

March 24, 2017

Chairwoman Marlene Anielski
House State and Local Government Committee
77 South High Street
12th Floor
Columbus, OH 43215

Vice Chair Stephen D. Hambley
House State and Local Government Committee
77 South High Street
11th Floor
Columbus, OH 43215

Dear Chairwoman Anielski and Vice Chair Hambley:

On behalf of the National Society of Professional Engineers, I write to you in opposition to HB 121. The legislation states in subsection B, “A public authority shall consider all piping materials for the construction, development, maintenance, rebuilding, improvement, repair, or operation of a water or waste water project that is funded in whole or in part with state money that meet the engineering specifications for the project as determined by the design engineer, who shall be a professional engineer registered under Chapter 4733 of the Revised Code.” If this legislation is enacted, the judgment of the professional engineer will be significantly undermined. All professional engineers are already obligated to choose the right piping material, based upon experience, expertise, qualifications, and the applied knowledge of engineering principles.

Within the NSPE Code of Ethics for Engineers, professional engineers are obligated to protect the public health, safety, and welfare above all other interests. All professional engineers are obligated to choose the right piping material, based upon experience, expertise, qualifications, and the applied knowledge of engineering principles. If HB 121 is enacted, professional engineers would not have the final decision on the selection of appropriate piping materials for projects. It is the professional engineer who protects citizens’ safety and the professional engineer who must make this decision.

As set forth in NSPE Position Statement No. 1778, “Responsible Charge” is defined as “The degree of control a professional engineer is required to exercise over engineering decisions made personally or by others over which the professional engineer provides supervisory direction and control authority. In making and approving engineering decisions, the professional engineer must be actively engaged in the engineering process, from conception to completion. Responsible

charge and direct supervision are not satisfied with drawing or other document review after preparation without involvement in the design and development process.” If this bill passes, the responsible charge of professional engineers would be stripped away.

NSPE and the professional engineers we represent have a foremost responsibility to ensure the protection of the public health, safety, and welfare in the practice of engineering. Therefore, we oppose HB 121, or any legislation or regulation that strips away the decision-making process from professional engineers. Thank you for this opportunity to provide comment. If we can answer any questions or respond to any comments, please contact Arielle Eiser, senior manager of government relations, at aeiser@nspe.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kodi Jean Verhalen".

Kodi Jean Verhalen, P.E., Esq., F. NSPE
President, 2016-17
National Society of Professional Engineers