

Status and Implementation Progress Report

On-site Wastewater Treatment Systems Designer Licensing / Inspector Certification Program

CHAPTER 18.210 RCW

July 2007

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A.

EXECUTIVE SUMMARY

With the passage of Chapter 263, Laws of 1999, the legislature created the first statewide licensing/certification program for the on-site wastewater treatment systems industry. Codified as chapter 18.210 RCW, (**Appendix A-1**) the Legislature established a variety of conditions that were considered “deliverables” of this initiative. These are summarized as follows:

Establish a statewide licensing program to create:

- ***Uniform application of design practices;***
- ***Standards for designs;***
- ***Individual qualifications;***
- ***Consistent enforcement efforts***

Establish a certification program applicable to all persons who inspect or approve on-site wastewater...systems.

An important part of that legislation was a specific requirement for the Departments of Licensing and Health to join together to conduct an evaluation of the program and its effectiveness toward making improvements in the on-site industry.

The following report presents basic information on the implementation of the “deliverables” described above. This report is only the start of a more strategic effort to engage state government, local government, licensees and consumers in discussions to identify and develop ongoing improvements that will further benefit the environment and the public of Washington state.

B.

BACKGROUND

In the early 1990's a controversy surfaced between some local environmental health jurisdictions (LHJ) and professional engineers. At issue was the LHJ's administration of licensing or certification programs for those individuals who designed on-site wastewater systems (a.k.a. septic tank & drain fields) where centralized sewers were not available. At that time, many of these local programs required licensed professional engineers and non-engineers alike, to comply with a variety of qualification requirements established by the LHJ. Each LHJ was different, some administered rigorous conditions for practice while others had little or no program in place.

These contrasting positions ultimately produced litigation that was settled by a stipulated agreement signed by Thurston County Superior Court Judge, Paula Casey, in January 1994. The agreement specified, in part, that: LHJs would no longer regulate professional engineers; LHJs could establish design criteria; the state and LHJs had no authority to authorize non-engineers to perform engineering; and, designs of systems exceeding 3,500 gallons per day were the practice of engineering.

Recognizing that the scope and terms of the agreement placed a degree of uncertainty on the future of the regulation for the On-site industry, all parties interested in this issue engaged in a variety of efforts toward a more definitive and long range solution. First, in response to a directive from the 1997 legislature, the Department of Health led an effort to bring together representatives from all areas of business, government, consulting, and construction to study and recommend various remedies to improve the regulatory aspects of this industry. That effort produced a recommendation in the fall of 1997 for a statewide licensing program to evaluate and license those who design systems.

In the following legislative session of 1998, another bill was passed that charged the Departments of Health and Licensing to bring together another workgroup whose primary objective was to develop a draft legislative proposal for a licensing program. This effort built upon the progress of its predecessor workgroup and came forward in the fall of 1998 with a specific legislative proposal that contained the following recommendations:

- Authorize on-site designer licensing by creating a new chapter to Title 18 RCW.
- Authorize on-site inspector certification.
- Authorize creation of a workgroup to develop a proposal on designer bonding, insurance, and risk pool.
- Authorize creation of a workgroup to evaluate needs for operations and maintenance certifications for those who evaluate existing systems.
- Ensure sufficient funds appropriated to implement actions.

The 1999 Legislature passed 2SSB 5421 creating the licensing program that is the subject of this report.

C.
ROLES OF PARTICIPATING
STATE AGENCIES

The provisions of chapter 18.210 RCW identify four agency/organizations that have varied roles and responsibility.

▪ **DEPARTMENT OF LICENSING / DIRECTOR OF DEPARTMENT**

The umbrella agency that provides administrative support to the Board of Registration for Professional Engineers and Land Surveyors AND the Advisory Committee created in chapter 18.210 RCW.

The Director has authority to [RCW 18.210.050]:

- Appoint and reappoint members of the Advisory Committee
- Employ administrative, clerical and investigative staff
- Establish fees for applications, examinations and renewals
- Issue practice permits and licenses to applicants who qualify
- Exercise rule making as necessary

▪ **BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

The regulatory Board, created in chapter 18.43 RCW that is the sole authority to regulate the practice of engineering. The provisions of chapter 18.210 RCW assign primary administrative responsibilities of the new program to the Board.

The Board has authority to [RCW 18.210.060]:

- Adopt rules to implement chapter 18.210 RCW to include: evaluation of experience; examinations; and, scope and standards of practice.
- Develop and administer licensing examinations;
- Review and approve or deny initial and renewal license applications;
- Consider recommendations of the Advisory Committee.
- Exercise its authority to investigate and discipline licensees in accordance with chapters 18.43 and 18.210 RCW.

Members of the Board of Registration as of July 1, 2007:

Ying Fay Chan, P.E., S.E.	Olympia
Lisa Brown, P.E.	Spokane
Chun Lau, P.E., S.E.	Bellevue
Hal Williamson, P.E.	Richland
Mel Garland, P.L.S.	Covington
Dan Parker, P.E.	Auburn
Scott Valentine, P.L.S.	Spokane

▪ **DOL ON-SITE ADVISORY COMMITTEE**

This committee was established in chapter 18.210 RCW to be a group of individuals with broad knowledge and experience in the design, construction, and regulation of on-site wastewater treatment systems ... to offer recommendations to the Board and the Director on the administration of the program.

The Advisory Committee shall make recommendations to the Board regarding [RCW 18.210.070]:

- Developing and adopting rules to implement the chapter ...including...evaluation of experience, examinations, and scope and standards of practice;
- Developing of the material content of the examinations for licensure or for a certificate of competency;
- Reviewing of complaints and investigations pertaining to the practice of the design of on-site wastewater treatment systems;
- Any other duties deemed necessary by the Director or the Board.

Members of the On-site Advisory Committee as of July 1, 2007:

Richard Benson, P.E.	Spokane
Bill Stuth Jr., Designer/Installer	Maple Valley
Steve Wecker, Designer	Wauna
James Sayre, R.S.	Newport
Mike Vinatieri, R.S.	Chehalis

▪ **DEPARTMENT OF HEALTH / LOCAL BOARDS OF HEALTH**

With the passage of the bill in Chapter 263, Section 24, Laws of 1999, [2SSB 5821], RCW 70.118 was amended to have the Local Boards of Health, through the Department of Health:

- Ensure that individuals who conduct inspections of on-site wastewater treatment systems ...are qualified in the technology and application of on-site sewage treatment principles. A certificate of competency issued by the department of licensing is adequate demonstration that an individual is competent in the engineering aspects of on-site wastewater treatment system technology.
- Allow noncertified individuals to review designs of, and conduct inspections of, on-site wastewater treatment systems for a maximum of two years after the date of hire, if a certified individual reviews or supervises the work during that time.
- The Department of Health was identified in RCW 18.210.210 to partner with the Department of Licensing in the development of this report.

D.
INTEREST GROUPS

- a. Individuals licensed to practice as On-site Wastewater Treatment System Designers under chapter 18.210 RCW.
- b. Individuals certified as inspectors (employees of local health jurisdictions) that hold a Certificate of Competency under chapter 18.210 RCW.
- c. Individuals who were granted a Practice Permit under chapter 18.210 RCW.
- d. Individuals who applied for but have not yet obtained a license or certificate of competency under chapter 18.210 RCW.
- e. Washington State Board of Health
Craig McLaughlin, Executive Director
P.O. Box 47990
Olympia, WA 98507-7990
(360) 236-4100
- f. Washington On-site Sewage Association (WOSSA)
John Thomas, Executive Director
PMB 856, Suite #10
2315 N. Pearl St.
Tacoma, WA 98406
(253) 297-2837
- g. Environmental Health Director's Association, Liquid Waste Committee
Jerry Deeter, R.S., Chair
% Kitsap County Health District
345 6th Street, Suite 300
Bremerton, WA 98337-1866
- h. Environmental Health Director's Association
James D. Matsuyama, R.S., Chair
% N.E. Tri-County Health District
P.O. Box 270
Colville, WA 99114
- i. Puget Sound Partnership
Ron Schultz, Acting Director
P.O. Box 40900
Olympia, WA 98507-0900
(360) 725-6444

D.
INTEREST GROUPS (continued)

- j. Pacific Coast Shellfish Growers Association
Robin Downey, Executive Director
2023 East Sims Way #235
Port Townsend, WA 98368
(360) 379-9041

E.
FINANCIAL INFORMATION

▪ ***BUDGET ALLOTMENTS AND EXPENDITURES***

With the creation of this program, the legislature established an operating account within the existing Engineer's Account, Fund 024. For initial startup costs funding was appropriated from the State General Fund for FY 00 and FY 01. In addition, specified portions of Fund 024 were directed to supplement the costs not covered from the General Fund. After the first two years sufficient revenue collection had been established to enable this program to operate within its operating revenue. The following is a tabulation of the funding and expenditure history of this program:

Table of Program Budgets

FY	GF-S Budget	GF-S Expended	Fund 024 Budget	Fund 024 Expended
00	149,917	127,935	36,992	763
01	25,000	24,937	101,757	99,646
02			100,423	86,871
03			106,076	85,736
04			72,712	58,676
05			73,374	38,349
06			69,442	67,292
07			70,217	65,144

Note: The Budget for the Onsite program for 07-09 is \$ 146,812

▪ ***FEE SETTING***

All professional licensing programs administered through the Department of Licensing, must be able to collect sufficient revenue through its fee structure to enable the program to be self-supporting. Start-up costs for facilities, examination development and rule making were covered by appropriations from the General Fund and the Engineer’s Account. The ongoing ability of the program to provide services comes from the fee-based revenue collected from applicants, permit holders, licensees and certificate holders.

The initial fee structure for this program was created solely on estimates of how many licensees and certificate holders would apply to the program. Those projections estimated between 250 and 300 licensees and 150 to 200 certificate holders within the first six years. It was these estimates that formed the basis for the first fee schedule adopted in December of 1999.

FEE SCHEDULE (As of December 24, 1999)

Practice Permit Application	\$ 100
Practice Permit Renewal	\$ 250
Designer License Application	\$ 175
Designer License Application (comity)	\$ 50
Designer License Renewal	\$ 250
Designer License Re-Examination	\$ 100
Late Renewal Penalty	\$ 100
Certificate of Competency Application	\$ 175
Certificate of Competency Renewal	\$ 250
Certificate of Competency Re-Examination	\$ 100
Late Renewal Penalty	\$ 100

FEE SCHEDULE (As of July 1, 2006)

Designer License Application	\$ 150
Designer License Application (comity)	\$ 50
Designer License Renewal	\$ 250
Designer License Re-Examination	\$ 100
Late Renewal Penalty	\$ 100
Certificate of Competency Application	\$ 150
Certificate of Competency Renewal	\$ 150
Certificate of Competency Re-Examination	\$ 100
Late Renewal Penalty	\$ 100

FEE SCHEDULE (As of July 1, 2007)

Designer License Application	\$ 200
Designer License Application (comity)	\$ 75
Designer License Renewal	\$ 325
Designer License Re-Examination	\$ 140
Late Renewal Penalty	\$ 100
Certificate of Competency Application	\$ 175
Certificate of Competency Renewal	\$ 150
Certificate of Competency Re-Examination	\$ 140

F.
CREATE UNIFORM APPLICATION OF
DESIGN PRACTICES

The foundations of any licensing program are the standards and procedures used to measure the capabilities of applicants to determine if they have demonstrated they are at least minimally qualified (competent) to independently practice. Toward that goal is the need to develop and administer a defensible qualifying examination.

In 2000, the Department of Licensing contracted with the firm of Advanced Measurement Professionals (AMP) from Lenexa, Kansas to provide psychometric services for this examination. Under this contract they prepared and distributed a subject matter survey to all potential stakeholders to ask of them what knowledge, skills and abilities are needed to be a competent practitioner. The results of those surveys were used to set the blueprint outline for the examinations used to qualify licensees and certificate holders. The current *examination content outline* is shown in **Appendix A-3**.

With the examination content outline established, the facilitators from AMP brought together groups of subject matter experts (SME) to start the process of writing and evaluating test items (questions and answers) to be part of the perpetuating item bank for current and future multiple choice examinations. Following the first examination administered in April 2001, AMP again gathered the SMEs to do an analysis of the exam performance and to work through the methodology to set the cut score for the examination.

The services provided by AMP produced three different test forms that were used in the administrations of April and October 2001 and April 2002. For October 2002 and each April and October following, one of the established forms was used until they were retired from use after the April 2004 administration. From that point the Department followed the same methodology to renew exam items and evaluate each exams performance to set a cut score. The following is a tabulation of exam performance statistics for all examinations administered to date.

When comparing these results it may be noted that some significant variations occur between the initial examination offering and those in the later years. It was anticipated at the start of the program that the earliest applicants would be those with the most experience in the on-site industry. Expecting that these highly experienced individuals would be the most knowledgeable the high passing rates were not unexpected.

Conversely, as the implementation moved beyond the third year, the individuals taking the examinations were more likely just starting in the profession and had limited experience. The results predictably show some lower pass rates as a result.

Table of Exam Administration Statistics

Exam Date	Total candidates who took exam		Total candidates who passed		Cut score Of 100	Passing rates	
	Designer	Inspector	Designer	Inspector		Designer	Inspector
4/01	66	37	61	34	80	92.4%	91.8%
10/01	32	46	28	43	80	87.5%	93.4%
4/02	33	23	24	22	63	72.7%	95.6%
10/02	43	15	29	11	80	67.4%	73.3%
4/03	85	16	64	14	80	75.3%	87.5%
10/03	19	9	12	6	63	63.2%	66.6%
4/04	21	12	10	4	78	47.6%	33.3%
10/04	10	10	2	1	78	20%	10%
4/05	10	11	0	1	79	0%	9%
10/05	12	10	5	7	79	41.7%	70%
4/06	11	15	3	11	77	27.3%	73.3%
10/06	8	13	1	6	73 / 95 (*)	13%	46%
4/07	10	18	3	13	71	30%	72%

(*) Total number of questions was adjusted to be 95. Cut score was established after adjusting length of exam.

G.

STANDARDS FOR DESIGN

One of the objectives for this program was to help bring uniformity to the industry by establishing standards for on-site treatment system designs. Contrasting with this objective were administrative rules adopted by the Department of Health in chapter 246-272 WAC. Those rules provided instructions dealing with design requirements for different circumstances, procedural steps to follow, applicable scientific data and some prescriptive measures on what information must be shown on the design. Yet even with those rules in place for many years there was little consistency in how those rules were applied statewide. As a result existing design standards applied by local health jurisdictions sometimes varied widely from jurisdiction to jurisdiction.

In 2002, the five members of the DOL On-site Advisory Committee along with five consultants from various background perspectives in industry came together to form the Standards of Practice Work Group. This group was charged to develop a recommended structure on how designers should perform their work, both in the technical content and their professional roles and responsibilities. This effort resulted in publishing the *Guidelines for the Professional Practice of On-Site Wastewater Treatment System Design* (**Appendix A-4**).

H.

INDIVIDUAL QUALIFICATIONS

▪ ***PRACTICE PERMITS***

To enable a smooth transition from a locally regulated group to a uniform state regulatory program the language in Chapter 18.210 RCW provided for an interim credential known as a *Practice Permit*. This credential, which was only available for the first three years of the program until June 30, 2003, was available to anyone who could provide minimal documentation that they had been engaged in the practice of On-site Designing during the year immediately preceding the implementation of the law. This credential did have an application fee and a fee for annual renewal.

By the time the interim credentials ended a total of 429 individuals had been granted a Practice Permit.

▪ ***ON-SITE WASTEWATER DESIGNERS***

At the same time the *Practice Permits* were being utilized, the first licensing examination was administered in April 2001. Unlike the application for the *Practice Permits*, applicants for a *Designer License* had to satisfy specific statutory experience and/or educational requirements to be deemed eligible to sit for the licensing examination. Those requirements are: a high school diploma or equivalent and a minimum of four years of (verified) experience showing an increasing level of responsibility in the designing of on-site systems.

Once the application was approved eligible individuals were required to pass the licensing examination. There are no limits on how many times an individual can attempt the examination; however, each attempt does require payment of a fee to cover exam costs.

As of July 2007, 310 individuals have satisfied the eligibility requirements and passed the examination.

I.

CONSISTENT ENFORCEMENT EFFORTS

In establishing the licensing program for on-site designers the legislature specifically provided that the Board would use their established authority to receive, evaluate, investigate and discipline individual licensees. Building upon many years of experience and supported by enactment of the Uniform Regulation of Business and Professions Act (URBP), Chapter 18.235 RCW, the Board implemented a program for the on-site designers that mirrored the same processes used for complaints against professional engineers and professional land surveyors.

The number of complaints and the complexity of the allegations were not initially realized. That may have been due, in part, to the belief by some that little could be expected by the Board to actively pursue investigations and corrective action. There was also the likelihood that many individuals involved with the on-site industry were not fully aware that a process did exist to respond to concerns about the quality of designs and services offered. Both of these possibilities were a reflection of the experiences from the industry's interactions with the Board both before and during the creation of the on-site program when investigations by the Board were directed at professional engineers performing On-site designs.

Through the decade preceding the on-site program implementation, complaints from the industry coming to the Board were directed at the conduct of professional engineers who were doing on-site designs. In some instances those making complaints believed that the duration and/or the outcome of the investigation were unsatisfactory. Whether those perceptions were justified or not they did influence the confidence the industry had on what they expected from the Board over the on-site program.

Through the first five years of the On-site program the Board has made important improvements in the processing of complaints. Experienced investigators have been hired and efficiencies implemented to more fully utilize the expertise of the on-site advisory committee. In addition, procedural guidelines were developed in partnership with environmental health administrators from the local health jurisdiction of Thurston, Pierce, King and Kitsap counties. Taken as a whole, these guidelines outline various steps and processing alternatives that could help the local health jurisdictions to become important partners in the Board's disciplinary process. The *Complaint Threshold Guidelines (Appendix A-5)* was distributed to all members of the Environmental Health Director's Association in the summer of 2006.

The following is a summary of all complaints, investigations and charging actions from July 1, 1999 to June 30, 2007. These statistics show complaints against licensed designers, practice permit holders and those who practice unlawfully without a license. As of July 1, 2007 there are 4 active investigations involving an on-site practitioner.

Table of Complaint Activity

Fiscal Year	Complaints received	Investigations opened	Charges Filed	Investigations Closed
99 ~ 00	0	0	0	0
00 ~ 01	1	1	0	0
01 ~ 02	4	3	0	0
02 ~ 03	3	2	0	1
03 ~ 04	3	2	3	3
04 ~ 05	18	15	0	2
05 ~ 06	20	12	13	18
06 ~ 07	10	8	6	4
Total	59	43	22	28

J.
ESTABLISH CERTIFICATION PROGRAM
FOR ... INSPECTORS

Along with creating a licensing program for designers, the legislature also established provisions for those who inspect and approve on-site designs to obtain a Certificate of Competency. Following the recommendations of the workgroups from 1997 and 1998 the legislature established that those who inspect and approve designs prepared by on-site designers should have the same basic knowledge, skills and abilities. Employees of local health jurisdictions, that perform inspections and approval designs were required to obtain a Certificate of Competency. That certificate was issued to those employees who received a passing score on the designer licensing examination.

As of July 2007, 206 employees of local health jurisdictions have passed the on-site designer's examination and been issued a Certificate of Competency.

K.

CONTINUING EDUCATION

The remaining component built into the On-site program was the allowance for the Board to establish a program of Continuing Education. In a general sense continuing education requirements become a condition of continued license renewal for those already licensed. While evaluating what form of continuing education would be the best fit for this new and growing profession the Board felt that better flexibility could be achieved by having the continuing education as an annual requirement but not a condition of license renewal. The belief being that compliance with the conditions could be monitored equally well by conducting random audits of individuals. Instead of requiring the minimum hours be accumulated before each annual renewal, a licensee is only required to accumulate the equivalent of three years of continuing education some time during that three year period.

The rules adopted in Chapter 196-34 WAC (***Appendix A-2.5***) provide full instructions and processes for the continuing education program. Those rules became effective July 1, 2006 with compliance monitoring beginning on July 1, 2007.

L.

PROGRAM ASSESSMENT

As part of the process to develop stakeholder input and comments, **(*)** Customer & Stakeholder Satisfaction Survey was distributed between January and March of 2006. This survey, distributed to licensees, certificate of competency holders, members of the Environmental Health Directors Association and other selected service providers and stakeholders, sought input on a series of questions about how they viewed the program's accomplishments.

The completed tabulation of the surveys that were returned is in **Appendix A-6**. Narrative comments from those responding are shown in **Appendix A-7**.

- The average experience of respondents in the on-site industry is 17.5 years.
- 26 of those responding reside/work in eastern Washington
- 100 of those responding reside/work in western Washington

Table of Responses from Customer Survey

Environmental Health Director / Supervisor / Manager	7
Employee of Health District w/ Certificate of Competency	32
Employee of Health District w/o Certificate of Competency	3
DOL Licensed On-site Designer	72
Septic Tank Pumper Contractor	10
Septic System Installation Contractor	37
Operation & Maintenance Specialist for On-site Systems	7
Other	6

(*) *The results of this survey revealed little unexpected information. Various groups impacted by the On-site Program have expressed varying opinions since its original implementation. To fully examine stakeholder opinions and identify opportunities for service improvements will probably need further samplings from stakeholders.*

M.

NEXT STEPS FOR CONSIDERATION

Many new regulatory programs are seen with varying opinions on the benefits they provide. The On-site Wastewater Treatment System – Designer Licensing program is no different in that respect. From the beginning some affected stakeholders were resistant to accepting the new concepts being introduced. This was based, in part, upon the industry’s history of being regulated at the local level and having a less than satisfactory opinion of the effectiveness of state government.

The input from the surveys in the previous section and in Appendices A-6 & A-7 illustrates how the diverse industry sees the program and its accomplishments. The judgment of whether the implementation by DOL has successfully accomplished the goals envisioned by the legislature will be judged in the years ahead. To that end it will be essential for the Departments of Licensing and Health to work collaboratively, keeping in mind the needs of the public and environment

How effective the program has been toward improving system designs, environmental impacts, professional accountability and customer confidence since 1999 is yet to be fully identified. Taken as a whole it can be said that the creation of a uniform program for statewide consistency of practice has produced improvements over the way the industry was regulated prior to 1999.

The Department of Licensing and the Department of Health have listed below ideas that may be appropriate for further study and assessment. Some of these may require amendments to chapter 18.210 RCW while others may come about by continued cooperative involvement of the agencies and the affected stakeholders. These are not listed in any particular order of importance or benefit. Nor are they listed to indicate the desire of either agency to pursue such amendments.

1. The Environmental Health Division of the Department of Health and the Board of Registration for Professional Engineers and Land Surveyors should establish and maintain regular interaction to discuss and pursue resolution of questions relative to the provisions in Chapter 18.210 RCW. This could be accomplished by holding to a regular series of meetings so that both agencies can remain abreast of critical issues. It would also be useful for a representative to participate in the quarterly DOL On-site Advisory Committee meetings as often as possible.
2. In addition to the meetings between the lead agencies, it is critical that a similar effort be undertaken by representatives of the Department of Health, State Board of Health and the Department of Licensing, Board of Registration for PE & LS with representatives of the local environmental health departments. Having a regular and trusted link to communicate issues and carry on discussion is needed to make state regulation responsive to local needs. .

3. There is only anecdotal information available that can help answer the question: “How effective has the On-site Designer Licensing program been toward protecting the public health, safety and welfare?” To best answer this question, periodic statewide assessments that sample the quality and consistency of designs as well as design review practices, is needed.

The current *Areas of Responsibility for the Design Professional*, produced by DOL (**Appendix A-4**) and the current State Board of Health (SBOH) rules that establish requirements for designs submitted to LHJs should serve as the minimum standards. The periodic assessments would gather and evaluate information that could be used to update the DOL document and SBOH rules. This process would also serve as a basis to identify needed legislative changes.

DOL staff, the DOL On-site Advisory Committee and DOH staff will pursue alternative ways to:

- a. Conduct these periodic assessments
 - b. Communicate with LHJ staff, designers, and other interested parties.
4. Through rules adopted in title 196 WAC, the Board implemented a twice-yearly administration of the on-site examination when started in 2000. This was because of the time needed to review, grade, evaluate and prepare new examinations for each administration. It was also the existing administration cycle the Board was using for its engineering and land surveying examinations and took best advantage of economizing of available resources. Having the exam available more times throughout the year will enable better access to those seeking licensing / certification.

N. **CONCLUSION**

The preceding report is the result of a collaborative effort by administrators and program managers representing the Business and Professions Division of the Department of Licensing and the Environmental Health Division of the Department of Health.

There is general agreement between the agencies that the program has provided a good measure of success on the assignments made by the legislature when enacting Chapter 18.210 RCW. Yet, to keep this program as a valued part of this important industry will require even more cooperative effort between state and local government. All the initial goals in the legislation are still very much relevant toward long-range strategic success. Being responsive to changing issues and challenges that impact the public and the environment is a shared responsibility between state agencies, local government and the regulated industry.