

February 27, 2017

The Honorable Hugh K. Leatherman
Senate President Pro Tempore
P.O. Box 142
Columbia, SC 29202

Senate President Pro Tempore Leatherman:

On behalf of the National Society of Professional Engineers and the South Carolina Society of Professional Engineers, we write to you today in opposition to H. 3652.

Specifically, the legislation states that “an official or an engineer of a government agency shall consider all piping material in determining project requirements when state funds are used for a water supply, wastewater, or storm drainage project.” This section causes major concern because it creates the ability for an “official of a governmental agency” who may not be a professional engineer licensed in South Carolina to have the final decision on piping materials. If this bill is enacted, any advocate of a certain material could persuade an official to choose the material for piping. The professional engineer is already obligated to choose the right piping material, using their own sound judgment based on experience, expertise, qualifications, and the applied knowledge of engineering principles.

H. 3652 also states, “All piping materials that comply with sound engineering practices and meet project requirements as determined by an official or an engineer of the government agency must be allowed to participate in the bidding process when a governmental agency is procuring piping materials for a water supply, wastewater, stormwater, or storm drainage project for which public funds are used.” If this bill is enacted, it will allow an official of a government agency, who may not be a professional engineer to make engineering determinations that qualify as the practice of engineering, according to South Carolina Code 40-22-20-25.

As set forth in NSPE Position Statement No. 1778, “responsible charge” is defined as “The degree of control a professional engineer is required to exercise over engineering decisions made personally or by others over which the professional engineer provides supervisory direction and control authority. In making and approving engineering decisions, the professional engineer must be actively engaged in the engineering process, from conception to completion. Responsible charge and direct supervision are not satisfied with drawing or other document review after preparation without involvement in the design and development process.” This is consistent with SC Code 40-22-20-7, which states “design coordination” includes the review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors, and other professionals

working under the direction of the engineer.” If this bill is enacted, responsible charge will be stripped away from professional engineers. Responsible charge is the bedrock of licensure and is an essential safeguard to protecting the public health, safety, and welfare.

Under the NSPE Code of Ethics for Engineers, “Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.” If this legislation becomes law, professional engineers will not have the final decision on selection of appropriate piping materials for projects. It is the professional engineer who protects our safety and the professional engineer who must make this decision.

NSPE, SCSPE, and the professional engineers we represent have a foremost responsibility to ensure public health, safety, and welfare in the practice of engineering. Thank you for this opportunity to provide comment. If we can answer any questions or provide further information, please contact Arielle Eiser, senior manager of government relations, at aeiser@nspe.org.

Sincerely,



Kodi Jean Verhalen, P.E., Esq., F. NSPE
President, 2016-2017
National Society of
Professional Engineers



Angela Musselwhite, P.E.
President, 2016-2017
South Carolina Society of
Professional Engineers