

OVERVIEW

Sunrise Analysis of the Industrial Hygiene, Safety, and Health Physics Professions

Report No. 08-10, November 2008

Summary

In Senate Concurrent Resolution No. 41, Senate Draft 1, the 2008 Legislature requested that the Auditor conduct a “sunrise” analysis of Senate Bill No. 2075, which proposes to regulate titles used by industrial hygiene, safety, and health physics professionals. The Hawai‘i Regulatory Reform Act (Chapter 26H, Hawai‘i Revised Statutes) requires such an analysis to ensure that new regulation is enacted only when reasonably necessary to protect the health, safety, and welfare of consumers of the services. The Auditor is also to examine the probable effects of the proposed regulation and assess alternative forms of regulation.

Industrial hygienists, health physicists, and safety professionals specialize in recognizing, evaluating, and controlling workplace hazards. They fall into the broad category of occupational health and safety professionals. While these occupations have much in common, they generally focus on different functions and are credentialed by different organizations. Their responsibilities vary depending on the workplace, industry, and types of hazards affecting employees. Some of the workplace hazards addressed by these professionals include mold abatement, chemical hazards, radiation hazards, asbestos and lead, physical hazards such as noise and extremes of temperature, and biological hazards such as bloodborne pathogens and ergonomic hazards. Each of the certifying agencies has specific academic, work experience, and examination requirements for achieving and maintaining certification.

Senate Bill No. 2075 seeks to limit the *use of seven specific titles* for purposes of identification, advertising, or representation to those who have achieved and maintained a current certification designation. These titles are: industrial hygienist, certified industrial hygienist, certified health physicist, registered radiation protection technologist, certified safety professional, construction health and safety technician, and occupational health and safety technologists. Hawai‘i has a total of 204 certified practitioners authorized to use the titles as described under Senate Bill No. 2075. This includes: 47 certified industrial hygienists, five certified health physicists, four registered radiation protection technologists, 48 certified safety professionals, 86 construction health and safety technicians, and 14 occupational health and safety technologists.

The proposal would not prevent unqualified persons from doing safety work – it would only prevent them from calling themselves certified if they had not received certification. With just over 200 practitioners holding the certifications and titles listed in the bill, misuse of titles is not an issue in Hawai‘i.



Senate Bill No. 2075 has little substance and its purpose is unclear. It does not add to public protections and may even have an adverse and confusing effect. No additional penalties or avenues of enforcement are provided in the bill. The general public is already protected by state agencies such as the Department of Labor and Industrial Relations, the Department of Health, and the Office of Consumer Protection and other state agencies. For example, the Hawai'i Occupational Safety and Health Division of the Department of Labor and Industrial Relations has procedures in place to protect workers from occupational hazards under Section 396-8, HRS. The Indoor and Radiological Health Branch of the Department of Health licenses qualified health and medical physicists to protect the public from environmental and medical hazards under Section 321-11, HRS.

We believe that Senate Bill No. 2075 should not be enacted because it does not meet the sunrise criteria requiring evidence of harm to consumers under Section 26H-2, HRS. The bill as proposed is largely a title protection measure and is not necessary to protect the consumer. The primary purpose for the proposal is to advance the interests of the professionals with the designated titles. There is no evidence that practitioners who misrepresent themselves as certified industrial hygienists or any of the other titles proposed for protection in Senate Bill No. 2075 have caused harm to the public.

Recommendations and Response

We recommend that Senate Bill No. 2075 not be enacted.

The Departments of Health and Labor and Industrial Relations opted not to provide a response.

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