

Testimony of

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To

Ohio House State and Local Government Committee
Chair: Rep. Marlene Anielski

Date

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Regarding

Ohio House Bill 121, Piping Materials

Good afternoon Chairwoman Anielski, Vice Chairman Hambley and members of the House State and Local Government Committee.

My name is Andrew Stone. I am the City Engineer and Director of Public Works for the City of Athens, Ohio. I am a registered professional engineer (PE) in Ohio, and a member of the Ohio Society of Professional Engineers (OSPE).

Thank you for allowing me to testify in opposition to House Bill 121, which deals with piping materials.

My commitment to the Great State of Ohio is at the forefront of my professional life, as I am a graduate of both The Ohio State University and Ohio University, and I am also a lieutenant colonel in the Ohio Army National Guard, currently commanding the 216th Engineer Battalion, headquartered in Cincinnati.

However, it is important to note my opposition testimony here today is not the position of the U.S. Army or Ohio National Guard, but is instead in my capacity as the City Engineer in Athens and a member of OSPE.

OSPE – the single, most powerful voice representing professional engineers in Ohio – opposes House Bill 121, which deals with piping materials. House Bill 121 was discussed at length during the March 2017 meeting of the OSPE Board of Directors.

As a result of that discussion, the OSPE board accepted the recommendation of the Legislative and Government Affairs Committee and approved by unanimous vote a motion to oppose House Bill 121.

House Bill 121 is very broad and vague. It implies that public entities are biased. The bill also addresses a problem that doesn't exist.

To protect the public, all public water systems and sanitary sewer systems must be designed by a PE and reviewed by PEs at the Ohio EPA. This practice has worked well over many years, and it should remain in place without external statutes to require engineers to “consider” certain materials.

The public may not understand what a professional engineer's obligation and service to the public is. Please allow me to explain:

- **A PE is a problem solver, a scientist, an accountant, and – above all else – a steward of the public's safety.**
- **The PE must balance the highly-technical sciences of materials, physics, hydraulics, and soil chemistry with the real world realities of material availability, material cost, installation costs, maintenance cost, and life cycle cost.**
- **PEs are bound by law and a Code of Ethics to help communities make the best decision for the public.**

PEs select pipe material based on specifications for the internal pressure it must withstand from the fluid it is carrying, the external pressure of the surrounding soil, potential chemical reactions with the soil, potential for landslide if on a hill, connections to the surrounding network, planned size and type of taps, availability and type of fittings, space available for construction operations, material handling ability and labor, and pre-construction storage requirements, among other factors. It is not a simple decision and is very job-specific.

The selection of materials by a community results in long-term commitments for that community. By maintaining a piping system constructed of the same material and standard sizes, a community can stock interchangeable parts that fit the entire system, thereby lowering repair costs and shortening outages. For instance, in the City of Athens we generally require ductile iron pipe for public water mains and SDR-35 PVC pipe for public sanitary sewer mains. This allows my crews to stock clamps and couplings that match the material already in the ground and rapidly repair main line breaks when they occur. However, from time to time I select different than typical materials, based on the circumstances.

House Bill 121 would open public entities to challenges from materials manufacturers whose products aren't selected. If made law, House Bill 121 may adversely influence materials selection by threatening communities with the fear of lawsuits when communities should instead be focused on simply making the best decisions for their needs.

I have nothing against the plastic pipe made by the industry that is the proponent of this bill. In Athens we use plastic pipe extensively in applications I deem appropriate as the professional engineer in responsible charge.

But ultimately House Bill 121 hurts communities.

- **House Bill 121 creates unnecessary concerns regarding the decision-making of professional engineers.** In becoming registered to practice engineering, Ohio PEs must earn ABET-accredited engineering degrees, take two national exams, obtain a minimum of four years of qualifying experience under PE supervision, and meet the standards outlined in ORC 4733.11. In addition, every Ohio PE is subject to Ohio Administrative Code 4733-35. This Code of Ethics says, in part: “The engineer ... is obligated to act with complete integrity in professional matters for each client or employer as a faithful agent; shall be honest and impartial, and shall serve the public, client and employer with devotion.” *(The emphasis on "impartial," is mine. If a product truly is the best product for the health, safety, and welfare of the public, after deliberate consideration the PE will select it. No new law is needed to direct us to do so.)*
- **House Bill 121 would cost Ohioans more money.** Passing House Bill 121 would cost Ohio tax-payers more money as complex, site-specific decisions would become subject to external forces and challenges.
- **House Bill 121 creates a “slippery slope.”** When will the next materials manufacturer attempt to get the Ohio General Assembly to pass a law to benefit their industry? Will a bill proposed by the maker of a particular medical device be introduced to directly or indirectly influence heart surgeons in their selection of heart catheter material? The medical community would be absolutely opposed to such interference as surgeons are ethically-bound to do what is best for their patients. So it is, too, with the professional engineering community and the public that we serve.

The Ohio Society of Professional Engineers and the City of Athens oppose House Bill 121 and its attempt to limit local communities and professional engineers from making the best decisions to protect the public.

Thank you again for allowing me this opportunity to address the Committee. I’m happy to answer any questions you may have for me.