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OSPE Vice President of Legislative & Government Affairs
Senate Bill 9 Interested Party with concerns testimony
House Government Oversight Committee
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Chairman Wilkin, Vice Chair White and Ranking Member Brown, my name is Joe Warino and I am a registered professional engineer (PE) and registered professional surveyor (PS) in Ohio and a Fellow of the National Society of Professional Engineers. I serve as vice president of legislative and government affairs for the Ohio Society of Professional Engineers (OSPE).

I am providing written testimony as an interested party with concerns on Senate Bill 9 on behalf of OSPE.

My commitment to the great State of Ohio is at the forefront of my personal and professional life as I am a lifelong resident of Ohio, a graduate of Youngstown State University, and I have given 42 years in public service most notably as chief engineer of the Youngstown Water Department, Chief Deputy Mahoning County Engineer, Mahoning County Sanitary Engineer. I retired in February 2018 as Canfield City Manager. I also was elected and served as a Canfield Township Trustee (2005-2009).

My testimony today is my professional opinion, and it is also presented with the full authority of the Ohio Society of Professional Engineers.

OSPE agrees that the effort to review regulations and minimize burdensome “red tape” is worthy.

Our longstanding concern with Senate Bill 9 has been the fear of an arbitrary removal of a rule or regulation that may directly affect the health and safety of the public. While my OSPE colleagues and I agree that some regulations are redundant and should be reviewed, a blanket reduction is not our preferred methodology to accomplish this task. We know that agency rules and regulations were established over time to protect the health and safety of the public by setting a baseline of tested knowledge and past practice. We believe Ohio is great because of the concern and awareness brought forward through rules and regulations developed over a number of years, and we strongly believe that arbitrarily eliminating rules and regulations would put all Ohioans at risk.

Having met with the sponsors of Senate Bill 9 several weeks ago, and having discussed with them OSPE’s concerns, we now have a better understanding of some of the proposal's safe-

guards that will prevent the bill from removing regulations that coincide with federal regulations, and the built-in arbitration provisions that allow an agency the opportunity to discuss in detail the justification of questionable rules and regulations. I personally believe that once the full OSPE membership is made aware of these bill provisions they will better understand the bill.

However, upon further examination, we have come to realize that the amendment added at the end of October does not quite get us to the bill that we would like to see, Senate Bill 9 may still diminish years of health and safety protection written into laws to protect all Ohioans. Future legislators may not be as educated on the issues impacting engineering as those that are currently serving in the legislature. Without appropriate guidance now, future legislators may (unaware) fall into a trap of making policy decisions that are contrary to protecting the health, safety and welfare of the public. The amendment previously adopted discussed the level of burden or stringency related to federal requirements that agencies must prove when proposing a rule. There may be instances in the future that a federal standard is in place in the Ohio Administrative Code, but the state may have legitimate need to be more stringent in its implementation of federal law. However, the mechanism to prove the burden level is in and of itself an extra step that an agency would have to take to promulgate its rule to justify the standard. If the goal is to reduce regulations, Senate Bill 9 appears to be counterintuitive to that goal by adding extra steps to the process to achieve that reduction.

As an example, 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 and energy plants (the list goes on and on), must be designed by a registered PE. Not long ago, 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 overruns 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. This is one example (among countless others that occur throughout the United States), where the use of a less stringent standard created disastrous results for citizens. We do not wish to see any similar situations occur in Ohio in any category of design work.

The Ohio Society of Professional Engineers encourages a bill that addresses specific regulations that may be redundant and that will not have an adverse effect on the health and safety of all Ohioans. Thank you again for allowing me this opportunity to address Senate Bill 9.