

SOUTH CAROLINA

STATUTES : (1)

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TITLE 39: TRADE AND COMMERCE CHAPTER 1: GENERAL PROVISIONS

Terms

References

Industrial Hygiene	5
Industrial Hygienist	0
Certified Industrial Hygienist - CIH	6
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician– CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	3
American Conference of Governmental Industrial Hygienists – ACGIH	0
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	6
Board of Certified Safety Professionals – BCSP	3

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RULES AND REGULATIONS: (3)

SOUTH CAROLINA CODE OF REGULATIONS:

**CHAPTER 61: DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
SECTION 84: STANDARDS FOR LICENSING COMMUNITY RESIDENTIAL CARE FACILITIES**

**CHAPTER 71: DEPARTMENT OF LABOR, LICENSING AND REGULATION – DIVISION OF LABOR
ARTICLE 1: OCCUPATIONAL SAFETY AND HEALTH REGULATIONS**

**CHAPTER 61: DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
SECTION 62: AIR POLLUTION CONTROL REGULATIONS AND STANDARDS**

<u>Terms</u>	<u>References</u>
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Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program and related	0
American Industrial Hygiene Association - AIHA	1
American Board of Industrial Hygiene - ABIH	0
American Conference of Governmental Industrial Hygienists – ACGIH	0
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
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SOUTH CAROLINA CODE OF LAWS

TITLE 39: TRADE AND COMMERCE CHAPTER 1: GENERAL PROVISIONS

SECTION 39-1-80. Industrial hygiene and safety professionals; certification requirements; penalties for misrepresentation.

(A) As used in this section:

(1) "**American Board of Industrial Hygiene**" means a nonprofit corporation established to improve the practice and educational standards of the profession of **industrial hygiene** by certifying individuals who meet its education, experience, examination, and maintenance requirements.

(2) "**Board of Certified Safety Professionals**" means a nonprofit corporation established to improve the practice and educational standards of the profession of safety by certifying individuals who meet its education, experience, examination, and maintenance requirements.

(3) "**Certified Industrial Hygienist**" means a person who has received the designation "**Certified Industrial Hygienist**" by the **American Board of Industrial Hygiene** and whose certification has not lapsed or been revoked.

(4) "**Certified safety professional**" means a person who has been certified by the **Board of Certified Safety Professionals** and whose certification has not lapsed.

(5) "**Industrial hygiene**" means the science and art devoted to the anticipation, recognition, evaluation, and control of those environmental factors and stresses arising in or from the workplace that may cause sickness, impaired health and well-being, or significant discomfort among workers and that may also impact the general community.

(6) "Safety profession" means the science and discipline concerned with the preservation of human and material resources through the systematic application of principles drawn from such disciplines as engineering, education, chemistry, the physical and biological sciences, ergonomics, psychology, physiology, enforcement, and management for anticipating, identifying and evaluating potentially hazardous systems, conditions, and practices; developing, implementing, administering, and advising others on hazard design, methods, procedures, and programs.

(B)(1) A person may not willfully practice or offer to practice as a **certified industrial hygienist**, or use in any advertisement or on a business card or letterhead, or make any other verbal or written communication that the person is a **certified industrial hygienist** or acquiesce in such a representation, unless that person is **certified as an industrial hygienist** by the **American Board of Industrial Hygiene**.

(2) A person may not willfully practice or offer to practice as a **certified safety professional**, or use in any advertisement or on a business card or letterhead or make any other verbal or written communication that the person is a **certified safety professional** or acquiesce in such a representation, unless that person is **certified as a safety professional** by the **Board of Certified Safety Professionals**.

(3) A person who violates subsection(B)(1) or (2) is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or more than five thousand dollars or imprisoned for not less than thirty days or more than six months, or both. Each violation constitutes a separate offense, and each day's violation constitutes a separate offense.

(4) A person may file a suit in equity with an administrative law judge as provided under Article 5 of Chapter 23 of Title 1, alleging the facts and paying for a temporary restraining order or a permanent injunction against one whose conduct appears to violate subsection (B)(1) or (2), commanding him to obey the law and to desist from any further misrepresentation. This injunctive relief is in addition to any other remedy or criminal prosecution for violation of subsection (B)(1) or (2). It is not necessary to establish the absence of an adequate remedy at law.

(C) An entity of state or local government may not by rule, regulation, or otherwise prohibit or restrict the practice of **industrial hygiene** or safety by individuals practicing within the scope of "**industrial hygiene**" or "safety profession" so long as the individual does not use the title, initials, or represent himself to the public as a "**certified industrial hygienist**" or a "**certified safety professional**".

(D) The State is not liable for the misrepresentation of credentials of an employee while engaged in the duties of a governmental employee, unless wilful on behalf of the employee.

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SOUTH CAROLINA CODE OF REGULATIONS

CHAPTER 61: DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

SECTION 84: STANDARDS FOR LICENSING COMMUNITY RESIDENTIAL CARE FACILITIES

SECTION I

DEFINITIONS. [SC ADC 61-86.1 SEC I]

1. "Abatement" - Procedures to control fiber release from regulated asbestos-containing materials. This includes removal, enclosure, encapsulation, repair, and any associated preparation, clean up and disposal activities having the potential to disturb regulated asbestos-containing material.
4. "AHERA" - Regulations developed pursuant to the Asbestos Hazard Emergency Response Act, 40 CFR Part 763, Asbestos Containing Materials in Schools (October 30, 1987).
5. "**AIHA**" - **American Industrial Hygiene Association.**

SECTION IV

PERSONNEL LICENSING REQUIREMENTS. [SC ADC 61-86.1 SEC IV]

C. License Application.

2. The application must state the type of license for which the application is being made and must include all of the following information:
 - c. Air Sampler License:

- (1) Applicant's name, Social Security number, mailing address, telephone number, and, when applicable, company affiliation;
- (2) Documentation of successful completion of an initial asbestos abatement five-day_supervisor training course; and
- (3) Documentation of successful completion of NIOSH 582 course or equivalent, or documentation that the applicant is a **Certified Industrial Hygienist.**

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SOUTH CAROLINA CODE OF REGULATIONS

CHAPTER 71: DEPARTMENT OF LABOR, LICENSING AND REGULATION – DIVISION OF LABOR ARTICLE 1: OCCUPATIONAL SAFETY AND HEALTH REGULATIONS

SUBARTICLE 4

ENFORCEMENT OF VIOLATIONS

71-400. Definitions. [SC ADC 71-400]

As used in this Subarticle, unless the context clearly requires otherwise

L. "**Industrial Hygienist**" means any individual commissioned by the Director to enforce health statutes, rules and regulations.

71-401. Citation; Notice of De Minimis Violation. [SC ADC 71-401]

A. The Compliance Manager shall review the report of inspection of each OSH Compliance Officer and **Industrial Hygienist**. If the report indicates a violation of the state statutes or rules and regulations, there shall be issued to each employer, by certified mail or by personal service, a citation(s). Any citation shall be issued with reasonable promptness after the termination of the inspection. No citation shall be issued after the expiration of six (6) months following the occurrence of the inspection. Citations shall detail the conditions and circumstances of the violation, and refer to applicable statutes, rules and regulations or order alleged to have been violated. The citation shall also fix a reasonable time for abatement of the violation(s). Where a citation is issued as a result of a request for inspection under Subarticle 5, R. 71-508, copies of the citation shall also be sent by certified mail to the employee or employee representative who made such request. If appropriate, a citation will be issued to an employer even where the employer abates immediately.

B. Notice of De Minimis Violation. The Compliance Manager shall review the report of inspection of each OSH Compliance Officer and **Industrial Hygienist**. If the report indicates a violation of the state statutes or rules and regulations which have no direct or

immediate relationship to safety or health, the Compliance Manager may issue a notice of de minimis violation if he shall determine that such notice shall be beneficial to the health and safety of employees. Such notice of de minimis violation shall be in the form of a recommendation only and may not be contested.

71-402. Proposed Penalty. [SC ADC 71-402]

A. After, or concurrent with, the issuance of a citation, and within a reasonable time of the inspection, the Compliance Manager shall notify the employer by certified mail or by personal service of the proposed penalty under Section 41-15-300, Code of Laws of South Carolina, 1976, as amended, or that no penalties are proposed.

B. The Compliance Manager or his representative shall determine the amount of any proposed penalty, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations in accordance with Section 41-15-320, Code of Laws of South Carolina, 1976, as amended.

C. Appropriate penalties may be proposed with respect to alleged violations even though after being informed of such an alleged violation by the OSH Compliance Officer or the **Industrial Hygienist**, the employer immediately abates or initiates steps to abate such violation. A penalty shall not be proposed for de minimis violations.

SUBARTICLE 9

RULES OF AGENCY PRACTICE AND PROCEDURE CONCERNING SOUTH CAROLINA DEPARTMENT OF LABOR, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH ACCESS TO EMPLOYEE MEDICAL RECORDS

71-902. Responsible Persons. [SC ADC 71-902]

C. Principal SC/OSH Investigator. The Principal SC/OSH Investigator shall be the SC/OSH employee in each instance of access to personally identifiable employee medical information who is made primarily responsible for assuring that the examination and use of this information is performed in the manner prescribed by a written access order and the requirements of this subarticle (R. 71-904 through R. 71-912). When access is pursuant to a written access order, the Principal SC/OSH Investigator shall be professionally trained in medicine, public health, or allied fields (epidemiology, toxicology, **industrial hygiene**, biostatistics, environmental health, etc.).

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SOUTH CAROLINA CODE OF REGULATIONS

CHAPTER 61: DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

SECTION 62: AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

SECTION II--PROVISIONS FOR SPECIFIC SOURCES

Part A. Surface Coating of Cans

Part R. Manufacture of Pneumatic Rubber Tires

1. Applicability

Affected sources include the following operations in all plants for the "Manufacture of Pneumatic Rubber Tires:" Undertread cementing, tread end cementing, bead dipping, and green tire spraying.

2. Control Technology Provisions

The owner or operator of an undertread cementing, tread end cementing, or bead dipping operation subject to this Part shall:

a. Install and operate a capture system, designed to achieve maximum reasonable capture, up to 85 percent by weight of VOC emitted, from all undertread cementing, tread end cementing and bead dipping operations. Maximum reasonable capture shall be consistent with the following documents:

(i) Industrial Ventilation, A Manual of Recommended Practices, 14th Edition, American Federation of **Industrial Hygienists**.

(ii) Recommended Industrial Ventilation Guidelines, U.S. Department of Health, Education, and Welfare, National Institute of Occupational Safety and Health.