

Testimony: Devon Seal, PE F.NSPE, President-Elect,
Ohio Society of Professional Engineers

To: Ohio House Federalism & Interstate Relations Committee
The Honorable Kristina Roegner, Chair

Date: November 27, 2018

Regarding: Ohio Senate Bill 255, Occupational Licensing

Good Morning Chairwoman Roegner, Vice Chairman Becker, Ranking Member Leland and members of the House Federalism and Interstate Relations Committee.

My name is Devon Seal. I am a registered professional engineer (PE) in five states, including Ohio, and I am a member of the National Society of Professional Engineers. I serve as president-elect of the Ohio Society of Professional Engineers (OSPE).

Thank you for allowing me the opportunity to testify in opposition to Senate Bill 255 which deals with occupational licensing.

My commitment to the great State of Ohio is at the forefront of my personal and professional life: I am a lifelong resident of Ohio, a graduate of The Ohio State University, and I have worked with Gresham Smith providing professional engineering services for more than 15 years. My environmental engineering experience includes water quality services, regulatory compliance audits, environmental site assessments, spill prevention control and countermeasure plans, environmental management systems, air emissions inventories, and deicer management assistance. I have been involved in projects from the preliminary planning phases through construction close-out. I have a practical working knowledge of port and airport operations and the regulations to which my clients must adhere.

My opposition testimony to Senate Bill 255 is both my personal opinion as a registered professional engineer and in my official capacity as OSPE's president-elect.

OSPE – the single most powerful voice representing professional engineers in Ohio – discussed Senate Bill 255 at length in our Board of Directors meeting earlier this year.

As a result of that discussion, the OSPE Board of Directors accepted the recommendation of its Legislative and Government Affairs Committee and approved by unanimous vote a motion to oppose Senate Bill 255.

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Devon Seal/OSPE, Re Senate Bill 255

Senate Bill 255 would threaten licensing of engineers in Ohio. If passed, as written, occupational licensing boards will be sunset at the end of 2023 or five years after a board is established. A board can be renewed by law upon review and demonstration of “public need” by the Common Sense Initiative Office.

OSPE has been participating in conversations with a coalition of professional entities that are seeking to revise Senate Bill 255. Included in these changes are the need for an affirmative vote of the General Assembly to eliminate a board, commission or license, and establishing a different timeline for review. If Senate Bill 255 is deemed necessary, we believe that these fixes are a step in the right direction, but they still do not satisfy our main concern.

OSPE views Senate Bill 255, as written, as a threat to any license that protects the public’s health, safety or welfare – when the public can only truly be protected by professionals who have earned a very technical degree and the proper experience, and who are bound to a professional code of ethics.

Separately, OSPE is seeking amendments that would exempt from the proposed standing committee board/license review process the licensees whose main mission is directly tied to the health, safety or welfare of the public. In the case of engineering, every major public and private public works project has an engineering component embedded in it. Because Senate Bill 255 makes it possible to eliminate an engineering license or regulatory board, Ohio could be at risk for losing billions of dollars for these projects and endangering the public in one pen stroke.

Licensing boards were established to protect the health and safety of the general public by setting a baseline of tested knowledge and experience that an applicant must meet or exceed to be deemed competent. In harmony with model law set forth by the National Council of Examiners for Engineering and Surveying (NCEES), Ohio Revised Code Section 4733 defines the requirements necessary to become registered in the State of Ohio. Requirements include the completion of a bachelor’s degree in engineering from an ABET-accredited university, practical experience under the supervision of a registered PE, and examinations. Ohio does not have inordinate rules that would prevent applicants from becoming registered engineers here, and our state enjoys an effective registration board.

Adopting a policy of “least restrictive regulation” guidelines for registration could only serve to reduce the knowledge and experience necessary resulting in substandard qualified engineers to preserve the health and safety of Ohio’s residents.

The Ohio State Board of Registration for Engineers and Surveyors has fought for the streamlining and efficiency of the engineering profession by historically opposing discipline specific licensure, and has abided by the NCEES Model law.

To protect the health, safety and welfare of the public, currently all public infrastructure, which includes water treatment systems, wastewater treatment systems, water and wastewater distribution systems, highways, bridges, reservoirs, dams (the list goes on and on), must be designed by a registered PE. You may recall from the news, a proposed nuclear facility in South Carolina was shut down before it became operational due to faulty engineering design by unlicensed individuals. The use of non-licensed individuals resulted in excessive over runs and design flaws costing the residents over a billion dollars that will have to be recovered in the overall cost of their electric utility in the state.

Who among you would have an unlicensed individual operate on a loved one? Who would get on a plane with an unlicensed person flying it? Who would hand the keys to the family car over to a teenager to travel on a highway designed by an unlicensed individual? How many of you would pick up a glass of water treated (or, should I say, untreated) by an unlicensed individual? We need licensed doctors, pilots and engineers to protect us.

The practice of professional licensure has worked well over many years and it should remain in place. The whole premise of the engineer's license is to protect the health and safety of the general public.

The public may not understand what a professional engineer's obligation and service to the public include. 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 science of materials, physics, hydraulics, and chemistry, with the real world realities of material availability, material cost, installation costs, maintenance cost, and useful life.
- PE's are bound by law and a code of ethics to help communities make the best decision for the health and safety of the general public.

Ultimately, Senate Bill 255 could remove from Ohio law the assurance of public safety with reference to the state's infrastructure:

- **Senate Bill 255, as written, would threaten the current assurances and safeguards in-place to protect the health and safety of all Ohioans.**

- Senate Bill 255, as written, creates unnecessary burdens on the engineers' registration board, which safeguards Ohioans from unlicensed practice and works very hard to be fair and efficient in how it handles applicants who desire to enter the profession.
- Senate Bill 255, as written, presumes to call into question the very institution of registered professional engineering. *But PEs know that it takes professional licensure — secured through education, experience, examinations, a clean disciplinary record, a Code of Ethics, continuing education and a solid understanding of Ohio's laws and rules — to protect Ohioans. We willingly get licensed simply because it is that important.*
- Senate Bill 255, as written, would put the health and safety of the general public at risk and into the hands of a committee that perhaps may not understand the ethical standards of professional engineering, or who may not understand the consequences that would befall Ohioans without PE licensure.

The Ohio Society of Professional Engineers (OSPE) opposes Senate Bill 255 and its attempt to relax the safeguards currently in place for the health and safety of 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.