



ASBESTOS REGULATORY CLARIFICATIONS

Environmental and Consumer Safety Section
Regulatory Services Division
ARC – 004
February 2001

Subject: Eligibility for Licensure under 25 TAC §295.47(e)

BACKGROUND

The Texas Department of State Health Services (DSHS) seeks to clarify the requirements in 25 TAC §295.47(e).

25 TAC §295.47. LICENSURE: INDIVIDUAL ASBESTOS CONSULTANT.

- (e) Eligibility for licensing. Verifiable evidence of current eligibility must be submitted with all applications for licensing as an individual asbestos consultant, which includes any one of the following:*
- (1) current registration in the State of Texas as an architect or professional engineer; or*
 - (2) current highest full-qualification memberships in a national professional organization devoted to technical proficiency in environmental or occupational health protection, which includes:*
 - (A) a published code of ethics;*
 - (B) administration by an active board of directors; and*
 - (C) admission requirements that specify college courses and other training, a bachelor's or higher degree, at least three years' experience in specified fields, and a qualification examination (examples include the American Academy of Industrial Hygiene and the Board of Certified Safety Professionals); or*



ASBESTOS REGULATORY CLARIFICATIONS

Environmental and Consumer Safety Section
Regulatory Services Division
ARC – 004
February 2001

- (3) *possession of a bachelor's degree in architecture, engineering, physical or natural science from an accredited four-year college or university, and including four years' experience in areas affecting environmental or occupational health matters.*

RESPONSE

The DSHS clarifies that, if a person does not meet the requirements of §295.47(e)(1) or (e)(3), then the individual would need to meet **all** the qualifications required under (e)(2), in order to be eligible for an Individual Asbestos Consultant License. In addition, the Texas Asbestos Health Protection Rules (TAHPR) do **not** permit an applicant who gained admission to an organization by substituting experience for a bachelor's degree, to meet the requirements of (e)(2).

DISCUSSION

To meet the educational requirements described in §295.47(e)(2) and (3), a baccalaureate degree or graduate degree must be attained from an accredited university that is listed in the U.S. Department of Education Higher Education Directory. The university must be listed in this Directory regardless of whether option (2) or option (3) is utilized. Degrees attained outside the United States will be reviewed on a case-by-case basis and evaluated for equivalency. The TAHPR include option (2) solely to allow a person who does not have a current registration in Texas as an architect or professional engineer, or a degree in architecture, engineering, physical or natural science (in addition to four years experience) an opportunity to obtain a license by substituting another type of degree. Part (e)(2) **does** require a person to have either an approved baccalaureate or graduate degree to qualify for an Individual Asbestos Consultant license. To be eligible for licensure, a person who utilizes option (2) must belong to an organization that meets **all** the requirements in items (A) through (C), including a qualification examination.

FREQUENTLY ASKED QUESTIONS

1. Does the DSHS accept asbestos-related work experience in lieu of a degree under §295.47(e)?

Answer: No, the TAHPR have no provision for substituting experience for the required degree.

2. Does the DSHS recognize an applicant who gained admission to an organization by substitution of experience for a bachelor's degree, as meeting the requirements of §295.47(e)(2)?

Answer: No, the TAHPR require an approved degree regardless of whether or not an organization allows substitution.

This Regulatory Clarification supersedes any previous clarification/guidance/policy letters on this subject and remains in effect until changed in writing by the Texas Department of Health. Attributed use or reproduction of this information is freely granted.