

SB2075

Measure Title:

RELATING TO INDUSTRIAL HYGIENE AND SAFETY.

Report Title:

Professions

Description:

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

Introducer(s):

TANIGUCHI (BR)

Current Referral:

HTH, CPH



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Health

SB 2075, RELATING TO INDUSTRIAL HYGIENE AND SAFETY

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

February 11, 2008

1:15 P.M.

1 **Department's Position:** The department has concerns and therefore respectfully opposes this bill
2 as written.

3 **Fiscal Implications:** None.

4 **Purpose and Justification:** The bill purports to regulate professional representation, commercial
5 representation, enforcement, professional practice, and certification mark for various professionals in
6 industrial hygiene, health physics, and safety. It requires certain professions to have certain credentials
7 before practicing as such, but it also appears to bans the state from regulating those professions, and yet
8 allows people to practice within certain professions as long as they don't claim to be such professionals.

9 We are unsure of the purpose and operation of this bill, and because it affects at least one
10 significant profession that we regulate, certified health physicists. The bill's overall substance appears
11 focused on what people call themselves, more than what they do.

12 The proposal apparently terminates the department of health's authority to the qualifications of
13 health physicists, as specified in HRS, chapter 321-11, and HAR, chapter 11-45, Radiation Control.

14 Qualified health physicists are critical in the determination of radiation safety in facilities where ionizing

1 radiation sources are stored and used. As such, we recognize only board-certified health physicists as
2 qualified to provide health physics services to radiation facilities in the State of Hawaii. The section 7
3 prohibition on page 15 may be read to ban state government regulation of health physicists and only
4 allow the regulation of certain specific acts of such health physicists. This is at best confusing. The
5 authority over ionizing radiation control activities and resources, such as health physicists, should be
6 maintained by the Department of Health in the interests of radiation protection for providers, patients,
7 and the general public.

8 The bill also appears to let people practice health physics, as long as they don't claim to be a
9 certified health physicist. Section 8(4), p. 16. We think this is bad public policy, if intended.

10 We ask that the bill be held until it is clear whether and how the department may regulate health
11 physicists, and whether people can practice in a health field as long as they avoid claiming particular
12 titles or certifications.

13 Thank you for the opportunity to testify.