

TENNESSEE

STATUTES : (2)

TENNESSEE CODE ANNOTATED:

**TITLE 62: PROFESSIONS, BUSINESSES AND TRADES
CHAPTER 40: INDUSTRIAL HYGIENISTS**

**TITLE 68: HEALTH, SAFETY AND ENVIRONMENTAL
PROTECTION
CHAPTER 212: HAZARDOUS WASTE MANAGEMENT
PART 5: PROPERTY WHERE METHAMPHETAMINE
MANUFACTURED**

<u>Terms</u>	<u>References</u>
Industrial Hygiene	6
Industrial Hygienist	7
Certified Industrial Hygienist - CIH	6
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician– CHST	0
Industrial Hygienist in Training - IHIT	3
AIHA Lab Accreditation Program	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	2
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

TENNESSEE

RULES AND REGULATIONS: (4)

TENNESSEE RULES AND REGULATIONS:

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF SOLID WASTE MANAGEMENT
CHAPTER 1200-1-18: LEAD BASED PAINT ABATEMENT**

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION
CHAPTER 1200-01-20: ASBESTOS ACCREDITATION
REQUIREMENTS**

**DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 0800-01-01 & 0800-01-04**

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF REMEDIATION
CHAPTER 0400-15-02**

Terms

References

Industrial Hygiene	4
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Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program and related	1
American Industrial Hygiene Association - AIHA	0
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TENNESSEE STATUTES

<http://www.lexisnexis.com/hottopics/tncode/>

TENNESSEE CODE ANNOTATED

TITLE 62: PROFESSIONS, BUSINESSES AND TRADES CHAPTER 40: INDUSTRIAL HYGIENISTS

62-40-101. Chapter definitions -- Qualifications -- Penalties.

(a) As used in this chapter, unless the context otherwise requires:

(1) "**Industrial hygiene**" means the science and art devoted to anticipation, recognition, evaluation and control of environmental factors or stressors arising in or from the workplace that may cause sickness, impaired health and well-being or significant discomfort and inefficiency among workers;

(2) "**Industrial hygienist**" means a person who possesses a baccalaureate degree issued by an accredited college or university in **industrial hygiene** engineering, chemistry, physics, biology, medicine or related physical and biological sciences and who, by virtue of special studies and training, has acquired competence in industrial hygiene. The special studies and training shall have been sufficient in **industrial hygiene** engineering, chemistry, physics, biology, medicine or related physical and biological sciences to provide the ability to:

(A) Recognize environmental stressors in the workplace and to understand their effects;

(B) Evaluate, on the basis of experience and with the aid of quantitative measurement techniques, the magnitude of these stressors in terms of ability to impair health and well-being; and

(C) Prescribe methods to eliminate, control or reduce the stressors when necessary to alleviate their effects; and

(3) "Professional **industrial hygienist**" means a person who possesses a baccalaureate degree issued by an accredited college or university in **industrial hygiene**, engineering, chemistry, physics, biology, medicine or related physical and biological sciences and who has a minimum of three (3) years full-time **industrial hygiene** experience. A completed master's degree in a related physical or biological science, or in a related engineering discipline, may be substituted for one (1) year of the experience requirement; and a similar doctoral degree may be substituted for an additional year of the experience requirement. Nonexclusive examples of professional **industrial hygienists** are **certified industrial hygienists** and **industrial hygienists in training**, as recognized by the **American Board of Industrial Hygiene**.

(b) An individual shall meet the requirements or qualifications of a professional **industrial hygienist** as set out in subdivision (a)(3), **certified industrial hygienist** and **industrial hygienist in training**, as recognized by the **American Board of Industrial Hygiene**, before the individual may use the title or represent the individual to the public as a professional **industrial hygienist**, **certified industrial hygienist** and **industrial hygienist in training**.

(c) A person who violates subdivision (a)(3) or subsection (b) is subject to a civil penalty of no more than one thousand dollars (\$1,000) in chancery court.

62-40-102. Limitation on government prohibiting or restricting practice of industrial hygiene.

Notwithstanding any law to the contrary, no entity of state government shall by rule prohibit or restrict a qualified **industrial hygienist** who complies with the provisions established by or pursuant to this chapter from engaging in the practice of **industrial hygiene**.

TENNESSEE STATUTES

<http://www.lexisnexis.com/hottopics/tncode/>

TENNESSEE CODE ANNOTATED

TITLE 68: HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION

CHAPTER 212: HAZARDOUS WASTE MANAGEMENT

PART 5: PROPERTY WHERE METHAMPHETAMINE MANUFACTURED

68-212-502. List of certified industrial hygienists -- Testing of properties.

The commissioner shall compile and maintain a list of **certified industrial hygienists** and such other persons or entities the commissioner certifies as qualified to perform the services of **industrial hygienists**. Such persons will test properties in which a process intended to result in the manufacture of methamphetamine has occurred, as defined by § 39-17-435, to determine if a property is safe for human use. Such property may include, but is not limited to, leased or rented property such as a hotel or motel room, rented home or apartment, or any residential property. The commissioner shall also compile and maintain a list of persons authorized to perform clean-up of property where such a process has occurred. Such lists may be posted on the web site maintained by the commissioner.

68-212-505. Testing of property -- Certification that property safe.

Once the property has been quarantined, any party having a right, title or interest in the quarantined property, including any lienholders, may contact either a **certified industrial hygienist** or other person or entity certified as qualified from the list maintained by the commissioner to perform appropriate testing on the property to determine whether hazardous waste is present on the property, or a contractor from the list maintained by the commissioner for clean-up and removal of all hazardous waste from the property. The property must remain quarantined until a **certified industrial hygienist** or other person or entity named on the commissioner's list compiled pursuant to § 68-212-502 certifies to the quarantining agency that the property is safe for human use.

68-212-508. Certificate of fitness by certified industrial hygienist -- Recording -- Form.

(a) Whenever a **certified industrial hygienist** or other person or entity named on the commissioner's list, pursuant to § 68-212-502, determines that the property, quarantined pursuant to § 68-212-503, is safe for human use, based upon the standards prescribed pursuant to this part, such person or entity shall issue a certificate of fitness.

(b) The owner or any person having any right, title or interest in the real property, including any lien holders, may file the certificate of fitness for recording in the office of county register in the county in which the real property or any portion of the property lies. The certificate shall be acknowledged or proved as provided in title 66, chapter 22. The register shall record such certificate with the record series containing the title deeds, and shall index the certificate with the owner or owners of the real property as the grantee, and the local law enforcement agency that issued the quarantine as grantor. The fee for such filing shall be in accordance with § 8-21-1001.

(c) A form substantially as follows is sufficient to comply with subsection (a):

TENNESSE RULES/REGULATIONS

<http://www.state.tn.us/sos/rules/1200/1200-01/1200-01-18.pdf>

TENNESSEE RULES AND REGULATIONS

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF SOLID WASTE MANAGEMENT

CHAPTER 1200-1-18: LEAD BASED PAINT ABATEMENT

(6) Accreditation of Training Programs: Target Housing and Child-Occupied Facilities.
[40 CFR 745.225]

(a) Scope.

(c) Requirements for the accreditation of training programs.

For a training program to obtain accreditation from the Commissioner to offer lead-based paint activities courses, the program shall meet the following requirements:

1. The training program shall employ a training manager who has:

(i) At least two (2) years of experience, education, or training in teaching workers or adults; or

(ii) A bachelor's or graduate degree in building construction technology, engineering, **industrial hygiene**, safety, public health, education, business administration or program management or a related field; or

(iii) Two (2) years of experience in managing a training program specializing in environmental hazards; and

(iv) 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**.

2. The training manager shall designate a qualified principal instructor for each course who has:

(i) Demonstrated experience, education, or training in teaching workers or adults; and

(ii) Successfully completed at least sixteen (16) hours of any EPA-accredited or EPA authorized State or Tribal-accredited lead-specific training; and

(iii) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or **industrial hygiene**.

(7) Certification of Individuals and Firms Engaged in Lead-Based Paint Activities: Target Housing and Child-Occupied Facilities. [40 CFR 745.226]

(b) Inspector, Risk Assessor, Supervisor, Project Designer or Abatement Worker.

1. To become certified by the Commissioner as an inspector, risk assessor, supervisor, project designer, or abatement worker, pursuant to subpart (a)1(i) of this paragraph, an individual must:

(iii) Meet or exceed the following experience and/or education requirements:

(II) Risk assessors.

III. **Certification as an industrial hygienist**, professional engineer, registered architect and/or **certification** in a related engineering/health/environmental field (e.g., **safety professional**, environmental scientist); or

TENNESSE RULES/REGULATIONS

<http://tn.gov/sos/rules/1200/1200-01/1200-01-20.20090623.pdf>

TENNESSEE RULES AND REGULATIONS

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

CHAPTER 1200-01-20: ASBESTOS ACCREDITATION

REQUIREMENTS

1200-01-20-.01 ASBESTOS ACCREDITATION REQUIREMENTS: GENERAL

(2) Definitions

“Clearance air sampling” means the collection of air samples using aggressive air sampling performed by an accredited project monitor to confirm the completion of a response action involving ACBM or materials assumed to be ACBM, conducted prior to the re-occupancy in a school of the contained work area for the purpose of protecting the public from the health hazards associated with exposure to friable ACM, except for projects that are small-scale, short-duration:

(a) Air samples collected for clearance purposes to confirm the completion of a removal, encapsulation, or enclosure of ACBM or material assumed to be ACBM for the reoccupancy of schools are required to be analyzed by Transmission Electron Microscopy by laboratories accredited by the National Institute of Standards and Technology’s National Voluntary Laboratory Accreditation Program.

(b) Air samples collected for clearance purposes to confirm the completion of removal, encapsulation, or enclosure of ACBM or material assumed to be ACBM in a school that is greater than small-scale, short-duration and less than or equal to 160 square feet or 260 linear feet shall be analyzed by phase contrast microscopy using laboratories enrolled in the **American Industrial Hygiene Association Proficiency Analytical Testing Program**.

1200-01-20-.02 ACCREDITATION OF TRAINING PROVIDERS AND TRAINING COURSE(S) [40 CFR

(3) Requirements for the Accreditation of Initial and/or Refresher Training Provider(s) and Course(s)

(a) For a training provider of initial and/or refresher training to obtain and retain accreditation from the Commissioner, the following requirements shall be met:

1. A training provider shall employ a training manager who has:

(i) (I) A bachelor's or graduate degree in building construction technology, occupational safety, public health, education, business administration, program management or related scientific field;

(II) A license to practice as a registered architect, engineer, or **certified industrial hygienist**;

(III) At least two years of experience, education, or training in teaching adults; or

2. For each course, a training provider's training manager shall designate a qualified principal instructor who has:

(i) Successfully completed the appropriate EPA-authorized State accredited asbestos training course(s) for each discipline in which the principle instructor is listed to instruct; and

(ii) Academic credentials (Associate's Degree or high school diploma) and experience in teaching adults in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or **industrial hygiene**.

2. Management Planner

All persons who prepare management plans for schools shall be accredited. All persons seeking accreditation as management planners shall complete a three (3) day inspector training course as outlined in part 1 of this subparagraph and a two (2) day management planner training course covering the topics contained in this part. Possession of a current initial and/or refresher inspector accredited training course completion certificate shall be a prerequisite for admission to the management planner training course. The management planner training course shall include lectures, demonstrations, course review and a written examination.

(Note: These Rules and Toxic Substances Control Act ("TSCA") Title II do not require the accreditation for persons performing the management planner role in public and commercial buildings. Nevertheless, such persons may find this training and accreditation helpful in preparing them to design or administer asbestos operations and maintenance programs for public and commercial buildings.)

The management planner training course shall address the following:

(vi) Role of other professionals—

Use of **industrial hygienists**, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; and a team approach to design of high quality job specifications;

4. Project Designer

A person shall be accredited as a project designer to design any of the following activities with respect to friable ACBM in a school or public and commercial building: a response action other than a SSSD maintenance activity, a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, or a response action for a major fiber release episode. All persons seeking accreditation as a project designer shall complete at least a minimum three (3) day training course as outlined in this part. The project designer course shall include lectures, demonstrations, a field trip, course review and a written examination.

The abatement project designer training course shall address the following:

(xvii) Role of other consultants—

Development of technical specification sections by **industrial hygienists** or engineers; the multi-disciplinary team approach to abatement design;

1200-01-20-.03 ACCREDITATION OF PERSONS AND FIRMS ENGAGED IN ASBESTOS ACTIVITIES

(3) Requirements for accreditation of a person in the appropriate discipline

(a) To become accredited by the Commissioner as an inspector, management planner, supervisor, project designer, worker or project monitor, a person shall:

3. Meet or exceed the following experience and educational requirements:

(ii) Management Planner

(I) Successfully complete a three (3) day accredited inspector training course with four (4) hours of hands-on training and an accredited two (2) day management planner training course; and have:

(II) I. Current credentials as a registered architect, **certified industrial hygienist**, licensed professional engineer and/or **certification** in a related engineering/health/environmental field (e.g., **safety professional**, environmental scientist);

II. A bachelor's degree and one year experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction);

III. An associate degree and two years experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction); or

IV. A high school diploma and have four (4) years of experience in a related field (e.g., environmental remediation work, asbestos, lead) or in the building construction trades.

(iv) Project Designer

(I) Currently hold credentials as a registered architect, **certified industrial hygienist**, licensed professional engineer and/or **certification** in a related engineering/health/environmental field (e.g., **safety professional**, environmental scientist);

(II) Have a bachelor's degree and one year experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction); or

(vi) Project Monitor

(I) Currently hold credentials as a registered architect, **certified industrial hygienist**, licensed professional engineer and/or **certification** in a related engineering/health/environmental field (e.g., **safety professional**, environmental scientist);

(II) Have a bachelor's degree and one year experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction)

TENNESSE RULES/REGULATIONS

<http://www.state.tn.us/sos/rules/0800/0800-01/0800-01-01.20130129.pdf>

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<http://www.state.tn.us/sos/rules/0800/0800-01/0800-01-04.20100729.pdf>

TENNESSEE RULES AND REGULATIONS

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

CHAPTER 0800-01-01

CHAPTER 0800-01-01: OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR GENERAL INDUSTRY

0800-01-01-.07 EXCEPTIONS TO ADOPTION OF FEDERAL STANDARDS IN 29 CFR PART 1910.

(2) In lieu of the current federal occupational safety and health standards codified in Title 29, Code of Federal Regulations, Part 1910, Rule 0800-01-01-.06 of this chapter, or the absence thereof because of repeal or revocation, the Commissioner of Labor and Workforce Development adopts the standards limiting exposure to air contaminants as contained in subparagraph (b) of this rule. The information contained therein was compiled and adopted from the following federal occupational safety and health standards as published in the Federal Register in the volume and on the page(s) indicated.

(d) To achieve compliance with subparagraphs (b) and (c) of this rule, administrative or engineering controls must first be determined and implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or any other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed herein. Any equipment and/or technical measures used for this purpose must be approved for each particular use by a competent **industrial hygienist** or other technically qualified person. Whenever respirators are used, their use shall comply with 29 CFR 1910.134.

**CHAPTER 0800-01-04: OCCUPATIONAL SAFETY AND HEALTH
INSPECTIONS, CITATIONS AND PROPOSED PENALTIES**

0800-01-04-.09 REPRESENTATIVES OF EMPLOYERS AND EMPLOYEES.

(3) The representative(s) authorized by employees shall be an employee(s) of the employer. However, if in the judgment of the compliance officer, good cause has been shown why accompaniment by a third party who is not an employee of the employer (such as an **industrial hygienist** or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace such third party may accompany the compliance officer during the inspection.

TENNESSE RULES/REGULATIONS

<http://www.tn.gov/sos/rules/0400/0400-15/0400-15-02.20120523.pdf>

TENNESSEE RULES AND REGULATIONS

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF REMEDIATION

CHAPTER 0400-15-02

CHAPTER 0400-15-02: STANDARDS FOR TESTING AND CLEANING QUARANTINED CLANDESTINE DRUG MANUFACTURING SITES

0400-15-02-.02 USE OF QUALIFIED PROFESSIONALS FOR SAMPLING AND CLEANUP.

(1) Samples shall be collected and interpreted by a professional certified by the Commissioner as being able to perform the services of an **industrial hygienist**. Any person holding a certification from the **American Board of Industrial Hygienists** as a **Certified Industrial Hygienist** is deemed certified by this rule as being able to perform these services. Other persons who have the qualifications as **industrial hygienists** under T.C.A § 62-40-101 may make a written request to the Commissioner to be included on the list of persons or entities to perform the services of **industrial hygienists** for the purposes of these rules.

(2) Clean up of properties shall be performed by a professional or company certified by the Commissioner as being able to perform the services of cleaning up sites used to manufacture methamphetamines. Any person holding a certification from the **American Board of Industrial Hygienist** as a **Certified Industrial Hygienist** is deemed certified by this rule as being able to perform clean up services at these sites. Other persons may make a written request to the Commissioner seeking certification to perform these services.