

**AMERICAN INDUSTRIAL HYGIENE ASSOCIATION**

**MODEL LEGISLATION (02/10/04)**

**INDUSTRIAL HYGIENE AND SAFETY PROFESSION TITLE  
PROTECTION**

AN ACT RELATING TO THE INDUSTRIAL HYGIENE AND SAFETY PROFESSION;  
ENACTING THE INDUSTRIAL HYGIENE / SAFETY PROFESSION TITLE  
PROTECTION ACT; PROVIDING TITLE PROTECTION TO THE PROFESSIONS OF  
INDUSTRIAL HYGIENE AND SAFETY.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Industrial Hygiene / Safety Profession Title Protection Act".

**SECTION 2. PURPOSE.**

The purpose of the Industrial Hygiene / Safety Profession Title Protection Act is to provide legal recognition to the professions of industrial hygiene and safety, as well as provide assurance to the public that individuals representing themselves as being involved in the professions of industrial hygiene and safety, have met minimum qualifications, thereby protecting the public health and safety from harm.

FOR the purpose of prohibiting an individual from representing that the individual is a certified industrial hygienist, industrial hygienist, industrial hygienist in training, certified associate industrial hygienist, certified safety professional, construction health and safety technician, or occupational health and safety technologist unless the individual meets certain qualifications; prohibiting a business entity from identifying, representing, or advertising itself as a provider of industrial hygiene or safety services furnished by a certified industrial hygienist, certified associate industrial hygienist, industrial hygienist, industrial hygienist in training, certified safety professional, construction health and safety technician, or occupational health and safety technologist unless the business entity meets certain qualifications; establishing certain penalties; defining certain terms; specifying legislative intent; and generally relating to certain qualifications for individuals and business entities using certain titles or making certain representations relating to the provision of industrial hygiene or safety services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF \_\_\_\_\_

**SECTION 3. DEFINITIONS.**

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(A) "Accredited College or University" is one that is accredited by one of the following accrediting agencies: Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, Western Association of Schools and Colleges. A college or university that is located outside of the United States will be considered on the basis of its accreditation status in the education system that has jurisdiction.

(B) "American Board of Industrial Hygiene (ABIH)" is a non-profit corporation established to improve the practice and educational standards of the profession of industrial hygiene by certifying individuals who meet its education, experience, examination and maintenance requirements.

(C) "Accredited Program" is one that is accredited by the Accreditation Board for Engineering and Technology, Inc. (ABET) or the Council of Engineering and Scientific Specialty Boards (CESB).

(D) "Board of Certified Safety Professionals" (BCSP) is a non-profit corporation established to improve the practice and educational standards of the profession of safety by certifying individuals who meet its education, experience, examination, and maintenance requirements.

(E) "Certified Associate Industrial Hygienist (CAIH)" is a person who has received the designation certified associate industrial hygienist by the American Board of Industrial Hygiene and whose certification has not lapsed or been revoked.

(F) "Certified Industrial Hygienist" (CIH) is a person who has received the designation certified industrial hygienist by the American Board of Industrial Hygiene and whose certification has not lapsed or been revoked.

(G) "Certified Safety Professional" (CSP) is a person who has been certified by the Board of Certified Safety Professionals and whose certification has not lapsed.

(H) "Construction Health and Safety Technician" (CHST) is a person who, by virtue of education, experience and examination recognized by the American Board of Industrial Hygiene and Board of Certified Safety Professionals Council on Certification of Health, Environmental and Safety Technologist (CCHEST).

(I) "Education" means a baccalaureate or graduate degree from an accredited college or university in industrial hygiene, safety, biology, chemistry, engineering, physics, or a closely related physical or biological science.

or

A baccalaureate or graduate degree from an accredited college or university that contains at least 60 semester credit hours in undergraduate or graduate level courses in science, mathematics, engineering and/or technology, with at least 15 of those hours at the upper (junior, senior or graduate) level. A degree that is heavily comprised of only one of those subject areas, in the absence of others, may be judged unacceptable. An unacceptable bachelor's degree may be remedied by additional science course work from an accredited college or university or by completion of a cognate (related) graduate degree from an accredited college or university.

(J) "Experience" means the individual has demonstrated professional level work experience including the ability (1) to anticipate and recognize workplace environmental factors and stresses (i.e., chemical, physical, biological, ergonomic) and to understand their effects on people and their well-being; (2) to evaluate, through observation, sampling and testing, the magnitude of these factors and stresses; and (3) to prescribe methods (i.e., engineering, administrative, personal protective equipment, training) to prevent, eliminate, control or reduce such factors and stresses and their effects.

(K) "Full-time professional safety experience" is experience in which safety accounts for, at least 50 percent of the position's activities. Safety shall include experience in conducting evaluations, providing recommendations, problem resolution, training programs, consultations, analyses of accident causes, system analysis, ergonomics, and other similar safety/health services. The individual shall have demonstrated work experience including the ability (1) to anticipate, identify and evaluate hazardous conditions and practices; (2) to develop hazard control designs, methods, procedures and program, (3) to implement, administer and advise others on hazard controls and hazard control programs; and (4) measure, audit and evaluate the effectiveness of hazard controls and hazard control programs.

(L) "Industrial Hygiene" is that science and practice devoted to the anticipation, recognition, evaluation, and control of those environmental factors and stresses arising in or from the workplace that may cause sickness, impaired health and well-being, or significant discomfort among workers and may also impact the general community.

(M) "Industrial hygiene certification organization" is a nonprofit corporation established to improve the practice and educational standards of the profession of industrial hygiene by certifying individuals who meet its education, experience and examination requirements. The organization shall maintain criteria at least equivalent to that of the American Board of Industrial Hygiene.

(N) "Industrial Hygienist" is a person having a baccalaureate or graduate degree from an accredited college or university in industrial hygiene, biology, chemistry, engineering, physics or a closely related physical or biological science who, by virtue of special studies and training, has acquired competence in industrial hygiene. Such special studies and training must have been sufficient in the above cognate sciences to provide the

ability and competency to (1) anticipate and recognize the environmental factors and stresses associated with work and work operations and to understand their effects on people and their well-being; (2) to evaluate, on the basis of training and experience and with the aid of quantitative measurement techniques, the magnitude of these factors and stresses in terms of their ability to impair human health and well-being; (3) to prescribe methods to prevent, eliminate, control, or reduce such factors and stresses and their effects.

(O) “Occupational Health and Safety Technologist” (COHST) is a person who, by virtue of special studies and training, has acquired proficiency in one or more areas of occupational health and safety recognized by the American Board of Industrial Hygiene and Board of Certified Safety Professionals Council on Certification of Health, Environmental and Safety Technologist (CCHST).

(P) “Safety Profession” is that science and discipline concerned with the preservation of human and material resources through the systematic application of principles drawn from such disciplines as engineering, education, chemistry, the physical and biological sciences, ergonomics, psychology, physiology, enforcement, and management for anticipating, identifying and evaluating potentially hazardous systems, conditions and practices; developing, implementing, administering, and advising others on hazard control design, methods, procedures, and programs.

*Drafting Note – Section 3. The definitions provided within this model legislation should cover most, if not all, possible terms to be used. Individual States may determine some definitions are not required, or may determine a need to include others.*

#### **SECTION 4. PROFESSIONAL REPRESENTATION.**

Individuals shall meet the requirements/qualifications as set out in this act before such individuals may use the title or represent themselves to the public as an Industrial Hygienist, Certified Associate Industrial Hygienist, Certified Industrial Hygienist, Certified Safety Professional, Construction Health and Safety Technician, Occupational Health and Safety Technologist.

(A) An individual may not use the title “Certified Industrial Hygienist”, the initials “CIH” or “C.I.H.” or any variation of those terms to identify, advertise, or represent, by any means of communication, that the individual provides industrial hygiene services as a certified industrial hygienist, unless:

- (1) The individual is designated as a Certified Industrial Hygienist (CIH) by the American Board of Industrial Hygiene, an organization that maintains certification eligibility, examination requirements, and a code of ethics; and
- (2) The Certified Industrial Hygienist designation has not lapsed or been revoked.

(B) An individual may not use the title “Certified Associate Industrial Hygienist”, the initials “CAIH” or “C.A.I.H.” or any variation of those terms to identify, advertise, or represent, by any means of communication, that the individual provides industrial hygiene services as a certified

industrial hygienist, unless:

- (1) The individual is designated as a Certified Associate Industrial Hygienist (CAIH) by the American Board of Industrial Hygiene, an organization that maintains certification eligibility, examination requirements, and a code of ethics; and
- (2) The Certified Associate Industrial Hygienist designation has not lapsed or been revoked.

(C) An individual may not use the title “Certified Safety Professional”, the initials “CSP” or “C.S.P.” or any variation of those terms to identify, advertise, or represent, by any means of communication, that the individual provides safety services as a certified safety professional, unless:

- (1) The individual is designated as a Certified Safety Professional (CSP) by the Board of Certified Safety Professionals or another organization that maintains certification eligibility, examination requirements, and a code of ethics that are at least equivalent to that of the Board of Certified Safety Professionals; and
- (2) The Certified Safety Professional designation has not lapsed or been revoked.

(D) An individual may not use the title “Occupational Health and Safety Technologist”, the initials “OHST” or “O.H.S.T.” or any variation of those terms to identify, advertise, or represent, by any means of communication, that the individual provides industrial hygiene or safety services as an occupational health and safety technologist, unless:

- (1) The individual is designated as an Occupational Health and Safety Technologist (OHST) by the Board of Certified Safety Professionals and the American Board of Industrial Hygiene Council on Certification of Health, Environmental and Safety Technologist (CCHEST), an organization that maintains certification eligibility, examination requirements, and a code of ethics; and
- (2) The Occupational Health and Safety Technologist designation has not lapsed or been revoked.

(E) An individual may not use the title “Construction Health and Safety Technician”, the initials “CHST” or “C.H.S.T.” or any variation of those terms to identify, advertise, or represent, by any means of communication, that the individual provides industrial hygiene or safety services as a construction health and safety technician, unless:

- (1) The individual is designated as a Construction Health and Safety Technician (CHST) by the Board of Certified Safety Professionals and the American Board of Industrial Hygiene Council on Certification of Health, Environmental and Safety Technologist (CCHEST), an organization that maintains certification eligibility, examination requirements, and a code of ethics; and
- (2) The Construction Health and Safety Technician designation has not lapsed or been revoked.

(F) An individual may not use the title “Industrial Hygienist”, the initials “IH” or “I.H.” or any variation of those terms to identify, advertise, or represent, by any means of communication, that the individual provides industrial hygiene services as an industrial hygienist, unless:

- (1) The individual meets the definition of industrial hygienist as stated in Section 3, subsection N.

## **SECTION 5. COMMERCIAL REPRESENTATION.**

- (A) A business entity may not identify, advertise, or represent itself as a provider of industrial hygiene services furnished by certified industrial hygienists unless the industrial hygiene services are provided by or under the direct supervision of an individual who is qualified under this subtitle to use the title “Certified Industrial Hygienist”.
- (B) A business entity may not identify, advertise, or represent itself as a provider of industrial hygiene services furnished by certified associate industrial hygienists unless the industrial hygiene services are provided by or under the direct supervision of an individual who is qualified under this subtitle to use the title “Certified Associate Industrial Hygienist”.
- (C) A business entity may not identify, advertise, or represent itself as a provider of safety services furnished by certified safety professionals unless the safety services are provided by or under the direct supervision of an individual who is qualified under this subtitle to use the title “Certified Safety Professional”.
- (D) A business entity may not identify, advertise, or represent itself as a provider of industrial hygiene/safety services furnished by occupational health and safety technologists unless the industrial hygiene/safety services are provided by or under the direct supervision of an individual who is qualified under this subtitle to use the title “Occupational Health and Safety Technologist”.
- (E) A business entity may not identify, advertise, or represent itself as a provider of industrial hygiene/safety services furnished by construction health and safety technicians unless the industrial hygiene/safety services are provided by or under the direct supervision of an individual who is qualified under this subtitle to use the title “Construction Health and Safety Technicians”.

*Drafting Note – Section 4. This is the key to the legislation. This section protects the titles defined in the legislation.*

## **SECTION 6. ENFORCEMENT.**

It is an unfair business practice for persons to represent themselves as an Industrial Hygienist, Certified Associate Industrial Hygienist, Certified Industrial Hygienist, Certified Safety Professional, Construction Health and Safety Technician, or Occupational Health and Safety Technologist, unless they comply with the requirements of this Act.

A person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

*Drafting Note – Section 5. This model provides one example for enforcement. Individual States have the option of providing their own enforcement mechanism. It is expected that a simple civil penalty or citation as an unfair business practice is all that is required.*

## **SECTION 7. PROFESSIONAL PRACTICE.**

No entity of state or local government shall by rule or otherwise prohibit or restrict the practice of industrial hygiene or safety by any qualified individual who complies with the provisions established by or pursuant to this Act, except where authorized by state statute to regulate a specific activity that may include the practice of industrial hygiene or safety.

## **SECTION 8. EXEMPTIONS.**

This Act does not apply to:

(A) A person employed as an apprentice under the supervision of an Certified Associate Industrial Hygienist, Certified Industrial Hygienist, Certified Safety Professional, Construction Health and Safety Technician, or Occupational Health and Safety Technologist;

(B) A student studying industrial hygiene or safety engaging in supervised activities related to industrial hygiene or safety;

(C) Any person legally regulated in this state under any other licensing act or regulation from engaging in the activities permitted under his or her license, provided he or she does not represent himself or herself to the public as an Industrial Hygienist, Certified Associate Industrial Hygienist, Certified Industrial Hygienist, Certified Safety Professional, Construction Health and Safety Technician, or Occupational Health and Safety Technologist; or

(D) Individuals practicing within the scope of the meaning of industrial hygiene or safety, so long as the individual does not use the title, initials, or represent themselves to the public as an Industrial Hygienist, Certified Associate Industrial Hygienist, Certified Industrial Hygienist, Certified Safety Professional, Construction Health and Safety Technician, or Occupational Health and Safety Technologist.

*Drafting Note - Section 7. This section assures other professions that this Act will not restrict them from practicing. It allows individuals to perform industrial hygiene and safety functions, but prohibits individuals from calling themselves any of the titles defined. The importance of including this section can not be over-emphasized. Other professions must be assured that individuals practicing industrial hygiene and safety are not attempting to limit the practice of these other professions or require such individuals to become certified in the professions of industrial hygiene or safety.*

## **SECTION 9. CERTIFICATION MARK**

No person shall mislead or deceive anyone by the unauthorized use of any industrial hygiene or safety certification mark that has been awarded by the U.S. Patent and Trademark Office.

**SECTION 10. EFFECTIVE DATE.**

This Act shall take effect on (insert date).

02/10/04 AIHA