

56:8-1

**LEGISLATIVE HISTORY CHECKLIST**  
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(Industrial hygiene)

NJSA: 56:8-1

LAWS OF: 1996 CHAPTER: 130

BILL NO: S130

SPONSOR(S): Kyrillos

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Consumer Affairs  
SENATE: Commerce

AMENDED DURING PASSAGE: Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: July 18, 1996  
SENATE: March 18, 1996

DATE OF APPROVAL: December 5, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[First Reprint]  
SENATE, No. 130

**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator KYRILLOS

1 AN ACT concerning industrial hygiene and supplementing P.L.1960,  
2 c.39 (C.56:8-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. This act shall be known and may be cited as the "Industrial  
8 Hygienist Truth in Advertising Act."

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10 2. The Legislature finds and declares that it is necessary to provide  
11 assurance to the public that individuals who represent themselves as  
12 being involved in the profession of industrial hygiene have met certain  
13 qualifications.

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15 3. As used in this act:

16 "Accredited college or university" means a college or university that  
17 is accredited by one of the following six regional accrediting agencies:  
18 Middle States Association of Colleges and Schools, New England  
19 Association of Schools and Colleges, North Central Association of  
20 Colleges and Schools, Northwest Association of Schools and Colleges,  
21 Southern Association of Colleges and Schools, or Western Association  
22 of Schools and Colleges. A college or university that is located  
23 outside of the United States will be considered on the basis of its  
24 accreditation status in the education system that has jurisdiction.

25 "Certified industrial hygienist" or "CIH" means a person who has  
26 met the education, experience, and examination requirements of an  
27 industrial hygiene certification organization and whose certification  
28 has not lapsed or been revoked.

29 "Certified industrial hygienist in training" or "CIHIT" is a person  
30 who has received the designation industrial hygienist in training from  
31 an industrial hygiene certification organization and whose certification

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Assembly ACP committee amendments adopted June 10, 1996.**

1 has not lapsed or been revoked.

2 "Division" means the Division of Consumer Affairs in the  
3 Department of Law and Public Safety.

4 "Industrial hygiene" means the science and practice devoted to the  
5 anticipation, recognition, evaluation, and control of those factors and  
6 stresses arising in or from the workplace or the environment that may  
7 cause sickness, impaired health and well-being, or significant  
8 discomfort among workers or members of the community.

9 "Industrial hygiene certification organization" means a professional  
10 organization of certified industrial hygienists which has been in  
11 existence for at least five years and which has been established to  
12 improve the practice and educational standards of the profession of  
13 industrial hygiene by certifying individuals who meet its education,  
14 experience and examination requirements. The organization shall have  
15 its certifying examinations evaluated by a national testing service and  
16 shall maintain criteria that are at least the equivalent of the American  
17 Board of Industrial Hygiene.

18 "Industrial hygienist" means a person who has an industrial  
19 hygienist education as defined in this section.

20 "Industrial hygienist education" means a baccalaureate or graduate  
21 degree from an accredited college or university in industrial hygiene,  
22 biology, chemistry, engineering, physics, or a closely related physical  
23 or biological science; or a baccalaureate or graduate degree from an  
24 accredited college or university that contains at least 60 semester  
25 credit hours in undergraduate or graduate level courses in science,  
26 mathematics, engineering and technology, with at least 15 of those  
27 hours in courses offered at the upper (junior, senior or graduate) level.  
28 A degree that is heavily comprised of only one of those subject areas  
29 in the absence of others, may be judged unacceptable. An  
30 unacceptable baccalaureate degree may be remedied by additional  
31 science coursework from an accredited college or university or by  
32 completion of a related graduate degree from an accredited college or  
33 university.

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35 4. a. It shall be an unlawful practice for any person to advertise or  
36 hold himself out as a certified industrial hygienist in training or  
37 "CIHIT", or as a certified industrial hygienist or "CIH", unless that  
38 person is certified by an industrial hygiene certification organization.

39 b. It shall be an unlawful practice for any person who does not  
40 have an industrial hygienist education to advertise or hold himself out  
41 as an industrial hygienist <sup>1</sup>], unless he provides a disclaimer, acceptable  
42 to the division, that he is not in compliance with the provisions of this  
43 act] <sup>1</sup>.

44

45 5. This act shall not apply to:

46 a. A person employed as an apprentice under the supervision of an

1 industrial hygienist, certified industrial hygienist in training or certified  
2 industrial hygienist; or

3 b. A student studying industrial hygiene engaging in supervised  
4 activities related to industrial hygiene.

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6 6. This act shall take effect immediately.

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11 Prohibits certain persons from advertising themselves as industrial  
12 hygienists and certified industrial hygienists.

1       6. This act shall take effect immediately.

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#### STATEMENT

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6       This bill makes it an unlawful practice under the consumer fraud  
7 law for any person to advertise or hold himself out as a certified  
8 industrial hygienist in training or certified industrial hygienist unless  
9 that person is certified by an industrial hygiene certification  
10 organization. The bill also makes it an unlawful practice for any  
11 person who does not have an industrial hygienist education to  
12 advertise or hold himself out as an industrial hygienist, unless he  
13 provides a disclaimer, acceptable to the Division of Consumer Affairs,  
14 that he is not in compliance with the provisions of this bill.

15       The bill provides that any person who advertises or holds himself  
16 out as an industrial hygienist must have the following education: a  
17 baccalaureate or graduate degree from an accredited college or  
18 university in industrial hygiene, biology, chemistry, engineering,  
19 physics, or a closely related physical or biological science; or, a  
20 baccalaureate or graduate degree from an accredited college or  
21 university that contains at least 60 semester credit hours in  
22 undergraduate or graduate level courses in science, mathematics,  
23 engineering and technology, with at least 15 of those hours at the  
24 upper (junior, senior or graduate) level. A degree that is heavily  
25 comprised of only one of those subject areas, in the absence of others,  
26 may be judged unacceptable. An unacceptable baccalaureate degree  
27 may be remedied by additional science coursework from an accredited  
28 college or university or by completion of a related graduate degree  
29 from an accredited college or university.

30       The bill defines industrial hygiene as the science and practice  
31 devoted to the anticipation, recognition, evaluation, and control of  
32 those factors and stresses arising in or from the workplace or the  
33 environment that may cause sickness, impaired health and well-being,  
34 or significant discomfort among workers or members of the  
35 community.

36       The bill defines an industrial hygiene certification organization as  
37 a professional organization of certified industrial hygienists which has  
38 been in existence for at least five years and which has been established  
39 to improve the practice and educational standards of the profession of  
40 industrial hygiene by certifying individuals who meet its education,  
41 experience and examination requirements. The organization shall have  
42 the certifying examinations evaluated by a national testing service and  
43 shall maintain criteria that are at least the equivalent of the American  
44 Board of Industrial Hygiene.

45       Any person who commits an unlawful practice under the consumer  
46 fraud act is subject to a penalty of not more than \$7,500 for a first

1 offense and not more than \$15,000 for any subsequent offense.

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6 Prohibits certain persons from advertising themselves as industrial  
7 hygienists and certified industrial hygienists.

ASSEMBLY CONSUMER AFFAIRS AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

**SENATE, No. 130**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 10, 1996

The Assembly Consumer Affairs and Regulated Professions Committee reports favorably Senate Bill No. 130 with committee amendments.

As amended, this bill makes it an unlawful practice under the "consumer fraud law" for any person to advertise or hold himself out as a certified industrial hygienist in training or certified industrial hygienist unless that person is certified by an industrial hygiene certification organization. The bill also makes it an unlawful practice for any person who does not have an industrial hygienist education to advertise or hold himself out as an industrial hygienist.

The bill provides that any person who advertises or holds himself out as an industrial hygienist must have the following education: a baccalaureate or graduate degree from an accredited college or university in industrial hygiene, biology, chemistry, engineering, physics or a closely related physical or biological science; or a baccalaureate or graduate degree from an accredited college or university that contains at least 60 semester credit hours in undergraduate or graduate level courses in science, mathematics, engineering and technology, with at least 15 of those hours at the upper (junior, senior or graduate) level. A degree that is heavily comprised of only one of those subject areas, in the absence of others, may be judged unacceptable. An unacceptable baccalaureate degree may be remedied by additional science course work from an accredited college or university or by completion of a related graduate degree from an accredited college or university.

The bill defines industrial hygiene as the science and practice devoted to the anticipation, recognition, evaluation and control of those factors and stresses arising in or from the workplace or the environment that may cause sickness, impaired health and well-being, or significant discomfort among workers or members of the community.

The bill defines an industrial hygiene certification organization as

a professional organization of certified industrial hygienists which has been in existence for at least five years and which has been 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. The organization shall have the certifying examinations evaluated by a national testing service and shall maintain criteria that are at least the equivalent of the American Board of Industrial Hygiene.

Any person who commits an unlawful practice under the consumer fraud act is subject to a penalty of not more than \$7,500 for a first offense and not more than \$15,000 for any subsequent offense.

The bill originally made it an unlawful practice for any person who does not have an industrial hygienist education to advertise or hold himself out as an industrial hygienist, unless he provided a disclaimer, acceptable to the Division of Consumer Affairs, that he is not in compliance with the provisions of this bill. The committee amended the bill by removing this provision permitting a disclaimer.

As reported by the committee, this bill is identical to Senate Bill 130 (1R).



# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### SENATE, No. 130

# STATE OF NEW JERSEY

DATED: JANUARY 18, 1996

The Senate Commerce Committee reports favorably Senate Bill No. 130.

This bill makes it an unlawful practice under the "consumer fraud law" for any person to advertise or hold himself out as a certified industrial hygienist in training or certified industrial hygienist unless that person is certified by an industrial hygiene certification organization. The bill also makes it an unlawful practice for any person who does not have an industrial hygienist education to advertise or hold himself out as an industrial hygienist, unless he provides a disclaimer, acceptable to the Division of Consumer Affairs, that he is not in compliance with the provisions of this bill.

The bill provides that any person who advertises or holds himself out as an industrial hygienist must have the following education: a baccalaureate or graduate degree from an accredited college or university in industrial hygiene, biology, chemistry, engineering, physics or a closely related physical or biological science; or a baccalaureate or graduate degree from an accredited college or university that contains at least 60 semester credit hours in undergraduate or graduate level courses in science, mathematics, engineering and technology, with at least 15 of those hours at the upper (junior, senior or graduate) level. A degree that is heavily comprised of only one of those subject areas, in the absence of others, may be judged unacceptable. An unacceptable baccalaureate degree may be remedied by additional science course work from an accredited college or university or by completion of a related graduate degree from an accredited college or university.

The bill defines industrial hygiene as the science and practice devoted to the anticipation, recognition, evaluation and control of those factors and stresses arising in or from the workplace or the environment that may cause sickness, impaired health and well-being, or significant discomfort among workers or members of the community.

The bill defines an industrial hygiene certification organization as a professional organization of certified industrial hygienists which has been in existence for at least five years and which has been 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. The organization shall have the certifying examinations evaluated by a national testing service and shall maintain criteria that are at least the equivalent of the American Board of Industrial Hygiene.

Any person who commits an unlawful practice under the consumer fraud act is subject to a penalty of not more than \$7,500 for a first offense and not more than \$15,000 for any subsequent offense.

This bill was pre-filed for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.