

# NEBRASKA

## STATUTES : (1)

### NEBRASKA REVISED STATUTES:

#### **CHAPTER 71: PUBLIC HEALTH AND WELFARE**

<u>Terms</u>	<u>References</u>
Industrial Hygiene	6
Industrial Hygienist	0
Certified Industrial Hygienist - CIH	23
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	1
American Conference of Governmental Industrial Hygienists – ACGIH	0
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	0
Board of Certified Safety Professionals – BCSP	0

# NEBRASKA

## RULES AND REGULATIONS: (2)

### NEBRASKA ADMINISTRATIVE CODE:

#### **HEALTH AND HUMAN SERVICES SYSTEM TITLE 178: ENVIRONMENTAL HEALTH CHAPTER 23: LEAD-BASED PAINT ACTIVITIES**

#### **TITLE 230: DEPARTMENT OF LABOR CHAPTER 6: WORKPLACE SAFETY CONSULTATION PROGRAM**

### Terms

### References

Industrial Hygiene	3
Industrial Hygienist	3
Certified Industrial Hygienist - CIH	0
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program and related	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	0
American Conference of Governmental Industrial Hygienists – ACGIH	0
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	0
Board of Certified Safety Professionals – BCSP	0

# **NEBRASKA STATUTES**

[http://nebraskalegislature.gov/laws/search\\_keyword.php?keyword=industrial+hygienist&search\\_by=S](http://nebraskalegislature.gov/laws/search_keyword.php?keyword=industrial+hygienist&search_by=S)

## **NEBRASKA REVISED STATUTES**

### **CHAPTER 71: PUBLIC HEALTH AND WELFARE**

#### **71-8001. Act, how cited.**

Sections 71-8001 to 71-8008 shall be known and may be cited as the **Certified Industrial Hygienist** Title Protection Act.

#### **71-8002. Legislative intent.**

It is the intent of the Legislature to provide legal recognition to the professional practice of **industrial hygiene** so as to provide assurance to government, business, private entities, and the public that a person who represents himself or herself as a **certified industrial hygienist** or a person who or an entity which represents that he, she, or it provides **industrial hygiene** services by or under the direction and supervision of a **certified industrial hygienist** is actually such individual or directly employs such individuals having the qualifications stated in the **Certified Industrial Hygienist** Title Protection Act.

#### **71-8003. Industrial hygiene, defined.**

For purposes of the **Certified Industrial Hygienist** Title Protection Act, **industrial hygiene** means the science and practice devoted to the anticipation, recognition, evaluation, and specification of controls of environmental factors, stressors, physical hazards, and chemical exposures associated with work and work operations that may cause sickness, impaired health and well-being, or significant discomfort among workers and the general community.

#### **71-8004. Individual; use of title; requirements.**

(1) An individual shall not use the title of or represent or advertise himself or herself as a **certified industrial hygienist, CIH, or C.I.H.** unless such individual has received the designation **Certified Industrial Hygienist** from the **American Board of Industrial Hygiene** and the designation as such has not lapsed or been revoked.

(2) An individual shall not use for title or professional identification or as a personal credential any variation on the terms described in subsection (1) of this section using the words "**Certified Industrial Hygienist**" and shall not use initials that indicate such a title unless the individual meets the requirements of this section.

**71-8005. Business enterprise; use of certified industrial hygienist required; when.**

A business enterprise shall not identify, represent, or advertise itself as a provider of industrial hygiene services provided by or under the direction and supervision of a certified industrial hygienist or a variation of such words unless the individuals directly employed by such enterprise to actually engage in any business practice which could be classified as industrial hygiene using the services of a certified industrial hygienist satisfy the requirements of the Certified Industrial Hygienist Title Protection Act. The action or intent of any business enterprise to provide for compensation the services of a certified industrial hygienist through subcontracting, subconsulting, or any means other than direct employment of a certified industrial hygienist shall be clearly conveyed in writing by the soliciting business enterprise to the prospective target audience of interest or buyer of such industrial hygiene services.

**71-8006. Violations; unfair trade practice; civil penalty.**

An individual or business enterprise who violates section 71-8004 or 71-8005 commits an unfair trade practice. Any person or entity injured by such a violation shall have a right of action against the violator for damages for each occurrence when any person or entity suffered or suffers loss.

An individual or business enterprise that violates the Certified Industrial Hygienist Title Protection Act shall be subject to a civil penalty of not more than two thousand dollars. The Attorney General or the county attorney of the county in which such violation occurs shall, when he or she has knowledge of such violation, institute an action in such county to collect the penalty imposed by this section. Money collected pursuant to such action shall be remitted to the State Treasurer for credit to the permanent school fund.

**71-8007. Act; applicability.**

The Certified Industrial Hygienist Title Protection Act does not regulate or otherwise limit the activity of any individual or entity that does not represent or advertise himself, herself, or itself as a certified industrial hygienist, CIH, or C.I.H. or as a provider of services to be performed by a certified industrial hygienist.

**71-8008. Department of Health and Human Services; rules and regulations.**

The Department of Health and Human Services may adopt and promulgate rules and regulations to implement the Certified Industrial Hygienist Title Protection Act and to further regulate the use of the term certified industrial hygienist.

# **NEBRASKA RULES/REGULATIONS**

**[http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Health and Human Services System/Title-178/Chapter-23.pdf](http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Health%20and%20Human%20Services%20System/Title-178/Chapter-23.pdf)**

## **NEBRASKA ADMINISTRATIVE CODE**

### **HEALTH AND HUMAN SERVICES SYSTEM** **TITLE 178: ENVIRONMENTAL HEALTH** **CHAPTER 23: LEAD-BASED PAINT ACTIVITIES**

#### **23-004.03 Requirements for the Accreditation of Training Providers**

23-004.03A For a training provider to obtain accreditation from the Department to offer lead-based paint professions training programs or review courses, the provider must meet the following requirements:

1. The training provider must employ a training program manager who has demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or **industrial hygiene** and one of the following:
  - a. At least two years of experience, education, or training in teaching workers or adults; or
  - b. A bachelor's or graduate degree in building construction technology, engineering, **industrial hygiene**, safety, public health, education, business administration or provider management or a related field; or
  - c. Two years of experience in managing a training provider specializing in environmental hazards.
  
2. The training program manager must designate a qualified principal instructor for each professions training programs or review courses who has:
  - a. Demonstrated experience, education, or training in teaching workers or adults; and
  - b. Successfully completed at least 16 hours of lead-specific training from any training provider that is EPA-accredited or Stateaccredited by an EPA authorized state; and
  - c. Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or **industrial hygiene**.

# NEBRASKA RULES/REGULATIONS

[http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Labor Dept of/Title-230/Chapter-6.pdf](http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Labor_Dept_of/Title-230/Chapter-6.pdf)

## NEBRASKA ADMINISTRATIVE CODE

### TITLE 230: DEPARTMENT OF LABOR CHAPTER 6: WORKPLACE SAFETY CONSULTATION PROGRAM

#### **004. Inspection/consultation fees.**

A. Employers shall be charged for services provided pursuant to the following fee schedule:

1. For safety consultations/inspections performed on or before August 31, 2002:

a. Safety consultation/inspection fee for employers with:

10 or less employees.....	\$200.00	Page #18
11-25 employees.....	\$375.00	
26-100 employees.....	\$550.00	
101 or more employees.....	\$750.00	

b. **Industrial hygienist** consultation/inspection fee for employers with:

10 or less employees.....	\$200.00
11-25 employees.....	\$375.00
26-100 employees.....	\$550.00
101 or more employees.....	\$750.00

2. For safety consultations/ inspections performed on or after September 1, 2002:

a. The inspection/consultation fee for a safety consultation/ inspection shall be \$300, plus \$85.00 per hour for actual on-site inspection time with no additional charge for time spent preparing for the inspection or preparing inspection reports. For billing purposes, time spent at the on-site inspection shall be rounded to the nearest one-tenth of an hour. In the event that more than one safety inspector is present during the safety inspection/consultation, there will be no additional charge. See, also 230 NAC 6(003)(F)(3)].

b. The inspection/consultation fee for an **Industrial hygienist** consultation/inspection shall be \$300, plus \$85.00 per hour for actual on-site inspection time with no additional charge for time spent preparing for the inspection/consultation or preparing inspection reports. For billing purposes, time spent at the on-site inspection shall be rounded to the nearest one-tenth of an hour. In the event that more than one **industrial hygienist** is present during the inspection/consultation, there will be no additional charge. See, also 230 NAC 6(003)(F)(3)].