



Occupational Licensing Review

Board Questionnaire

Board Name Ohio Environmental Protection Agency

Point of Contact Michael Guastella

Describe the board's primary purpose and its various goals and objectives

See written testimony.

Describe and identify the board's past and anticipated workload, number of staff required to complete workload, and total number of staff

Professional Water and Wastewater Certification Program

Ohio EPA staff conduct the following activities:

Review and take action on approximately 2,000-2,500 applications for examination and certification per year;

-Process approximately 5,500 renewal applications per year;

-Review and approve approximately 5,000 continuing education courses per year;

-Develop and oversee certification examinations;

-Oversee contract operations companies;

-Perform routine outreach activities (e.g. phone assistance, presentations and email correspondence) to operators, training providers, examination providers and the general public.

4 staff (1 supervisor, 2 environmental specialists and 1 administrative professional) are required to complete this workload. The operator certification unit currently has 4 staff members.

Voluntary Action Program

The VAP currently has 120 CPs, and an annual renewal process. It requires 0.75 FTE of staff time to administer the certification and renewal process, and 0.25 FTE of staff time to provide ongoing training to the CPs each year.

Additional staff provide other functions for the VAP, but are unrelated to the certification process.

E-Check

N/A

Describe and identify the board's past and anticipated budgets and its sources of funding

Professional Water and Wastewater Certification Program

This program is contained within Ohio EPA's Division of Drinking and Ground Waters and is part of the Division's budget. A majority of the funding comes from program specific fees (application, certification and renewal fees.). Additional funding comes from Ohio's Public Water System Surveillance (PWSS) funds.

Voluntary Action Program

The VAP is funded by fees as well as a grant provided by U.S. EPA for brownfield related activities. The certification process is funded by an initial certification fee of \$2500, and an annual renewal fee of \$2000 per certification. Annually, the fees bring in approximately \$240,000.

E-check
N/A

Identify the number of members of its governing board or other governing entity and their compensation, if any

Professional Water and Wastewater Certification Program

There are eight members of the Operator Certification Advisory Council. The six members that are non Ohio EPA employees are reimbursed for reasonable expenses related to mileage and lodging. No other compensation is provided.

Voluntary Action Program

N/A

E-check

N/A

Is the preservation of the board necessary to protect the public's health, safety, or welfare? If so, is the authority of the board narrowly tailored to protect the public's health against present, recognizable, and significant harms to the public's health safety and welfare?

Professional Water and Wastewater Certification Program

Yes. The program is vital to the well-being of all Ohioans and essential to the protection of public health and the environment.

Voluntary Action Program

Yes. The VAP provides a voluntary option to reducing environmental contamination, and thereby improving public health.

E-check

Yes. The E-check program results in the reduction of vehicle emissions, which is crucial to protecting public health and the environment.

Could the public be protected or served in an alternate or less restrictive manner?

Professional Water and Wastewater Certification Program

No.

Voluntary Action Program

No.

E-check

No, inspectors need to be properly trained to conduct vehicle emissions testing and certified.

Does the board serve a specific private interest?

Professional Water and Wastewater Certification Program
N/A

Voluntary Action Program
N/A

E-check
N/A

Are the board's rules consistent with the legislative mandate expressed in the statutes that created and empowered the board?

Professional Water and Wastewater Certification Program

Yes, the operator certification programs rules are consistent with both the state and federal mandates that created the program.

Voluntary Action Program

Yes, the rules are consistent with ORC 3746.

E-check

Yes, administration of the program is consistent with the Federal Clean Air Act.

If applicable, please identify any licenses or functions of the board that could be eliminated or consolidated

The "Engineer Certification for conducting compliance reviews under environmental laws" is not currently associated with any program within Ohio EPA.

Describe the extent to which the board's jurisdiction and programs overlap or duplicate those of other boards, the extent to which the board coordinates with those other boards, and the extent to which the board's programs could be consolidated with the programs of other state departments or boards.

Professional Water and Wastewater Certification Program
There is no overlap with any other program.

Voluntary Action Program
There is no overlap with any other program.

E-check
There is no overlap with any other program.

How many other states regulate the occupation or occupations under the board's jurisdiction? Is a license required to engage in that occupation or those occupations in other states? Are the initial licensing and license renewal requirements for the occupation or occupations substantially equivalent in every state? How does the amount of regulation exercised by the board compare to the regulation of the occupation or occupations, if any, in other states?

Professional Water and Wastewater Certification Program

All 50 states are required by US EPA to have approved operator certification programs. As with Ohio, all other states require that the operator of record for a public water system be appropriately certified. There are a number of other positions within the industry that do not require this certification. Each state has unique classification systems and therefore different licensing and renewal requirements. However, each state is required by US EPA to meet certain minimum standards to ensure they do not lose 20% of their state revolving loan funds.

Voluntary Action Program

Eight other states have similar certifications for environmental professionals, and require a license to engage in the states voluntary clean-up program. The requirements are similar across states licensing. Some variations exist due to the state specific nature of the programs. The amount of regulation exercised is similar across states.

E-check

All other states require similar training and certification or licensing.

Would significant changes in the board's rules prevent an individual licensed in Ohio from practicing, or allow an individual licensed in Ohio to practice, the same occupation in another jurisdiction without obtaining an occupational license for that occupation in that other jurisdiction?

Professional Water and Wastewater Certification Program

Significant changes could impact an individuals ability to perform the same job duties in another jurisdiction.

Voluntary Action Program

The certification is specific to participation in the VAP, currently there is no reciprocity among any states programs, because they are all state-specific programs. Changes to the rules would not impact practice in another state, all participants must currently obtain certification in each state.

E-check

Each state is independent and nontransferable.

Does the board recognize national uniform licensure requirements for one or more occupations under the board's jurisdiction?

Professional Water and Wastewater Certification Program

There are no national uniform licensure requirements. US EPA has set baseline standards for programs and Ohio EPA's professional operator certification program meets those standards.

Voluntary Action Program

No, the VAP is a program unique to Ohio and a similar national program certification exists.

E-check

No, there does not exist national uniform requirements.

Could private contractors be used, in an effective and efficient manner, either to assist the board in the performance of its duties or to perform these duties instead of the board?

Professional Water and Wastewater Certification Program

Ohio EPA has promulgated rules that allow private entities to apply for approval to provide certification examinations. Based on experiences observed in other states the use of private contractors has resulted in higher costs to the regulated community. Ohio EPA has streamlined its processes by using our e-business center for submitting all information related to applying for Ohio EPA approvals. This has allowed Ohio EPA to become very efficient at processing applications.

Voluntary Action Program

No.

E-check

Yes, and we do. The contractor performs the training and certification for all emissions testing inspectors for the vehicle emissions testing program in the Cleveland/Akron area.

Has the operation of the board inhibited economic growth, reduced efficiency, or increased the cost of government?

Professional Water and Wastewater Certification Program
No.

Voluntary Action Program
No.

E-check
No.

Describe the authority of the board regarding fees, inspections, enforcement, and penalties.

Professional Water and Wastewater Certification Program

Authority for fees are set forth in Ohio Revised Code (ORC). In order to change fees Ohio EPA must seek a statutory change. Provisions in ORC and Chapter 3745-7 of the Ohio Administrative Code (OAC) give the director of Ohio EPA the authority to conduct inspections, enforcement and seek penalties for violations.

Voluntary Action Program

ORC 3745 directs the agency to establish fees, inspections, and enforcement and non-monetary penalties.

E-check

Federal Clean Air Act requires the vehicle emissions testing program which requires there be inspectors and ORC 3704.14 gives the state the authority to have the program.

Describe the extent to which the board has permitted qualified applicants to serve the public.

Professional Water and Wastewater Certification Program

The operator certification program has certified over 11,000 individuals to provide water and wastewater services in the state of Ohio. The program has also approved approximately 1100 different training providers who supply training necessary for operators to maintain their certification. Some of those training providers also provide exam preparation courses.

Voluntary Action Program

The VAP has minimum educational and professional experience requirements to become a certified professional. The VAP also requires continuing education for certified professionals, and provides training to certified professionals.

E-check

Applicants must pass the inspector training.

Describe the extent to which the board has permitted individuals to practice elements of the occupation without a license.

Professional Water and Wastewater Certification Program

There are a number of jobs within the water and wastewater industry that do not require any level of certification. Many operators proceed through the varying levels of certification in order to receive raises from their employer. A majority of union contracts within the state use Ohio EPA certifications as triggers for bonus payments and higher salaries. Ohio EPA allows operators who do not meet the experience requirements the ability to take examinations. When those operators pass exams they are designated "Operators in Training". This makes those operators more attractive to employers and allows the operators an ability to gain the necessary experience.

Voluntary Action Program

The VAP allows other consultants to participate in VAP clean-ups as part of the CPs team. Environmental consultants that are not CPs can conduct cleanups under other regulatory programs.

E-check

N/A

Assess the cost-effectiveness of the board in terms of number of employees, services rendered, and administrative costs incurred, both past and present.

Professional Water and Wastewater Certification Program

The program is very streamlined with a minimum number of individuals. The program has 4 full time employees and processes approximately 5,000 renewals, 2,500 course approval and 2,000 exam applications per year.

Voluntary Action Program

The VAP is cost effective in its CP program, the fees cover all administrative and training costs incurred.

E-check
N/A

Has the board's operation been impeded or enhanced by existing statutes and procedures and by budgetary, resource, and personnel practices?

Professional Water and Wastewater Certification Program
The program is enhanced by existing statutes and rules.

Voluntary Action Program
The VAP has been enhanced by conducting lean events of the program to increase efficiency.

E-check
N/A

Has the board recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and have those recommendations and other policies been adopted and implemented?

Professional Water and Wastewater Certification Program

N/A

Voluntary Action Program

N/A

E-check

N/A

Has the board required any persons it regulates to report to it the impact of board rules and decisions on the public as they affect service costs and service delivery?

Professional Water and Wastewater Certification Program

N/A

Voluntary Action Program

N/A

E-check

N/A

Are persons regulated by the board, if any, required to assess problems in their business operations that affect the public?

Professional Water and Wastewater Certification Program

There is no specific requirement for an operator to assess their business, however, there are requirements to follow industry standard best management practices and standard operating procedures.

Voluntary Action Program

N/A

E-check

N/A

Has the board encouraged public participation in its rule-making and decision-making?

Professional Water and Wastewater Certification Program

Yes. We consistently initiate stakeholder work groups to assist in developing rule language.

The agency has an established procedure that provides multi opportunities for public participation in our rule making process. Early stakeholder outreach - request for ideas prior to drafting any new rules. Interested party review - a review prior to submitting rules to JCARR and the actual filing of rules with JCARR.

Ohio EPA works extensively with organizations including but not limited to the following American Water Works Association (AWWA), Association of Boards of Certification (ABC), Association of Ohio Metropolitan Wastewater Authorities (AOMWA), Ohio Campground Owners Association, Ohio Manufactured Home Owner's Association (OMHA), Ohio Water Environment Association (OWEA), Ohio Rural Water Association (ORWA) and the Operator Training Committee of Ohio (OTCO) and Ohio American Water Works Association (OAWWA)

Voluntary Action Program

Yes. The VAP rules were written in conjunction with various stakeholders.

E-check

Yes.

Assess the efficiency with which formal public complaints filed with the board have been processed to completion.

Professional Water and Wastewater Certification Program

Formal complaints to Ohio EPA are investigated in accordance with Ohio EPA policies and procedures.

Voluntary Action Program

The VAP has not recently received formal public complaints.

E-check

Each complaint is followed up with the customer by the contractor or agency staff to come to as much of a satisfactory resolution as possible.

Has the purpose for which the board was created been fulfilled? Has it changed? Does it still exist?

Professional Water and Wastewater Certification Program
Yes, the program still exists and its purpose is continually fulfilled.

Voluntary Action Program
Yes, the program still exists and its purpose is continually fulfilled.

E-check
Yes, the program still exists and its purpose is continually fulfilled.

Does federal law require that the board be renewed in some form?

Professional Water and Wastewater Certification Program

N/A

Voluntary Action Program

N/A

E-check

N/A

Assess the administrative hearing process of a board if the board has an administrative hearing process, and whether or not the hearing process is consistent with due process rights.

Professional Water and Wastewater Certification Program

The administrative hearing process is specified in ORC and all steps are followed to guarantee due process rights.

Voluntary Action Program

N/A

E-check

N/A

Is the requirement for the occupational license or licenses under the board's jurisdiction consistent with the policies expressed in section 4798.02 of the Revised Code? Does the license serve a meaningful, defined public interest? Does it provide the least restrictive form of regulation that adequately protects the public interest?

Ohio EPA believes the requirement for certification is consistent with policies expressed in ORC 4798.02 in all three of these programs. The certificate serves a meaningful and defined public interest. Ohio EPA believes the certification program provides the least restrictive form of regulation to adequately protect public health and safety.

Assess the extent to which licensing ensures that practitioners have occupational skill sets or competencies that are substantially related to protecting consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare, and the impact that those criteria have on applicants for a license, particularly those with moderate or low incomes, seeking to enter the occupation or profession.

Professional Water and Wastewater Certification Program

The certification program is designed to require an appropriate amount of experience and knowledge regarding the field of certification. Ohio EPA has worked extensively with the professional organizations in the field to develop the experience requirements. The certification exams test the competencies of individual operators. In order to develop competencies, Ohio EPA works with subject matter experts to create a job analysis and Need to Know Criteria for each level of exam. Exams are based on these criteria to ensure operators at each level are able to demonstrate a baseline amount of knowledge and ensure the protection of public health and safety.

Voluntary Action Program

The VAP requires at least a Bachelor's degree and eight years of project management experience in environmental cleanups.

E-check

Each inspector must go through and pass an official training program before being certified and become a vehicle emission inspector.

Assess the extent to which the requirement for the occupational license stimulates or restricts competition, affects consumer choice, and affects the cost of services.

Professional Water and Wastewater Certification Program

The requirement for certification stimulates competition because it provides an opportunity for certified individuals to contract their services. Rules in place create a level and predictable playing field which allows consumers to compare individual costs of services.

Voluntary Action Program

The VAP is a voluntary program. Environmental cleanup can and does happen outside of the program, so the impact is minimal at best. Within the program, 120 professionals across Ohio and neighboring states participate in the program to provide significant consumer choice.

E-check

N/A

Are changes needed in the enabling laws of the board in order for it to comply with the criteria suggested by the considerations listed in this questionnaire?

Professional Water and Wastewater Certification Program

No.

Voluntary Action Program

No.

E-check

No.

Additional Notes

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