

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER

30. BOARD OF TECHNICAL REGISTRATION

Editor's Note: The following Notice of Final Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of executive order on page. 160.) The Governor's Office authorized the notice to proceed through the rulemaking process on November 16, 2010.

[R13-07]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)**

<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R4-30-122	Amend
R4-30-204	Amend
R4-30-212	Amend
R4-30-214	Amend
R4-30-271	Amend
R4-30-272	Amend
R4-30-301	Amend
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. §§ 32-106(A)(1) and (9), and 32-106(D) and (F).
Implementing statutes: A.R.S. §§ 32-122.01, 32-122.03, 32-122.04, 32-123, 32-148 and 41-1092.07.
- 3. The effective date of the rule:**

March 10, 2013
- 4. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 17 A.A.R. 4, January 7, 2011
Notice of Proposed Rulemaking: 18 A.A.R. 50, January 13, 2012
Notice of Supplemental Rulemaking: 18 A.A.R. 1120, May 18, 2012
- 5. The agency's contact person who can answer questions about the rulemaking:**

Name: Melissa Cornelius, Deputy Director
Address: Board of Technical Registration
1110 W. Washington St., Suite 240
Phoenix, AZ 85007
Telephone: (602) 364-4930
Fax: (602) 364-4931
E-mail: Melissa.cornelius@azbtr.gov
- 6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The State Board of Technical Registration (Board) is charged with protecting the health, safety, and welfare of the public. Toward this end, the Board examines, registers, and issues registrations and certificates to architects, assayers, clandestine drug lab remediation firms and their employees, certified remediation specialists, engineers, geologists, home inspectors, landscape architects, and land surveyors. Pursuant to A.R.S. § 32-106(A)(1), the Board has author-

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ity to adopt rules for the “performance of duties imposed upon it by law.” The subject rulemaking is submitted pursuant to that authority.

This rulemaking proposes to amend seven of the Board’s rules. R4-30-122, the Board’s Subpoena rule, must be modified to remove the outdated phrase “Hearing Officer” and affirm the Board’s power to issue investigative subpoenas.

R4-30-204 should be modified in order to address a conflict that has arisen between the Board’s rule, which requires that Architect applicants pass the national examination required for registration (the Architect Registration Examination) within five years of first *taking* any division of it, and the new national standard, which provides architect candidates with five years to successfully complete the national examination from the date of *passing* the first of the examination’s seven sections. The new national standard allows applicants a longer period of time to pass the competency examination than the Board’s rule. R4-30-212, and R4-30-214 must be modified to reflect the changes proposed in R4-30-204.

R4-30-271 and R4-30-272 relate to drug lab remediation firm supervisors and workers. These proposed rules modifications move and update the language without making substantive changes.

Finally, R4-30-301 should be modified to remove and replace a reference to an incorrect web site regarding the Arizona association of land surveyors.

The Governor’s Office has reviewed and granted the Board’s request for an exemption to the Rules Moratorium, in place since 2009, in order to allow the Board to amend these rules to better protect the public’s health, safety and welfare.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

This rulemaking does not reference any relevant studies.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

The Board expects that updating the rules will benefit all parties involved in its regulatory processes. The proposed rulemaking would clarify requirements for architect applicants seeking professional registration, matching Arizona’s requirements with the national standards for testing the competency of professional architect candidates.

The proposed rule changes will not impose significant additional costs for small business. Architects will benefit from the adoption of the national standard for completion of the Architect Registration Examination.

The proposed rulemaking would tighten language relating to enforcement and clarify compliance requirements, which the Board expects will affect registrants and small businesses positively.

The proposed rulemaking is not expected to have a significant negative impact on the following sectors of the economy: 1) the competitiveness of professionals in Arizona compared to their counterparts from other states; 2) the prices of goods and services in the state; 3) state revenues. The additional administrative costs to state agencies, such as to the Board, the Secretary of State’s Office, and the Governor’s Regulatory Review Council, are not expected to be significant.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

The Board made grammatical and formatting changes to this Notice of Final Rulemaking proposed by GRRC staff and the Office of the Secretary of State. These changes also include the addition of the location information regarding materials incorporated by reference.

11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Board did not receive any public or stakeholder comments related to these rules during its open comment period.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

None of the Board’s proposed rule changes require permitting.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

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Federal law relating to remediating hazardous waste is applicable to the subject of the proposed rules changes, but this proposed rulemaking is not more stringent.

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:

No one submitted analyses to the Board that compare the proposed rules’ impact on business in this state or other states.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

As contained in proposed rule **R4-30-271(A)(11):**

- 29 CFR 1926.62(l), effective January 8, 1998. 63 FR 1296.

As contained in proposed rule **R4-30-301(13):**

- Arizona Professional Land Surveyors Association Arizona Boundary Survey Minimum Standards

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

ARTICLE 1. GENERAL PROVISIONS

Section

R4-30-122. Issuance of Subpoenas

ARTICLE 2. REGISTRATION PROVISIONS

Section

R4-30-204. Examinations

R4-30-212. Architect-in-training Designation

R4-30-214. Architect Registration

R4-30-271. ~~On-site~~ Onsite Supervisor Certification and Renewal

R4-30-272. ~~On-site~~ Onsite Worker Certification and Renewal

ARTICLE 3. REGULATORY PROVISIONS

Section

R4-30-301. Rules of Professional Conduct

ARTICLE 1. GENERAL PROVISIONS

R4-30-122. Issuance of Subpoenas

Any party desiring the Board ~~or its hearing officers~~ to issue a subpoena shall make application, stating the substance of the testimony expected of the witness or the relevancy of the evidence to be produced. If the testimony or evidence appears to the Board ~~or its hearing officer~~ to be material and necessary, a subpoena shall be supplied. The affixing of the seal of the Board and the signature of the Chairman, Secretary, Executive Director, ~~or administrative law judge~~ shall be sufficient attestation of the same. The party applying for the subpoena shall pay for service of the subpoena. A party is considered served at the time of personal service or mailing of the document by certified mail that is addressed to the person’s last known address of record on file with the Board.

ARTICLE 2. REGISTRATION PROVISIONS

R4-30-204. Examinations

A. ~~An applicant with at least 72 but less than 96 months of required education and experience who wishes to sit for the professional examination for architecture, assaying, engineering, geology, landscape architecture, or land surveying shall submit an original and one copy of a completed application package for professional examination that contains the following:~~ Board Review For Examination Equivalency: Applicants who wish to sit for professional examination who do not possess an educational degree recognized by the applicable national council shall submit to the Board the following infor-

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mation for approval:

1. Name, residence address, mailing address if different from residence, and telephone number, ~~of the applicant;~~
 2. Date of birth and ~~social security~~ Social Security number ~~of the applicant;~~
 3. ~~Citizenship~~ Proof of citizenship or legal residence;
 4. Category, and branch of engineering if applicable, ~~for which the applicant is seeking registration;~~
 5. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution ~~the applicant~~ attended;
 6. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution ~~the applicant~~ attended;
 7. Evidence of ~~72~~ at least 60 months of required education or experience, or both, in the category for which registration is sought.
 - a. The name, current address, and telephone number of the applicant's current and former employers in the category for which registration is sought;
 - b. ~~dates~~ Dates of employment;
 - c. ~~applicant's~~ Applicant's title;
 - d. ~~description~~ Description of work performed; and
 - e. ~~number~~ Number of hours worked per week;
 8. Names and addresses of applicant's immediate supervisors in past and present employment in the category for which registration is sought. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three additional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought;
 9. A release authorizing the Board to investigate the applicant's education and experience;
 10. Certificate of Experience Record and Reference Forms from the applicant's present and past immediate supervisors. The applicant shall also provide Certificate of Experience Record and Reference Forms from additional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that completed reference forms are provided to the Board;
 11. Evidence of successful completion, or waiver by the Board, of the applicable in-training examination. An applicant who has successfully completed an in-training examination in another jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona shall submit proof of examination directly from the authority that administered the original examination. ~~An applicant seeking professional registration as an architect, or landscape architect may take the in-training examination at the same time as the professional examination.~~ An applicant seeking professional registration as an assayer, engineer, geologist, or land surveyor shall pass the applicable in-training examination before admission to the professional examination;
 12. Certification that the information provided to the Board is accurate, true, and complete; and
 13. The applicable fees.
- B.** ~~An applicant with at least 96 months of required education and experience who wishes to sit for the professional examination for architecture, assaying, engineering, geology, landscape architecture, or land surveying may submit a combined application for examination and registration that contains the information required in subsection (A) and R4 30 201, and shall pay the applicable fee.~~
- C.** ~~B.~~ The Board staff shall review all applications and, if necessary, refer completed applications to an advisory committee for evaluation. If the application for examination is complete and in the proper form and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible to take the examination, the Board staff or committee shall recommend that the Board certify the applicant as eligible to take the examination ~~or exempt from the examination requirement.~~ If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true or that the applicant is eligible in all respects for examination, the Board staff shall make a further investigation of the applicant.
- C.** National Council Examinations:
1. Applicants for architect, landscape architect, engineer, or land surveyor registration who wish to sit for a professional examination, and who have earned an educational degree recognized by the applicable national council, may apply directly to the applicable national council to take that exam.
 2. Applicants not possessing the appropriate degree pursuant to subsection (C)(1) may apply to the Board for examination approval and after Board review, may be recommended to the applicable national council for entry into the applicable national examination. Applicants must meet all national council requirements for successful completion of applicable examinations.
 3. An applicant for professional examination in any category must take the examination within one year after receiving approval. If an applicant fails to take an examination within one year after receiving approval, the applicant must submit a new application for professional examination to the Board.
- F.4.** ~~An applicant except for a home inspector applicant, who has failed any division of a national multi-divisional exam-~~

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ination shall be required to meet the applicable national council's requirements for successful completion of the examination. ~~re-examined only on the division failed. The applicant shall submit a new application for examination, and retake and pass any division of the examination, except the in-training examination, with results that are five or more years old.~~

~~I.5.~~ Examinations administered by a national council of which the Board is a member, or a professional association approved by the Board, shall be given at the times and places determined by the testing agency. Once approved to sit for a non-Board-administered examination, the applicant shall communicate all questions and concerns regarding extensions, additional time, special accommodation, ~~re-examination,~~ reexamination, exam review and refunds to the applicable testing agency. The Board shall not refund any examination fee paid to a testing agency.

D. Board Administered Examinations:

~~D.1.~~ An examination administered by the Board shall be given at the times and places determined by the Board. Once the Board approves an applicant to sit for a Board-administered examination, the applicant shall communicate all questions and concerns regarding extensions, special accommodations and refunds to the Board. The applicant shall make any request for additional time or other special examination accommodation to the Board within a reasonable time before the examination date.

~~E.2.~~ An applicant who fails to achieve a passing grade on any division of any examination administered by the Board may request ~~re-examination~~ reexamination by notifying the Board in writing of the applicant's desire to ~~re-take~~ retake the examination and paying the applicable examination fee. An applicant who ~~re-takes~~ retakes any examination shall advise the Board of any changes in the information provided under subsection (A) of this Section and R4-30-202(B) within 30 days from the date of the change. The Board shall close an applicant's file if the Board does not receive written confirmation from the applicant of the applicant's desire to ~~re-take~~ retake the Board-administered examination within one year from the request for ~~re-examination~~ reexamination. An applicant whose file has been closed and who later wishes to apply for examination shall submit a new examination application package to the Board.

~~G.3.~~ An applicant for a Board-administered examination who wishes to review the applicant's examination scores shall file a written request with the Board within 30 days after receiving notification of the failing grade. The applicant may review an examination by making prior arrangements with the staff and paying the applicable fee. The applicant shall complete any review within 60 days of the request for a review. In reviewing multiple choice questions, an applicant may review only those questions that were incorrect.

~~H.4.~~ An applicant who desires a ~~re-grade~~ regrade of an a Board administered examination and, where applicable, has exhausted all remedies for re-grading with the applicable testing agency, shall file a written request with the Board within 30 days after receiving notification of the failing grade or within 30 days after reviewing the examination, whichever is applicable, and pay the applicable fee. The applicant shall identify the questions to be reviewed. The applicant shall state why a review of the item is justified. The applicant shall provide specific facts, data, and references to support any assertion that the solution deserves more credit. The Board shall determine whether it will ~~re-grade~~ regrade the examination.

~~J.5.~~ The Board shall ~~deny~~ close an application file for ~~registration examination~~ as a architect, assayer, engineer, geologist, landscape architect, or land surveyor if the applicant fails to pass all divisions of the applicable examination within five years after first ~~taking~~ passing any division of the examination unless the Board approves an extension.

6. If an applicant for professional examination fails to take the examination within five years from the examination approval date, the Board shall close the application file. The applicant shall submit a new application to take the applicable examination to the Board.

R4-30-212. Architect-in-training Designation

A. To qualify for admission to the ~~in-training examination~~ Architect Registration Examination solely on the basis of education, an applicant shall be a graduate of a ~~five-year~~ an architectural degree program accredited at the time of graduation by the National Architectural Accrediting Board (NAAB).

B. To qualify for admission to the ~~in-training examination,~~ Architect Registration Examination, an applicant who is not a graduate of a ~~five-year~~ NAAB-accredited degree program shall have at least five years of education or experience or both directly related to the practice of architecture. Experience directly related to the practice of architecture of a character satisfactory to the Board includes but is not limited to the following:

1. Consultation: The active involvement in meetings, discussions, or the development of reports intended to provide information, facts or advice for the purpose of planning, designing or locating buildings, structures, alterations or construction projects.
2. Evaluation: The analysis of client's requirements involving space relations, expansion needs, site requirements and flexibility, which serves as a basis for the development of appropriate design objectives.
3. Site design: Design experience including the utilization of land, placement of structures, form relationships, traffic patterns, parking facilities and utility systems based upon an analysis of surface and subsurface conditions, ecological requirements and the requirements imposed by law.
4. Building design: Design experience including the preparation of architectural, structural and interior drawings and the development of specifications, and the selection and layout of building systems involving structural, mechanical,

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electrical, civil and interior considerations.

5. Construction review: The review or supervision of construction to ensure conformance with architectural or contract specifications or requirements (maximum 12 months'-credit).
 6. Administration: Administrative experience including office and field administration, field testing, quotation requests, change orders, cost accounting and project closeouts (maximum 12 months'-credit).
 7. Editing or writing: The editing or writing for publication of articles, books, newsletters or other written materials on architectural subjects (maximum six months'-credit).
 8. Subprofessional experience: As defined in rule R4-30-101 (maximum six months'-credit).
- C. An applicant shall successfully complete the ~~architect in training examination~~ Architect Registration Examination designated by the Board and provided by the National Council of Architectural Registration Boards.
- D.** An applicant who has completed the Architect Registration Examination and the Intern Development Program, but cannot demonstrate completion of the required 96 months of education or experience, or both for registration, may apply for the Architect In-Training designation.

R4-30-214. Architect Registration

An applicant for architect registration shall complete all of the following:

- ~~A.1.~~ An applicant shall provide evidence of successful completion of the National Council of Architectural Registration Boards (NCARB) ~~Internship~~ Intern Development Program (IDP) training requirement, ~~or diverse work experience substantially equal to that program that is of a character acceptable to the Board, and which includes, but is not limited to, each of the following areas. The total minimum experience shall not be less than 4,680 hours and not less than the minimum hour totals for each activity shown below:~~

~~Activity Minimum Hour Totals:~~

- ~~1. Programming 80~~
- ~~2. Site and Environmental Analysis 80~~
- ~~3. Schematic Design 120~~
- ~~4. Engineering Systems Coordination 120~~
- ~~5. Building Cost Analysis 80~~
- ~~6. Code Research 120~~
- ~~7. Design Development 320~~
- ~~8. Construction Documents 1080~~
- ~~9. Specifications and Material Research 120~~
- ~~10. Document Checking and Coordination 80~~
- ~~11. Bidding and Contract Negotiation 80~~
- ~~12. Construction Phase Office 80~~
- ~~13. Construction Phase Field Observation 120~~
- ~~14. Project Management 120~~
- ~~15. Office Management 80~~

- ~~B.2.~~ An applicant shall successfully complete the professional architect examination designated by the Board and provided by the National Council of Architectural Registration Boards.
3. An applicant must demonstrate 96 months of architectural education or experience, or both, satisfactory to the Board prior to being granted registration.

R4-30-271. On-site Onsite Supervisor Certification and Renewal

- A. An applicant for ~~on-site~~ onsite supervisor certification shall submit an original and one copy of a completed application package ~~that contains~~ containing the following:
1. Name, residence address, mailing address if different from residence address, and telephone number;
 2. Date of birth and ~~social security~~ Social Security number of the applicant;
 3. ~~Citizenship~~ Proof of citizenship or legal residence;
 4. State or jurisdiction in which any other professional or occupational certification, registration, or license is held by the applicant, type of certification, registration, or license, number, and year granted;
 5. ~~The name~~ Name of the state or jurisdiction, the type of professional or occupational certification, registration, or license the applicant is seeking, and the status of any professional or occupational certification, registration, or license application pending in any state or jurisdiction;
 6. A detailed explanatory statement, regarding:
 - a. ~~Refusal~~ Denial of professional or occupational certification, registration, or license by any state or jurisdiction;
 - b. Any pending disciplinary action in any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant;
 - c. Any alias or other name used by the applicant;
 - d. Any conviction for a felony or misdemeanor, other than a minor traffic violation; and
 - e. Any disciplinary action taken by any state or jurisdiction on any professional or occupational registration, certifi-

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cation, or license held by the applicant in any state or jurisdiction.

7. Certification that the information provided to the Board is accurate, true, and complete;
 8. A copy of a current 40-hour HAZWOPER training certificate or a copy of a current ~~8-hour~~ eight hour HAZWOPER training refresher certificate and a copy of a 40-hour HAZWOPER training certificate;
 9. Documentation of 12 months or more of ~~on-site~~ onsite experience in hazardous chemical decontamination projects and a copy of a HAZWOPER training certificate that shows the applicant held valid HAZWOPER training certification during the 12 months of experience;
 10. Documentation of current AHERA contractor or supervisor certification or a copy of a current AHERA refresher certificate and a copy of an AHERA contractor or supervisor training certificate;
 11. Documentation of successful completion of a lead training course that meets the requirements of 29 CFR 1926.62(l), effective January 8, 1998, 63 FR 1296, (published by the U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000 and available electronically through the federal digital system at www.gpo.gov/fdsys/. the ~~The~~ provisions of this regulation ~~which~~ are incorporated by reference and ~~on file with the Secretary of State, copies of which~~ are available at the office of the Board of Technical Registration. This rule does not include any later amendments or editions of the incorporated matter.);
 12. Documentation of successful completion of an eight hour training course approved by the Board that encompasses the following:
 - a. Clandestine drug laboratory site remediation best standards and practices contained in R4-30-305;
 - b. Chemical and physical hazards of a clandestine drug laboratory;
 - c. Typical manufacturing methods for methamphetamine, LSD, and ecstasy;
 - d. Typical flammable, combustible, corrosive, and reactive materials used in a clandestine drug laboratory;
 - e. Potential sharps and biohazards at a clandestine drug laboratory;
 - f. Proper handling and disposal of wastes from the remediation of a clandestine drug laboratory; and
 - g. Other potential hazards or dangers that can be associated with a clandestine drug laboratory;
 13. Documentation of successful completion of an 8-hour training course approved by the Board that encompasses the following:
 - a. Hazardous conditions and precautionary measures upon initial entry into a clandestine drug laboratory site,
 - b. Assessing residual contamination,
 - c. Preparing the work plans for remediation of a clandestine drug laboratory,
 - d. Assessing structural stability for safe entry into a clandestine drug laboratory site,
 - e. Characterizing waste from the remediation of a clandestine drug laboratory, and
 - f. Preparing final reports on the remediation of the clandestine drug laboratory;
 - ~~12-14.~~ A signed release authorizing the Board to investigate the applicant's education, experience, and good moral character and repute; and
 - ~~13-15.~~ The applicable fee.
- B.** ~~Beginning September 30, 2003, an~~ An applicant for renewal of ~~on-site~~ onsite supervisor certification shall submit an application package that contains:
1. A completed renewal application form provided by the Board, signed and dated by the ~~registrant~~ applicant that provides the information contained in subsections (A)(1), (2), (6), and (7);
 2. A copy of the registrant's current ~~8-hour~~ eight-hour HAZWOPER training refresher certificate;
 3. A copy of the registrant's current AHERA refresher certificate;
 4. ~~For the first annual renewal, documentation of successful completion of an 8 hour training course approved by the Board that encompasses the following:~~
 - a. ~~Clandestine Drug Laboratory Site Remediation Best Standards and Practices contained in R4 30 305;~~
 - b. ~~Chemical and physical hazards of a clandestine drug laboratory;~~
 - e. ~~Typical manufacturing methods for methamphetamine, LSD, and eestasy;~~
 - d. ~~Typical flammable, combustible, corrosive, and reactive materials used in a clandestine drug laboratory;~~
 - e. ~~Potential sharps and biohazards at a clandestine drug laboratory;~~
 - f. ~~Proper handling and disposal of wastes from the remediation of a clandestine drug laboratory; and~~
 - g. ~~Other potential hazards or dangers that can be associated with a clandestine drug laboratory;~~
 5. ~~For the first annual renewal, documentation of successful completion of an 8 hour training course approved by the Board that encompasses the following:~~
 - a. ~~Hazardous and precautionary measures for initial entry into a clandestine drug laboratory site;~~
 - b. ~~Assessment of residual contamination;~~
 - e. ~~Preparation of the work plans for remediation of a clandestine drug laboratory;~~
 - d. ~~Assessment of the structural stability for safe entry into a clandestine drug laboratory site;~~
 - e. ~~Characterizing waste from the remediation of a clandestine drug laboratory; and~~
 - f. ~~Preparing final reports on the remediation of the clandestine drug laboratory;~~
 - 6.4. ~~For the second and all subsequent annual renewals, documentation~~ Documentation of successful completion of a 2-

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~~hour~~ two-hour refresher training course approved by the Board that encompasses the following:

- a. ~~Clandestine Drug Laboratory Site Remediation Best Standards and Practices~~ drug laboratory site remediation best standards and practices contained in R4-30-305;
- b. Hazardous conditions and precautionary measures ~~for~~ upon initial entry into a clandestine drug laboratory site;
- c. Preparation of the work plan for remediation of a clandestine drug laboratory;
- d. Assessment of the structural stability for safe entry into a clandestine drug laboratory site;
- e. Characterizing waste from the remediation of a clandestine drug laboratory;
- f. Preparing the final report on the remediation of a clandestine drug laboratory;

~~7.5.~~ The applicable fee.

- C. The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be certified, the Board staff or committee shall recommend that the Board certify the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require ~~a~~ an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for certification.

R4-30-272. On-Site Onsite Worker Certification and Renewal

- A. An applicant for ~~on-site onsite~~ worker certification shall submit an original and one copy of a completed application package ~~containing that contains~~ the following:

1. Name, residence address, mailing address if different from residence address, and telephone number;
2. Date of birth and ~~social security~~ Social Security number of the applicant;
3. ~~Citizenship~~ Proof of citizenship or legal residence;
4. State or jurisdiction in which any professional or occupational certification, registration, or license is held by the applicant, type of certification, registration, or license, number, and year granted;
5. Name of the state or jurisdiction, the type of professional or occupational certification, registration, or license the applicant is seeking, and the status of any professional or occupational application pending in any state or jurisdiction;
6. A detailed explanatory statement regarding:
 - a. Any ~~refusal~~ denial of professional or occupational certification, registration, or license by any state or jurisdiction;
 - b. Any pending disciplinary action in any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant;
 - c. Any alias or other name used by the applicant;
 - d. Any conviction for a felony or misdemeanor, other than a minor traffic violation; and
 - e. Any disciplinary action taken by any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant in any state or jurisdiction;
7. Certification that the information provided to the Board is accurate, true, and complete;
8. Copy of a current 40-hour HAZWOPER training certificate or copy of a current ~~8-hour~~ eight-hour HAZWOPER training refresher certificate and a copy of a 40-hour HAZWOPER training certificate;
9. Documentation of successful completion of an eight-hour training course approved by the Board that encompasses the following:
 - a. Clandestine Drug Laboratory Site Remediation Best Standards and Practices contained in R4-30-305;
 - b. Chemical and physical hazards of a clandestine drug laboratory;
 - c. Typical manufacturing methods for methamphetamine, LSD, and ecstasy;
 - d. Typical flammable, combustible, corrosive, and reactive materials used in a clandestine drug laboratory;
 - e. Potential sharps and biohazards at a clandestine drug laboratory;
 - f. Proper handling and disposal of wastes from the remediation of a clandestine drug laboratory; and
 - g. Other potential hazards or dangers that can be associated with a clandestine drug laboratory;

~~9.10.~~ A signed release authorizing the Board to investigate the applicant's education, experience, and good moral character and repute; and

~~10.11.~~ The applicable fee.

- B. ~~Effective September 30, 2003, an~~ An applicant for renewal of ~~on-site onsite~~ worker certification shall submit an application package that contains:

1. A completed renewal application form provided by the Board, signed and dated by the applicant that provides the information contained in subsections (A)(1), (2), (6) and (7);
2. A copy of the applicant's current ~~8-hour~~ eight-hour HAZWOPER training refresher certificate;
3. ~~For the first annual renewal, documentation of successful completion of an 8 hour training course approved by the Board that encompasses the following:~~

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- ~~a. Clandestine Drug Laboratory Site Remediation Best Standards and Practices contained in R4-30-305;~~
- ~~b. Chemical and physical hazards of a clandestine drug laboratory;~~
- ~~c. Typical manufacturing methods for methamphetamine, LSD, and ecstasy;~~
- ~~d. Typical flammable, combustible, corrosive, and reactive materials used in a clandestine drug laboratory;~~
- ~~e. Potential sharps and biohazards at a clandestine drug laboratory;~~
- ~~f. Proper handling and disposal of wastes from the remediation of a clandestine drug laboratory; and~~
- ~~g. Other potential hazards or dangers that can be associated with a clandestine drug laboratory;~~

4.3. The applicable fee.

- C. The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and the applicant is eligible in all other respects to be certified, the Board staff or committee shall recommend that the Board certify the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for certification.

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct

All registrants shall comply with the following rules of professional conduct:

1. A registrant shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration or certification, or in response to a subpoena.
2. A registrant shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
3. A registrant shall not commit bribery of a public servant as proscribed in A.R.S. § 13-2602, commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.
4. A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice.
5. A registrant shall not violate any state or federal criminal statute involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, ~~if the violation is reasonably related to the registrant's area of practice. The Board may take action against a registrant's license or certificate if a violation of the law is reasonably related to a registrant's area of practice.~~
6. A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time.
7. A registrant shall not accept an engagement if the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without making a full written disclosure of all material facts of the conflict to each person who might be related to or affected by the engagement.
8. A registrant shall not accept compensation for services related to the same engagement from more than one party without making a full written disclosure of all material facts to all parties and obtaining the express written consent of all parties involved.
9. A registrant shall make full disclosure to all parties concerning:
 - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except payments for actual and substantial technical assistance in preparing the proposal; or
 - b. Any monetary, financial, or beneficial interest the registrant holds in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement.
10. A registrant shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
11. If a registrant's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant shall immediately notify the responsible party appropriate building official, or agency, and the Board of the specific nature of the public threat.
12. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant shall render decisions impartially and without bias to any party.
13. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the April 12, 2001 Arizona Professional Land Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards, available at www.azapls.org and from APLS, 3346 East Menadota Drive, Phoenix, AZ. ~~as adopted by the The Board of Technical Registration adopted them on June 15, 2001, the provisions of which are and incorporated them in into this subsection by reference and on file with the Office of the Secretary of State. This incorporation by reference does not include any later amendments or editions and is available at the Board's office of~~

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~~the Board of Technical Registration, and APLS at www.aia.org.~~

14. A registrant shall comply with any subpoena issued by the Board or its designated administrative law judge.
15. A registrant shall update the registrant's address and telephone number of record with the Board within 30 days of the date of any change.
16. A registrant shall not sign, stamp, or seal any professional documents not prepared by the registrant or a bona fide employee of the registrant.
17. Except as provided below and in subsections (18) and (19), a registrant shall not accept any professional engagement or assignment outside the registrant's professional registration category unless:
 - a. The registrant is qualified by education, technical knowledge, or experience to perform the work; and
 - b. The work is exempt under A.R.S. § 32-143.
18. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments.
19. Except as otherwise provided by law, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services ~~for which~~ that the registrant is qualified by registration to perform and shall seal and sign only the work prepared by the registrant or by the registrant's bona fide employee.
20. A registrant who is designated as a responsible registrant shall be responsible for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that is committed by a non-registrant employee, firm, or corporation.
21. A registrant shall not enter into a contract for expert witness services on a contingency fee basis or any other arrangement in a disputed matter where the registrant's fee is directly related to the outcome of the dispute.