

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

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SENATE BILL 430
Judiciary Committee Substitute Adopted 4/28/97

Short Title: Industrial Hygienists. (Public)

Sponsors:

Referred to:

March 19, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE TITLE PROTECTION FOR THE PROFESSION OF
3 INDUSTRIAL HYGIENISTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 90 of the General Statutes is amended by adding a new
6 Article to read:

7 **"ARTICLE 33.**
8 **"INDUSTRIAL HYGIENE.**

9 **"§ 90-515. Definitions.**

10 The following definitions apply in this Article:

- 11 (1) 'American Board of Industrial Hygiene'. – A nonprofit corporation
12 incorporated in 1960 in Pennsylvania to improve the practice of the
13 profession of Industrial Hygiene by certifying individuals who meet its
14 education and experience standards and who pass its examination.
15 (2) 'Certified Industrial Hygienist (CIH)'. – A person who has met the
16 education, experience, and examination requirements established by the
17 American Board of Industrial Hygiene for a Certified Industrial
18 Hygienist (CIH).

- 1 (3) 'Industrial Hygiene'. – The applied science devoted to the anticipation,
2 evaluation, and control of contaminants and stressors that may cause
3 sickness, impaired health and well-being, or significant discomfort and
4 inefficiency among workers and the general public.
- 5 (4) 'Industrial Hygienist'. – A person who, through special studies and
6 training in chemistry, physics, biology, and related sciences, has
7 acquired competence in industrial hygiene. The special studies and
8 training must have been sufficient to confer competence in the: (i)
9 anticipation and recognition of environmental contaminants and
10 stressors to which workers and other members of the public could be
11 exposed in industrial operations, office buildings, homes, and the
12 general community; (ii) assessment of the likely effects on the health
13 and well-being of individuals exposed to these contaminants and
14 stressors; (iii) quantification of levels of human exposure to these
15 contaminants and stressors through scientific measurement techniques;
16 and (iv) designation of methods to eliminate or to control these
17 contaminants and stressors, or to reduce the level of human exposure to
18 them.
- 19 (5) 'Industrial Hygienist in Training (IHIT)'. – A person who has met the
20 education, experience, and examination requirements established by the
21 American Board of Industrial Hygiene for an Industrial Hygienist in
22 Training (IHIT).

23 **"§ 90-516. Unlawful acts.**

24 (a) No person shall practice or offer to practice as a Certified Industrial Hygienist,
25 use any advertisement, business card, or letterhead or make any other verbal or written
26 communication that the person is a Certified Industrial Hygienist or acquiesce in such a
27 representation unless that person is certified by the American Board of Industrial
28 Hygiene.

29 (b) No person shall practice or offer to practice as an Industrial Hygienist in
30 Training, use any advertisement, business card, or letterhead or make any other verbal or
31 written communication that the person is an Industrial Hygienist in Training or acquiesce
32 in such a representation unless that person is certified by the American Board of
33 Industrial Hygiene.

34 (c) A violation of this Article shall be punished as a Class 2 misdemeanor.

35 (d) Any person, including the Attorney General, may apply to the superior court
36 for injunctive relief to restrain a person who has violated this Article from continuing
37 these illegal practices. The court may grant injunctive relief regardless of whether
38 criminal prosecution or other action has been or may be instituted as a result of the
39 violation. In the court's consideration of the issue of whether to grant or continue an
40 injunction sought under this subsection, a showing of conduct in violation of the terms of
41 this Article shall be sufficient to meet any requirement of general North Carolina
42 injunction law for irreparable harm.

1 (e) The venue for actions brought under this Article is the superior court of any
2 county in which the illegal or unlawful acts are alleged to have been committed or in the
3 county where the defendant resides.

4 (f) Nothing in this Article shall be construed as authorizing a person certified in
5 accordance with this Article to engage in the practice of engineering, nor to restrict or
6 otherwise affect the rights of any person licensed to practice engineering under Chapter
7 89C of the General Statutes; provided, however, that no person shall use the title
8 'Certified Industrial Hygienist' unless the person has complied with the provisions of this
9 Article."

10 Section 2. This act becomes effective December 1, 1997, and applies to
11 violations which occur on or after that date.