

NCOWCICB

North Carolina Onsite Wastewater Contractor Inspector Certification Board
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February 13, 2012

Supervisor
County Environmental Health Department

Re: State-Required Certification of Installers and Inspectors of On-Site Wastewater Systems

Dear Environmental Health Supervisor:

It recently has come to the attention of the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board (“NCOWCICB”) that registered environmental health specialists at several local health departments in North Carolina are inspecting and approving on-site wastewater systems permitted under N.C. Gen. Stat. §130A, Article 11, that have not been installed by NCOWCICB certified contractors.

Please be advised that North Carolina law requires installers of on-site wastewater systems permitted under N.C. Gen. Stat. §130A, Article 11, to be certified by the NCOWCICB unless a statutory exemption is applicable. The underlying reason that the installer/contractor be certified by the State is that such certification is necessary “to protect the environment and public health, safety and welfare by ensuring the integrity and competence of on-site wastewater contractors and inspectors.” N.C. Gen. Stat. § 90A-70 (2011). Please also be advised that the NCOWCICB also has the authority to seek a court injunction against uncertified installers. Installers who engage in the installation of on-site wastewater systems without appropriate certification are guilty of a Class 2 misdemeanor. N.C. Gen. Stat. § 90A-81(c) and (d) (2011).

Failure to enforce the laws requiring installation by NCOWCICB certified contractors is of great concern to this Board and also should be of concern to local boards of health and the individuals performing inspections. The law establishing the State Board of Environmental Health Specialist Examiners (“EHSE Board”) provides that it is their sole purpose to “safeguard the health, safety, and general welfare of the public from adverse environmental factors” N.C. Gen. Stat. § 90A-50(b) (2011). Additionally, the EHSE Board’s Code of Ethics clearly provides that each registered environmental health specialist pledges “to uphold and enforce the applicable laws, rules and principles of public health to ensure equitable protection to the public.”

The NCOWCICB takes the position that an environmental health specialist's failure to confirm during inspections whether an installer is NCOWCICB certified (unless an exception applies) places the public health at risk and may be a violation of the EHSE Board's statutes, thereby subjecting the environmental health specialist to discipline under N.C. Gen. Stat. § 90-64(a).

As the NCOWCICB is concerned about the health and safety of the public, we want to bring to your attention not only of the laws governing installers who are NCOWCICB certified, but also the laws governing those registered by the EHSE Board who are bound by their Code of Ethics to enforce laws protecting public health and safety. The NCOWCICB routinely receives complaints about uncertified installers. Please be advised that it is the NCOWCICB intention to review all such complaints carefully and to pursue cases against unlicensed installers to the fullest extent permitted by law. Also, if the NCOWCICB subsequently learns of an installation during which an environmental health specialist approved the inspection without confirming that the installer/contractor was certified, the NCOWCICB intends to file a complaint with the EHSE Board about the environmental health specialist's failure to uphold the EHSE Board's Code of Ethics.

If you have any questions about the NCOWCICB statutes or any other related question, please don't hesitate to contact the NCOWCICB Executive Director, Connie S. Stephens, at 336.202.3126.

Sincerely,

Connie S. Stephens, Executive Director NCOWCICB
Russ Davis, Chairman NCOWCICB

CC: File
Attorney