

CHAPTER 62 – STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS

SECTION .0100 - RULES OF ORGANIZATION

21 NCAC 62 .0101 PURPOSE

History Note: Authority G.S. 90A-1; 90A-2;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. February 1, 1983;
Repealed Eff. April 1, 1989.

21 NCAC 62 .0102 MEETINGS

In addition to a required annual meeting in the City of Raleigh, additional meetings of the Board may be called by the Chairman at any time and place he may designate.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. April 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 62 .0103 CHAIR AND VICE-CHAIR

The Chair of the Board shall carry out the following duties and responsibilities:

- (1) call all meetings;
- (2) be authorized to act as the sole official representative for the Board to communications media and may direct the secretary-treasurer or another member to impart specific information concerning official actions or policies of the Board.

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989; February 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 62 .0104 SECRETARY-TREASURER

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989; February 1, 1983;
Repealed Eff. July 1, 2010.

SECTION .0200 - RULEMAKING PROCEDURES

21 NCAC 62 .0201 PETITION FOR RULEMAKING

(a) Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Board shall submit the petition in writing to: Chair, State Board of Environmental Health Specialist Examiners, c/o Division of Environmental Health, 1630 Mail Service Center, Raleigh, North Carolina 27699-1630.

(b) The petition shall be filed in accordance with G.S. 150B-20 and shall also contain the following:

- (1) reason for proposal;
 - (2) any data supporting the proposal;
 - (3) effect of the proposed rule on existing practices in the area involved, including cost factors;
 - (4) names and addresses of those individual and groups most likely to be affected by the proposed rule change;
- and

(5) name and address of each petitioner.

(c) The Board shall determine, based on the information contained in the petition, or any other information obtained regarding the petition whether the public interest will be served by granting the petition. All contents of the submitted petition, and any additional information deemed relevant, shall be considered.

History Note: Authority G.S. 90A-57; 150B-20;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. July 1, 2010; November 1, 1994; April 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 62 .0202 NOTICE
21 NCAC 62 .0203 HEARINGS
21 NCAC 62 .0204 JUSTIFICATION OF RULEMAKING DECISION
21 NCAC 62 .0205 RECORD OF RULEMAKING PROCEEDINGS
21 NCAC 62 .0206 FEES

History Note: Authority G.S. 12-3.1; 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989;
Repealed Eff. July 1, 2010.

21 NCAC 62 .0207 EMERGENCY RULES

History Note: Authority G.S. 90A-4; 150A-13;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Repealed Eff. April 1, 1989.

21 NCAC 62 .0208 DECLARATORY RULINGS

History Note: Authority G.S. 90A-57; 150B-4;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989;
Repealed Eff. July 1, 2010.

SECTION .0300 - CONTESTED CASES

21 NCAC 62 .0301 OPPORTUNITY FOR AN ADMINISTRATIVE HEARING
21 NCAC 62 .0302 REQUEST FOR A HEARING

History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989;
Repealed Eff. July 1, 2010.

21 NCAC 62 .0303 GRANTING A HEARING REQUEST
21 NCAC 62 .0304 WAIVER

History Note: Authority G.S. 90A-4; 150A-31; 150A-12; 150A-2; 150A-23;
Eff. February 1, 1976;
Repealed Eff. December 22, 1978.

21 NCAC 62 .0305	NOTICE
21 NCAC 62 .0306	INTERVENTION
21 NCAC 62 .0307	CHANGE OF VENUE
21 NCAC 62 .0308	DISQUALIFICATION OF BOARD MEMBERS
21 NCAC 62 .0309	FAILURE TO APPEAR
21 NCAC 62 .0310	CONTINUANCES

History Note: Authority G.S. 90A-4; 90A-57; 150B-38; 150B-40(a);
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Amended Eff. November 1, 1994; April 1, 1989;
 Repealed Eff. July 1, 2010.

21 NCAC 62 .0311	WRITTEN ANSWERS TO NOTICE
21 NCAC 62 .0312	AVAILABILITY OF BOARD RECORDS
21 NCAC 62 .0313	DEPOSITIONS AND DISCOVERY

History Note: Authority G.S. 90A-4; 150A-25; 150B-28;
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Repealed Eff. April 1, 1989.

21 NCAC 62 .0314	PRE-HEARING CONFERENCE
21 NCAC 62 .0315	SIMPLIFICATION OF ISSUES
21 NCAC 62 .0316	SUBPOENAS
21 NCAC 62 .0317	TRANSCRIPTS

History Note: Authority G.S. 90A-57;
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Amended Eff. November 1, 1994; January 1, 1990; April 1, 1989;
 Repealed Eff. July 1, 2010.

21 NCAC 62 .0318 PROPOSAL FOR DECISION

History Note: Authority G.S. 150A-34; 90A-4;
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Repealed Eff. April 1, 1989.

21 NCAC 62 .0319 RECORD OF CONTESTED CASES

History Note: Authority G.S. 90A-57;
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Amended Eff. November 1, 1994; January 1, 1990; April 1, 1989;
 Repealed Eff. July 1, 2010.

SECTION .0400 - RULES OF OPERATION

21 NCAC 62 .0401 STATUTORY AUTHORITY AND DEFINITIONS

The definitions in G.S. 90A-51 apply to rules in this Chapter.

History Note: Authority G.S. 90A-51; 90A-57;

Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. July 1, 2010; April 1, 1989; February 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 62 .0402 APPLICATIONS

(a) Applications for registration as an environmental health specialist or environmental health specialist intern shall be filed with the Board on a form provided by the Board and available on the Board website at: www.rsboard.com or from the Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630.

(b) The application form shall be signed by the applicant and shall contain biographical data on the applicant including education, experience, duties, and prior registration necessary to determine the applicant's qualifications for registration. The application shall also be accompanied by the following:

- (1) a certified transcript sent directly to the Board from the educational institution from which the applicant has received a degree;
- (2) certified transcripts from all other educational institutions from which the applicant has earned science credits used to comply with G.S. 90A-53;
- (3) the job description signed by the applicant's supervisor;
- (4) statement from the applicant's employer verifying dates of employment, and
- (5) a signed Code of Ethics.

History Note: Authority G.S. 90A-53; 90A-57; 90A-59; 90A-62;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. July 1, 2010; November 1, 1994; April 1, 1989; February 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 62 .0403 EXAMINATION

(a) The Board shall schedule an examination at least two times annually. An applicant for a certificate as a registered environmental health specialist shall pass the examination which consists of the following:

- (1) an objective written examination, designed to test the applicant's competence in the subject of environmental health;
- (2) an oral examination prepared, administered and evaluated by the Board; and
- (3) a written question prepared, administered and evaluated by the Board.

(b) Applicants taking or retaking the examination shall submit a written application to the Board. The request shall indicate which portions of the exam the applicant intends to take. The exam application shall be postmarked no later than 30 days prior to the advertised date of the examination.

(c) Every applicant shall pass the examination with a grade of at least 70 percent, with the objective written examination to count 50 percent of the total score, the oral examination to count 25 percent of the total score, and the written question to count 25 percent of the total score. An applicant shall score a minimum of 60 percent on each individual portion of the examination. All scores of any portion of the exam shall be retained by the Board and the highest score for each portion shall be applied in meeting the requirements of this Section.

(d) Applicants shall not cheat or attempt to cheat on the examination by any means, including giving or receiving assistance, and shall not communicate in any manner with any person during the examination, other than the person(s) administering the examination. Violation of this Paragraph is cause for dismissal from the examination, invalidation of the examination score, and revocation or denial of registration.

History Note: Authority G.S. 90A-53; 90A-57; 90A-59; 90A-64;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. July 1, 2010; November 1, 1994; January 1, 1990; April 1, 1989; February 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

21 NCAC 62 .0404 INVESTIGATION OF COMPLAINTS DISCIPLINARY ACTION

A complaint filed with the Board shall be handled as follows:

- (1) A complaint made to the Board shall be in writing.

- (2) The Chair shall appoint two board members to investigate a complaint which may lead to disciplinary action regarding a registered environmental health specialist or registered environmental health specialist intern. An investigation may also be performed by a person hired by the Board to conduct the investigation.
- (3) Disciplinary action taken by the Board may include:
 - (a) Suspension
 - (b) Revocation
- (4) A hearing conducted by the Board shall meet the provisions in Article 3A, G.S. 150B.

*History Note: Authority G.S. 90A-57; 90A-64;
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Amended Eff. August 1, 2010; April 1, 1989; February 1, 1983;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 62 .0405 AUTHORIZED EXPENDITURES AND FEES

- (a) The following fees apply:
 - (1) application for registration of environmental health specialist--\$50.00;
 - (2) examination--actual cost of the environmental health specialist exam purchased by the Board. The cost of the examination on July 1, 2010 is one hundred fifteen dollars (\$115.00) or one hundred twenty-five dollars (\$125.00) depending on the number of applicants for the examination;
 - (3) an administration fee of fifty dollars (\$50.00) for each examination application received;
 - (4) issuance of a certificate as provided in G.S. 90A-62--\$50.00; and
 - (5) annual renewal postmarked prior to January 1 of the year--\$50.00; postmarked January 1 or later--\$75.00.
- (b) Applications for registration, renewal, and examinations shall be accompanied by the payment of the appropriate fees.
- (c) An additional fee of twenty dollars (\$20.00) plus the actual cost charged by the bank shall be charged for all returned checks.
- (d) Fees for copies shall be in accordance with G.S. 12-3.1 and G.S. 132-6.2(b).

*History Note: Authority G.S. 12-3.1; 25-3-506; 90A-53; 90A-62; 90A-63; 132-6.2(b);
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Amended Eff. July 1, 2010; November 1, 1994; January 1, 1990; April 1, 1989; February 1, 1983;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 62 .0406 OUT-OF-STATE APPLICANTS

An out-of-state applicant shall include an official statement by the Board of registration in the applicant's state testifying to the applicant's registration status.

*History Note: Authority G.S. 90A-57; 90A-62;
 Eff. February 1, 1976;
 Readopted Eff. December 22, 1978;
 Amended Eff. April 1, 1989; February 1, 1983;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 62 .0407 RENEWAL

(a) Applications for renewal shall be filed with the Board on a form provided by the Board and available from the Board website at: www.rsboard.com or from the Division of Public Health, 1931 Mail Service Center, Raleigh, NC 27699- 1931. The renewal application shall be available by October 1 of each year. The renewal form may also be generated by the Registered Sanitarian Training and Authorization (RSTAS) computer system at: <https://rstas.dhhs.state.nc.us/>. The renewal application shall include the following information:

- (1) registrant's name, REHS/REHSI number, home address, telephone, email;
- (2) registrant's employer name, address, telephone, email, position title;
- (3) continuing education completed by registrant in current year by course number, date, contact hours attended; and

- (4) information regarding their completion of NC Public Health Law in accordance with Paragraph (e) of this Rule.
- (b) The renewal application shall be completed and signed by the applicant.
- (c) Renewal fees shall be paid in accordance with Rule .0405(a)(5) of this Section.
- (d) Registered environmental health specialists or registered environmental health specialists interns who fail to renew by December 31 shall be notified by the Board that their registration has expired and that they shall not practice as a registered environmental health specialist or a registered environmental health specialists intern until they have met the requirements for renewal.
- (e) Environmental health specialist interns and other persons applying for new registrations with the board shall take an environmental health law course based on North Carolina laws and rules with at least 15 contact hours approved by the Board. This course shall be completed within the first four years of the date of most recent registration by the Board. This timeframe shall be extended by one additional year for anyone whose fourth year occurs in 2020.
- (f) Registered environmental health specialists and registered environmental health specialists interns shall complete a minimum of 15 contact hours of continuing education acceptable to the Board each year, except the 15 hours shall not be required for the year ending December 31, 2020. Continuing education acceptable to the Board includes:
- (1) the specialized training course required in Rule .0411 of this Section;
 - (2) District Environmental Health Section Educational meetings;
 - (3) professional association courses and educational meetings;
 - (4) seminars or courses offered by the North Carolina State of Practice Committee;
 - (5) completion of a job-related course offered by a college or university accredited by the Council of Higher Education Accreditation with the hours credited for the year that the course is completed;
 - (6) completion of a job-related course offered by the Centers for Disease Control and Prevention, the Food and Drug Administration, or the Environmental Protection Agency;
 - (7) other practice-related training that:
 - (A) is technical in nature, related to the environment, environmental health or improving the practice of environmental health;
 - (B) is relevant to the actual job being performed by the participants or applicant;
 - (C) includes a method for determining the number of hours spent;
 - (D) includes a method of documentation for verification of completion;
 - (E) is available to all registered environmental health specialists and environmental health specialist interns; and
 - (F) has been granted approval by the Board based upon this Subparagraph.
- (g) Registrations that have expired may be renewed within 12 months after expiration upon submittal of application and payment of the renewal fee. The applicant shall provide verification to the Board that continuing education contact hours were obtained during the year since the expiration to comply with the requirements of this Section. Registrations that have expired for more than 12 months may not be renewed.
- (h) Interns that are no longer employed in the field of environmental health in North Carolina shall not be eligible to renew.
- (i) A registered environmental health specialist or a registered environmental health specialist intern in good standing whose active military service has impaired their ability to obtain the continuing education requirements in Paragraph (f) of this Rule are exempt from the continuing education requirement if written orders from their military unit are provided to the Board. In addition, the renewal fee is waived for each calendar year the environmental health specialist is on active duty.
- (j) A registered environmental health specialist or registered environmental health specialist intern who is disabled may request a variance in continuing education hours during the period of the disability. The Board may grant or deny requests for variance in continuing education hours based on a disabling condition on a case by case basis, taking into consideration the particular disabling condition involved and its effect on the registered environmental health specialist or registered environmental health specialist intern's ability to complete the required hours. In considering the request, the Board may require additional documentation substantiating any specified disability.
- (k) A maximum of five contact hours of approved continuing education, that is in excess of the required 15 contact hours, may be applied toward the continuing education requirements for the following year. For 2020, registrants who completed contact hours, even though continuing education was not required for that year, may carry forward a maximum of five hours.

History Note: Authority G.S. 90A-57; 90A-63; 93B-15;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. July 1, 2010; November 1, 1994; May 1, 1990; April 1, 1989; February 1, 1983;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Emergency Amendment Eff. April 28, 2020;
Temporary Amendment Eff. June 26, 2020;
Amended Eff. July 1, 2021.*

21 NCAC 62 .0408 PUBLIC INSPECTION

*History Note: Authority G.S. 90A-57;
Eff. February 1, 1976;
Readopted Eff. December 22, 1978;
Amended Eff. November 1, 1994; April 1, 1989;
Repealed Eff. July 1, 2010.*

**21 NCAC 62 .0409 CHARACTER
21 NCAC 62 .0410 EDUCATION**

*History Note: Authority G.S. 90A-53; 90A-57;
Eff. February 1, 1983;
Repealed Eff. April 1, 1989.*

21 NCAC 62 .0411 SPECIALIZED TRAINING

Every applicant for registration as a registered environmental health specialist intern shall complete the course entitled "Orientation and Initial Internship Training for Environmental Health Interns" offered by the Division of Public Health at the centralized training site within 18 months of registration as a registered environmental health specialist intern.

*History Note: Authority G.S. 90A-50; 90A-51; 90A-53; 90A-57;
Eff. February 1, 1983;
Amended Eff. July 1, 2010; November 1, 1994; May 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Emergency Amendment Eff. April 28, 2020;
Temporary Amendment Eff. June 26, 2020;
Amended Eff. July 1, 2021.*

21 NCAC 62 .0412 EXPERIENCE

*History Note: Authority G.S. 90A-53; 90A-57;
Eff. February 1, 1983;
Repealed Eff. November 1, 1994.*

21 NCAC 62 .0413 SANITARIAN INTERN

*History Note: Authority G.S. 90A-54; 90A-63;
Eff. February 1, 1983;
Repealed Eff. April 1, 1989.*

21 NCAC 62 .0414 ENVIRONMENTAL HEALTH SPECIALIST INTERN EXPERIENCE

Every applicant for registration as an environmental health specialist intern shall be under the direction of a registered environmental health specialist in order to obtain acceptable environmental health field experience required to be a registered environmental health specialist.

*History Note: Authority G.S. 90A-50; 90A-51; 90A-52; 90A-53; 90A-63;
Eff. November 1, 1994;
Amended Eff. July 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

21 NCAC 62 .0415 CODE OF ETHICS

The Board hereby incorporates by reference the code of ethics adopted by the Environmental Health Section of the North Carolina Public Health Association on September 30, 2009 as the professional code to be followed by registered environmental health specialists and environmental health specialist interns. This incorporation does include subsequent amendments and editions. Copies may be obtained from the Board at no charge. The canons in the code of ethics are part of the registration application.

*History Note: Authority G.S. 90A-53; 90A-67;
 Eff. July 1, 2010;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*