

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1992. It shall remain effective for a period of 8 years, and at the end of September 30, 2000, and with no further action required by the General Assembly, this Act shall be abrogated and of no further force or effect.

May 26, 1992

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 500.

Senate Bill 500 makes several changes to the law regulating environmental sanitarians, and extends the termination date under the program evaluation Act for the State Board of Environmental Sanitarians until July 1, 2003. One of the changes made by the bill is to expand the areas of professional practice that would require licensure as an environmental sanitarian. I have received veto requests on this bill from the Safety Council of Maryland, Inc., The Engineers Council of Maryland, and The Chesapeake Section of the American Industrial Hygiene Association, as well as many Maryland businesses and individuals. These organizations and individuals object to a requirement in the bill that previously exempt groups be subject to licensure by the Board.

The bill broadly defines an environmental sanitarian as one who applies "academic principles, methods, and procedures...to the inspections and investigations necessary to collect and analyze data...to secure compliance with federal, state, and local health and environmental laws and regulations specifically relating to control of the public health aspect of the environment..." I have been informed that at this time, most environmental sanitarians are employed in the public sector as employees of local health departments.

Under current law, certain groups are exempt from the definition of an environmental sanitarian under a specific blanket exclusion. Those exempt include industrial hygienists, chemists, certain engineers, and certain employees in the Maryland Department of the Environment. However, under Senate Bill 500, an individual who falls within any one of these groups would no longer be exempt from licensing unless the activities of the individual are only "incidental" to that individual's normal duties.

Representatives of industrial hygienists argue that in many cases hygienists devote substantial portions of their time performing duties that technically fall within the broad definition of an environmental sanitarian cited above, but that these duties fall outside the practice of the traditional environmental sanitarian. They cite as examples hygienists in the private sector who monitor asbestos removal, or who monitor private work place safety, including air quality and noise control. These individuals, formerly exempt under the blanket exclusion, would now be ineligible for the exemption. The industrial hygienists argue that the background and training necessary to perform certain functions of an