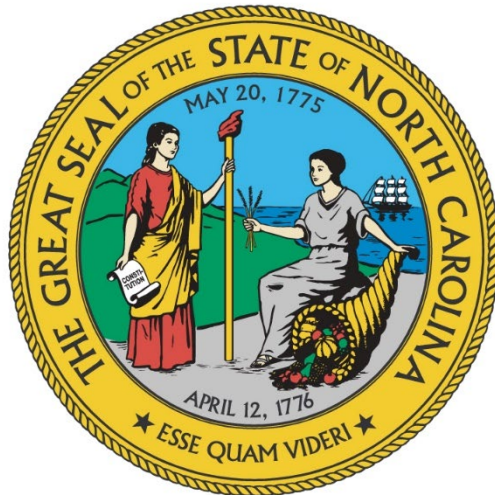


# Delegation of Authority Manual



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

Division of Public Health  
Environmental Health Section

This manual is comprised of the steps required for delegation of authority as outlined by the Environmental Health Section. The Environmental Health Section is charged with delegating authority to local environmental health specialists to enforce state sanitation rules in accordance with G.S. 130A-4(b).

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# Delegation of Authority Overview

“Authorization” is the delegation of authority granted by the Department of Health and Human Services (DHHS), Environmental Health Section (Section), to a Registered Environmental Health Specialist, Registered Environmental Health Specialist Intern, or Registered Environmental Health Associate (collectively “REHS”) in a Local Health Department (LHD) to administer and enforce the NC General Statutes and the Environmental Health rules of the North Carolina Commission for Public Health (CPH).

The mission statement of the Section is:

*"To safeguard life, promote human health, and protect the environment through the practice of modern environmental health science, the technology, rules, public education, and above all, dedication to the public trust."*

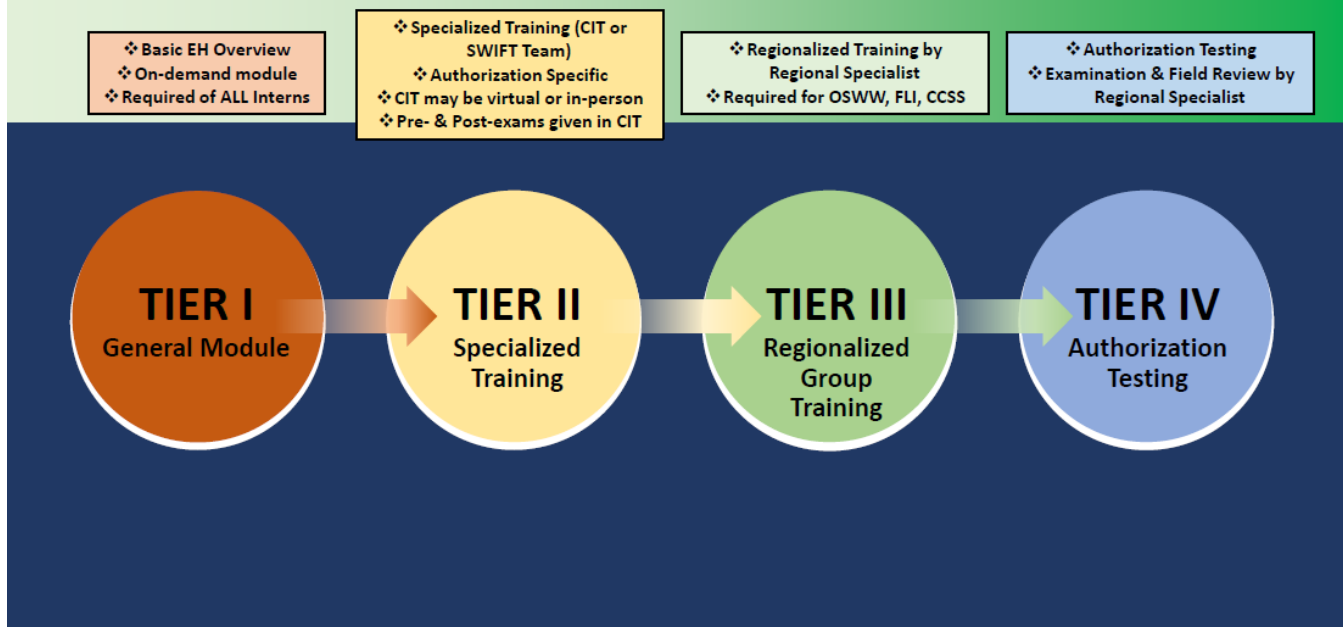
The purpose of an authorization is to ensure that the REHS has the specific authority, knowledge, and understanding to enforce state laws and rules of the CPH and, for private drinking water wells, the Environmental Management Commission (EMC). There are currently seven (7) areas of authorization:

1. Child Care and School Sanitation (CCSS)
2. Childhood Lead Poisoning Prevention (CLPP)
3. Food Lodging and Institutions (FLI)
4. On-Site Wastewater (OSWW)
5. Public Swimming Pools (Pools)
6. Tattoo Sanitation (Tattoos)
7. Private Drinking Water Wells (Wells)

Each of these authorizations requires a specific set of practice/field experiences, along with a specific authorization test. After the applicant receives specialized training from the Section, authorized REHSs within the county of employment assist in the training of the applicant. For OSWW and Wells, the Specialty Wastewater Improvement & Field Training (SWIFT) team will provide continued training to applicants in conjunction with the training provided by the authorized REHSs within the county. Once the Application for Delegation of Authority has been forwarded to the Section, Training and Authorization Program (TAP), a Section Environmental Health Regional Specialist (EHRS) or Regional Soil Scientist (RSS) will conduct an overall assessment of the applicant's work. This assessment will include reviewing the initial practice work, administering a written examination specific to the type of authorization requested, observing fieldwork performed by the applicant, and evaluating the applicant's ability to properly enforce the specific laws and rules.

The authorization process is divided into four separate tiers. Below is a description of each tier of the authorization process:

# Authorization Tiers



**Tier I, General Module:** [Tier 1](#) is conducted prior to any specialized training and is required for all Registered Environmental Health Specialist Interns. This tier is completely on-demand and is a basic overview of Environmental Health. Completion of Tier 1 is required prior to requesting an authorization.

**Tier II, Specialized Training:** Specialized Training is a term that includes Centralized Intern Training (CIT) and training from the Specialty Wastewater Improvement & Field Training (SWIFT) Team. Specialized training requires one hundred percent (100%) attendance.

CIT has been in place since the mid-1990's, and for many years consisted of in-person training conducted for all Registered Environmental Health Specialist Interns. CIT has evolved through the years and, except for On-Site Wastewater (OSWW) and Childhood Lead Poisoning Prevention (CLPP), is now only offered virtually through Microsoft Teams. CLPP also requires the completion of a specific course (currently offered by the N.C. Environmental Health State of Practice Committee) and passing of an examination in accordance with 15A NCAC 01O .0102(f). Completion of separate CIT modules are required for authorizations in: Child Care and School Sanitation (CCSS), Food Lodging and Institutions (FLI), Public Swimming Pools (Pools), Private Drinking Water Wells (Wells) and Tattoo Sanitation (Tattoos).

The SWIFT Team was initially created and funded for three full-time equivalents (FTEs) by the General Assembly in 2023 to assist with and to expedite training for county staff working in OSWW. The SWIFT Team has evolved to include six FTEs. SWIFT Team training includes personalized, one-on-one training for individuals requesting an OSWW or Private Wells authorization. SWIFT team training may accompany CIT training or not include CIT training, as determined by the Section.

**Tier III, Regionalized Group Training:** Tier III is training conducted by the EHRS or RSS with a group of Registered Environmental Health Specialist Interns. This training is only required for authorizations in CCSS, FLI, and OSWW.



**Tier IV, Authorization Testing:** Tier IV includes the training, practice and preparation required for authorization testing, as well as the authorization examination (70% required for passing) and field review by the EHRS or RSS.

## Delegation of Authority Procedure

The [Authorization Rules](#) (15A NCAC 01O .0100) can be located online.

The following table shall be adhered to for authorization:

**TABLE 1**

AUTHORIZATION	PRE-REQUISITES	REQUIREMENTS
Child Care and School Sanitation (CCSS)	General Module, FLI Module, CCSS Module, Tier III	Complete field practice and review, pass exam and field review by EHRS or RSS
Childhood Lead Poisoning Prevention (CLPP)	General Module, CLPP Training Course	Pass course exam and field review by EHRS or RSS
Food Lodging and Institutions (FLI)	General Module, FLI Module, Tier III	Complete field practice and review, pass exam and field review by EHRS or RSS
On-Site Wastewater (OSWW)	General Module, OSWW Module, Tier III	Complete field practice and review, pass exam and field review by EHRS or RSS
Public Swimming Pools (Pools)	General Module, Pools Module	Complete field practice and review, pass exam and field review by EHRS or RSS
Tattoo Sanitation (Tattoos)	General Module, Tattoos Module	Complete field practice and review, pass exam and field review by EHRS or RSS
Private Drinking Water Wells (Wells)	General Module, Wells Module	Complete field practice and review, pass exam and field review by EHRS or RSS

Individuals that do not hold any authorizations (i.e., Registered Environmental Health Specialist Interns) shall complete the following steps to receive an authorization:

1. Hired at least two weeks (10 business days) prior to specialized training. Exceptions may be made with justification at the discretion of the EH Section Chief or Deputy Section Chief.
2. Register applicant with the N.C. State Board of Environmental Health Specialist Examiners (REHS Board).
3. Register applicant for specialized training.
4. Complete the required authorization orientation checklists.
5. Complete specialized training modules in accordance with Table 1 of this document.
6. Complete the appropriate [Authorization Procedures](#) checklist. Each authorization area has its own specific Authorization Procedures checklist.
7. Complete the application for Delegation of Authority (DPH-EHS 1056) specifying authorization area(s) requested and submit to TAP.
8. TAP will notify the appropriate EHRS or RSS that the REHS has applied for authorization and the EHRS or RSS can begin their evaluation.
9. Applicant shall submit practice fieldwork to the appropriate EHRS or RSS.
10. EHRS or RSS will evaluate the applicant's practice fieldwork and schedule a time to evaluate the applicant. The evaluation consists of two sections: a written exam and field evaluation.
11. A score of 70% or higher is required on the written exam before the field evaluation will be scheduled.
12. EHRS or RSS will evaluate the applicant's field performance.
13. If field evaluation is satisfactory, recommendation for authorization is forwarded to TAP for processing. The EHRS or RSS will notify the applicant and the applicant's supervisor by or on the

next business day via email, phone, or in-person conversation.

14. If field evaluation is not satisfactory, recommendation for denial with reasons and recommendations for improvement are forwarded to TAP for processing. The EHRS or RSS will notify the applicant and the applicant's supervisor by or on the next business day via email, phone, or in-person conversation.
15. The State Environmental Health Director/Section Chief sends an authorization letter to the applicant, carbon copying the applicant's supervisor and EHRS or RSS with approval or denial of authorization.

## Local Regulations

The Environmental Health Section will not authorize REHSs in LHDs that have local regulations in accordance with NCGS 130A-39, except for Childhood Lead Poisoning Prevention. However, if a LHD with local regulations in an area of authorization wishes to have the EHRS or RSS test and evaluate a REHS in that area, the EHRS or RSS shall do so at their earliest convenience. All procedures outlined in this Manual shall be followed. However, the applicant will not receive a standard authorization letter. Instead, they will receive a modified letter stating that, should the local regulations be rescinded or the REHS obtain employment with another county, the individual would then be considered authorized.

## Comprehensive Delegation of Authority

Before March 13, 1998, an individual was granted authorizations in Child Care Sanitation, Pools, and Tattoos if the individual obtained their FLI or OSWW authorization ("comprehensive authorization"). Since March 13, 1998, separate authorizations for Child Care Sanitation (now also includes School Sanitation), Pools, and Tattoos are required.

The Section currently recognizes a comprehensive authorization based upon the following criteria:

- An individual obtained FLI or OSWW authorization prior to March 13, 1998;
- An individual has not transferred their comprehensive authorization after March 13, 1998;
- An individual has not allowed their FLI or OSWW comprehensive authorization to lapse after March 13, 1998.

An individual that was granted a comprehensive authorization can request a formal evaluation from a EHRS to obtain a specific authorization for CCSS, Pools, and Tattoos. This formal evaluation includes the authorization exam and a field evaluation from the EHRS.

## Child Care and School Sanitation Delegation of Authority

Since July 1, 2006, the authorization for Child Care Sanitation includes 15A NCAC 18A .2400 rules, Sanitation of Public, Private, and Religious Schools, thus is now referred to as Child Care and School Sanitation (CCSS). Previously, the delegation of authority to enforce the .2400 rules was issued with the FLI authorization.

For authorizations granted in FLI prior to July 1, 2006, the individual shall remain authorized to perform school sanitation inspections. An individual authorized in FLI after July 1, 2006, must obtain their CCSS authorization to conduct these inspections.

When an individual holds a FLI comprehensive authorization and transfers or has a lapse in their comprehensive authorization, the individual will be required to apply for the CCSS authorization individually. This includes completing steps 5 through 14 of the “Delegation of Authority Procedure” listed in this document.

## Lapsed Delegation of Authority

A lapse in authorization is defined as the time period in which an authorized agent is not employed by or contracting with a local health department (LHD). The following procedure is required of all individuals that have a lapse in their authorization(s). When a comprehensive authorization granted in FLI prior to March 13, 1998, has lapsed, the individual will be required to apply for authorizations in CCSS, Pools, and Tattoos individually. This includes completing steps 5 through 14 of the “Delegation of Authority Procedure” listed in this document.

If an individual’s employment status with a LHD is terminated after the completion of specialized training, but before the individual has satisfactorily completed the requirements for authorization, upon rehire with a LHD, the individual must satisfactorily complete all authorization procedures before they become eligible for an authorization. Additionally, the individual will be required to adhere to the training requirements outlined in 15A NCAC 01O .0104.

Individuals must apply for authorization within three (3) years of specialized training completion. Failure to do so will result in the individual having to attend specialized training again for the specific area of authorization.

If the REHS transitions to employment in another county (without local regulations), their authorization will be considered lapsed. In such cases, the individual must comply with the requirements for lapsed authorizations as specified below.

Requirements for receiving authorization in an area in which delegation of authority has lapsed are as follows:

### ***Lapse less than one year:***

1. Complete the Application for Delegation of Authority (DPH-EHS 1056) specifying authorization area(s) requested.
2. Submit the authorization request to the TAP.
3. TAP will notify the EHRS or RSS of the request.
4. EHRS or RSS can elect to perform a field evaluation with the applicant.
5. EHRS or RSS can assess training needs and recommend training if needed.
6. State Environmental Health Director/Section Chief sends an authorization letter to applicant, carbon copying the supervisor and EHRS or RSS with approval or denial of authorization.

### ***Lapse between one year and up to three years:***

1. Complete the Application for Delegation of Authority (DPH-EHS 1056) specifying authorization area(s) requested.
2. Submit the authorization request to the TAP.
3. TAP will notify the EHRS or RSS of the request.
4. EHRS or RSS may require practice fieldwork prior to evaluating the individual. EHRS or RSS



will evaluate the individual's practice fieldwork, as applicable, and schedule a time to evaluate the individual. The evaluation consists of two sections: a written exam and field evaluation.

5. A score of 70% or higher is required on the written exam before the field evaluation will be scheduled.
6. EHRS or RSS will evaluate the applicant's field performance.
7. If field evaluation is satisfactory, recommendation for authorization is forwarded to the TAP for processing. If field evaluation is not satisfactory, recommendation for denial with reasons and recommendations for improvement are forwarded to the TAP for processing.
8. State Environmental Health Director/Section Chief sends an authorization letter to applicant, carbon copying the supervisor and EHRS or RSS with approval or denial of authorization.

***Lapse greater than three years and up to five years:***

1. Register for the specific portion of specialized training for which the authorization is requested.
2. Complete the required authorization orientation checklists.
3. Successfully complete the specific portion of specialized training for which the authorization is requested.
4. Complete all steps for a lapse between one year and up to three years.

***Lapse greater than five years:***

1. Register for specialized training, including General Module.
2. Complete authorization orientation checklists.
3. Successfully complete 100% of specialized training.
4. Complete all steps for a lapse between one year and up to three years.

## Delegation of Authority for Former Section Employees

Section employees whose job duties require them to perform/inspect or oversee duties/responsibilities delegated to local authorized agents may qualify for a delegation of authority from the Section in that specific authorization area once their employment with the Section has concluded. Any authorization request from a former Section employee made no greater than 1 year from the employment ending date may qualify for an authorization without attending specialized training and shall complete the following steps to receive authorization:

1. Obtain employment with a LHD or the North Carolina Alliance of Public Health Agencies.
2. Complete all steps for a lapse less than one year.

Any authorization request from a former Section employee made no greater than 3 years from the employment ending date may qualify for an authorization without attending specialized training and shall complete the following steps to receive authorization:

1. Obtain employment with a LHD or the North Carolina Alliance of Public Health Agencies.
2. Complete all steps for a lapse between one year and up to three years.



# Delegation of Authority Denial, Suspension and Revocation

The State Environmental Health Director/Section Chief may deny, suspend, or revoke an authorization(s) in accordance with 15A NCAC 01O .0107(a)(1)-(6). The State EH Director may also place an individual on "conditional" status for up to six months in accordance with 15A NCAC 01O .0107(b). During this time, the State EH Director may suspend or revoke an authorization if satisfactory progress is not being made. The State EH Director shall suspend or revoke an authorization after the conditional period if the individual does not demonstrate the necessary knowledge, skills, and abilities to warrant an authorization.

## ***Authorization Review Procedure:***

1. The Section shall investigate an Authorized Agent of the Section based on any of the following:
  - a. A request from a LHD;
  - b. Direct or indirect observation by the EHRS or RSS of substandard performance that demonstrates disregard to properly apply environmental health laws, rules, and policies;
  - c. Written documentation from a reputable industry professional that demonstrates with clear and convincing evidence the Authorized Agent's disregard of environmental health laws, rules, and policies;
  - d. Program review or accreditation activities that reveal disregard of environmental health laws, rules, and policies;
  - e. Legal action taken against the State as a result of negligence by the Authorized Agent as determined by the State EH Director or Branch Head.
2. The Branch Head and State EH Director are notified of any issues with the Authorized Agent's performance.
3. After consultation with Branch Head and State EH Director, a letter signed by the Branch Head shall be issued to the subject Authorized Agent, the Authorized Agent's Health Director, and the Authorized Agent's supervisor that addresses why a review is being conducted, how the review will be conducted, and that all will be notified of the outcome, recommendations, and any authorization action that may result from the review. The Branch Head shall call the Authorized Agent's Health Director and the subject Authorized Agent before sending the letter to discuss the upcoming review.
4. The EHRS or RSS shall contact the Authorized Agent about the review process, schedule a time to begin the review, and specify the scope of the review.
5. The EHRS or RSS investigates the performance in accordance with Branch-specific guidelines.
6. The EHRS or RSS shares results of review in a written report to the State EH Director and Branch Head.
7. The Branch Head will send a written recommendation, along with supporting evidence, to the State EH Director recommending one of the following:
  - No further action: review does not support any authorization action.
  - Additional review needed to make determination.
  - Conditional authorization: review does support that Authorized Agent's competency can improve with further training, education, practice, evaluation, and oversight.
  - Intent-to-Suspend authorization: review does support a temporary suspension of authorization until the Authorized Agent can show competence in field of practice.
  - Intent-to-Revoke authorization: review does support a permanent revocation of authorization.The Authorized Agent may appeal this decision to OAH.
8. The State EH Director will make a final determination based on the Branch's recommendation.
9. The State EH Director shall notify in writing to the Authorized Agent, the Authorized Agent's supervisor, and the Authorized Agent's Health Director the outcome of the review. The Attorney

General's office shall review this letter prior to signing by the State EH Director.

10. If applicable, the State EH Director shall notify the industry professional(s) that provided written documentation of the Authorized Agent's alleged disregard of environmental health laws and rules.
11. For conditional authorizations:
  - a. An Action Plan shall be created by the EHRS or RSS and Branch Head.
  - b. In accordance with the Action Plan, the EHRS or RSS produces a written summary of the Authorized Agent's progress and any further recommendations to the Authorized Agent's local supervisor, the State EH Director, and Branch Head.
  - c. When the Action Plan is completed, or at any point during this process, if the EHRS or RSS has evidence that the Authorized Agent's performance cannot be improved, the State EH Director shall issue an Intent-to-Suspend or Intent-to-Revoke authorization to the agent. The Attorney General's office shall be consulted prior to this issuance.
  - d. When the Action Plan is completed and the Authorized Agent has proven their performance has improved, the EHRS or RSS findings are discussed with the State EH Director and Branch Head. The State EH Director shall notify in writing to the Authorized Agent, the Authorized Agent's supervisor, and the Authorized Agent's Health Director of the results of the completion of the Action Plan.

## Appeals

An agent may appeal a denial, suspension, and/or revocation in accordance with G.S. 150B. If an appeal is properly submitted in a timely matter, the individual may continue to work as an authorized agent in the area in question until a final agency decision is made pursuant to G.S. 150B-36. However, all inspection forms and permits completed by the agent during that period must be countersigned by another authorized agent who concurs with the findings and conclusions reflected on the inspection forms and permits.