



**Ohio Society of
Professional Engineers**

The single, most powerful voice representing professional engineers

Testimony of

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To

Ohio Representative Marlene Anielski, Chair
Ohio Representative Stephen D. Hambley, Vice Chair
House State & Local Government Committee

Regarding

House Bill 121, Piping Materials

My name is Joe Warino, and I am an Ohio registered professional engineer and surveyor (PE, PS) and a fellow with the National Society of Professional Engineers (NSPE). I serve the Ohio Society of Professional Engineers (OSPE) as its vice president of Legislative and Government Affairs.

OSPE – the single, most powerful voice representing professional engineers in the State of Ohio – opposes House Bill 121, pipe materials.

House Bill 121 was discussed at length during the March 17, 2017, meeting of the OSPE Board of Directors. As a result of said 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 would diminish the recommendation of a registered professional engineer in specifying a particular type of pipe or pipe product based on factors not limited to soil conditions, strength of materials, stress or strain calculations, corrosiveness, etc.

As a registered professional engineer, it is my ethical responsibility – for the health and safety of the public – to provide a design specification that best fits the environmental and scientific circumstances for use in a particular design. Professional engineers have intimate knowledge of the performance of various pipe materials under adverse conditions.

As things stand now, all materials are naturally considered by the PE, and the material best suited for the job at hand is recommended by the PE. Therefore, this legislation is

entirely unnecessary. It is an overreach. Passage of this legislation would force the PE to have to prepare for the potential of unnecessary litigation which, in turn, will increase in the cost of the design.

Furthermore, just because a material used for the manufacturer of pipe or piping products may be suitable for use for a waterline, gas line, or sewer project, does not make it suitable for varying environmental site conditions taken into account by the PE.

Ohio law should not dictate the disqualification of products. Materials selection decisions should remain the sole responsibility of the PE, who has the education, the experience, the ethics and the expertise to make such decisions. Just as a medical physician should not be mandated to disqualify types of material for heart artery replacement – or any medical procedure – neither should a professional engineer be mandated to disqualify materials for jobs that affect the public health, safety and welfare.

Please allow professional engineers to continue to make the appropriate decisions on behalf of their communities.

PEs are bound to a strict code of ethics and obliged “to place the public welfare above all other considerations.” The choice of material for the health and safety of the public should remain based on scientific judgment and left to the PE.

The National Society of Professional Engineers is also opposed to House Bill 121, and NSPE is fighting variations of this legislation in Michigan and South Carolina this year. (Last year, other similar bills were introduced around the country and, thankfully, they were all defeated.)

Meanwhile, the proponent of these unnecessary bills seems to hope that any one State’s failure to allow the PE to make the best materials decision on behalf of his or her community will lead to other States falling in line – like dominoes.

Please, do not allow Ohio to be the first domino to fall.