

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS35131-LD-7D (2/5)

Short Title: DENR/Local Environmental Health Specialists. (Public)

Sponsors: Senator Reeves.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE ENFORCEMENT OF LOCAL SANITATION AND ON-SITE WASTEWATER PROGRAMS BY AUTHORIZING LOCAL ENVIRONMENTAL HEALTH OFFICIALS TO AUTHORIZE LOCAL ENVIRONMENTAL HEALTH SPECIALISTS TO ENFORCE PROGRAM RULES AND TO ELIMINATE UNNECESSARY REAUTHORIZATION OR RETRAINING OF CERTAIN ENVIRONMENTAL HEALTH EMPLOYEES WITH LOCAL HEALTH DEPARTMENTS OR WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-4 reads as rewritten:

"§ 130A-4. **Administration.**

(a) Except as provided in subsection (c) and subsections (e) through (i) of this section, the Secretary shall administer and enforce the provisions of this Chapter and the rules of the Commission. A local health director shall administer the programs of the local health department and enforce the rules of the local board of health.

(b) ~~When~~ Subject to subsection (a) of this section, when requested by the Secretary, a local health department shall enforce the rules of the Commission under the supervision of the Department. The local health department shall utilize local staff authorized by the Department to enforce the specific rules.

(c) The Secretary of Environment and Natural Resources shall administer and enforce the provisions of Articles 8, 9, 10, ~~11,~~ and 12 of this Chapter and the rules of the Commission.

(d) ~~When~~ Subject to subsection (c) of this section, when requested by the Secretary of Environment and Natural Resources, a local health department shall enforce the rules of the Commission under the supervision of the Department of Environment and Natural Resources. The local health department shall utilize local staff

1 authorized by the Department of Environment and Natural Resources to enforce the
2 specific rules.

3 (e) The Secretary of Environment and Natural Resources shall administer and
4 enforce the provisions of Articles 8 and 11 of this Chapter and the rules of the
5 Commission. Except as provided under subsections (g) through (i) of this section, a
6 local health department shall enforce the rules of the Commission under the supervision
7 of the Department of Environment and Natural Resources when requested by the
8 Secretary of Environment and Natural Resources, and the local health department shall
9 utilize local staff authorized by the Department of Environment and Natural Resources
10 to enforce the specific rules.

11 (f) In a local health department that has an environmental health supervisor, an
12 environmental health supervisor who has been authorized under this section to enforce
13 the rules of the Commission for a specific environmental health program under Article 8
14 or Article 11 of this Chapter for at least the three previous years may authorize a new
15 employee of that local health department to enforce the rules of the Commission for that
16 specific program for that local health department so long as the employee has
17 successfully completed the training administered by the Department of Environment
18 and Natural Resources. In a local health department that does not have any
19 environmental health supervisor, the environmental health coordinator for that local
20 health department who has been authorized under this section to enforce the rules of the
21 Commission for a specific environmental health program under Article 8 or Article 11
22 of this Chapter for at least the three previous years may authorize a new employee of
23 that local health department to enforce the rules of the Commission for that specific
24 program for that local health department so long as the employee has successfully
25 completed the training administered by the Department of Environment and Natural
26 Resources. The local health department shall use the same process and the same forms
27 that the Department of Environment and Natural Resources uses in authorizing
28 employees to enforce rules under subsection (d) of this section. A local health
29 department may request the Department of Environment and Natural Resources to have
30 regional environmental health specialists authorize new employees to enforce the rules
31 of specific programs under Article 8 or Article 11 of this Chapter through the regional
32 office for that local health department.

33 (g) An environmental health specialist in a local health department who is
34 authorized under this section to enforce the rules of the Commission for a specific
35 program under Article 8 or Article 11 of this Chapter for that local health department
36 and who has maintained registration as a sanitarian under Article 4 of Chapter 90A of
37 the General Statutes may change employment to another local health department
38 without obtaining reauthorization or retraining in that specific program.

39 (h) An environmental health employee of the Department of Environment and
40 Natural Resources may, for any local health department, be authorized to enforce the
41 rules for the specific program under Article 8 or Article 11 of this Chapter in which the
42 employee worked previously without obtaining retraining if the employee satisfies all of
43 the following:

- 1 (1) The employee has retired from employment or has otherwise left
2 employment as an environmental health employee.
- 3 (2) For at least three years, the employee was authorized under this section
4 to enforce the rules of the Commission for that specific program.
- 5 (3) The employee has maintained registration as a sanitarian under Article
6 4 of Chapter 90A of the General Statutes.
- 7 (i) An environmental health employee of a local health department may, for the
8 Department of Environment and Natural Resources, enforce the rules for the specific
9 program under Article 8 or Article 11 of this Chapter in which the employee worked
10 previously without obtaining reauthorization or retraining if the employee satisfies all of
11 the following:
- 12 (1) The employee has retired from employment or has otherwise left
13 employment as an environmental health employee.
- 14 (2) For at least three years, the employee was authorized under this section
15 to enforce the rules of the Commission for that specific program.
- 16 (3) The employee has maintained registration as a sanitarian under Article
17 4 of Chapter 90A of the General Statutes."
- 18 **SECTION 2.** This act is effective when it becomes law.