

Crosswalk Between 40 CFR 312.10 Definitions of “Environmental Professional” and the IHMM CHMM Requirements and Specification Blueprint

Questions often arise as to which governmental agencies recognize the Certified Hazard Material Manager or “CHMM” to perform various work functions under their statutes. The IHMM Board continues to [champion such recognition](#) and recognition of our other certifications, but seeking this type of recognition is often time consuming and costly. Some governmental bodies will produce their own certifications, such as a Certified Professional (“CP”) in Ohio, to take advantage of voluntary clean-up of regulated sites. Still other agencies don’t recognize any professional per se or are content to use the certifications that were fortunate enough to be included in the earliest versions of the regulations. Others may recognize certified persons after work by the IHMM, but then the whole universe of certified professionals want to “piggyback” on our work, with the claim that their certification should be included in the regulations. Worse yet, some licensing or certification bodies will actively work to have only their licenses or certifications included or protected, even to the extent of excluding others, such as CHMM’s, even when CHMM’s are capable of doing the work..

The IHMM Board often finds itself in the position to work or “partner” with related certification associations to advance certification or even protect against the unauthorized use of a professional certification, on the federal and state level. This sometimes extends to regional or even local agencies tasked with protection of the health of the public. Indeed, advocating the benefits of certification can involve finding a sponsor for such legislation, getting the governmental body to make this a priority activity and then completing such work inside of one administration’s term or biennial session of the legislature.

Fortunately, [Eugene A. Guilford, Jr, Executive Director of the Institute](#) has pointed out that [CHMM’s are “Environmental Professionals,”](#) under the analysis of US EPA regulation 40 CFR 312.10. This analysis has been posted on the IHMM website, but merits reposting here. Please take a few minutes to read through this analysis. You can then use it to procure services or inform your client that they should adopt 40 CFR 312.10 when procuring services, in general, if they cannot require the use of a CHMM in particular.

Crosswalk Between 40 CFR 312.10 Definitions of “Environmental Professional” and the IHMM CHMM Requirements and Specification Blueprint

**40 CFR § 312.10 Definitions
Environmental Professional**

1. a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of releases or threatened releases (see § 312.1(c)) on, at, in, or to a property, sufficient to meet the objectives and performance factors in § 312.20(e) and (f).



IHMM CHMM Blueprint

See the IHMM CHMM Specification Blueprint under “Domains and Competencies/ Tasks; Domains 1 through 12 for specific education, training and experience for § 312.1(c)) on, at, in, or to a property, sufficient to meet the objectives and performance factors in § 312.20(e) and (f). **Exceeds 40 CFR 312**

2. iii. Have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science and the equivalent of five (5) years of full-time relevant experience; or



2. iii. Requires a Baccalaureate degree or higher from an accredited college or university and a minimum of 4 years of relevant experience in the field of hazardous materials management or related field. **At 5 years or more meets or exceeds 40 CFR 312**

2. iv. Have the equivalent of ten (10) years of full-time relevant experience.

3. An environmental professional should remain current in his or her field through participation in continuing education or other activities.



3. Requires recertification every 5 years by earning a minimum of 200 certification maintenance points directly related to the domains of the CHMM blueprint. **Meets or exceeds 40 CFR 312.**



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“In response to requests from members of independent certification organizations that EPA recognize in the regulation those organizations whose certification requirements meet the environmental professional qualifications included in the final rule, we point out that today’s final rule does not reference any private party professional certification standards.

Such an approach would require that EPA review the certification requirements of each organization to determine whether or not each organization’s certification requirements meet or exceed the regulatory qualifications for an environmental professional. Given that there may be many such organizations and given that each organization may review and change its certification qualifications on a frequent or periodic basis, we conclude that such an undertaking is not practicable. EPA does not have the necessary resources to review the procedures of each private certification organization and review and approve each organization’s certification qualifications.

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Domain 1. Planning for Materials with Hazards. 15 subdomains covering SDS, PPOA, permits and impacts on water, air, soil. ***Meets or exceeds 40 CFR 312.***

Domain 2. Shipping and Transporting Hazardous Waste and Hazardous Materials. 7 subdomains covering hazmat transportation, identification, labeling, documents, placarding. ***Meets or exceeds 40 CFR 312.***

Domain 3. Store Materials with Hazard. 6 subdomains covering regulations on waste storage, labeling, controlling access, signage, site location. ***Meets or exceeds 40 CFR 312.***

Domain 4. Facility Operations Involving Materials with Hazards. 8 subdomains covering Engineering controls, storage, disposal, training records, SDS and hazard communications, uses of PPE, testing procedures, health, safety and security requirements. ***Meets or exceeds 40 CFR 312.***

Domain 5. Disposition of Materials with Hazards. 8 subdomains covering identifying waste profiles, disposition options and requirements, RCRA, release management, air emissions management, discharges to water management. ***Meets or exceeds 40 CFR 312.***

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**40 CFR § 312.10 Definitions
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Therefore, the final rule includes within the regulatory definition of an environmental professional, general performance-based standards or qualifications or determining who may meet the definition of an environmental professional for the purposes of conducting all appropriate inquiries. These standards include education and experience qualifications, as summarized below. The final rule does not recognize, or reference, any private organization’s certification program within the context of the regulatory language. ***However, the Agency notes that any individual with a certification from a private certification organization where the organization’s certification qualifications include the same or more stringent education and experience requirements as those included in today’s final regulation will meet the definition of an environmental professional for the purposes of this regulation.”***



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Domain 6. Record Keeping and Reporting. 2 subdomains covering reporting requirements and recordkeeping in RCRA, EPCRA, TSCA, UST, CWA, CAA, CERCLA, HMTA, SARA. ***Meets or exceeds 40 CFR 312.***

Domain 7. Training Personnel. 7 subdomains covering training requirements under RCRA, EPCRA, TSCA, UST, CWA, CAA, CERCLA, HMTA, SARA, and OSHA. ***Meets or exceeds 40 CFR 312.***

Domain 8. Response and Recovery. 6 subdomains covering identifying chemical and physical hazards, identifying amount of release, mitigation, working with the National Response Center, recovery and incident action plans, investigating causes. ***Meets or exceeds 40 CFR 312.***

Domain 9. Remediation. 7 subdomains covering identifying constituents of concern, remedial objectives, treatment options, technology and tools, capital and recurring costs, analytical results and clean-up standards. ***Meets or exceeds 40 CFR 312.***

Domain 10. Management Systems. 9 subdomains covering identifying regulations and multi-media programs, maintenance and retention of records, regulatory development, communication with interested parties, public outreach, audits, financial analysis. ***Meets or exceeds 40 CFR 312.***



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Domain 11. Environmental Studies. 5 subdomains covering environmental due diligence, property transfers, building surveys, contamination exposure routes. ***Meets or exceeds 40 CFR 312.***

Domain 12. Health and Safety. 8 subdomains covering identifying exposure routes and susceptible populations, controlling hazards, safety management, OSHA-compliant site safety plans, containment, labeling. ***Meets or exceeds 40 CFR 312.***

<https://ihmm.org/chmm/>

