

TEXAS

STATUTES : (3)

TEXAS STATUTES:

OCCUPATIONS CODE

**TITLE 12: PRACTICES AND TRADES RELATED TO WATER,
HEALTH AND SAFETY**

**SUBTITLE B: PRACTICES RELATED TO HEALTH AND SAFETY
CHAPTER 1957: INDUSTRIAL HYGIENISTS**

LABOR CODE

TITLE 5: WORKERS' COMPENSATION

**SUBTITLE A: TEXAS WORKERS' COMPENSATION ACT
CHAPTER 411: WORKERS' HEALTH AND SAFETY**

INSURANCE CODE

**TITLE 10: PROPERTY AND CASUALTY INSURANCE
SUBTITLE B: LIABILITY INSURANCE FOR PHYSICIANS AND
HEALTH CARE PROVIDERS**

**CHAPTER 1903: LOSS CONTROL INFORMATION AND
SERVICES**

<u>Terms</u>	<u>References</u>
Industrial Hygiene	5
Industrial Hygienist	0
Certified Industrial Hygienist - CIH	4
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	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	1
Board of Certified Safety Professionals – BCSP	0

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RULES AND REGULATIONS: (2)

TEXAS ADMINISTRATIVE CODE:

**TITLE 25: HEALTH SERVICES
PART 1: DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 295: OCCUPATIONAL HEALTH
SUBCHAPTER I: TEXAS ENVIRONMENTAL LEAD REDUCTION**

**TITLE 25: HEALTH SERVICES
PART 1: DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 295: OCCUPATIONAL HEALTH
SUBCHAPTER J: TEXAS MOLD ASSESSMENT AND
REMEDIAION RULES**

Terms

References

Industrial Hygiene	5
Industrial Hygienist	0
Certified Industrial Hygienist - CIH	3
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician– CHST	0
Industrial Hygienist in Training - IHIT	
AIHA Lab Accreditation Program and related	1
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	3
Board of Certified Safety Professionals – BCSP	0

TEXAS STATUTES

<http://www.statutes.legis.state.tx.us/Docs/OC/htm/OC.1957.htm>

TEXAS STATUTES

OCCUPATIONS CODE

TITLE 12: PRACTICES AND TRADES RELATED TO WATER, HEALTH AND SAFETY

SUBTITLE B: PRACTICES RELATED TO HEALTH AND SAFETY

CHAPTER 1957: INDUSTRIAL HYGIENISTS

Sec. 1957.001. SHORT TITLE. This chapter may be cited as the **Industrial Hygiene** Title Recognition Act.

Sec. 1957.002. **INDUSTRIAL HYGIENE** CERTIFICATION ORGANIZATION. (a) In this chapter, "**industrial hygiene certification** organization" means a nonprofit corporation established to improve the practice and educational standards of the profession of **industrial hygiene** by certifying individuals who meet its education, experience, and examination requirements.

(b) The organization must maintain criteria at least as stringent as those adopted by the **American Board of Industrial Hygiene**.

Sec. 1957.003. CERTIFICATION REQUIRED. (a) A person may not use the title of or represent to the public that the person is a "**certified industrial hygienist**" or use the initials "**CIH**" unless the person is certified by the **American Board of Industrial Hygiene** as a **certified industrial hygienist**.

(b) A person may not use the title of or represent to the public that the person is an "**industrial hygienist in training**" or use the initials "**IHIT**" unless the person is certified by the **American Board of Industrial Hygiene** as an **industrial hygienist in training**.

Sec. 1957.004. CIVIL PENALTY. (a) A person who violates Section 1957.003 is subject to a civil penalty of not more than \$1,000 for each violation.

(b) The attorney general may bring an action to recover the civil penalty.

(c) A penalty recovered under this section shall be deposited to the credit of the general revenue fund.

TEXAS STATUTES

<http://www.google.com/url?sa=t&rct=j&q=&source=web&cd=2&ved=0CD0QFjAB&url=http%3A%2F%2Fwww.statutes.legis.state.tx.us%2FDocs%2FLA%2Fword%2FLA.411.doc&ei=twv4UZ-sOvTK4AOBpYHgDg&usg=AFQjCNG3-BfR-2d8F1qXY8v181oFIbX50A&bvm=bv.49967636,d.dmg&cad=rja>

TEXAS STATUTES

LABOR CODE

TITLE 5: WORKERS' COMPENSATION

SUBTITLE A: TEXAS WORKERS' COMPENSATION ACT

CHAPTER 411: WORKERS' HEALTH AND SAFETY

SUBCHAPTER E. ACCIDENT PREVENTION SERVICES

Sec. 411.061. ACCIDENT PREVENTION SERVICES; PREREQUISITE FOR LICENSE. (a) As a prerequisite for writing workers' compensation insurance in this state, an insurance company must maintain or provide accident prevention facilities that are adequate to provide accident prevention services required by the nature of its policyholders' operations.

(b) To implement a program of accident prevention services, a facility must include:

- (1) surveys;
- (2) recommendations;
- (3) training programs;
- (4) consultations;
- (5) analyses of accident causes;
- (6) **industrial hygiene**; and
- (7) industrial health services.

TEXAS STATUTES

<http://www.statutes.legis.state.tx.us/Docs/IN/htm/IN.1903.htm>

TEXAS STATUTES

INSURANCE CODE

TITLE 10: PROPERTY AND CASUALTY INSURANCE

SUBTITLE B: LIABILITY INSURANCE FOR PHYSICIANS AND HEALTH CARE PROVIDERS

CHAPTER 1903: LOSS CONTROL INFORMATION AND SERVICES

SUBCHAPTER A. LOSS CONTROL SERVICES FOR PROFESSIONAL LIABILITY INSURANCE FOR HOSPITALS

Sec. 1903.003. LOSS CONTROL SERVICES REQUIRED. (a) Before writing professional liability insurance for a hospital in this state, an insurer must maintain or provide loss control facilities that:

- (1) provide loss control services reasonably commensurate with the risks, exposures, and experience of the insured's business;
- (2) are adequate to provide loss control services required by the nature of the policyholder's operations; and
- (3) include surveys, recommendations, training programs, consultations, and analyses of accident causes.

(b) To provide the facilities required by this section, the insurer may:

- (1) employ qualified personnel;
- (2) retain qualified independent contractors;
- (3) contract with the policyholder to provide qualified loss control personnel and services; or
- (4) use a combination of methods described by this subsection.

(c) Independent contractors and other personnel described by Subsection (b) must have the qualifications of a field safety representative. A field safety representative must be an individual who:

- (1) holds a:
 - (A) bachelor's degree in science or engineering;
 - (B) bachelor of arts degree in nursing;
 - (C) bachelor of science degree in nursing, pharmacy, or physical therapy; or
 - (D) master's degree in hospital administration;
- (2) is a licensed engineer;
- (3) is a **certified safety professional**;
- (4) is a **certified industrial hygienist**;
- (5) has at least 10 years' experience in occupational safety and health; or

(6) has completed a course of training in loss control services approved by the department.

TEXAS RULES/REGULATIONS

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=5&ti=25&pt=1&ch=295&sch=I&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=25&pt=1&ch=295&sch=I&rl=Y)

TEXAS ADMINISTRATIVE CODE

TITLE 25: HEALTH SERVICES

PART 1: DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 295: OCCUPATIONAL HEALTH

SUBCHAPTER I: TEXAS ENVIRONMENTAL LEAD REDUCTION

RULE §295.204 Accreditation of Training Program Providers

(d) Minimum requirements for the accreditation of training program providers. For a training program provider to obtain and maintain accreditation from the department to offer courses in lead-based paint activities, the program shall meet the following minimum requirements for each discipline for which the program is seeking accreditation.

(1) The training program provider shall employ a training manager who has:

(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, or business administration or program management; or

(C) two years of experience in managing an occupational health and safety training program specializing in environmental hazards; and

(D) 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 program manager shall designate a qualified principal instructor for each course who has:

(A) demonstrated experience, education, or training in teaching workers or adults;

(B) successfully completed at least 16 hours of instruction from a trainer utilizing a lead-specific EPA model course curriculum; or at least 16 hours of lead-specific training from a department-accredited training provider; and

(C) at least one year of experience in a lead discipline.

RULE §295.207 Lead Risk Assessor: Certification Requirements

(a) Certification requirements. A person must be certified by the department as a lead risk assessor to engage in lead risk assessment or lead hazard screens of target housing and child-occupied facilities. Certifications issued by the department prior to January 1, 2005, are valid for a period of three years from the date of issue, provided that the appropriate fee is paid on time each year. Certifications issued by the department on or after January 1, 2005, are valid for a period of two years from the date of issue.

(b) Specific requirements of applicants for certification as lead risk assessors:

(1) successfully complete a lead inspector and a lead risk assessor training course, and receive course completion certificates from a department-accredited training program provider;

(2) pass the state certification examination for lead risk assessors; and

(3) meet or exceed the following additional education and/or experience requirements:

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

or

(B) an associate's degree and two years of experience in a related field (e.g. lead, asbestos, public health, environmental remediation work, or building construction trades);

or

(C) a high school diploma (or equivalent), plus at least three years of experience in a related field (e.g. lead, asbestos, public health, environmental remediation work, or building construction trades); or

(D) **certification as an industrial hygienist**, a professional engineer, a public health nurse, a professional registered sanitarian, a **certified safety professional**, a registered architect, or an environmental scientist.

(4) submit a complete application for lead risk assessor certification to the department on a department-issued form and pay the appropriate certification fee within six months of passing the state certification examination.

TEXAS RULES/REGULATIONS

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=5&ti=25&pt=1&ch=295&sch=J&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=25&pt=1&ch=295&sch=J&rl=Y)

TEXAS ADMINISTRATIVE CODE

TITLE 25: HEALTH SERVICES

PART 1: DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 295: OCCUPATIONAL HEALTH

SUBCHAPTER J: TEXAS MOLD ASSESSMENT AND REMEDIAATION RULES

RULE §295.302 Definitions

The following words and terms within this subchapter shall have the following meanings, unless the context clearly indicates otherwise.

(1) Accredited training program--A training program that has been accredited by the department to provide training for persons seeking licensure or registration under this subchapter.

(2) Act--The Texas Occupations Code, Chapter 1958 (relating to Mold Assessors and Remediators).

(3) Allied field--Mold assessment, mold remediation, and any field whose principles and practices are applicable to mold assessment or mold remediation, including asbestos abatement, lead abatement, **industrial hygiene**, building sciences, public health, and environmental remediation.

(4) Assessor--A person who conducts mold assessment as defined in this section and who is licensed under this subchapter as a mold assessment technician, mold assessment consultant, or mold assessment company.

RULE §295.312 Mold Assessment Consultant: Licensing Requirements

(c) Qualifications. In addition to the requirements for all applicants listed in §295.305 of this title (relating to Credentials: General Conditions) and §295.309 of this title (relating to Licensing: Insurance Requirements), an applicant must meet at least one of the following education and/or experience requirements:

(1) a bachelor's degree from an accredited college or university with a major in a natural or physical science, engineering, architecture, building construction, or building sciences, and at least one year of experience in an allied field;

(2) at least 60 college credit hours with a grade of C or better in the natural sciences, physical sciences, environmental sciences, building sciences, or a field related to any of those sciences, and at least three years of experience in an allied field;

(3) a high school diploma or a General Educational Development (GED) certificate and at least five years of experience in an allied field; or

(4) **certification as an industrial hygienist**, a professional engineer, a professional registered sanitarian, a **certified safety professional**, or a registered architect, with at least one year of experience in an allied field.

RULE §295.315 Mold Remediation Contractor: Licensing Requirements

(c) Qualifications. In addition to the requirements for all applicants listed in §295.305 of this title (relating to Credentials: General Conditions) and §295.309 of this title (relating to Licensing: Insurance Requirements), an applicant must meet at least one of the following education and/or experience requirements:

(1) a bachelor's degree from an accredited college or university with a major in a natural or physical science, engineering, architecture, building construction, or building sciences and at least one year of experience either in an allied field or as a general contractor in building construction;

(2) at least 60 college credit hours with a grade of C or better in the natural sciences, physical sciences, environmental sciences, building sciences, or a field related to any of those sciences, and at least three years of experience in an allied field or as a general contractor in building construction;

(3) a high school diploma or General Educational Development (GED) certificate, plus at least five years of experience in an allied field or as a general contractor in building construction; or

(4) **certification as an industrial hygienist**, a professional engineer, a professional registered sanitarian, a **certified safety professional**, or a registered architect, with at least one year of experience either in an allied field or as a general contractor in building construction.

RULE §295.317 Mold Analysis Laboratory: Licensing Requirements

(c) Qualifications. Applicants must submit documentation showing that:

(1) either:

(A) the **laboratory is accredited by the American Industrial Hygiene Association** under the Environmental Microbiology Laboratory Accreditation Program (EMLAP);

(B) the laboratory is accredited or certified by a program deemed equivalent by the department for the preparation and analysis of mold;

(C) all individuals who will analyze mold samples are accredited by the Pan-American Aerobiology Certification Board or a program deemed equivalent by the department, if the laboratory will analyze only non-culturable samples; or

(D) all individuals who will analyze the mold samples:

(i) have at least a bachelor's degree in microbiology or biology;

(ii) have successfully completed training in mold analysis offered by the McCrone Research Institute or by a program deemed equivalent by the department, including receiving a training certificate; and

(iii) have at least three years of experience as a mold microscopist; and

RULE §295.318 Mold Training Provider: Accreditation

(c) Qualification. To qualify for an accreditation, each applicant:

(1) must have a written policy concerning refunds and cancellations in all languages in which training is offered. The refund and cancellation policy must be made available to students prior to payment of fees and shall include the cancellation procedures;

(2) shall employ a mold training manager who:

(A) meets at least one of the following requirements:

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

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

(iii) at least two years of experience in managing an occupational health and safety training program specializing in environmental hazards; and

(B) has demonstrated experience, education, or training in mold assessment or remediation, lead or asbestos abatement, occupational safety and health, or **industrial hygiene**;

(3) shall provide for each course a qualified principal instructor who meets the requirements under §295.319 of this title; and