

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 184
LICENSING OF INDUSTRIAL HYGIENISTS

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184.600 Evaluation of Licensing by Other States and Reciprocal Licensure

AUTHORITY: Implementing and authorized by the Industrial Hygiene Licensing Act [225 ILCS 52].

SOURCE: Adopted at 18 Ill. Reg. 16906, effective November 15, 1994.

SUBPART A: GENERAL

Section 184.100 Purpose

This part sets forth the procedures to be used by the Illinois Environmental Protection Agency in administering a system for the licensing and sanctioning, where necessary, of industrial hygienists, as defined in Section 184.102 of this Subpart.

Section 184.101 Applicability

The rules of this Part shall be applicable to the licensing of all industrial hygienists who seek to represent themselves as Illinois Licensed Industrial Hygienists.

Section 184.102 Definitions

As used in this Part, the following terms shall have the meanings set forth below:

"Act" means the Illinois Industrial Hygiene Licensing Act [225 ILCS 52].

"Agency" means the Illinois Environmental Protection Agency. (Section 10 of the Act)

"American Board of Industrial Hygiene (ABIH)" means the Pennsylvania non-profit corporation which certifies industrial hygienists in the United States of America.

"Board" means the Industrial Hygiene Examining Board. (Section 10 of the Act)

"Certified Industrial Hygienist (CIH)" means an individual who has been granted a certificate as a Certified Industrial Hygienist by the American Board of Industrial Hygiene, and whose certificate has not been suspended or revoked for cause. (Section 10 of the Act)

"Director" means the Director of the Illinois Environmental

Protection Agency.

"Fund" means the Industrial Hygienists Regulatory and Enforcement Fund created by Section 30 of the Act.

"IEPA-OCS" means the Illinois Environmental Protection Agency office which has primary responsibility for managing the industrial hygienists licensing program.

"Industrial hygiene" means providing services in which the sciences are applied with the aid of quantitative measurement techniques in the control of physical, chemical, and biological factors that cause illness, injury, impaired health, or inefficiency among employees and the public. (Section 10 of the Act)

"Industrial hygiene profession" means the providing of services by a Licensed Industrial Hygienist in which the mathematical and natural sciences are applied with quantitative measurement techniques in the anticipation, recognition, evaluation, and control of physical, chemical, and biological stresses that cause or may cause illness, injury, impaired health and well-being, or significant discomfort and inefficiency among workers and the public. (Section 10 of the Act)

"Industrial Hygienist-in-training" means an individual who has been granted a certificate as an Industrial Hygienist-in-training by the American Board of Industrial Hygiene. (Section 10 of the Act)

"Licensed Industrial Hygienist (LIH)" means an individual who has satisfied all the requirements of the Industrial Hygienist Licensure Act and these rules, who has been granted a license by the Agency, and whose license has not expired or been suspended or revoked.

"Person" means any natural person, and shall not include any corporation, trust or other non-natural entity.

"Professional experience" means the practice, research, teaching, or administration of industrial hygiene activities. Teaching or research as a student is not considered to be professional experience.

Section 184.103 Disclaimer

The Agency and the State of Illinois do not endorse or guarantee the quality of work or conduct by an applicant who has been licensed.

Section 184.104 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence, or clause thereof not judged invalid.

Section 184.105 Industrial Hygiene Examining Board

- a) *The Director shall appoint an Industrial Hygiene Examining Board consisting of 5 persons who shall serve in an advisory capacity to the Director. The Board shall be composed of 4 Certified or Licensed Industrial Hygienists, one of whom shall serve as the chairperson, and one member of the public who is not regulated under the Act or a similar Act and who represents consumer interests.*
- b) *Members shall be Illinois residents and shall serve for a term of 4 years and until their successors are appointed and qualified, except for the initial appointments. Of the initial appointments one member shall be appointed for one year, one shall be appointed to serve 2 years, one shall be appointed to serve 3 years, and 2 shall be appointed to serve for 4 years, and until their successors are appointed and qualified. No member shall be reappointed if that reappointment would cause that person's service on the Board to be longer than 8 successive years. Appointments to fill vacancies for the unexpired portion of a vacated term shall be made in the same manner as original appointments. Initial terms shall begin January 31, 1994.*
- c) *The Director may terminate the appointment of any member for cause.*
- d) *The Director shall consider the recommendation of the Board on all matters and questions relating to the Act and these rules.*
- e) *The Board is charged with the duties and responsibilities of recommending to the Director the adoption of all policies, procedures, and rules which may be required or deemed advisable in order to perform the duties and functions conferred on the Board, the Director, and the Agency to carry out the provisions of the Act. (Section 35 of the Act)*

Section 184.106 Address for Submittals to Agency

All materials submitted to the Agency by applicants and Licensed Industrial Hygienists pursuant to this Part shall be addressed to:

Illinois EPA
Office of Chemical Safety
Health & Safety Unit
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

SUBPART B: REQUIREMENTS FOR LICENSE

Section 184.200 Application Requirements

- a) *The Industrial Hygienist License Application form shall be available from the Agency by mailing a written request to IEPA-OCS with a self-addressed stamped envelope.*
- b) *Any person who seeks a license as a Licensed Industrial Hygienist shall submit a complete application to the Agency in which the applicant provides all of the following:*
 - 1) *A statement that the applicant has not been convicted of a felony in the State of Illinois, any other state, or in any Federal Court; or, if the applicant has been convicted of a felony, the felony convictions are adequately described, as*

- required in Section 184.201 of this Subpart;
- 2) Verification of experience from immediate supervisors for each industrial hygiene employment period claimed toward meeting the professional experience requirements specified in subsection (b)(3) below. When the applicant had no supervisor, the applicant shall submit verifications from clients; at least one verification from a client shall be provided for each year of experience claimed. Each verification shall be provided on the Agency Professional Experience Verification form.
 - 3) Official transcripts shall be required for coursework claimed for credit and shall be submitted directly to the Agency by the college or university. The verifications required by subsection (b)(2), above, and transcripts shall demonstrate that the applicant has either:
 - A) *A bachelors degree in a physical or biological science or industrial hygiene from an undergraduate program approved by the Agency and at least 5 years of professional experience (Section 25 of the Act); or*
 - B) *A masters degree in industrial hygiene from a graduate program approved by the Agency and at least 4 years of professional experience (Section 25 of the Act); or*
 - C) *A doctorate degree in industrial hygiene from a graduate program approved by the Agency and at least 3 years of professional experience. (Section 25 of the Act).*
 - 4) A copy of the ABIH notification stating that the applicant has passed the examination(s) required for qualification as a Certified Industrial Hygienist, or a copy of the Certified Industrial Hygienist certificate granted by ABIH.
 - 5) The required fee payable to the Fund, as provided in Section 184.400 of this Part.
- c) Applicants who did not register with the Agency by November 18, 1993 shall not be licensed before July 1, 1994.
 - d) Any applicant may be required to submit supplementary information in the event that an incomplete application is received by the Agency, or the Agency determines that any information provided in an application requires clarification.
 - e) No applicant may apply for licensure prior to having passed the examination authorized by the Agency.

Section 184.201 Felony Convictions of Applicants

Any applicant who has been convicted of a felony in the State of Illinois, any other State, or any Federal Court, shall, along with the application, provide a written description of the felony charge for which the applicant was convicted, how long ago the conviction occurred, the jurisdiction in which the applicant was convicted, the number of the case in which the conviction was entered, and any mitigating factors which the applicant believes are relevant to the consideration of the Agency.

Section 184.202 Agency-Approved Programs

- a) Any applicant who has completed a bachelors degree at an Agency-approved institution (as provided in Section 184.203 of this Subpart) in chemistry, physics, chemical engineering, mechanical engineering, sanitary engineering, environmental engineering, biology, or industrial hygiene shall have completed

an Agency-approved undergraduate program. The Agency may accept other bachelors degrees provided the degree program included at least 60 semester credit hours in courses in physical or biological science, mathematics, engineering, and technology, with at least 15 of those hours at the junior, senior, or graduate level. An applicant who has a bachelors degree in a discipline not specifically mentioned in this subsection may be eligible to apply for a license on the basis of additional academic coursework from an Agency-approved institution or by completion of an Agency-approved graduate program.

- b) Any applicant who has completed a masters or doctorate degree at an Agency-approved institution (as provided in Section 184.203 of this Subpart) in the field of industrial hygiene shall have completed an Agency-approved graduate program.

Section 184.203 Agency-Approved Institutions

Any institution of post-secondary education granting degrees shall be considered to be an Agency-approved institution provided that it is accredited by the Council on Post Secondary Accreditation or any successor organization, or the institution may be considered on the basis of its accreditation status in the education system which has jurisdiction.

Section 184.204 Agency-Authorized Examination

The examination authorized by the Agency for the purpose of application for licensure shall be examination(s) required by the ABIH for qualification as a Certified Industrial Hygienist.

Section 184.205 Examination Review and Administration

- a) The Agency shall review ABIH examination subjects at least annually to evaluate their continuing appropriateness for the licensing of industrial hygienists.
- b) The Agency-authorized examination shall be administered by the ABIH, which shall be the designated testing service for purposes of Section 30 of the Act.

Section 184.206 Professional Experience Requirements

Applicants for licensure shall have achieved the years of professional experience required by Section 184.200 of this Subpart by having spent more than 50% of their total work time (more than 20 hours per week) in professional activities related to industrial hygiene during each year claimed for credit.

Section 184.207 Application Statement

Any person submitting an application pursuant to this Part shall make the following statement:

I certify that the information submitted in this application is, to the best of my knowledge and belief, true, accurate and complete. I am aware that any license granted to me by the Illinois Environmental Protection Agency may be subject to suspension or revocation if any information submitted in this application is determined to be false or misleading.

Section 184.300 Validity of License

Any license or renewal license issued under this Part shall be valid for a period of 2 years, with the expiration date being 2 years from the day the license was issued, except as specified in Subsection 184.301(c) of this Subpart.

Section 184.301 License Renewal

- a) The Industrial Hygienist License Application form shall be used for renewal application and shall be available from the Agency by submitting a written request to IEPA-OCS with a self-addressed stamped envelope.
- b) Any person who seeks renewal of an unexpired license issued under this Part shall, no later than 30 days before the expiration of the currently effective license, submit a complete application to the Agency, in which the applicant must provide all of the following:
 - 1) A statement that the applicant has not had a license issued under this Part suspended or revoked;
 - 2) A statement that the applicant has not been convicted of any felony not previously reported to the Agency on an application or renewal form; and
 - 3) The required fee payable to the Fund, as provided in Section 184.400 of this Part.
- c) A license shall remain valid for 90 days beyond its expiration date if a complete renewal application and the fee required pursuant to Section 184.400 of this Part is submitted no later than 30 days before the expiration date.
- d) Any person who seeks renewal of an expired license shall submit a complete renewal application to the Agency as provided in subsection b, above, along with the renewal fee specified by subsection 184.400(c) of this Part.
- e) Any applicant who has entered inactive status in accordance with Section 184.302 of this Subpart may remove himself or herself from inactive status and seek renewal of his or her license under subsection (a) and (b) of this Section irrespective of whether his or her license has expired during the period of inactive status.

Section 184.302 Inactive Status

Any person with a valid unexpired license issued under this Part may enter inactive status by notifying IEPA-OCS in writing by certified mail, provided that the person is not the subject of a pending investigation or proceeding pursuant to Subpart E of this Part. During the period of inactive status, the person shall not use the title Licensed Industrial Hygienist. A person on inactive status may return to active status by either:

- a) Notifying IEPA-OCS by certified mail of the return to active status if the expiration date has not passed for the license that was valid at the time inactive status was elected, or
- b) Submitting a complete renewal application to the Agency, as provided in subsection 184.301(b) of this Subpart, except that the fee required for a resumption of active status and renewal shall be \$50.

SUBPART D: FEES

Section 184.400 Application/Renewal Fees

- a) All fees payable under this Part shall be made payable to the Industrial Hygienists Regulatory and Enforcement Fund.
- b) As provided in Section 50 of the Act, all persons required to be licensed when the Act was approved on August 20, 1993, were to have registered with the Agency and submitted a registration fee of \$100 by November 18, 1993. Persons who registered by November 18, 1993, shall be sent an Industrial Hygienist License Application form by the Agency. After January 1, 1994, the Agency will begin issuing licenses to qualified, registered applicants who have satisfied all the requirements of Section 184.200 of this Part. Persons submitting applications who did not register by November 18, 1993, shall not be issued licenses before July 1, 1994.
- c) The application fee for an initial license or for renewal of an expired license shall be \$200, except that the application fee for applicants who registered by November 18, 1993, shall be \$100 for their initial term of licensure. The application fee includes the issuance of a wallet license certificate.
- d) The fee for the renewal of an unexpired license shall be \$50, provided that the application for renewal is submitted no less than 30 days before the expiration date of the license. Any application for renewal submitted before the expiration date of the applicant's license, but less than 30 days before the expiration date, shall be subject to an additional \$50 fee.

Section 184.401 Record Fee

Applicants and Licensed Industrial Hygienists who wish to pursue judicial review of a final administrative decision of the Agency under Subpart E of this Part shall send the Agency a written request for a certified copy of the record identifying the final administrative decision of the Agency of which the applicant or Licensed Industrial Hygienist is seeking review. Written requests for copies of records shall be sent to IEPA-OCS. Following receipt of the written request, the Agency shall notify the applicant or Licensed Industrial Hygienist of the number of pages of the relevant record. The applicant or Licensed Industrial Hygienist shall then submit a record fee of 20 cents for each page of the record to the Agency.

Section 184.402 Other Fees

- a) Any Licensed Industrial Hygienist who wishes to obtain a wall certificate shall send a written request to IEPA-OCS, along with a \$15 fee for each certificate requested.
- b) Any Licensed Industrial Hygienist who wishes to obtain a duplicate license certificate, replacement license certificate, or new license certificate reflecting a legally-recognized name change shall send a written request to IEPA-OCS specifying whether a duplicate or replacement certificate or certificate reflecting a legally-recognized name change is desired. If an additional certificate is requested by a Licensed Industrial Hygienist, the fee shall be \$15 each.

- c) Any person wishing to obtain a roster of current, suspended and revoked licenses, or a roster of expired and inactive licenses shall send a written request to IEPA-OCS along with a \$15 fee for each roster requested.

Section 184.403 Nonrefundability of Fees

All fees received by the Agency from applicants or Licensed Industrial Hygienists under this Part shall be non-refundable.

SUBPART E:

DENIAL, REFUSAL TO RENEW, SUSPENSION, AND REVOCATION OF LICENSES

Section 184.500 Investigation

The Agency may refuse to issue, refuse to renew, or seek the suspension or revocation of any license issued under the Act and this Part. The Agency may, upon its own motion or upon the written complaint of any person setting forth charges which, if proven, would constitute grounds for refusal to issue or renew, suspension or revocation as provided by Section 184.503 of this Subpart, investigate the actions of any person applying for or holding a license.

Section 184.501 Notice

The Agency, prior to denying, refusing to renew, suspending or revoking a license, shall notify the applicant or Licensed Industrial Hygienist in writing of the intent of the Agency to deny, refuse to renew, suspend or revoke a license, and the nature of any charges made by any third party against the applicant or Licensed Industrial Hygienist, and shall afford the applicant or Licensed Industrial Hygienist an opportunity to be heard in person or by counsel. The Agency shall also notify the Board of the issuance of a notification of intent to refuse to renew, suspend or revoke a license.

Section 184.502 Procedure

When the Agency has given notice of its intent to deny, refuse to renew, suspend or revoke any license, and of any charges made by any third party against an applicant or Licensed Industrial Hygienist, the procedures set forth at 35 Ill. Adm. Code 168, Procedures For Contested Case Hearings, shall apply to the conduct of any Agency hearings and the making of final administrative decisions.

Section 184.503 Grounds for Denial, Refusal to Renew, Suspension and Revocation

- a) The Agency may deny, refuse to renew, suspend or revoke any license for any one or any combination of the following causes:
- 1) The practice of any fraud or deceit in obtaining or attempting to obtain a license;
 - 2) Negligence or misconduct in the practice of industrial hygiene which endangered the health or safety of the public, an employee, or the environment;
 - 3) Repeated violations of federal, state or local laws, regulations, standards, or ordinances regarding health and safety;

- 4) Conviction in Illinois or another state of any crime which is a felony under the laws of Illinois or that other state or conviction of a felony in a federal court;
 - 5) Being declared to be a person under a legal disability by a court of competent jurisdiction; or
 - 6) Revocation or suspension of Certified Industrial Hygienist status by the ABIH for cause.
- b) The Agency may issue, renew or refuse to suspend or revoke a license notwithstanding the applicability of any of the factors set forth in subsection (a), above, if mitigating factors exist such that a license should be issued. Mitigating factors may include, but shall not be limited to, the following:
- 1) The severity of the misconduct;
 - 2) How recently the misconduct took place; and
 - 3) The degree of control exerted over worker and public health and safety at a site by the applicant or Licensed Industrial Hygienist at the time any misconduct described in subsection (a), above, was committed.
- c) Relative to all original and renewal applications and in all hearings before the Agency conducted under this Part, a person seeking licensure shall have the burden of demonstrating that he or she is entitled to the license.

Section 184.504 Sanctions

- a) If a license is suspended, it shall be considered invalid for a period of time not less than 30 days, but no more than one year, as determined by the Agency. If a license expires during suspension, the suspended industrial hygienist may not reapply for license until the suspension period has elapsed. At the end of the suspension period, the suspended license, if not expired, shall be considered valid.
- b) If a license is revoked it shall be considered void. If a license is revoked, the former Licensed Industrial Hygienist may not reapply for a license for a period of not less than six months but not more than three years, as determined by the Agency. If an applicant seeks to obtain a license after the revocation period has elapsed, the applicant must comply with all requirements of Subparts B and D of this Part as if originally applying for a license.

Section 184.505 Appeal

Within 35 days after receipt of a written notice of denial, refusal to renew, suspension or revocation from the Director, the applicant, suspended industrial hygienist, or former Licensed Industrial Hygienist may appeal the sanction to the Circuit Court of Sangamon County. The revocation or suspension of a license shall be stayed pending a final decision on an appeal. All judicial review conducted pursuant to this Part shall be in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

Section 184.506 Record Required

No applicant or Licensed Industrial Hygienist may seek judicial review of a final administrative decision of the Agency under this Part unless that applicant or Licensed Industrial Hygienist has obtained a certified copy of the Agency record, paid the Agency the record fee required by Section

184.401 of this Part and filed the certified copy with the Circuit Court for Sangamon County.

SUBPART F: RECIPROCITY

Section 184.600 Evaluation of Licensing by Other States and Reciprocal Licensure

- a) The Agency will monitor the establishment of systems for the licensing of industrial hygienists in other states, and will evaluate whether the qualifications for granting a license prescribed by any other state are compatible with those prescribed by the Act and this Part.
- b) The Agency will evaluate the qualifications for the licensing of industrial hygienists prescribed by any other state on the basis of the following factors:
 - 1) whether the examination requirements prescribed by that state are compatible with those specified in Sections 184.200, 184.204 and 184.205 of this Part;
 - 2) whether the experience requirements prescribed by that State are compatible with those specified in Sections 184.200 and 184.206 of this Part;
 - 3) whether the educational requirements prescribed by that state are compatible with those specified in Sections 184.200 and 184.203 of this Part;
 - 4) whether the felony disclosure requirements prescribed by that state are compatible with those specified in Sections 184.200 and 184.201 of this Part; and
 - 5) whether application, licensing and disciplinary records from that other state are available for review by the Agency.
- c) The Agency may make a determination that another State's program for the licensing of industrial hygienists is compatible with that provided for by the Act and this Part by one of the following two methods:
 - 1) The Agency may enter into an agreement with the licensing authority in another state providing for standards and procedures for the reciprocal licensing of industrial hygienists; or
 - 2) The Agency may, on a case-by-case basis, review the qualifications required for licensure by another state pursuant to a written request made by an applicant for reciprocal licensure. The Agency may require written confirmation from the licensing authority in another state if a case-by-case review is undertaken.
- d) The Industrial Hygienist Reciprocal Licensure Application form shall be available from the Agency by mailing a written request to IEPA-OCS with a self-addressed stamped envelope. Applicants for reciprocal licensure shall make any written request to the Agency for case-by-case review of their state's licensing qualifications as a part of their Industrial Hygienist Reciprocal Licensure Application. The Industrial Application form shall include the same application certification statement provided in Section 184.207 of this Part. Applicants for reciprocal licensure may be required to submit supplementary information to the Agency, as provided in Section 184.200 of this Part.
- e) Applicants for reciprocal licensure and Licensed Industrial

Hygienists who have obtained that status in Illinois on the basis of reciprocity shall be subject to and entitled to the same procedural rights provided in Subpart E of this Part.

- f) Applicants for reciprocal licensure and renewal reciprocal licensure shall be required to pay the same fees required for all other applicants, as provided in Subpart D of this Part. In addition, applicants seeking to be initially licensed on the basis of reciprocity shall pay \$100 as a reciprocity fee.