

CONTINUING EDUCATION MEETING MINUTES



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup Professionals

ONE WINTER STREET, 3rd Floor
BOSTON, MA 02108

CONTINUING EDUCATION COMMITTEE

Minutes of Meeting on October 17, 2018

Approved on November 28, 2018

Prepared by: Beverly Coles-Roby, Esq.

Meeting Location:

MassDEP CERO
8 New Bond Street
Worcester, MA 01606

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of Meeting on September 19, 2018
 3. MassDEP Credits July 30, 2015-October 30, 2018
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1. **Call to Order:** Co-chairperson David Austin called the meeting to order at 12:52 p.m. The Board members in attendance were, Maria Pinaud, Farooq Siddique, Debra Listernick, and James N. Smith. Dr. Gail Batchelder arrived at 12:56 p.m. Board members Marc J. Richards, Gregg McBride, Kirk Franklin, and Kathleen Campbell were absent. Staff members present were Beverly Coles-Roby and Lori Williamson. Wendy Rundle, Executive Director of the LSP Association (“LSPA”) and Rebecca Woolley, of MassDEP, who arrived at 12:57 p.m., were also present.
 2. **Previous Minutes:** The draft minutes of the meeting held on September 19, 2018, were approved as written. James N. Smith and Maria Pinaud abstained from voting to approve the minutes.
 3. **Old Business: None**

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4. New Business:

A. Course Approval Requests:

1. HRP: MA Department of Environmental Protection and US Department of Transportation Hazardous Waste & Materials Training Course (8 Regulatory credits, December 12, 2018, Boxboro, MA) **Recommend Denial.**
2. JessCo Enterprises, LLC: Vapor Mitigation Strategies (1 Technical credit, webinar) **Recommend Approval.**

B. Course Re-approval Requests:

3. LSPA: Per- and Polyfluoroalkyl Substances (PFAS): The Latest Information (2 DEP-Regulatory and 2 non-DEP Technical credits, November 8, 2018)(Course No. 1608) **Recommend Approval.**
4. LSPA: Method 3 Ecological Risk Assessment (4 Technical credits, November 1, 2018, Westborough, MA)(Course No. 1558) **Recommend Approval.**

With respect to A1, MA Department of Environmental Protection and US Department of Transportation Hazardous Waste & Materials Training Course, Mr. Austin asked how this course differed from the Massachusetts Contingency Plan (“MCP”) Remediation course. Mr. Smith responded that it seemed to be more focused on the MCP. Ms. Pinaud commented that the curriculum focused on the transportation of hazardous waste and where and how long it can be stored. Mr. Siddique agreed. Mr. Austin said that every LSP needs to know about waste disposal. Ms. Listernick asked the Committee to review the course’s morning session. After further review, the Committee decided that the course was not sufficiently related to LSP work, i.e., assessment, containment, or removal of hazardous waste site materials. The Committee voted to recommend denying approval. Dr. Batchelder abstained from voting.

Mr. Austin commented that he did not understand course A2, Vapor Mitigation Strategies. He thought that the course provider should be required to give a more detailed description. Mr. Siddique thought that course seemed like an on-line offering. Ms. Williamson told the Committee that she asked the provider whether the course was on-line or classroom instruction. Ms. Listernick said that she was unsure how much detail one could offer in a one hour course, adding that some courses devote three to four hours to the topic. Dr. Batchelder thought that was not a sufficient reason to deny approval. Ms. Williamson indicated that she could go back to the provider with any questions the Committee might have. Dr. Batchelder believed that the course was a webinar. She also said that some parts of the course were consistent with past course approvals. Ms. Williamson noted that the provided explained that he had developed an assessment of learning. Mr. Siddique stated that the Board has reserved the right to observe classes, and the Board could require the provider to notify someone when the course is offered.

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Mr. Smith said that the course is clearly relevant, and the Committee has approved short courses before. Mr. Austin said that the Committee should recommend approval and request that the provider notify it each time the course is offered. Dr. Batchelder asked how the Committee could monitor a webinar. Ms. Williamson said that on-line course providers do not notify the Committee each time someone takes the course. Mr. Siddique said that we have requirements for on-line courses. Dr. Batchelder noted that the provider indicated that he would meet the requirements. Mr. Smith agreed pointing to the section labeled “Massachusetts LSP Course Accreditation Request.” So, the provider would not notify the Committee each time someone took the course, asked Mr. Austin. Ms. Williamson responded that in a classroom setting yes, notification is required but not for on-line courses. Dr. Batchelder said that the Committee needed to know how, when, and where the course is being offered. The Committee voted to recommend approval. Ms. Listernick dissented because she thought there were too many topics to be covered in one hour.

The Committee next reviewed a LSP’s Petition for Waiver. In August 2018, the Board granted the LSP a 90-day extension to renew his license. According to the petition, the extension is set to expire on October 28, 2018. The LSP is two DEP credits shy of the mandated twelve DEP regulatory credits. The petition further indicates that no MassDEP courses will be offered before the October deadline. Ms. Coles-Roby commented that LSPs have three years to obtain the necessary credits. Mr. Austin said that the first paragraph of the petition cited human error. Both Mr. Austin and Dr. Batchelder said that this issue has been raised before. Ms. Williamson said that there were of number of similar situations. She went on to say that this happens every time a course is one-half DEP credit and one-half regulatory credit because LSPs fail to note the language on the Continuing Education Attendance Certification Form. Mr. Siddique said that maybe the language is not clear to some LSPs. Ms. Williamson reiterated that this particular form clearly stated that the course was two DEP credits and two non-DEP credits. Dr. Batchelder said that Elizabeth Callahan took charge of MassDEP sponsored course offerings when Susan Fessenden retired this year. Mr. Siddique asked whether there might be more Petitions for Waiver coming. Ms. Rundle said that she reviewed a MassDEP compilation of MassDEP courses offered over the past three years. She found that during each of those years, MassDEP offered more than twelve course credits per year with more than 10,000 credit hours available. Mr. Austin said that he double checks and triple checks his Renewal Application months before it is due. Mr. Smith asked under what circumstances such petitions have been granted in the past. Ms. Williamson answered that the Committee has not typically granted this sort of petition. Mr. Siddique asked when the next MassDEP course was scheduled. Mr. Austin confirmed that no DEP courses will be offered in the near future. Ms. Rundle said that Course No. 1618 is the next offering and it is not filled. Ms. Williamson provided the Committee with a spreadsheet that listed the MassDEP courses available during the LSP’s renewal period from July 30, 2015 through October 30, 2018. The spreadsheet showed that a total of forty-eight credits were offered during that timeframe. Mr. Siddique said that there were some DEP courses scheduled in March and May of 2018. The Committee voted to deny the petition.

5. Future Meetings: November 28, 2018--MassDEP Boston

6. Adjournment: The meeting was adjourned at approximately 1:16 p.m.