

COLORADO

STATUTES : (5)

COLORADO REVISED STATUTES

**TITLE 24. GOVERNMENT – STATE
PRINCIPAL DEPARTMENTS
ARTICLE 30. DEPARTMENT OF PERSONNEL – STATE
ADMINISTRATIVE SUPPORT SERVICES
PART 13. STATE BUILDINGS**

**TITLE 24. GOVERNMENT – STATE
PRINCIPAL DEPARTMENTS
ARTICLE 30. DEPARTMENT OF PERSONNEL – STATE
ADMINISTRATIVE SUPPORT SERVICES
PART 14. NEGOTIATION OF CONSULTANTS’ CONTRACTS**

**TITLE 8. LABOR AND INDUSTRY
LABOR I – DEPARTMENT OF LABOR AND EMPLOYMENT
ARTICLE 2. LABOR RELATIONS, GENERALLY
PART 1. GENERAL PROVISIONS**

**TITLE 38. PROPERTY – REAL AND PERSONAL
REAL PROPERTY
ARTICLE 35.7 DISCLOSURES REQUIRED IN CONNECTION
WITH CONVEYANCES OF RESIDENTIAL REAL PROPERTY**

**TITLE 25. HEALTH
ARTICLE 18.5. ILLEGAL DRUG LABORATORIES .
Enacted in 2013 Legislative Session**

Terms**References**

Industrial Hygiene	6
Industrial Hygienist	7
Certified Industrial Hygienist - CIH	4
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	3
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

COLORADO

RULES AND REGULATIONS: (8)

**DEPARTMENT OF PERSONNEL AND ADMINISTRATION
STATE OF COLORADO FISCAL RULES
CHAPTER 3: CONTRACTS**

**DEPARTMENT OF PERSONNEL AND ADMINISTRATION
101 FINANCE AND PROCUREMENT
STATE FISCAL RULES
1 CCR 101-1**

**DEPARTMENT OF PERSONNEL AND ADMINISTRATION
101 FINANCE AND PROCUREMENT
PROCUREMENT RULES
1 CCR 101-9**

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR QUALITY CONTROL COMMISSION
REGULATION NUMBER 8 CONTROL OF HAZARDOUS AIR
POLLUTANTS
5 CCR 1001-10**

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR QUALITY CONTROL COMMISSION
REGULATION 19 – THE CONTROL OF LEAD HAZARDS
5 CCR 1001-23**

**DEPARTMENT OF TRANSPORTATION
TRANSPORTATION COMMISSION
EMERGING SMALL BUSINESS PROGRAM
2 CCR 1604-1**

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
STATE BOARD OF HEALTH
CLEANUP OF METHAMPHETAMINE LABORATORIES
6 CCR 1014-3**

**DEPARTMENT OF LABOR AND EMPLOYMENT
WORKERS' COMPENSATION
WORKERS' COMPENSATION RULES OF PROCEDURE WITH
TREATMENT GUIDELINES
7 CCR 1101-3**

<u>Terms</u>	<u>References</u>
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Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program and related	3
American Industrial Hygiene Association - AIHA	1
American Board of Industrial Hygiene - ABIH	5
American Conference of Governmental Industrial Hygienists – ACGIH	1
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	1
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COLORADO STATUTES

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COLORADO REVISED STATUTES

TITLE 24. GOVERNMENT – STATE PRINCIPAL DEPARTMENTS

ARTICLE 30. DEPARTMENT OF PERSONNEL – STATE ADMINISTRATIVE SUPPORT SERVICES

PART 13. STATE BUILDINGS

24-30-1303. Department of personnel – responsibilities

(1) The department shall:

(a) With the approval of the governor, negotiate and execute leases on behalf of the state government for land, buildings, and office or other space and, as provided in section 24-82-102 (2), negotiate and execute leases of state-owned property not presently needed for state use;

(b) With the approval of the governor, negotiate and approve easements and rights-of-way across nonstate land on behalf of the state government and, as provided in section 24-82-202, negotiate and approve easements and rights-of-way across land owned by or under the control of the state or its institutions, departments, or agencies;

(c) Repealed.

(d) Supervise and be responsible for the expenditure of funds appropriated by the general assembly for capital construction projects and controlled maintenance projects at the institutions and agencies of the state;

(e) Maintain a current record of balances by project in the capital construction and controlled maintenance funds;

(f) Cause to be developed and enforced methods of internal control, on standardized basis within individual state agencies, that will assure compliance with appropriations provisions and executive orders;

(g) Repealed.

(h) Develop, or cause to be developed, with the approval of the governor, specific standards relating to office space, to architectural, structural, mechanical, and electrical systems in such office space, and to energy conservation in such office space, except in higher education as provided in section 23-1-106, C.R.S., which shall be the basis for approving facilities master plans, facility program plans, schematic designs, design development phases, and construction documents relating to the lease, acquisition, or

construction of office space; except that such standards shall be approved by the president of the senate and the speaker of the house of representatives when they concern space, systems, or energy conservation in that portion of the capitol buildings group which is under the jurisdiction of the general assembly;

(i) Develop a construction procedures manual for state facilities and state-assisted facilities, with the approval of the governor;

(j) Develop, or cause to be developed, standards of inspection, with the approval of the governor, which shall be the basis of all inspections and be responsible for assuring the uniform inspection of construction projects by the state agencies, utilizing such resources as may be locally available, in conjunction with the architect, engineer, or consultant;

(k) Coordinate initiation of budget requests for those capital construction projects for which the executive director shall be designated as principal representative by the governor;

(k.5) Coordinate initiation of budget requests for controlled maintenance projects and make recommendations concerning such requests to the capital development committee and to the office of state planning and budgeting. In the event that a controlled maintenance request exceeds approximately five hundred thousand dollars, the executive director may require the department making the request to prepare a feasibility study or program plan for the request. The executive director may establish guidelines or criteria for such feasibility study or program plan.

(l) Develop, or cause to be developed, after consultation with the office of state planning and budgeting pursuant to section 24-37-201, standards for the preparation of current facilities master plans coordinated with operational master plans, and facility program plans coordinated with operational program plans for each state institution and agency, except state schools, colleges, and universities as provided in section 23-1-106, C.R.S., for review and recommendation by the capital development committee;

(m) Repealed.

(n) (I) (Deleted by amendment, L. 94, p. 567, § 20, effective April 6, 1994.)

(II) Develop, or cause to be developed, methods of control on a standardized basis for all state agencies to ensure conformity of physical planning with approved building codes and of construction with approved physical planning.

(o) (Deleted by amendment, L. 94, p. 567, § 20, effective April 6, 1994.)

(p) Develop and maintain, or cause to be developed and maintained, at state agencies approved lists of qualified architects, **industrial hygienists**, engineers, landscape architects, land surveyors, and consultants from which the principal representative shall make a selection, including therein such information as may be required by part 14 of this article;

(q) Develop and maintain, or cause to be developed and maintained, at state agencies, approved lists of qualified contractors to bid on construction projects and promulgate rules and regulations as may be necessary for contractor prequalification processes for bidding on construction projects;

COLORADO STATUTES

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COLORADO REVISED STATUTES

TITLE 24. GOVERNMENT – STATE PRINCIPAL DEPARTMENTS

ARTICLE 30. DEPARTMENT OF PERSONNEL – STATE ADMINISTRATIVE SUPPORT SERVICES

PART 14. NEGOTIATION OF CONSULTANTS' CONTRACTS

24-30-1401. Legislative declaration

The purpose of this part 14 is to provide managerial control by the state over competitive negotiations for the acquisition of the professional services provided by architects, **industrial hygienists**, engineers, landscape architects, and land surveyors. It is hereby declared to be the policy of this state to publicly announce requirements for such professional services, to encourage all qualified persons to put themselves in a position to be considered for a contract, and to negotiate contracts for such professional services on the basis of demonstrated competence and qualification for the types of professional services required and on the basis of the furnishing of such professional services at fair and reasonable fees.

24-30-1402. Definitions

As used in this part 14, unless the context otherwise requires:

(1) "**Certified industrial hygienist**" means an individual that is certified by the **American board of industrial hygiene** or its successor.

(1.5) "Continuing contract" means a contract for professional services entered into pursuant to this part 14 between a state agency and a person, whereby the person provides professional services to the state agency for work of a specified nature as outlined in the contract required by the state agency with no specific time limitation. Any such contract shall provide a termination clause.

(2) "Department" means the department of personnel.

(2.2) "**Industrial hygienist**" means an individual who has obtained a baccalaureate or graduate degree in **industrial hygiene**, biology, chemistry, engineering, physics, or a

closely related physical or biological science from an accredited college or university. The special studies and training of such individual shall be sufficient in the cognate sciences to provide the ability and competency to:

- (a) Anticipate and recognize the environmental factors and stresses associated with work and work operations and to understand their effects on individuals and their well-being;
- (b) Evaluate on the basis of training and experience and with the aid of quantitative measurement techniques the magnitude of such environmental factors and stresses in terms of their ability to impair human health and well-being;
- (c) (I) Prescribe methods to prevent, eliminate, control, or reduce such factors and stresses and their effects.

(II) Any individual who has practiced within the scope of the meaning of **industrial hygiene** for a period of not less than five years immediately prior to July 1, 1997, is exempt from the degree requirements set forth in this subsection (2.2).

(III) Any individual who has a two-year associate of applied science degree in environmental science from an accredited college or university and in addition not less than four years practice immediately prior to July 1, 1997, within the scope of the meaning of **industrial hygiene** is exempt from the degree requirements set forth in this subsection (2.2).

(3) "Person" means an individual, a corporation, a limited liability company, a partnership, a business trust, an association, a firm, or any other legal entity.

(3.5) "Practice of **industrial hygiene**" means the performance of professional services, including but not limited to consulting, investigating, sampling, or testing in connection with the anticipation, recognition, evaluation, and control of those environmental factors or stresses arising in or from the workplace that may cause sickness, impaired health, or significant discomfort to workers or the public. "Practice of **industrial hygiene**" includes but is not limited to the identification, sampling, and testing of chemical, physical, biological, and ergonomic stresses and the development of physical, administrative, personal protective equipment, and training methods to prevent, eliminate, control, or reduce such factors and stresses and their effects. The term does not include the practice of architecture, as defined in section 12-25-302 (6), C.R.S., or the practice of engineering, as defined in section 12-25-102 (10), C.R.S.

(4) "Practice of landscape architecture" means the performance of professional services such as consultation, investigation, reconnaissance, research, planning, design, or responsible supervision in connection with the development of land areas or land use, where and to the extent that the dominant purpose of any such service is the preservation and development of existing and proposed land features, ground surface, planting, naturalistic features, and esthetic values. "Practice of landscape architecture" includes the design, location, and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this subsection (4), but the term does not include the making of land surveys or final engineered plats for official recording, integration of design of structures of earth, or other construction materials.

(5) "Principal representative" means the governing board of a state department,

institution, or agency or, if there is no governing board, the executive head of a state department, institution, or agency, as designated by the governor or the general assembly.

- (6) "Professional services" means those services within the scope of the following:
- (a) The practice of architecture, as defined in section 12-25-302 (6), C.R.S.;
 - (b) The practice of engineering, as defined in section 12-25-102 (10), C.R.S.;
 - (c) The practice of professional land surveying, as defined in section 12-25-202 (6), C.R.S.;
 - (d) The practice of landscape architecture, as defined in subsection (4) of this section;
 - (e) The practice of **industrial hygiene**, as defined in subsection (3.5) of this section.
- (7) "State agency" means this state or any department, board, bureau, commission, institution, or other agency of this state.

COLORADO STATUTES

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COLORADO REVISED STATUTES

TITLE 8. LABOR AND INDUSTRY

LABOR I – DEPARTMENT OF LABOR AND EMPLOYMENT

ARTICLE 2. LABOR RELATIONS, GENERALLY

PART 1. GENERAL PROVISIONS

8-2-113. Unlawful to intimidate worker - agreement not to compete

(1) It shall be unlawful to use force, threats, or other means of intimidation to prevent any person from engaging in any lawful occupation at any place he sees fit.

(2) Any covenant not to compete which restricts the right of any person to receive compensation for performance of skilled or unskilled labor for any employer shall be void, but this subsection (2) shall not apply to:

(a) Any contract for the purchase and sale of a business or the assets of a business;

(b) Any contract for the protection of trade secrets;

(c) Any contractual provision providing for recovery of the expense of educating and training an employee who has served an employer for a period of less than two years;

(d) Executive and management personnel and officers and employees who constitute professional staff to executive and management personnel.

(3) Any covenant not to compete provision of an employment, partnership, or corporate agreement between physicians which restricts the right of a physician to practice medicine, as defined in section 12-36-106, C.R.S., upon termination of such agreement, shall be void; except that all other provisions of such an agreement enforceable at law, including provisions which require the payment of damages in an amount that is reasonably related to the injury suffered by reason of termination of the agreement, shall be enforceable. Provisions which require the payment of damages upon termination of the agreement may include, but not be limited to, damages related to competition.

Cross references: For the "Uniform Trade Secrets Act", see article 74 of title 7.

ANNOTATION

Whether **industrial hygienists** constitute "professional staff to executive and management personnel" is an issue of fact. Occusafe, Inc. v. EGG Rocky Flats Inc., 54 F.3d 618 (10th Cir. 1995).

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COLORADO REVISED STATUTES

TITLE 38. PROPERTY – REAL AND PERSONAL REAL PROPERTY

ARTICLE 35.7 DISCLOSURES REQUIRED IN CONNECTION WITH CONVEYANCES OF RESIDENTIAL REAL PROPERTY

38-35.7-103. Disclosure - methamphetamine laboratory

1) A buyer of residential real property has the right to test the property for the purpose of determining whether the property has ever been used as a methamphetamine laboratory.

(2) (a) Tests conducted pursuant to this section shall be performed by a **certified industrial hygienist** or **industrial hygienist**, as those terms are defined in section 24-30-1402, C.R.S., and in accordance with the procedures and standards established by rules of the state board of health promulgated pursuant to section 25-18.5-102, C.R.S. If the buyer's test results indicate that the property has been contaminated with methamphetamine or other contaminants for which standards have been established pursuant to section 25-18.5-102, C.R.S., and has not been remediated to meet the standards established by rules of the state board of health promulgated pursuant to section 25-18.5-102, C.R.S., the buyer shall promptly give written notice to the seller of the results of the test, and the buyer may terminate the contract. The contract shall not limit the rights to test the property or to cancel the contract based upon the result of the tests.

(b) The seller shall have thirty days after receipt of the notice to conduct a second independent test. If the seller's test results indicate that the property has been used as a methamphetamine laboratory but has not been remediated to meet the standards established by rules of the state board of health promulgated pursuant to section 25-18.5-102, C.R.S., then the second independent hygienist shall so notify the seller.

(c) If the seller receives the notice referred to in paragraph (b) of this subsection (2) or if the seller receives the notice referred to in paragraph (a) of this subsection (2) and does not elect to have the property retested pursuant to paragraph (b) of this subsection (2), then an illegal drug laboratory used to manufacture methamphetamine shall be deemed to have been discovered, and the owner shall be deemed to have received notice pursuant to section 25-18.5-103 (1) (a), C.R.S. Nothing in this section shall prohibit a buyer from

purchasing the property and assuming liability pursuant to section 25-18.5-103, C.R.S., if, on the date of closing, the buyer provides notice to the department of public health and environment of the purchase and assumption of liability and if the remediation required by section 25-18.5-103, C.R.S., is completed within ninety days after the date of closing.

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TITLE 25. HEALTH

ARTICLE 18.5. ILLEGAL DRUG LABORATORIES.

Enacted in 2013 Legislative Session

2013 CO S 219

AUTHOR: Tochtrop
VERSION: Enacted
VERSION DATE: 05/28/2013

AN ACT

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, amend article 18.5 of title 25 as follows:

25-18.5-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Board" means the state board of health in the department of public health and environment.

(2) "**CERTIFIED INDUSTRIAL HYGIENIST**" MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE **AMERICAN BOARD OF INDUSTRIAL HYGIENE** OR ITS SUCCESSOR.

(3) "CLEAN-UP STANDARDS" MEANS THE ACCEPTABLE STANDARDS FOR THE REMEDIATION OF AN ILLEGAL DRUG LABORATORY INVOLVING METHAMPHETAMINE, AS ESTABLISHED BY THE BOARD UNDER SECTION 25-18.5-102.

(4) "CONSULTANT" MEANS A **CERTIFIED INDUSTRIAL HYGIENIST** OR **INDUSTRIAL HYGIENIST** WHO IS NOT AN EMPLOYEE, AGENT, REPRESENTATIVE, PARTNER, JOINT VENTURE PARTICIPANT, OR SHAREHOLDER OF THE CONTRACTOR OR OF A PARENT OR SUBSIDIARY COMPANY OF THE CONTRACTOR, AND WHO HAS BEEN CERTIFIED UNDER SECTION 25-18.5-106.

(5) "CONTRACTOR" MEANS A PERSON:

(a) HIRED TO DECONTAMINATE AN ILLEGAL DRUG LABORATORY IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE BOARD UNDER SECTION 25-18.5-102; AND

(b) CERTIFIED BY THE DEPARTMENT UNDER SECTION 25-18.5-106.

(6) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(7) "Governing body" means the agency or office designated by the city council or board of county commissioners where the property in question is located. If there is no such designation, the governing body shall be the county, district, or municipal public health agency, building department, and law enforcement agency with jurisdiction over the property in question.

(8) "Illegal drug laboratory" means the areas where controlled substances, as defined by section 18-18-102, C.R.S., have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of THE manufacturing, processing, cooking, disposal, use, or STORAGE.

(9) "**INDUSTRIAL HYGIENIST**" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-30-1402 (2.2), C.R.S.

(10) "Property" means anything that may be the subject of ownership, including land, buildings, structures, and vehicles.

(11) "Property owner", for the purposes of real property, means the person holding record fee title to real property. "Property owner" also means the person holding the title to a manufactured home.

25-18.5-102. Illegal drug laboratories - rules. (1) The board shall promulgate IN ACCORDANCE WITH SECTION 24-4-103, C.R.S., AS NECESSARY TO IMPLEMENT THIS ARTICLE, INCLUDING:

(a) PROCEDURES FOR TESTING CONTAMINATION, EVALUATING CONTAMINATION, AND ESTABLISHING THE ACCEPTABLE STANDARDS FOR CLEANUP OF ILLEGAL DRUG LABORATORIES INVOLVING METHAMPHETAMINE;

(b) PROCEDURES FOR A TRAINING AND CERTIFICATION PROGRAM FOR PEOPLE INVOLVED IN THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES. THE BOARD MAY DEVELOP DIFFERENT LEVELS OF TRAINING AND CERTIFICATION REQUIREMENTS BASED ON A PERSON'S PRIOR EXPERIENCE IN THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES.

(c) A DEFINITION OF "ASSESSMENT", "DECONTAMINATION", AND "SAMPLING" FOR PURPOSES OF THIS ARTICLE;

(d) PROCEDURES FOR THE APPROVAL OF PERSONS TO TRAIN CONSULTANTS OR CONTRACTORS IN THE ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES; AND

(e) PROCEDURES FOR CONTRACTORS AND CONSULTANTS TO ISSUE CERTIFICATES OF COMPLIANCE TO PROPERTY OWNERS UPON COMPLETION OF ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES TO CERTIFY THAT THE REMEDIATION OF THE PROPERTY MEETS THE CLEAN-UP STANDARDS ESTABLISHED BY THE BOARD UNDER PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) THE BOARD SHALL ESTABLISH FEES FOR THE FOLLOWING:

(a) CERTIFICATION OF PERSONS INVOLVED IN THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES;

(b) MONITORING OF PERSONS INVOLVED IN THE ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES, IF NECESSARY TO ENSURE COMPLIANCE WITH THIS ARTICLE; AND

(c) APPROVAL OF PERSONS INVOLVED IN TRAINING FOR CONSULTANTS OR CONTRACTORS UNDER PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION.

(3) THE BOARD SHALL ADOPT RULES FOR DETERMINING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THIS ARTICLE, BASED ON THE FACTORS ENUMERATED IN SECTION 25-18.5-107 (2) (g).

25-18.5-103. Discovery of illegal drug laboratory - property owner - cleanup - liability. (1) (a) Upon notification from a peace officer that chemicals, equipment, or supplies of an illegal drug laboratory are located on a property, or when an illegal drug laboratory is otherwise discovered and the property owner has received notice, the owner of any contaminated property shall meet the clean-up standards for property established by the board in section 25-18.5-102; except that a property owner may, subject to paragraph (b) of this subsection (1), elect instead to demolish the contaminated property. If the owner elects to demolish the contaminated property, the governing body or, if none has been designated, the county, district, or municipal public health agency, building department, or law enforcement agency with jurisdiction over the property may require the owner to fence off the property or otherwise make it inaccessible for occupancy or intrusion.

(b) An owner of personal property within a structure or vehicle contaminated by illegal drug laboratory activity HAS ten days after the date of discovery of the laboratory or contamination to remove or clean THE property according to board rules AND PARAGRAPH (c) OF THIS SUBSECTION (1). If the personal property owner fails to remove the personal property within ten days, the owner of the structure or vehicle may dispose of the personal property during the clean-up process without liability to the owner of the personal property for THE disposition.

(c) A PERSON WHO REMOVES PERSONAL PROPERTY OR DEBRIS FROM A DRUG LABORATORY SHALL SECURE THE PROPERTY AND DEBRIS TO PREVENT THEFT OR EXPOSING ANOTHER PERSON TO ANY TOXIC OR HAZARDOUS CHEMICALS UNTIL

THE PROPERTY AND DEBRIS IS APPROPRIATELY DISPOSED OF OR CLEANED ACCORDING TO BOARD RULES.

(2) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2), once a property owner has RECEIVED CERTIFICATES OF COMPLIANCE FROM A CONTRACTOR AND A CONSULTANT IN ACCORDANCE WITH SECTION 25-18.5-102 (1) (e) or has demolished the property, OR MET THE CLEAN-UP STANDARDS AND DOCUMENTATION REQUIREMENTS OF THIS SECTION AS IT EXISTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, THE PROPERTY OWNER:

(I) SHALL FURNISH COPIES OF THE CERTIFICATES OF COMPLIANCE TO THE GOVERNING BODY; AND

(II) IS IMMUNE from a suit BROUGHT BY A CURRENT OR FUTURE OWNER, RENTER, OCCUPANT, OR NEIGHBOR OF THE PROPERTY for health-based civil actions THAT ALLEGE INJURY OR LOSS ARISING FROM THE ILLEGAL DRUG LABORATORY.

(b) A person convicted for the MANUFACTURE of methamphetamine OR FOR POSSESSION OF CHEMICALS, SUPPLIES, OR EQUIPMENT WITH INTENT TO MANUFACTURE METHAMPHETAMINE IS NOT IMMUNE FROM SUIT.

(3)

25-18.5-104. Entry into illegal drug laboratories. (1) If a structure or vehicle has been determined to be contaminated or if a governing body or law enforcement agency issues a notice of probable contamination, the owner of the structure or vehicle shall not permit any person to have access to the structure or vehicle unless:

(a) The person is trained or certified to handle contaminated property UNDER board rules or federal law; OR

(b) THE OWNER HAS RECEIVED CERTIFICATES OF COMPLIANCE UNDER SECTION 25-18.5-102 (1) (e).

25-18.5-105. Drug laboratories - governing body - authority. (1) GOVERNING BODIES MAY DECLARE an illegal drug laboratory that has not met the clean-up standards set by the board in section 25-18.5-102 a public health nuisance.

(2) Governing bodies may enact ordinances or resolutions to enforce this article, including preventing unauthorized entry into contaminated property; requiring contaminated property to meet clean-up standards before it is occupied; notifying the public of contaminated property; coordinating services and sharing information between law enforcement, building, public health, and social services agencies and officials; and charging reasonable inspection and testing fees.

25-18.5-106. Powers and duties of department. (1) THE DEPARTMENT SHALL IMPLEMENT, COORDINATE, AND OVERSEE THE RULES PROMULGATED BY THE BOARD IN ACCORDANCE WITH THIS ARTICLE, INCLUDING:

(a) THE CERTIFICATION OF PERSONS INVOLVED IN THE ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES;

(b) THE APPROVAL OF PERSONS TO TRAIN CONSULTANTS AND CONTRACTORS IN THE ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES.

25-18.5-107. Enforcement. (1) A PERSON THAT VIOLATES ANY RULE PROMULGATED BY THE BOARD UNDER SECTION 25-18.5-102 IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT TO EXCEED FIFTEEN THOUSAND DOLLARS PER DAY PER VIOLATION UNTIL THE VIOLATION IS CORRECTED.

(2) (a) WHENEVER THE DEPARTMENT HAS REASON TO BELIEVE THAT A PERSON HAS VIOLATED ANY RULE PROMULGATED BY THE BOARD UNDER SECTION 25-18.5-102, THE DEPARTMENT SHALL NOTIFY THE PERSON, SPECIFYING THE RULE ALLEGED TO HAVE BEEN VIOLATED AND THE FACTS ALLEGED TO CONSTITUTE THE VIOLATION.

(b) THE DEPARTMENT SHALL EITHER:

(I) SEND THE NOTICE BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED, TO THE ALLEGED VIOLATOR'S LAST-KNOWN ADDRESS; OR

(II) PERSONALLY SERVE THE NOTICE UPON THE ALLEGED VIOLATOR OR THE ALLEGED VIOLATOR'S AGENT.

(c) THE ALLEGED VIOLATOR HAS THIRTY DAYS FOLLOWING RECEIPT OF THE NOTICE TO SUBMIT A WRITTEN RESPONSE CONTAINING DATA, VIEWS, AND ARGUMENTS CONCERNING THE ALLEGED VIOLATION AND POTENTIAL CORRECTIVE ACTIONS.

(d) WITHIN FIFTEEN DAYS AFTER RECEIVING NOTICE OF AN ALLEGED VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST AN INFORMAL CONFERENCE WITH DEPARTMENT PERSONNEL TO DISCUSS THE ALLEGED VIOLATION. THE DEPARTMENT SHALL HOLD THE INFORMAL CONFERENCE WITHIN THE THIRTY DAYS ALLOWED FOR A WRITTEN RESPONSE.

(e) AFTER CONSIDERATION OF ANY WRITTEN RESPONSE AND INFORMAL CONFERENCE, THE DEPARTMENT SHALL ISSUE A LETTER, WITHIN THIRTY DAYS AFTER THE DATE OF THE INFORMAL CONFERENCE OR WRITTEN RESPONSE, WHICHEVER IS LATER, AFFIRMING OR DISMISSING THE VIOLATION. IF THE DEPARTMENT AFFIRMS THE VIOLATION, THE DEPARTMENT SHALL ISSUE AN ADMINISTRATIVE ORDER WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE TIME FOR A WRITTEN RESPONSE HAS EXPIRED. THE ADMINISTRATIVE ORDER MUST INCLUDE ANY REMAINING CORRECTIVE ACTIONS THAT THE VIOLATOR SHALL TAKE AND ANY ADMINISTRATIVE PENALTY THAT THE DEPARTMENT DETERMINES IS APPROPRIATE.

(f) THE DEPARTMENT SHALL SERVE AN ADMINISTRATIVE ORDER UNDER THIS ARTICLE ON THE PERSON SUBJECT TO THE ORDER BY PERSONAL SERVICE OR BY REGISTERED MAIL, RETURN RECEIPT REQUESTED, AT THE PERSON'S LAST-KNOWN

ADDRESS. AN ORDER MAY BE PROHIBITORY OR MANDATORY IN EFFECT. THE ORDER IS EFFECTIVE IMMEDIATELY UPON ISSUANCE UNLESS OTHERWISE PROVIDED IN THE ORDER.

(g) IN DETERMINING THE AMOUNT OF AN ADMINISTRATIVE PENALTY, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) WHETHER THE VIOLATION WAS INTENTIONAL, RECKLESS, OR NEGLIGENT;

(III) ANY IMPACT ON, OR THREAT TO, THE PUBLIC HEALTH OR ENVIRONMENT AS A RESULT OF THE VIOLATION;

(IV) THE VIOLATOR'S DEGREE OF RECALCITRANCE;

(V) WHETHER THE VIOLATOR HAS HAD A PRIOR VIOLATION AND, IF SO, THE NATURE AND SEVERITY OF THE PRIOR VIOLATION;

(VI) THE ECONOMIC BENEFIT THE VIOLATOR RECEIVED AS A RESULT OF THE VIOLATION;

(VII) WHETHER THE VIOLATOR VOLUNTARILY, TIMELY, AND COMPLETELY DISCLOSED THE VIOLATION BEFORE THE DEPARTMENT DISCOVERED IT;

(VIII) WHETHER THE VIOLATOR FULLY AND PROMPTLY COOPERATED WITH THE DEPARTMENT FOLLOWING DISCLOSURE OR DISCOVERY OF THE VIOLATION; AND

(IX) ANY OTHER RELEVANT AGGRAVATING OR MITIGATING CIRCUMSTANCES.

(3) IF THE DEPARTMENT DETERMINES THAT A PERSON HAS BEEN GROSSLY NONCOMPLIANT WITH THE RULES PROMULGATED BY THE BOARD UNDER SECTION 25-18.5-102, THE DEPARTMENT MAY:

(a) SUSPEND OR REVOKE THE PERSON'S CERTIFICATION FOR THE ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES; OR

(b) SUSPEND OR REVOKE THE APPROVAL OF A PERSON TO PROVIDE TRAINING FOR CONSULTANTS OR CONTRACTORS PERFORMING ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG LABORATORIES.

25-18.5-108. Illegal drug laboratory fund. THE ILLEGAL DRUG LABORATORY FUND IS HEREBY ESTABLISHED IN THE STATE TREASURY. THE DEPARTMENT SHALL TRANSFER THE FEES COLLECTED UNDER SECTION 25-18.5-102 (2) TO THE STATE TREASURER WHO SHALL CREDIT THESE FEES TO THE FUND. THE GENERAL ASSEMBLY SHALL APPROPRIATE THE MONEYS IN THE FUND FOR THE IMPLEMENTATION OF THIS ARTICLE. THE TREASURER SHALL CREDIT TO THE FUND ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND. THE MONEYS IN THE FUND STAY IN THE FUND AT THE END OF THE FISCAL YEAR AND DO NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

25-18.5-109. Judicial review. THE DEPARTMENT'S DECISIONS ARE SUBJECT TO JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 24-4-106, C.R.S.

SECTION 2. In Colorado Revised Statutes, 38-35.7-103, **amend** (2) (c) and (4) as follows:

38-35.7-103. Disclosure - methamphetamine laboratory. (2) (c) If the seller receives A notice UNDER this subsection (2) and does not elect to have the property retested UNDER this subsection (2), then an illegal drug laboratory used to manufacture methamphetamine HAS been discovered. Nothing in this section PROHIBITS a buyer from purchasing the property and assuming liability UNDER section 25-18.5-103, C.R.S., if, on the date of closing, the buyer provides notice to the department of public health and environment AND GOVERNING BODY of the purchase and assumption of liability and if the remediation required by section 25-18.5-103, C.R.S., is completed within ninety days after the date of closing.

(4) If the seller BECOMES aware that the property was AN ILLEGAL DRUG LABORATORY and REMEDIATES the property in accordance with the standards established BY section 25-18.5-102, C.R.S., and RECEIVES CERTIFICATES OF compliance UNDER section 25-18.5-102 (1) (e), C.R.S., then:

(a) The seller shall not be required to disclose that the property was used as a methamphetamine laboratory to a buyer; and

(b) The property IS NO LONGER ELIGIBLE FOR INCLUSION IN any government-sponsored informational service listing properties that have been used for the production of methamphetamine.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the illegal drug laboratory fund created in section 25-18.5-108, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2013, the sum of \$61,491 and 0.5 FTE, or so much thereof as may be necessary, to be allocated to hazardous materials and waste management division for the implementation of this act as follows:

(a) \$39,363 and 0.5 FTE for the hazardous waste control program for personal services;

(b) \$6,678 for the hazardous waste control program for operating expenses; and

(c) \$15,450 for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2013, the sum of \$15,450 and 0.1 FTE, or so much thereof as may be necessary, for the provision of legal services for the department of public health and environment related to the implementation of this act. Said sum is from reappropriated funds received from the department of public health and environment out of the appropriation made in paragraph (c) of subsection (1) of this section.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

COLORADO RULES/REGULATIONS

<http://www.colorado.gov/dpa/dfp/sco/FiscalRules/Archive/7-1-06/ch3.pdf>

DEPARTMENT OF PERSONNEL AND ADMINISTRATION **STATE OF COLORADO FISCAL RULES** **CHAPTER 3: CONTRACTS**

Rule 3-1 STATE CONTRACTS

RULE:

Use of State Contracts

A State agency or institution of higher education shall negotiate and process a state contract when:

- .01 Acquiring personal services costing over \$100,000 including maintenance and service agreements.
- .02 Leasing or entering into a license involving payment by the State for the use of land, buildings, or other office or meeting space when the term is for more than thirty days.
- .03 Acquiring architectural services, engineering services, land surveying, **industrial hygienist** services, and landscape architectural services.
- .04 Expending capital construction, controlled maintenance, and/or emergency maintenance project funds in excess of \$100,000 except as otherwise provided in Fiscal Rule 4-1. Purchases of fixed equipment that do not require installation services may be purchased with a state purchase order.
- .05 Protecting the interest of the state may only be accomplished by using a state contract because other commitment vouchers are not considered sufficient to adequately protect the state. When questions arise in this area the State Controller's office or the Attorney General's office should be contacted for assistance.

COLORADO RULES/REGULATIONS

<http://www.sos.state.co.us/CCR/SearchRuleDisplay.do?getEntireRule=yes&pageNumber=1&totalNumberOfResults=58&keyword=industrial%20hygienist&type=keywordSearch&contentId=685837>

DEPARTMENT OF PERSONNEL AND ADMINISTRATION **101 FINANCE AND PROCUREMENT** **STATE FISCAL RULES** **1 CCR 101-1**

CHAPTER 3 **RULE 3-1 STATE CONTRACTS**

2. DEFINITIONS

All references to “contract” or “agreement” refer to State contracts, which are formal, legally binding documents. The terms “contract” and “agreement” are used interchangeably in the following definitions to reflect their common usage in the State and include any amendments to the contract or agreement. The following definitions include terms used in this Fiscal Rule as well as various types of contracts entered into by the State.

Other definitions not relevant to mention.

2.30 Professional Services Contract – A contract between an Agency or Institution of Higher Education and another party for the performance of any of the following services: architectural, engineering, land surveying, **industrial hygienist**, and landscape architect.

COLORADO RULES/REGULATIONS

<http://www.sos.state.co.us/CCR/SearchRuleDisplay.do?getEntireRule=yes&pageNumber=1&totalNumberOfResults=0&keyword=industrial&type=keywordSearch&contentId=686844>

DEPARTMENT OF PERSONNEL AND ADMINISTRATION **101 FINANCE AND PROCUREMENT** **PROCUREMENT RULES** **1 CCR 101-9**

ARTICLE 101 GENERAL PROVISIONS

PART 1 PURPOSES, CONSTRUCTION AND APPLICATION

R-24-101-101 Short title (See Statute)

R-24-101-102 Purposes - Rules of Construction (See Statute)

R-24-101-102-01 General

These rules implement the provisions of the Colorado Procurement Code (§24-101-101 et seq. CRS) and the Construction Bidding for Public Projects Act (§24-92-101 et seq.).

R-24-101-102-02 Expenditure of Funds.

These rules shall apply to every expenditure of public funds by the executive branch of this state, including federal assistance money, under any contract except supplies, services or construction as defined in Rule R-24-101-105-01.

R-24-101-103 Supplemental General Principles of Law Applicable. (See Statute)

R-24-101-104 Requirement of Good Faith. (See Statute)

R-24-101-105 Application of This Code. (See Statute)

R-24-101-105-01 Applicability

The Colorado Procurement Code and these rules do not apply to the following procurements:

- (a) No state funds are expended or the contract is revenue-producing. Agencies shall maximize the return to the State when revenue-producing contracts are involved. Competitive bidding is encouraged to ensure fair and open competition.
- (b) The procurement is made by the legislative or judicial branch of state government.
- (c) The procurement is for highway and/or bridge construction.
- (d) The contract is between state agencies, between the State and a political sub-division, another state, or the federal government, or any combination as described in R-24-110-101 through R-24-110-301.
- (e) The procurement is for public printing which meets the requirements of Article 109, CRS, as amended.
- (f) The procurement is for services provided by architects, engineers, landscape architects, **industrial hygienists**, and land surveyors (Ref. 24-30-1401 through 24-30-1407).

- (g) After approval of a written determination, a supplier's item is to be procured for resale; or
- (h) Where the procurement of services from a specific vendor(s) is necessary to comply with the specific terms and conditions of a grant award.
- (i) The awarding of grants, as the term is defined in §24-101-301(10.5)(A), (B) CRS.

COLORADO RULES/REGULATIONS

<http://www.sos.state.co.us/CCR/SearchRuleDisplay.do?getEntireRule=yes&pageNumber=1&totalNumberOfResults=25&keyword=industrial%20hygiene&type=keywordSearch&contentId=790794>

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AIR QUALITY CONTROL COMMISSION REGULATION NUMBER 8 CONTROL OF HAZARDOUS AIR POLLUTANTS 5 CCR 1001-10

PART B. ASBESTOS CONTROL

I. INCORPORATED MATERIAL STATEMENT; DEFINITIONS

I.B. DEFINITIONS

All terms used in this Regulation No. 8, Part B, and that are not defined below are given the same meaning as in the definitions in Regulation No. 8, Part A section (I.D.), and the common provisions regulation:

Definitions I.B.1-I.B.22 are insignificant to our references

I.B.23. Certified means holding a certificate issued pursuant to this regulation.

I.B.24. **Certified Industrial Hygienist** means an individual who has been certified by the **American Board of Industrial Hygiene** to practice as a **CIH**.

I.B.25. Clean Room means an uncontaminated area or room, which is a part of the Worker decontamination enclosure system with provisions for storage of Workers' street clothes and clean protective equipment.

I.B.26. Commercial asbestos means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

I.C. ACRONYMS

I.C.1. **ABIH American Board of Industrial Hygiene**
/>6015 West St. Joseph, Suite 102, Lansing, MI 48917-3980

I.C.3. **ACGIH American Conference of Governmental Industrial Hygienists**
/>1300 Kemper Meadow Drive, Cincinnati, OH 45240

I.C.7. **AIHA American Industrial Hygiene Association**
/>2700 Prosperity Avenue, Suite 250, Fairfax, VA 22031

I.C.18. **CIH Certified Industrial Hygienist**

II. CERTIFICATION REQUIREMENTS

II.A. GENERAL REQUIREMENTS

II.D. AIR MONITORING SPECIALIST CERTIFICATES

II.D.3. Initial Certification Requirements

II.D.3.a. New AMS Applicants

Each Individual seeking certification as an Air Monitoring Specialist shall satisfy the training, experience and education requirements set forth below, unless granted certification based on prior training, experience and education pursuant to section

II.D.3.b.:

II.D.3.a.i. Training

Each individual seeking certification as an Air Monitoring Specialist shall successfully complete a Division-approved Air Monitoring Specialist course. An individual certified by the **American Board of Industrial Hygiene** as a **Certified Industrial Hygienist (CIH)** is not required to attend those portions of the Air Monitoring Specialist course that instruct students exclusively on air-monitoring techniques (e.g., pump calibration, cassette placement, cassette handling, etc.).

II.J. PROJECT MANAGER QUALIFICATIONS

II.J.1. There is no Project Manager certification requirement. Where a Project Manager is required pursuant to the Regulation No. 8, Part B, the Project Manager shall satisfy the certification, academic training, experience, and educational requirements as set forth below:

II.J.1.a. Certification as a Project Designer in accordance with this section II. Project Managers must have proof of this certification with them on the project site.

II.J.1.b. Successful completion of a Division-approved Air Monitoring Specialist course. A 4-year college degree in **industrial hygiene**, a degree in environmental health with a major concentration in **industrial hygiene**, or the possession of a **certified industrial hygienist (CIH)** certificate given by the **American Board of Industrial Hygiene (ABIH)**, may be substituted for the above Air Monitoring Specialist course. Project Managers must have proof of the required training with them on the project site.

II.J.1.c. A minimum of one (1) year of experience supervising, overseeing or monitoring asbestos abatement projects.

II.J.1.d. Possession of a high school diploma or G.E.D.

II.L. EXEMPTIONS

The following sections of the regulation contain exemptions from certain requirements. Please refer to the indicated section for the specific details of the exemption.

- Anyone working in Non-Public Access Areas is exempted from certain requirements.

See paragraph II.A.3.

- **Certified Industrial Hygienists** are exempted from certain training requirements. See subparagraphs II.D.3.a., II.D.3.b., and subsection II.J.

III. ABATEMENT, RENOVATION AND DEMOLITION PROJECTS

III.P. CLEARING ABATEMENT PROJECTS

III.P.3. Final Clearance Air Monitoring and Sample Analyses

III.P.3.C. Laboratory Accreditation

III.P.3.c.(i). The air samples collected under this subsection III.P, shall be analyzed for asbestos using laboratories accredited by the National Institute of Standards and Technology to conduct such analysis using transmission electron microscopy or, under circumstances permitted in this subsection III.P. (Clearing Abatement Projects), **laboratories showing successful participation in the American Industrial Hygiene Association Proficiency Analytical Testing (PAT)** Program for phase contrast microscopy.

III.P.3.c.(ii). Whenever on-site satellite labs are used for PCM analysis for final clearance purposes, all persons conducting said analysis shall be properly trained as an analyst pursuant to the **AIHA Laboratory Quality Assurance Program** and shall follow all quality control and quality assurance guidelines as set forth in the NIOSH Method 7400 entitled “Fibers” published in the NIOSH Manual of Analytical Methods, 3rd Edition, second supplement, August 1987. Satellite labs must be directly under the control of properly accredited laboratories pursuant to the requirements set forth in subparagraph III.P.3.b. (Clearance Criteria) above.

IV. SCHOOL REQUIREMENTS

IV.G. RESPONSE ACTIONS

IV.G.9. Completion of Response Actions.

IV.G.9.b. Collection and Analysis of Air Samples

IV.G.9.b.(i). A person designated by the LEA shall collect air samples using aggressive sampling as described in 40 C.F.R. Part 763, Appendix A to Subpart E (EPA 1995), to monitor air for clearance after each removal enclosure and encapsulation project involving ACBM, except for projects that are less than three square or three linear feet.

IV.G.9.b.(ii). Local education agencies shall have air samples collected under this section analyzed for asbestos using laboratories accredited by the National Bureau of Standards to conduct such analysis using transmission electron microscopy or, under circumstances permitted in this section, laboratories enrolled in the **American Industrial Hygiene Association Proficiency Analytical Testing Program** for phase contrast microscopy.

IV.G.9.b.(iii). Until the National Bureau of Standards TEM laboratory accreditation program is operational, local educational agencies shall use laboratories that use the protocol described in 40 C.F.R. Part 763, Appendix A to Subpart E (EPA 1995).

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Type&blobheadvalue1=inline%3B+filename%3D%22Air+Quality+Control+Com
mission+Regulation+No.+19.pdf%22&blobheadvalue2=application%2Fpdf&blob
key=id&blobtable=MungoBlobs&blobwhere=1251808870105&ssbinary=true](http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheadname1=Content-Disposition&blobheadname2=Content-Type&blobheadvalue1=inline%3B+filename%3D%22Air+Quality+Control+Commission+Regulation+No.+19.pdf%22&blobheadvalue2=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251808870105&ssbinary=true)

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AIR QUALITY CONTROL COMMISSION REGULATION 19 – THE CONTROL OF LEAD HAZARDS 5 CCR 1001-23

III. Training and Certification Requirements

III.A. Accreditation of Training Programs: Target Housing and Child-occupied Facilities

III.A.3. Requirements for the Accreditation of Training Programs

III.A.3.a. The training program shall employ a training manager who has:

III.A.3.a.(i) at least 2 years of experience, education, or training in teaching workers or adults; or

III.A.3.a.(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.A.3.a.(iii) two years of experience in managing a training program specializing in environmental hazards; and

III.A.3.a.(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**.

III.A.3.b. The training manager shall designate a qualified principal instructor for each course who has:

III.A.3.b.(i) demonstrated experience, education, or training in teaching workers or adults;

III.A.3.b.(ii) successfully completed at least 16 hours of any EPA-accredited or EPA-authorized State or Tribal-accredited lead-specific training; and

III.A.3.b.(iii) demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or **industrial hygiene**.

III.B. Certification of Individuals and Firms Engaged in Lead-based Paint Activities:
Target Housing and Child-occupied Facilities

III.B.2. Inspector, Risk Assessor or Supervisor

III.B.2.a. To become certified by the division as an inspector, risk assessor, or supervisor, pursuant to Section III.B.1.a.(i) of this Regulation No. 19, Part A, an individual must:

III.B.2.a.(iii) Meet or exceed the following experience and/or education requirements:

III.B.2.a.(iii)(B) Risk Assessors

III.B.2.a.(iii)(B)(1) successful completion of an accredited training course for inspectors;
and

III.B.2.a.(iii)(B)(2) Bachelor's degree and 1 year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction), or an Associates degree and 2 years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

III.B.2.a.(iii)(B)(3) **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

III.B.2.a.(iii)(B)(4) a high school diploma (or equivalent), and at least 3 years of experience in a related field (e.g., lead, asbestos, environmental remediation work or construction).

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<http://webcache.googleusercontent.com/search?q=cache:p0g1waFYziMJ:www.sos.state.co.us/CCR/Upload/AGORequest/AdoptedRules02011-00228.RTF+&cd=1&hl=en&ct=clnk&gl=us>

DEPARTMENT OF TRANSPORTATION TRANSPORTATION COMMISSION EMERGING SMALL BUSINESS PROGRAM 2 CCR 1604-1

CHAPTER 2 - DEFINITIONS

The following definitions shall apply to terms used in the Rules.

Previous definitions unrelated.

- 18) Practice of Research: The performance of services involving the design, data collection and data analysis of studies such as evaluation studies, usage studies, feasibility studies, environmental impact studies, polling studies and other such studies performed by a person qualified by education or training or actual performance in the field, but does not include "Professional Services".
- 19) Principal: A sole proprietor, a general or limited partner, a person who owns twenty-five percent (25%) or more or a controlling interest, a director, or an officer of the business.
- 20) Professional Services: Those services defined in § 24-30-1402(6), C.R.S., including: 1) the practice of architecture, 2) the practice of engineering, 3) the practice of professional land surveying, 4) the practice of landscape architecture, and 5) the practice of **industrial hygiene**.

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<http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheadername1=Content-Disposition&blobheadername2=Content-Type&blobheadervalue1=inline%3B+filename%3D%22Regulations+pertaining+to+the+Cleanup+of+Methamphetamine+Laboratories.pdf%22&blobheadervalue2=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251855687340&ssbinary=true>

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT STATE BOARD OF HEALTH CLEANUP OF METHAMPHETAMINE LABORATORIES 6 CCR 1014-3

3.0 Definitions

“Building” means a structure which has the capacity to contain, and is designed for the shelter of, man, animals, or property, or place adapted for overnight accommodations of persons or animals, whether or not a person or animal is actually present. “Building” includes manufactured homes as defined in Section 38-29-102(6), C.R.S., and mobile homes as defined in Section 38-12-201.5(2), C.R.S..

“**Certified Industrial Hygienist**” or “**CIH**” means an individual who is certified by the **American Board of Industrial Hygiene** or its successor.

“Consultant” means a **Certified Industrial Hygienist** or **Industrial Hygienist** who is not an employee, agent, representative, partner, joint venture participant, shareholder, parent or subsidiary company of the contractor.

“**Industrial Hygienist**” means an **industrial hygienist** as defined in Section 24-30-1402, C.R.S.

8.0 Reporting. A final report shall be prepared by the consultant to document the decontamination process and demonstrate that the property has been decontaminated to the cleanup levels listed in Section 7.0 of these regulations. The final report shall include, but not be limited to, the following:

8.21. Consultant statement of qualifications, including professional **certification** or qualification as an **industrial hygienist** as defined in section 24-30-1402, C.R.S., and description of experience in assessing contamination associated with methamphetamine labs.

COLORADO RULES/REGULATIONS

<http://www.sos.state.co.us/CCR/SearchRuleDisplay.do?getEntireRule=yes&pageNumber=3&totalNumberOfResults=58&keyword=industrial%20hygienist&type=keywordSearch&contentId=859222>

DEPARTMENT OF LABOR AND EMPLOYMENT WORKERS' COMPENSATION WORKERS' COMPENSATION RULES OF PROCEDURE WITH TREATMENT GUIDELINES 7 CCR 1101-3

RULE 17 MEDICAL TREATMENT GUIDELINES
EXHIBIT 1 LOW BACK PAIN MEDICAL TREATMENT GUIDELINES
B. GENERAL GUIDELINE PRINCIPLES

10. RETURN-TO-WORK is therapeutic, assuming the work is not likely to aggravate the basic problem or increase long-term pain. The practitioner must provide specific physical limitations and the patient should never be released to "sedentary" or "light duty." The following physical limitations should be considered and modified as recommended: lifting, pushing, pulling, crouching, walking, using stairs, bending at the waist, awkward and/or sustained postures, tolerance for sitting or standing, hot and cold environments, data entry and other repetitive motion tasks, sustained grip, tool usage and vibration factors. Even if there is residual chronic pain, return-to-work is not necessarily contraindicated.

The practitioner should understand all of the physical demands of the patient's job position before returning the patient to full duty and should request clarification of the patient's job duties. Clarification should be obtained from the employer or, if necessary, including, but not limited to, an occupational health nurse, occupational therapist, vocational rehabilitation specialist, or an **industrial hygienist**.

Same principle also appears in:

EXHIBIT 2 CARPAL TUNNEL SYNDROME
EXHIBIT 3 THORACIC OUTLET SYNDROME
EXHIBIT 4 SHOULDER INJURY
EXHIBIT 5 CUMULATIVE TRAUMA DISORDER
EXHIBIT 6 LOWER EXTREMITY INJURY
EXHIBIT 7 COMPLEX REGIONAL PAIN SYNDROME/ REFLEX SYMPATHETIC DYSTROPHY
EXHIBIT 8 CERVICAL SPINE INJURY
EXHIBIT 9 CHRONIC PAIN DISORDER
EXHIBIT 10 TRAUMATIC BRAIN INJURY