

# NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

## NOTICE OF EXEMPT RULEMAKING

### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

##### PREAMBLE

- 1. Sections Affected**

R4-30-271	<b><u>Rulemaking Action</u></b>
R4-30-272	Amend
	Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 32-106(A) and 12-1001(D)  
Implementing statutes: A.R.S. §§ 12-1001(D), 32-112(D), 32-122.03, 32-122.04, and 32-122.05
- 3. The effective date of the rules:**

June 2, 2003—Immediately upon filing with the Office of the Secretary of State. Laws 2002, Ch. 297 (HB 2595) exempted the Board from the rulemaking requirements of Arizona Revised Statutes Title 41, Chapter 6, to develop rules under A.R.S. §§ 12-1001(D), 32-112(D), 32-122.03, 32-122.04, and 32-122.05. These statutes become effective June 30, 2003 and make it unlawful to practice these regulated occupations pursuant to amendments to A.R.S. § 32-145.
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**

Notice of Exempt Rulemaking: 9 A.A.R. 1412, May 9, 2003
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Melinda Baughman
Address:	Board of Technical Registration 1110 W. Washington, Ste. 240 Phoenix, AZ 85007
Telephone:	(602) 364-4954
Fax:	(602) 364-4931
E-mail:	btrmkb@yahoo.com
- 6. An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from regular rulemaking:**

Laws 2002, Ch. 297 (HB 2595), amended the Board of Technical Registration's statutes to provide for the certification and registration of clandestine drug laboratory remediation firms and supervisors and on-site workers who perform remediation of clandestine drug laboratories that manufacture methamphetamine, LSD, or ecstasy. Laws 2002, Ch. 297, § 1 requires the Board to adopt, by rule, best standards and practices for performing clandestine drug laboratory remediations. The Board is removing R4-30-271(A)(11) and (12) and R4-30-272(A)(9) because there is no training facility at this time offering the required training. The statutes requiring registration and certification by the Board before conducting these occupations become effective June 30, 2003. Pursuant to Laws 2002, Ch. 297, § 15, the Board is exempt from the rulemaking requirements of Arizona Revised Statutes Title 41, Chapter 6 for one year after the effective date of the act to implement the act.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable

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**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

Not applicable under an exemption pursuant to Laws 2002, Ch. 297, § 15.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Not applicable

**11. A summary of the comments made regarding the rule and the agency response to them:**

Not applicable

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rules:**

Not applicable

**14. Was this rule previously made as an emergency rule?**

No

**15. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 30. BOARD OF TECHNICAL REGISTRATION**

**ARTICLE 2. REGISTRATION PROVISIONS**

Section

R4-30-271. On-site/Remediation Supervisor Certification

R4-30-272. On-site Worker Registration

**ARTICLE 2. REGISTRATION PROVISIONS**

**R4-30-271. On-site/Remediation Supervisor Certification**

- A.** An applicant for on-site supervisor certification shall submit an original and one copy of a completed application package containing the following information:
1. Name, residence address, and residence telephone number;
  2. Date of birth and social security number of the applicant;
  3. Citizenship or legal residence;
  4. Jurisdiction in which any other certification, registration or license is held by the applicant, type of certification, registration, or license, number, and year granted;
  5. The name of the state or jurisdiction, the type of certification, registration, or license the applicant is seeking, and the status of any application pending in any state or jurisdiction;
  6. A detailed explanatory statement, regarding:
    - a. Refusal of certification, registration or license by any state or jurisdiction;
    - b. Any pending disciplinary action in any state or jurisdiction on any certification, registration, or license held by the applicant;
    - c. Any alias or other name used by the applicant;
    - d. Any conviction for a felony or misdemeanor, other than a minor traffic violation; and
    - e. Any disciplinary action taken by any state or jurisdiction on any registration, certification or license held by the applicant in any state or jurisdiction;
  7. Certification that the information provided to the Board is accurate, true, and complete;
  8. A copy of a current 40-hour HAZWOPER training certificate or a copy of a current 8-hour HAZWOPER refresher certificate and a copy of a 40-hour HAZWOPER training certificate;
  9. Documentation of twelve months or more of on-site experience in hazardous chemical decontamination projects and a copy of a HAZWOPER certificate that shows the applicant held valid HAZWOPER certification during the twelve months of experience;
  10. Documentation of current AHERA contractor or supervisor certification or a copy of a current AHERA refresher certificate and a copy of an AHERA contractor or supervisor training certificate;
  11. ~~Documentation of successful completion of an 8-hour training course approved by the Board and encompassing the following:~~

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- a. ~~Drug laboratory site remediation Best Standards and Practices contained in R4-30-305;~~
  - b. ~~Chemical and physical hazards of a drug laboratory;~~
  - e. ~~Typical manufacturing methods for methamphetamine, LSD, and ecstasy;~~
  - d. ~~Typical flammable, combustible, corrosive, and reactive materials used in a drug laboratory;~~
  - e. ~~Potential sharps and biohazards at a drug laboratory;~~
  - f. ~~Proper handling and disposal of wastes from the remediation of a drug laboratory; and~~
  - g. ~~Other potential hazards or dangers that can be associated with a drug laboratory;~~
12. ~~Documentation of successful completion of an 8-hour training course approved by the Board and encompassing the following:~~
- a. ~~Hazardous and precautionary measures for initial entry into a drug laboratory site;~~
  - b. ~~Assessment of residual contamination;~~
  - e. ~~Preparation of work plans for remediation of drug laboratory;~~
  - d. ~~Assessment of the structural stability for safe entry;~~
  - e. ~~Characterizing wastes from the remediation of drug laboratory site; and~~
  - f. ~~Preparing final reports on the remediation of the drug laboratory;~~
- 13.11. ~~Documentation of successful completion of a lead training course that meets the requirements of 29 CFR 1926.62 (l), effective January 8, 1998, 63 FR 1296, the provisions of which are incorporated by reference and on file with the Secretary of State, copies of which are available at the office of the Board of Technical Registration;~~
- 14.12. ~~A signed release authorizing the Board to investigate the applicant's education, experience, and good moral character and repute; and~~
- 15.13. ~~The applicable fee.~~

B. The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be certified, the Board staff or committee shall recommend that the Board certify the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require a applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for certification.

**R4-30-272. On-site Worker Registration**

- A. An applicant for on-site worker registration shall submit an original and one copy of a completed application package containing the following information:
- 1. Name, residence address, and residence telephone number;
  - 2. Date of birth and social security number of the applicant;
  - 3. Citizenship or legal residence;
  - 4. Jurisdiction in which any other certification, registration or license is held by the applicant, type of certification, registration, or license, number, and year granted;
  - 5. Name of the state or jurisdiction, the type of certification, registration, or license the applicant is seeking, and the status of any application pending in any state or jurisdiction;
  - 6. A detailed explanatory statement regarding:
    - a. Any refusal of certification, registration or license by any state or jurisdiction;
    - b. Any pending disciplinary action in any state or jurisdiction on any certification, registration, or license held by the applicant;
    - c. Any alias or other name used by the applicant;
    - d. Any conviction for a felony or misdemeanor, other than a minor traffic violation; and
    - e. Any disciplinary action taken by any state or jurisdiction on any certification, registration, or license held by the applicant in any state or jurisdiction;
  - 7. Certification that the information provided to the Board is accurate, true, and complete;
  - 8. Copy of a current 40-hour HAZWOPER training certificate or copy of a current 8-hour HAZWOPER refresher certificate and a copy of a 40-hour HAZWOPER training certificate;
  - 9. ~~Documentation of successful completion of an 8-hour training course approved by the Board and encompassing the following:~~
    - a. ~~Drug laboratory site remediation Best Standards and Practices contained in R4-30-305;~~
    - b. ~~Chemical and physical hazards of a drug laboratory;~~
    - e. ~~Typical manufacturing methods for methamphetamine, LSD, and ecstasy;~~
    - d. ~~Typical flammable, combustible, corrosive, and reactive materials used in a drug laboratory;~~
    - e. ~~Potential sharps and biohazards at a drug laboratory;~~
    - f. ~~Proper handling and disposal of wastes from the remediation of a drug laboratory; and~~
    - g. ~~Other potential hazards or dangers that can be associated with a drug laboratory;~~

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~~40.9.~~A signed release authorizing the Board to investigate the applicant's education, experience, and good moral character and repute; and

~~41.10.~~The applicable fee.

- B.** The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be registered, the Board staff or committee shall recommend that the Board register the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require a applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for registration.