



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup Professionals
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CONTINUING EDUCATION COMMITTEE

Minutes of Meeting on October 19, 2016

Approved on November 16, 2016

Prepared by: Beverly Coles-Roby

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 21, 2016

1. **Call to Order:** Co-chairperson Farooq Siddique called the meeting to order at approximately 12:47 p.m. The Board members in attendance were Maria Pinaud, Robert Rein, Debra Listernick, David Austin, and James N. Smith. Board members Dr. John Guswa, Dr. Gail Batchelder, and Kirk Franklin were absent. Board member Kathleen Campbell arrived at 12:55 p.m. Staff members present were Beverly Coles-Roby and Lori Williamson. Also present were Wendy Rundle, Executive Director of the LSP Association ("LSPA"); and Wes Stimpson of WES Associates.
2. **Previous Minutes:** The draft minutes of the meeting held on September 21, 2016, were approved as written. Mr. Siddique abstained from voting to approve the minutes.
3. **Old Business: None**
4. **New Business:**
 - A. **Course Approval Requests:**
 1. LSPA: What You Need to Know When Your Site is Part of a Lawsuit Or, the Role of the LSP in Litigation (1 Technical credits, November 15, 2016, Westborough, MA)
Denied.

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With respect to Course A(1), *What You Need to Know When Your Site is Part of a Lawsuit Or, the Role of the LSP in Litigation*, Mr. Siddique stated that it was his understanding that the course covered what kind of documentation should be collected so that when a questions arises in the future, LSPs can avoid scrutiny. He then opened the matter for discussion.

Mr. Rein thought that the overall question was: Does this course count as a Technical Course? He added that the Board has a history of not approving such courses. Mr. Austin said that the course was perfectly applicable and is meant to improve a LSP's documentation.

Ms. Williamson read through a list of courses were denied because they did not meet the definition of "Technical": In 2005, the Committee declined to approve "Putting the 'Expert' in Expert Witness Workshop"; 2008 "17th Annual National Expert Witness Conference"; 2010 "How to be an Effective Witness: for Environmental and Engineering Professionals"; and 2012 "The Role of the Environmental Consultant in Litigation." Mr. Siddique said that the provider should have put more information in the agenda to shed some light on the course. Mr. Smith indicated that the course seemed to be more about the legal system. Mr. Austin asserted that even though the course is not strictly technical the Committee could still decide that it is relevant.

Ms. Listernick asked Mr. Smith to read the definition. Mr. Smith responded reading aloud from 309 CMR 3.09:

Technical means continuing education that is reasonably likely to maintain or enhance the licensee's ability to competently perform, supervise and/or coordinate the scientific and/or technical components of response actions (*i.e.*, assessments, containments and/or removals) in Massachusetts. The term should not be narrowly construed so that it reaches only continuing education that is directly concerned with performing such activities; however, if the technical subject matter of the continuing education is more generally focused, it should at least be demonstrably relevant to the scientific and/or technical components of response actions at disposal sites in Massachusetts.

Mr. Rein noted that the course did not meet the definition. Ms. Pinaud felt that the course was useful but agreed that it was not technical. Ms. Listernick observed that in the past the Committee had approved courses like Business Practice and Insurance. Mr. Siddique recalled a course that concerned tax credits. Mr. Austin commented that if the tax course was approved, it is not within the regulatory definition of "technical." Ms. Listernick added that approved courses are not always one hundred percent "technical." Mr. Austin said that LSPs need to complete their Continuing Education credit requirements. Mr. Smith noted that attaining the required number of credit hours was not the Committee's concern when it approved courses. Mr. Rein told the Committee that he thought it was a litigation course. Ms. Coles-Roby said that the entire course is about litigation.

5. Future Meetings: December 21, 2016--SERO.

6. Adjournment: The meeting was adjourned at approximately 1:01 p.m.