

## CHAPTER 108

# Department of Labor, Licensing and Regulation— Soil Classifiers Advisory Council

(Statutory Authority: 1976 Code § 40-65-60)

### **108-1. Definitions.**

1. “CE Hour” means continuing education hour, to equal fifty (50) minutes of instruction time.
2. “CSSE” means the Council of Soil Science Examiners. This organization writes the Fundamentals of Soil Science exam and the Professional Practice of Soil Science exam.
3. “NSCSS” means the National Society of Consulting Soil Scientists, Inc.
4. “Seals” means rubber stamps, rubber seals, impression seals, or digital seals.
5. “SSSA” means the Soil Science Society of America.
6. “SSSSC” means the Soil Science Society of SC.

**HISTORY:** Added by State Register Volume 36, Issue No. 6, eff June 22, 2012.

### **108-2. Licensure.**

#### A. Applications for Certification as a Soil Classifier In-Training

1. The application must be submitted on forms approved by the Department and must document education and examination as set out below.
2. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the council to consider the application.
3. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.
4. Successful completion of the Fundamentals of Soil Science Exam must be documented by SSSA.

#### B. Applications for Professional Soil Classifier

1. The application must be submitted on forms approved by the Department and must document education, experience and examination as set out below.
2. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the council to consider the application.
3. Experience must be documented by statement of employers or supervisors. It is the applicant's responsibility to provide names and current mailing addresses of those employers and supervisors and assure that work experience forms are promptly returned to the Department. If the applicant establishes that it is impossible to contact employers or supervisors, the council may consider additional evidence of experience.
4. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.
5. Successful completion of the Fundamentals of Soil Science Exam and the Professional Practice of Soil Science Exam must be documented by SSSA.

6. Applicants for licensure by comity are required to provide verification of licensure by examination by a jurisdiction which has requirements that are substantially equivalent to those in this state at the time of initial licensure.

C. The council shall make determinations concerning the education, experience, methods of practice, and current professional ability of applicants.

1. "Approved Curriculum" means a degree in any of the agricultural, biological, earth or physical sciences, with at least thirty (30) semester hours or forty-five (45) quarter hours in these sciences and at least fifteen (15) semester hours or twenty-two (22) quarter hours in approved soil science courses from an accredited college or university.

2. "Approved Courses" means courses that have a significant aspect of soil science as their main topic of instruction. Examples include soil taxonomy, soil classification, soil interpretation, soil physics, soil chemistry, soil genesis, soil morphology, soil mineralogy, soil biology, soil fertility and wetlands soils. Special projects, seminars, and other courses will be considered on a case-by-case basis by the council.

D. Withholding information, misrepresentation, or untrue statements will be cause for denial of application.

E. The applicant will receive notification of a final determination by the council concerning the approval or disapproval of an application.

F. The effective date of licensure or certification for a successful applicant shall be the date on which the license is issued.

**HISTORY: Added by State Register Volume 36, Issue No. 6, eff June 22, 2012.**

### **108-3. Seals.**

A. A professional soil classifier shall not affix, or permit to be affixed, his/her name or seal to any document which was not prepared by him/her or under his/her direct supervision. No licensee shall affix his/her seal to any document unless the licensee has assumed the responsibility for the accuracy of the contract documents involved.

B. Seals must meet the following specifications:

1. The seal shall be circular in shape and two (2) inches in diameter;
2. Concentric with the outside of the seal there shall be a circle one and one-half (1½) inches in diameter;
3. In the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" on the top and "Licensed Soil Classifier" on the bottom.
4. The name and license number of only one (1) individual shall be placed within the inner circle.

C. Professional soil classifiers licensed before July 1, 2012 may continue to use the previous seal design approved by the council.

**HISTORY: Added by State Register Volume 36, Issue No. 6, eff June 22, 2012.**

### **108-4. License Expiration, Renewal, and Reinstatement.**

A. Licenses issued to individuals expire biennially. The expiration date is noted on the license. Licenses must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Licenses shall become invalid unless renewed.

B. Lapsed licenses may be reinstated by the council within three years from the date the license lapsed upon demonstration of qualification, payment of the reinstatement fee, and completion of required continuing education hours. After three years from the date the license lapsed, the person must apply for a new license, meeting all requirements for licensure in effect at the time of applying.

C. Applicants for reinstatement must certify that they have not practiced in South Carolina after the date that the license expired, must demonstrate continuing education as required by statute, and must pay a reinstatement fee in the amount of \$250.00.

**HISTORY: Added by State Register Volume 36, Issue No. 6, eff June 22, 2012.**

## **108-5. Continuing Education.**

### **A. Basic Requirements**

1. Each soil classifier shall have completed thirty (30) continuing education hours of acceptable continuing education requirements during the two (2) year period immediately preceding each biennial renewal date as a condition for license renewal. Effective January 31, 2013, completion of six (6) hours will be required for license renewal; this includes a minimum of one (1) continuing education hour in the area of professional ethics roles, responsibilities, and conduct of professional soil classifiers, or review of the South Carolina Statute and Regulations. Effective January 31, 2015, and thereafter, completion of thirty (30) hours will be required for license renewal.

2. All continuing education hours shall be earned by completing structured educational activities that directly address the health, safety, and welfare issues of the public as related to the practice of soil classifying. A minimum of one (1) continuing education hour must be in the area of professional ethics roles, responsibilities, and conduct of professional soil classifiers, or review of the South Carolina Statute and Regulations.

3. Self directed study may count toward a maximum of ten (10) continuing education hours.

4. If a licensee exceeds the total continuing education requirement in any renewal period, the licensee may carry a maximum of fifteen (15) continuing education hours forward into the next renewal period.

### **B. Records**

1. Responsibility for documenting the fulfillment of the continuing education requirements provided for in this section rests with the licensee and the licensee must retain for a period of four (4) years the evidence to support fulfillment of the requirements.

a. Such evidence shall include evidence of completion of each course or program, a description of the contents of each course or program, and verification of the number of hours of each course or program; or, for other activities which meet the requirements, such documentation as to ascertain their completion; or

b. a copy of fulfillment of SSSA requirements for continuing education under the Soils Certifying Board.

2. Each licensee shall submit, on a form provided by the council, an affidavit attesting to the fulfillment of continuing education requirements during the preceding period.

3. Each affidavit may be subject to audit for verification of compliance with requirements. Licensees must comply with audit deadlines and requirements.

4. The council may disallow claimed credit for continuing education hours. The licensee shall have one hundred eighty (180) calendar days after notification of disallowance of credit to substantiate the original claimed credit or earn other continuing education credit which fulfills minimum requirements. These hours will be credited to the delinquent renewal period.

5. Failure to fulfill the continuing education requirements, to file the required report or to comply with audit and verification requests shall be considered a violation of the Soil Classifiers Licensure Law.

### **C. Approved Programs**

1. Activities and field days organized or sponsored by SSSA, NSCSS, SSSSC or similar organizations acceptable to the board qualify to fulfill the continuing education requirement.

2. The following types of activities are acceptable:

a. Attendance at technical presentations or workshops on soil classifying subjects which are provided by independent sponsors or held in conjunction with colleges, universities, conventions or seminars and are related to materials use and function;

b. Self directed study may include:

i. Webinars on practice related topics.

ii. Public service activities that draw upon the soil classifier's expertise.

iii. Articles or other study materials that the soil classifier has not previously utilized for self directed study.

iv. Hours spent in soil classifying self directed study programs such as those organized or sponsored by SSSA, NSCSS, SSSSC, or similar organizations acceptable to the council.

c. Teaching soil classifying courses or seminars:

i. A maximum of one (1) CE credit may be claimed per class hour spent teaching soil classifying courses or seminars.

ii. Licensees may not claim credit for teaching the same course or seminar more than once. Teaching credit does not apply to full-time faculty.

iii. Each semester hour of credit from a college or university shall be deemed to be fifteen (15) hours and each quarter hour of credit shall be deemed to be ten (10) hours. University and college courses offered in a degree program are permitted so long as the course is not taken to meet the education requirements for licensure as a professional soil classifier.

#### D. Exemptions

1. Continuing education requirements may be waived for the following reasons:

a. New licensees shall be exempt for their first renewal period, not to exceed two (2) years.

b. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year.

c. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the council may be exempt. Supporting documentation must be furnished with any such exemption request made to the council.

**HISTORY: Added by State Register Volume 36, Issue No. 6, eff June 22, 2012.**

### **108-6. Examinations.**

A. The examination for a professional soil classifier shall be the Fundamentals of Soil Science Exam and Professional Practice of Soil Science Exam, written by CSSE.

B. An applicant for soil classifier in-training shall be required to pass the Fundamentals of Soil Science Exam, written by CSSE.

C. An applicant for professional soil classifier shall be required to pass the Fundamentals of Soil Science Exam and the Professional Practice of Soil Science Exam, written by CSSE.

D. Applications for examination shall be made to SSSA.

**HISTORY: Added by State Register Volume 36, Issue No. 6, eff June 22, 2012.**

### **108-7. Fees.**

The Advisory Council may charge fees as shown in South Carolina Code of Regulations Chapter 10-40 and on the South Carolina Soil Classifiers Advisory Council website at <http://lcr.sc.gov/POL/Soil/>.

**HISTORY: Added by State Register Volume 36, Issue No. 6, eff June 22, 2012. Amended by State Register Volume 39, Issue No. 6, Doc. No. 4519, eff June 26, 2015.**

### **108-8. Code of Ethics.**

A. Relation of Professional to the Public

1. A licensee shall avoid and discourage sensational, exaggerated, and/or unwarranted statements that might induce participation in unsound enterprises.

2. A licensee shall not give professional opinion or make a recommendation without being as thoroughly informed as might reasonably be expected considering the purpose for which the opinion or recommendation is desired, and the degree of completeness of information upon which the opinion is based should be made clear.

3. A licensee shall not issue a false statement or false information even though directed to do so by employer or client.

B. Relation of Professional to Employer and Client

1. A licensee shall protect, to the fullest extent possible, the interest of his/her employer or client insofar as such interest is consistent with the law and professional obligations and ethics.

2. A licensee who finds that obligations to their employer or client conflict with their professional obligation or ethics should work to have such objectionable conditions corrected.

3. A licensee shall not use, directly or indirectly, an employer's or client's information in any way that would violate the confidence of the employer or client.

4. A licensee retained by one client shall not accept, without the client's written consent, an engagement by another if the interests of the two are in any manner conflicting.

5. A licensee who has made an investigation for any employer or client shall not seek to profit economically from the information gained, unless written permission to do so is granted or until it is clear that there can no longer be a conflict of interest with the original employer or client.

6. A licensee shall not divulge information given in confidence.

7. A licensee shall engage, or advise employer or client to engage, and cooperate with other experts and specialists.

8. A licensee protects the interests of a client by recommending only products and services that are in the best interest of the client and public.

9. A licensee protects his/her credibility by disclosing to clients how he/she will be compensated for providing recommendations to the client.

#### C. Relation of Professionals to Each Other

1. A licensee shall not falsely or maliciously attempt to injure the reputation of another.

2. A licensee shall freely give credit for work done by others, to whom the credit is due, and shall refrain from plagiarism of oral and written communications and shall not knowingly accept credit rightfully due another person.

3. A licensee shall not use the advantage of public employment (i.e., university, government) to compete unfairly with other licensed or certified professions.

4. A licensee shall endeavor to cooperate with others in the profession and encourage the ethical dissemination of technical knowledge.

#### D. Duty to the Profession

1. A licensee shall aid in exclusion from licensure those who have not followed this Code of Ethics or who do not have the required education and experience.

2. A licensee shall uphold this Code of Ethics by precept and example and encourage, by counsel and advice, other licensees to do the same.

3. A licensee having positive knowledge of deviation from this Code by another licensee shall bring such deviation to the attention of the council.

E. Any violation of this Code of Ethics shall constitute grounds for disciplinary action.

**HISTORY: Added by State Register Volume 36, Issue No. 6, eff June 22, 2012.**