



The Honorable Kristina Roegner, Chair
House Federalism and Interstate Relations Committee
Capitol Building, Columbus OH 43215

From: Brooks Vogel, ASCE Advocacy Captain
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November 27, 2018

Re: Senate Bill 255

The Honorable Ohio Representative Kristina Roegner:

Good morning Madam Chair Roegner and other members of the Committee. My name is Brooks Vogel, and I am a registered professional engineer (PE) in Ohio. I submit this testimony on Senate Bill 255 on behalf of the Ohio Council of Local Sections of the American Society of Civil Engineers (ASCE), for which I am a member and advocacy captain. ASCE represents interests of over 3,000 engineers in the State of Ohio, many of whom are licensed under existing State law, Section 4733 of the Ohio Administrative Code. We appreciate the opportunity to provide testimony on SB 255, which would establish a statewide policy on occupational regulation.

Licensing is a long-standing requirement for engineers practicing in Ohio. As an engineer, we are obligated to hold paramount the protection and enhancement of the public health, safety and welfare. Every Ohioan is affected in one way or another by engineered facilities, and as such, engineering licensing, or lack thereof, affects all of us. Similar licensing is a requirement in virtually every state of the Union. The Ohio system for determining engineers' qualifications is closely aligned with the other states through the National Council of Examiners for Engineers and Surveyors (NCEES). While there may be other businesses in which licensing is excessive and unnecessary, it is clear that a fair and effective system exists in Ohio and that licensing of engineers is essential to protect the public health, safety, and welfare. There is no need or justification for opening the significant potential of SB 255 ending engineering licensure in Ohio. We feel that the legislature has an opportunity in every budget bill to eliminate or modify any licensing program or board if it wishes, and that the automatic elimination of licensing if the legislature fails to act is far from normal legislative practice in Ohio and not a good course to establish in this case. Therefore, ASCE opposes the bill as written.

The most critical areas of engineering work requiring licensure are the design of Ohio's infrastructure and habitable structures, where civil engineers, and all engineers, carry a great responsibility. Critical infrastructure designs requiring a licensed engineer's seal include roads, bridges, dams, drinking water treatment and supply, wastewater treatment and disposal, solid waste disposal, airports and energy systems. In addition, virtually all habitable structure designs larger than a single family residence require an engineer's stamp as part of the State and local building code compliance process. It is a system that has delivered safe facilities since early in the 20th century and continues to do so today.

An effect of eliminating licensing of engineers would be wide confusion and potential disadvantages and lost income to Ohio engineering businesses. If Ohio engineers had no licensure, they would be unable to prepare plans and reports for the many Federal agencies that hire engineering consultants as individuals or as firms. Agencies in this position would be the Corps of Engineers, Military branches, Nuclear Regulatory Commission,

Federal Energy Regulatory Commission, FAA and many others. Another similar threat would be that the multitude of State and local rules that require engineer stamps on plans and reports would be impossible to comply with. In the worst case, Ohio engineers would need to get a license in another state to be able to legally stamp drawings for Federal and Ohio governmental entities. This is a strange turn of events to contemplate.

If the Legislature elects to pass this legislation, ASCE recommends that amendments be included that accept the existing systems of licensure as appropriate that include provisions or are subject to conditions along the following lines as being least restrictive:

- is in general accordance with the licensing requirements of at least 45 states
- is required for approval or acceptance of an activity or plan by Federal agencies
- is required by existing specific laws and regulations of a State or local agency in Ohio
- is necessary to serve the majority of Ohioans' health, safety and welfare

We would be happy to work with the committee to draft wording to incorporate the above concepts into SB 255.

Thank you again for the opportunity to testify on SB 255 today. I will be happy to answer any questions you may have.

Sincerely,



Brooks Vogel, PE
ASCE Advocacy Captain
Vice President, ASCE Central Ohio Section



Anthony P. Klimek, PE
President, ASCE Ohio Council of Local Sections