

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3572

To establish minimum standards for the training and certification of environmental professionals performing Phase I Environmental Site Assessments.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 1993

Mr. RICHARDSON (for himself, Mr. BOUCHER, Mr. BROWN of Ohio, Mr. MANTON, Ms. MARGOLIES-MEZVINSKY, and Mr. WELDON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To establish minimum standards for the training and certification of environmental professionals performing Phase I Environmental Site Assessments.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Environmental Profes-  
5        sionals Training and Certification Act of 1993”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds:

1           (1) Concern about the environment is growing  
2           and environmental issues now affect all aspects of  
3           American business and life. Americans now spend  
4           close to \$70,000,000,000 annually on environmental-  
5           related expenditures.

6           (2) Business and industry spend approximately  
7           \$9,000,000,000 annually on various environmental  
8           consulting services, including \$1,200,000,000 for  
9           Phase I Environmental Site Assessments.

10          (3) There are currently a large number of envi-  
11          ronmental professionals performing Phase I Envi-  
12          ronmental Site Assessments who are not properly  
13          trained and who do not perform the assessments in  
14          a manner consistent with proper environmental  
15          standards and guidelines. Such assessments, there-  
16          fore, pose a significant danger to the public health,  
17          safety, and welfare.

18          (4) Many organizations issue environmental  
19          certifications without properly training or testing the  
20          candidates applying for certification.

21          (5) The Federal Government does not presently  
22          have authority to regulate the quality of training  
23          and certification programs for environmental profes-  
24          sionals and, with very few exceptions, the certifi-  
25          cation of environmental professionals.

1           (6) Several organizations provide high quality  
2 training in the environmental sciences, and the Fed-  
3 eral Government should support these efforts.

4           (7) Federal oversight is needed to ensure that  
5 training and certification of environmental profes-  
6 sionals meets certain minimum quality standards  
7 which ultimately will serve to protect the public in-  
8 terest.

9 **SEC. 3. ENVIRONMENTAL TRAINING AND CERTIFICATION.**

10 (a) DEFINITIONS.—

11           (1) The term “Administrator” means the Ad-  
12 ministrator of the Environmental Protection Agency.

13           (2) The terms “Phase I Environmental Site As-  
14 sessment” and “ESA” mean the process by which a  
15 person or entity seeks to determine whether a par-  
16 ticular parcel of real property is subject to Recog-  
17 nized Environmental Conditions. These conditions  
18 indicate the presence or likely presence of a Hazard-  
19 ous Substance or Petroleum Product on a property  
20 under conditions that indicate an existing release, a  
21 past release, or a material threat of a release into  
22 structures on the property or into the ground,  
23 ground water, or surface water of the property.

1           (3) The term “Board” means the Environ-  
2           mental Certification Board” established under sub-  
3           section (b).

4           (4) The term “Certified Environmental Site As-  
5           sessor” means any person receiving certification to  
6           perform Phase I ESAs from an Approved Environ-  
7           mental Training and Certification Organization in  
8           accordance with this Act.

9           (5) The term “Approved Environmental Train-  
10          ing and Certification Organization” means any  
11          training and certification organization, public or pri-  
12          vate, whose curriculum, program, facilities, training,  
13          and testing methods have been approved by the Ad-  
14          ministrator as complying with standards established  
15          in accordance with this Act.

16          (6) The term “State” means the 50 States plus  
17          the District of Columbia, Puerto Rico, Guam, Amer-  
18          ican Samoa, and the United States Virgin Islands.

19          (b) ESTABLISHMENT OF A PROGRAM TO REGULATE  
20          TRAINING AND CERTIFICATION OF ENVIRONMENTAL SITE  
21          ASSESSORS.—(1) Not later than 60 days after the date  
22          of the enactment of this Act, the Administrator shall es-  
23          tablish a certification advisory board to be known as the  
24          “Environmental Certification Board”.

1           (2) The Board shall consist of a minimum of 6 mem-  
2 bers, appointed by the Administrator, with a demonstrated  
3 knowledge in the environmental field. The Board shall in-  
4 clude representatives from the Environmental Protection  
5 Agency, environmental interest organizations, the chemi-  
6 cal/manufacturing industry, the environmental consulting  
7 service industry, the insurance industry, and the banking/  
8 investment industry.

9           (3) All members of the Board shall serve on a vol-  
10 untary basis, except those members from the Environ-  
11 mental Protection Agency.

12          (4) The Board shall appoint one member to serve as  
13 Chairman who shall exercise the executive and administra-  
14 tive functions of the Board.

15          (5) Not later than 12 months after the date of the  
16 enactment of this Act, the Board shall issue recommenda-  
17 tions to the Administrator which shall include, but not be  
18 limited to, recommendations regarding the minimum  
19 standards to be established under subsection (c).

20          (c) MINIMUM STANDARDS.—Not later than 2 years  
21 after the date of the enactment of this Act, the Adminis-  
22 trator shall issue regulations, based on the recommenda-  
23 tions of the Environmental Certification Board, establish-  
24 ing minimum standards regulating environmental training  
25 and certification organizations for environmental profes-

1 sionals performing Phase I Environmental Site Assess-  
2 ments. The regulations shall include, but not be limited  
3 to, minimum standards relating to—

4 (1) formal environmental training;

5 (2) continuing environmental education;

6 (3) environmental certification and testing pro-  
7 cedures;

8 (4) revocation and disciplinary procedures;

9 (5) establishment of a code of ethics;

10 (6) consumer education;

11 (7) certification renewal procedures; and

12 (8) annual reporting of program activities.

13 (d) APPROVAL AND REVIEW OF ENVIRONMENTAL  
14 TRAINING AND CERTIFICATION ORGANIZATIONS.—(1)

15 The Administrator shall review the curriculum, program,  
16 facilities, training, and certification methods of each orga-  
17 nization desiring to train and certify Phase I Environ-  
18 mental Site Assessors to determine if the curriculum, pro-  
19 gram, facilities, training, and certification methods are in  
20 compliance with the standards set forth in subsection (c).

21 (2) If an organization's curriculum, program, facili-  
22 ties, training, and certification methods are in compliance  
23 with the minimum standards established under subsection  
24 (c), the Administrator shall issue a notice that such orga-  
25 nization is an Approved Environmental Training and Cer-

1 tification Organization. This approval shall be valid for a  
2 term to be set by the Administrator, but no longer than  
3 5 years.

4 (e) ENFORCEMENT.—(1) No organization may issue  
5 a diploma, certification, or any other form of degree sig-  
6 nifying that the recipient is a Certified Environmental Site  
7 Assessor, or qualified to perform a Phase I Environmental  
8 Site Assessment unless that organization has received ap-  
9 proval from the Administrator under subsection (d).

10 (2) The Administrator shall have the power to enjoin  
11 any organization found to be in violation of paragraph (1).  
12 Any organization found to be in violation of paragraph (1)  
13 shall be liable for civil penalties up to \$5,000 per violation.  
14 Any person, corporation, or partnership found to be in vio-  
15 lation of paragraph (1) shall be liable for civil penalties  
16 up to \$1,000 per violation.

17 (3) The Administrator may periodically, or upon expi-  
18 ration of approval, review the program, curriculum, facili-  
19 ties, and training methods of any Approved Environmental  
20 Training and Certification Organization. If at any time  
21 the Administrator finds such organization is no longer in  
22 compliance with the standards under subsection (c), the  
23 Administrator shall place the organization on probation  
24 for a period of 1 year. If, after the 1-year probationary  
25 period, the organization is still not conforming with the

1 standards, the Administrator shall revoke its approval of  
2 certification.

3 (4) Nothing in this Act shall be construed to preempt  
4 any State from issuing additional or more stringent guide-  
5 lines and regulations regarding the training of environ-  
6 mental professionals.

7 **SEC. 4. AUTHORIZATION.**

8 There are authorized to be appropriated to the Ad-  
9 ministrator such sums as necessary to carry out the pur-  
10 poses of this Act.

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