

JAN 17 2008

A BILL FOR AN ACT

RELATING TO INDUSTRIAL HYGIENE AND SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **INDUSTRIAL HYGIENE, SAFETY, AND HEALTH PHYSICS**

6 § -1 **Title.** This chapter may be cited as the
7 "Industrial Hygiene, Safety, and Health Physics Profession Act".

8 § -2 **Purpose.** The purpose of this chapter is to provide
9 legal recognition to the professions of industrial hygiene,
10 safety, and health physics, as well as provide assurance to the
11 public that individuals representing themselves as being
12 involved in the professions of industrial hygiene, safety, and
13 health physics have met minimum qualifications, thereby
14 protecting the public health and safety from harm.

15 § -3 **Definitions.** Unless the context otherwise
16 indicates, the following terms when used in this chapter shall
17 have the following meanings:



1 "Accredited college or university" is one that is
2 accredited by an accrediting agency recognized by the United
3 States Secretary of Education.

4 "Accredited program" is one that is accredited by the
5 Accreditation Board for Engineering and Technology or the
6 Council of Engineering and Scientific Specialty Boards.

7 "American Academy of Health Physics" is a not-for-profit
8 corporation established to improve the practice and educational
9 standards of the profession of health physics by certifying
10 individuals through the American Board of Health Physics who
11 meet the education, experience, examination, and maintenance
12 requirements.

13 "American Board of Industrial Hygiene" is a nonprofit
14 corporation established to improve the practice and educational
15 standards of the profession of industrial hygiene by certifying
16 individuals who meet its education, experience, examination, and
17 maintenance requirements.

18 "Board of Certified Safety Professionals" is a nonprofit
19 corporation established to improve the practice and educational
20 standards of the profession of safety by certifying individuals
21 who meet its education, experience, examination, and maintenance
22 requirements.



1 "Certified health physicist" is a person who has received
2 the designation certified health physicist by the American Board
3 of Health Physicists and whose certification has not lapsed or
4 been revoked.

5 "Certified industrial hygienist" is a person who has
6 received the designation certified industrial hygienist by the
7 American Board of Industrial Hygiene and whose certification has
8 not lapsed or been revoked.

9 "Certified safety professional" is a person who has been
10 certified by the Board of Certified Safety Professionals and
11 whose certification has not lapsed.

12 "Construction health and safety technician" is a person
13 who, by virtue of education, experience and examination
14 recognized by the American Board of Industrial Hygiene and Board
15 of Certified Safety Professionals Council on Certification of
16 Health, Environmental and Safety Technologist.

17 "Education" means a baccalaureate or graduate degree from
18 an accredited college or university in industrial hygiene,
19 safety, biology, chemistry, engineering, physics, health
20 physics, radiation safety, radiation protection, or a closely
21 related physical or biological science.



1 "Experience" means the individual has demonstrated
2 professional level work experience including the ability to:

- 3 (1) Anticipate and recognize workplace environmental
4 factors and stresses (i.e., chemical, physical,
5 biological, ergonomic) and to understand their effects
6 on people and their well-being;
- 7 (2) Evaluate, through observation, sampling and testing,
8 the magnitude of these factors and stresses; and
- 9 (3) Prescribe methods (i.e., engineering, administrative,
10 personal protective equipment, training) to prevent,
11 eliminate, control, or reduce such factors and
12 stresses and their effects.

13 "Full-time professional safety experience" is experience in
14 which safety accounts for, at least fifty per cent of the
15 position's activities. Safety shall include experience in
16 conducting evaluations, providing recommendations, problem
17 resolution, training programs, consultations, analyses of
18 accident causes, system analysis, ergonomics, and other similar
19 safety or health services. The individual shall have
20 demonstrated work experience including the ability to:

- 21 (1) Anticipate, identify, and evaluate hazardous
22 conditions and practices;



1 (2) Develop hazard control designs, methods, procedures,
2 and program;

3 (3) Implement, administer, and advise others on hazard
4 controls and hazard control programs; and

5 (4) Measure, audit, and evaluate the effectiveness of
6 hazard controls and hazard control programs.

7 "Health physics" is that science and art devoted to the
8 anticipation, recognition, evaluation, and control of
9 radioactive material releases and potential radiation hazards in
10 or from the workplace that may cause impaired health and well-
11 being, or injury among workers, and may also impact the general
12 community and the environment.

13 "Health physicist" is a person having education or
14 experience equivalent to a baccalaureate or graduate degree from
15 an accredited college or university in health physics, radiation
16 safety, radiation protection, biology, chemistry, engineering,
17 physics, or a closely related physical or biological science,
18 who, by virtue of special studies and training, has acquired
19 competence in health physics. The special studies and training
20 must have been sufficient in the above cognate sciences to
21 provide the ability and competency to:



1 (1) Anticipate and recognize the interactions of radiation
2 with matter and to understand the effects of radiation
3 on animals, people and the environment;

4 (2) Evaluate, on the basis of training and experience and
5 with the aid of quantitative measurement techniques,
6 the magnitude of radiological factors in terms of
7 their ability to impair human and environmental health
8 and well-being; and

9 (3) Prescribe methods to prevent, eliminate, control, or
10 reduce radiation exposure to workers, patients, the
11 public and the environment.

12 "Industrial hygiene" is that science and practice devoted
13 to the anticipation, recognition, evaluation, and control of
14 those environmental factors and stresses arising in or from the
15 workplace that may cause sickness, impaired health and well-
16 being, or significant discomfort among workers and may also
17 impact the general community.

18 "Industrial hygiene certification organization" is a
19 nonprofit corporation established to improve the practice and
20 educational standards of the profession of industrial hygiene by
21 certifying individuals who meet its education, experience, and
22 examination requirements. The organization shall maintain



1 criteria at least equivalent to that of the American Board of
2 Industrial Hygiene.

3 "Industrial hygienist" is a person having a baccalaureate
4 or graduate degree from an accredited college or university in
5 industrial hygiene, biology, chemistry, engineering, physics, or
6 a closely related physical or biological science who, by virtue
7 of special studies and training, has acquired competence in
8 industrial hygiene. Such special studies and training must have
9 been sufficient in the above cognate sciences to provide the
10 ability and competency to:

11 (1) Anticipate and recognize the environmental factors and
12 stresses associated with work and work operations and
13 to understand their effects on people and their well-
14 being;

15 (2) Evaluate, on the basis of training and experience and
16 with the aid of quantitative measurement techniques,
17 the magnitude of these factors and stresses in terms
18 of their ability to impair human health and well-
19 being; and

20 (3) Prescribe methods to prevent, eliminate, control, or
21 reduce such factors and stresses and their effects.



1 "National registry of radiation protection technologists"
2 is a not-for-profit corporation established to promote the
3 education and training of radiation protection technologists
4 and, by so doing, promotes and advances the science of health
5 physics.

6 "Occupational health and safety technologist" is a person
7 who, by virtue of special studies and training, has acquired
8 proficiency in one or more areas of occupational health and
9 safety recognized by the American Board of Industrial Hygiene
10 and Board of Certified Safety Professionals Council on
11 Certification of Health, Environmental and Safety Technologist.

12 "Registered radiation protection technologist" is a person
13 who has received the designation registered radiation protection
14 technologist from the National Registry of Radiation Protection
15 Technologists, whose registration has not lapsed or been
16 revoked.

17 "Safety profession" is that science and discipline
18 concerned with the preservation of human and material resources
19 through the systematic application of principles drawn from
20 disciplines as engineering, education, chemistry, the physical
21 and biological sciences, ergonomics, psychology, physiology,
22 enforcement, and management for anticipating, identifying, and



1 evaluating potentially hazardous systems, conditions, and
2 practices; developing, implementing, administering, and advising
3 others on hazard control design, methods, procedures, and
4 programs.

5 § -4 **Professional representation.** (a) Individuals
6 shall meet the requirements and qualifications as set out in
7 this chapter before the individuals may use the title or
8 represent themselves to the public as an industrial hygienist,
9 certified industrial hygienist, certified safety professional,
10 construction health and safety technician, occupational health
11 and safety technologist, certified health physicist, or
12 registered radiation protection technologist.

13 (b) An individual shall not use the title "certified
14 industrial hygienist", the initials "CIH" or "C.I.H.", or any
15 variation of those terms to identify, advertise, or represent,
16 by any means of communication that the individual provides
17 industrial hygiene services as a certified industrial hygienist,
18 unless:

19 (1) The individual is designated as a certified industrial
20 hygienist by the American Board of Industrial Hygiene
21 or another organization that maintains certification
22 eligibility, examination requirements, and a code of



1 ethics that are at least equivalent to that of the
2 Board of Certified Safety Professionals; and

3 (2) The certified industrial hygienist designation has not
4 lapsed or been revoked.

5 (c) An individual shall not use the title "certified
6 safety professional", the initials "CSP" or "C.S.P.", or any
7 variation of those terms to identify, advertise, or represent,
8 by any means of communication that the individual provides
9 safety services as a certified safety professional, unless:

10 (1) The individual is designated as a certified safety
11 professional by the Board of Certified Safety
12 Professionals or another organization that maintains
13 certification eligibility, examination requirements,
14 and a code of ethics that are at least equivalent to
15 that of the Board of Certified Safety Professionals;
16 and

17 (2) The certified safety professional designation has not
18 lapsed or been revoked.

19 (d) An individual shall not use the title "occupational
20 health and safety technologist", the initials "OHST" or
21 "O.H.S.T.", or any variation of those terms to identify,
22 advertise, or represent, by any means of communication that the



1 individual provides industrial hygiene or safety services as an
2 occupational health and safety technologist, unless:

3 (1) The individual is designated as an occupational health
4 and safety technologist by the Board of Certified
5 Safety Professionals and the American Board of
6 Industrial Hygiene Council on Certification of Health,
7 Environmental and Safety Technologists, or another
8 organization that maintains certification eligibility,
9 examination requirements, and a code of ethics; and

10 (2) The occupational health and safety technologist
11 designation has not lapsed or been revoked.

12 (e) An individual shall not use the title "construction
13 health and safety technician", the initials "CHST" or
14 "C.H.S.T.", or any variation of those terms to identify,
15 advertise, or represent, by any means of communication that the
16 individual provides industrial hygiene or safety services as a
17 construction health and safety technician, unless:

18 (1) The individual is designated as a construction health
19 and safety technician by the Board of Certified Safety
20 Professionals and the American Board of Industrial
21 Hygiene Council on Certification of Health,
22 Environmental and Safety Technologists, or another



1 organization that maintains certification eligibility,
2 examination requirements, and a code of ethics; and

3 (2) The construction health and safety technician
4 designation has not lapsed or been revoked.

5 (f) An individual shall not use the title "industrial
6 hygienist", the initials "IH" or "I.H.", or any variation of
7 those terms to identify, advertise, or represent, by any means
8 of communication that the individual provides industrial hygiene
9 services as an industrial hygienist, unless the individual meets
10 the definition of industrial hygienist.

11 (g) An individual shall not use the title "certified
12 health physicist", the initials "CHP" or "C.H.P.", or any
13 variation of those terms to identify, advertise, or represent,
14 by any means of communication that the individual provides
15 health physics services as a certified health physicist, unless:

16 (1) The individual is designated as a certified health
17 physicist by the American Board of Health Physics or
18 another organization that maintains certification
19 eligibility, examination requirements, and a code of
20 ethics that are at least equivalent to that of the
21 American Board of Health Physics; and



1 (2) The certified health physicist designation has not
2 lapsed or been revoked.

3 (h) An individual shall not use the title "registered
4 radiation protection technologist", the initials "RRPT" or
5 "R.R.P.T.", or any variation of those terms to identify,
6 advertise, or represent, by any means of communication that the
7 individual provides radiation protection services as a
8 registered radiation protection technologist, unless:

9 (1) The individual is designated as a registered radiation
10 protection technologist by the National Registry of
11 Radiation Protection Technologists or another
12 organization that maintains certification eligibility,
13 examination requirements, and a code of ethics that
14 are at least equivalent to that of the National
15 Registry of Radiation Protection Technologists; and

16 (2) The registered radiation protection technologist
17 designation has not lapsed or been revoked.

18 § -5 **Commercial representation.** (a) A business entity
19 shall not identify, advertise, or represent itself as a provider
20 of industrial hygiene services furnished by certified industrial
21 hygienists unless the industrial hygiene services are provided
22 by or under the direct supervision of an individual who is



1 qualified under this chapter to use the title "certified
2 industrial hygienist".

3 (b) A business entity shall not identify, advertise, or
4 represent itself as a provider of safety services furnished by
5 certified safety professionals unless the safety services are
6 provided by or under the direct supervision of an individual who
7 is qualified under this chapter to use the title "certified
8 safety professional".

9 (c) A business entity shall not identify, advertise, or
10 represent itself as a provider of industrial hygiene and safety
11 services furnished by occupational health and safety
12 technologists unless the industrial hygiene and safety services
13 are provided by or under the direct supervision of an individual
14 who is qualified under this chapter to use the title
15 "occupational health and safety technologist".

16 (d) A business entity shall not identify, advertise, or
17 represent itself as a provider of industrial hygiene and safety
18 services furnished by construction health and safety technicians
19 unless the industrial hygiene and safety services are provided
20 by or under the direct supervision of an individual who is
21 qualified under this chapter to use the title "construction
22 health and safety technicians".



1 § **-6 Enforcement.** It shall be an unfair business
2 practice under section 480-2 for persons to represent themselves
3 as an industrial hygienist, certified industrial hygienist,
4 certified safety professional, construction health and safety
5 technician, occupational health and safety technologist,
6 certified health physicist, or registered radiation protection
7 technologist, unless they comply with the requirements of this
8 chapter.

9 § **-7 Professional practice.** No entity of state or local
10 government shall by rule or otherwise prohibit or restrict the
11 practice of industrial hygiene or safety by any qualified
12 individual who complies with this chapter, unless otherwise
13 authorized by law to regulate a specific activity that may
14 include the practice of industrial hygiene, safety, or health
15 physics.

16 § **-8 Exemptions.** This chapter shall not apply to:

- 17 (1) A person employed as an apprentice under the
- 18 supervision of a certified associate industrial
- 19 hygienist, certified industrial hygienist, certified
- 20 safety professional, construction health and safety
- 21 technician, occupational health and safety
- 22 technologist, or certified health physicist;



- 1 (2) A student studying industrial hygiene, safety, or
2 health physics engaging in supervised activities
3 related to industrial hygiene or safety;
- 4 (3) Any person legally regulated in this State under any
5 other licensing law from engaging in the activities
6 permitted under the person's license; provided that
7 the person does not represent oneself to the public as
8 an industrial hygienist, certified industrial
9 hygienist, certified safety professional, construction
10 health and safety technician, occupational health and
11 safety technologist, certified health physicist, or
12 registered radiation protection technologist; or
- 13 (4) Individuals practicing within the scope of the meaning
14 of industrial hygiene, safety, or health physics, so
15 long as the individual does not use the title,
16 initials, or represent themselves to the public as an
17 industrial hygienist, certified industrial hygienist,
18 certified safety professional, construction health and
19 safety technician, occupational health and safety
20 technologist, certified health physicist, or
21 registered radiation protection technologist.



1 § -9 **Certification mark.** No person shall mislead or
2 deceive anyone by the unauthorized use of any industrial
3 hygiene, safety, or health physics certification mark that has
4 been awarded by the United States Patent and Trademark Office."

5 SECTION 2. This Act shall take effect upon its approval.

6

INTRODUCED BY:

[Handwritten Signature]
by request

Report Title:

Professions

Description:

Prohibits persons from holding themselves out as industrial hygienists or like professionals unless they are certified by designated entities.

