 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, established within the Oregon
8 Health Licensing Agency.

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

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

15 (4) "Environmental health specialist trainee" means a person who lacks the combination of
16 training, education and experience required for a registered environmental health specialist, but who
17 is engaged in meeting the requirements.

18 (5) "**Environmental health technician**" means a person who by education and experience
19 in the sanitary, biological and physical sciences is qualified to provide technical support and
20 assistance to environmental health specialists, environmental health specialist trainees,
21 waste water specialists and waste water specialist trainees.

22 [(5)] (6) "Environmental sanitation" means the art and science of applying sanitary, biological
23 and physical science principles and knowledge to improve and control the environment and factors
24 therein for the protection of the health and welfare of the public.

25 [(6)] (7) "Registrant" means any person registered with the agency under this chapter.

26 [(7)] (8) "Registration" means written authorization issued under ORS 700.030 or 700.053 for the
27 holder to perform duties in the fields of environmental sanitation or waste water sanitation.

28 [(8)] (9) "Science courses relating to environmental sanitation" include courses in public or
29 community health or in sanitary, biological or physical sciences.

30 [(9)] (10) "Trainee registration" means written authorization issued under ORS 700.035 or

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 700.062 for the holder to perform duties as an environmental health specialist trainee or as a waste
2 water specialist trainee.

3 [(10)] (11) "Waste water specialist" means a person who by education, training and experience
4 in the sanitary, biological and physical sciences is qualified to perform duties in the field of waste
5 water treatment, disposal and reuse where soil is used in the final stage of the treatment process.

6 [(11)] (12) "Waste water specialist trainee" means a person who lacks the combination of train-
7 ing, education and experience required for a registered waste water specialist, but who is engaged
8 in the process of meeting the requirements.

9 **SECTION 2.** Sections 3 to 5 of this 2013 Act are added to and made a part of ORS chapter
10 **700.**

11 **SECTION 3.** (1) An applicant for registration as an environmental health technician shall
12 submit an application to the Oregon Health Licensing Agency in the manner required by the
13 Environmental Health Registration Board. The application shall be on a form approved by
14 the agency, include proof satisfactory to the agency, in accordance with rules adopted by the
15 board, that the applicant meets the education and experience requirements under subsection
16 (3) of this section and include payment of required fees.

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

20 (3) An applicant for registration as an environmental health technician is required to
21 have:

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

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

25 (c) A high school diploma or acceptable equivalency certification and two years of work
26 experience or equivalent education or technical training in one or more of the fields of en-
27 vironmental health.

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

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

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

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

37 (c) Perform other duties determined by the Environmental Health Registration Board by
38 rule.

39 (2) This section does not prohibit a registered environmental health specialist, registered
40 environmental health specialist trainee, registered waste water specialist or registered waste
41 water specialist trainee from performing the duties of an environmental health technician.

42 **SECTION 5.** (1) Examinations for registration as an environmental health technician
43 shall be held at least once each year at such time and place as the Oregon Health Licensing
44 Agency may determine. The examination must be sufficiently thorough to determine the
45 qualifications, fitness and ability of the applicant to practice as an environmental health

1 technician and may include, in addition to the written examination required under section 3
 2 of this 2013 Act, an oral examination or examination that requires a practical demonstration
 3 of skills. The examination shall cover subject areas determined by the Environmental Health
 4 Registration Board by rule.

5 (2) The agency shall notify each applicant whether the applicant passed or failed the ex-
 6 amination.

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

9 (4) An applicant who fails to make a passing grade on the examination may be allowed
 10 to take the examination a second time upon payment of required fees. The agency, at the
 11 direction of the board, may require the applicant to undergo additional training as deter-
 12 mined by the board before taking the examination a third or subsequent time.

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

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

16 700.020. Without first complying with the provisions of this chapter, no person shall:

17 (1) Use or assume the title or any other designation or advertise a title or designation indicating
 18 that the person is an environmental health specialist, **environmental health technician** or waste
 19 water specialist.

20 (2) Perform the duties of an environmental health specialist, **environmental health technician**
 21 or waste water specialist.

22 (3) Append after the name of the person the title of “registered environmental health
 23 specialist” or the letters “REHS.”

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

25 700.052. The Oregon Health Licensing Agency shall issue a registration without written exam-
 26 ination to an applicant who pays the required fees and furnishes documentation, as determined by
 27 the agency by rule, showing satisfactory evidence that the applicant meets the education require-
 28 ments of this chapter, and at the time of application is registered as an environmental health spe-
 29 cialist, **environmental health technician** or waste water specialist by a national association that
 30 is recognized by the Environmental Health Registration Board or is registered by the regulatory
 31 body of another state. The registration requirements of the other state or the national association,
 32 including the written examination, must be substantially equivalent to registration requirements in
 33 this state.

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

35 700.080. (1) The Oregon Health Licensing Agency shall establish by rule and collect fees and
 36 charges for the following **activities** related to environmental **health specialists, environmental**
 37 **health technicians** and waste water specialists:

- 38 (a) Application.
- 39 (b) Examination.
- 40 (c) Trainee registration.
- 41 (d) Original registration.
- 42 (e) Registration renewal.
- 43 (f) Reciprocity.
- 44 (g) Delinquent renewal.
- 45 (h) Replacement or duplicate certificate of registration.

1 (i) Reactivation of registration.

2 (j) Providing copies of official documents or records and for recovering administrative costs as-
3 sociated with compiling, photocopying or preparing and delivering the records.

4 (2) All moneys received by the agency under subsection (1) of this section shall be paid into the
5 General Fund in the State Treasury and credited to the Oregon Health Licensing Agency Account,
6 and are appropriated continuously to and shall be used by the agency as authorized by ORS 676.625.

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

8 700.111. In the manner prescribed in ORS chapter 183 for contested cases, the Oregon Health
9 Licensing Agency may impose a form of discipline listed in ORS 676.612 against any person prac-
10 ticing as an environmental health specialist, an environmental health specialist trainee, **an envi-**
11 **ronmental health technician**, a waste water specialist or a waste water specialist trainee for any
12 of the grounds listed in ORS 676.612, and for any violation of the provisions of this chapter or the
13 rules adopted thereunder.

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

15 672.060. ORS 672.002 to 672.325 do not apply to the following:

16 (1) A registered architect practicing architecture.

17 (2) A registered environmental health specialist, [or] registered environmental health specialist
18 trainee **or registered environmental health technician** working under the supervision of a regis-
19 tered environmental health specialist practicing environmental sanitation, or a registered waste
20 water specialist, [or] registered waste water specialist trainee **or registered environmental health**
21 **technician** working under the supervision of a registered waste water specialist practicing waste
22 water sanitation.

23 (3) A person working as an employee or a subordinate of a registered professional engineer if:

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

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

27 (c) The person does not purport to be an engineer or registered professional engineer by any
28 verbal claim, sign, advertisement, letterhead, card or title.

29 (4) A person practicing land surveying under the supervision of a registered professional land
30 surveyor or registered professional engineer. The exemption in this subsection does not allow an
31 engineer to supervise a land surveying activity the engineer could not personally perform under
32 ORS 672.025.

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

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

37 (b) That affects exclusively the property or interests of the individual, firm, partnership or cor-
38 poration, unless the safety or health of the public, including employees and visitors, is involved.

39 (6) The performance of engineering work by a person, or by full-time employees of the person,
40 provided:

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

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

43 (7) A person executing engineering work designed by a professional engineer or supervising the
44 construction of engineering work as a foreman or superintendent.

45 (8) A landowner performing land surveying within the boundaries of the landowner's land or the

1 landowner's regular employee performing land surveying services as part of the employee's official
 2 duties within the boundaries of the land of the employer.

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

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

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

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

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

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

25 (a) The services are appurtenant to construction services to be provided by the contractor;

26 (b) The services constituting the practice of engineering are performed by an engineer or engi-
 27 neers registered under ORS 672.002 to 672.325; and

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

31 (13) A person transcribing existing georeferenced data into a Geographic Information System
 32 or Land Information System format by manual or electronic means, and the maintenance of that
 33 data, if the data are clearly not intended to indicate the authoritative location of property bounda-
 34 ries, the precise shape or contour of the earth or the precise location of fixed works of humans.

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

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

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

41 (15) A person preparing maps or compiling databases depicting the distribution of natural or
 42 cultural resources, features or phenomena, if the maps or data are not intended to indicate the au-
 43 thoritative location of property boundaries, the precise shape or contour of the earth or the precise
 44 location of fixed works by humans.

45 (16) A federal agency or its contractors, in the preparation of military maps, quadrangle

1 topographic maps, satellite imagery or other maps or images that do not define real property
2 boundaries.

3 (17) A federal agency or its contractors, in the preparation or transcription of documents or
4 databases into a Geographical Information System or Land Information System format, including but
5 not limited to the preparation or transcription of federal census and other demographic data.

6 (18) A law enforcement agency or its contractors, in the preparation of documents or maps for
7 traffic accidents, crime scenes or similar purposes depicting physical features or events or generat-
8 ing or using georeferenced data involving crime statistics or criminal activities.

9 (19) A peace officer, as defined in ORS 161.015, or a fire service professional, as defined in ORS
10 181.610, conducting, reporting on or testifying about or otherwise performing duties regarding an
11 official investigation.

12 (20) A person creating general maps prepared for private firms or governmental agencies:

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

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

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

16 (d) If produced by any electronic or print media, for use as an illustrative guide to the ge-
17 ographic location of any event; or

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

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