

**TESTIMONY OF PATRICK HOGAN  
PRESIDENT  
DUCTILE IRON PIPE RESEARCH ASSOCIATION**

Thank you very much for the opportunity to provide written testimony. The Ductile Iron Pipe Research Association (DIPRA) is a 100 year-old organization that represents the domestic manufacturers of Ductile Iron Pipe. Ductile Iron Pipe is used for water and wastewater infrastructure. It is used in water systems from coast to coast.

In fact, I am pleased to say that here in Ohio, 31 utilities are members of the DIPRA Century Club – these are utilities that have Iron water mains that have been in use over 100 years. One utility – Cincinnati – is a member of our Sesquicentennial Club recognizing at least 150 years of Iron Pipe service. The member companies of this Association are proud of the continued relationships with these and many other utilities that rely upon Ductile Iron Pipe to reliably and responsibly serve the people of Ohio. We are also proud that our member company, McWane Ductile, manufactures Ductile Iron Pipe in Coshocton, Ohio.

On behalf of DIPRA and its members, I would like to express our significant concerns with H.B. 121 and respectfully encourage the Committee members to oppose it. While the legislation may seem innocent and straightforward on its face, it is part of a national effort to deny utilities, engineers and other waterworks professionals the ability to continue to design projects in the manner that best fits the needs of the project and/or their community.

Before discussing the specifics of H.B. 121, it is important to understand the national effort behind this legislation. The national effort is designed to benefit one pipe material that utilities can already use but in many cases and for many reasons choose not to. Similar legislation has also been introduced in Arizona, Connecticut, Indiana, Tennessee, Arkansas, Oklahoma, Michigan, North Carolina, South Carolina, Texas, and Virginia but has not passed any state. Congress rejected similar attempts in the 2015 highway bill.

The legislation has failed because legislators in other states have recognized that this legislation would undermine local and professional control over water projects while imposing state mandates to substitute for local engineering and technical judgment. Engineers have legal and professional obligations to consider when they design water systems and projects. There is no evidence that engineers in Ohio are not meeting their ethical obligations to best serve the people of Ohio. This legislation seeks to remedy a problem that does not exist.

Like other construction materials, pipe materials are not interchangeable and have very different characteristics. Likewise, all engineers and communities are not the same. They make different technical and value judgments based on their unique knowledge of the needs and infrastructure history of a particular project or community. While our member companies would argue that Ductile Iron Pipe is the best material for all circumstances, we understand and respect utilities and professional engineers who may make a different decision. This legislation and national fight, however, are not about the relative merits of different pipe materials, it is about the continued ability of engineers and water professionals to best serve the public.

Unfortunately, H.B. 121 threatens this fundamental obligation of engineers and water professionals. The potential negative impacts of H.B. 121 range from litigation and bid protests, which delay much-needed projects, increase costs and waste taxpayer dollars, to the ultimate

goal of this national effort – the requirement to include plastic pipe in the specification for every state-funded water project.

The proponents are focused on the initial acquisition cost of pipe materials. While this is a factor in design decisions, it is only one factor among many that communities and engineers evaluate. As discussed above, there are 31 communities in Ohio that have had Iron Pipelines serve for more than 100 years. These communities have designed their water systems for generations, not just for tomorrow. We should continue to allow communities and engineers across Ohio to design for generations, as their rate payers will benefit from longer service lives and lower life cycle costs. This is the fiscally responsible approach to Ohio's massive infrastructure needs.

Nothing in state law prohibits a local community from using the pipe material(s) of its choice. To the extent that the proponents of any material are concerned that it is excluded from a particular specification, nothing in state law prohibits the proponents from discussing those concerns with the community and engineer in question. At the end of the day, this is an issue that should be addressed with local communities and engineers, not with the Legislature.

We are proud to join with a broad coalition of engineers, water professionals, public entities and others to oppose H.B. 121 in the interest of supporting local choice in the specification of water infrastructure materials. We thank you for your time and consideration.