

May 4, 2018

Senator Larry Obhof
Senate President
The Ohio Legislature
Senate Building
1 Capitol Square, 2nd Floor
Columbus, Ohio 43125

Dear Senate President Obhof,

On behalf of the National Society of Professional Engineers and its more than 31,000 members, I am writing today to urge you to oppose OH S.B. 255. This legislation sets forth a new policy allowing the state to use the least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health and safety. The policy of employing the least restrictive regulation shall presume that market competition and private remedies are sufficient to protect consumers. This represents a fundamental shift from the current licensing system, which has long protected the citizens of Ohio.

The legislation also establishes a sunset date for all occupational licensing boards and directs a sunset review for each board every five years. The bill places the burden on each board to defend its very existence in each review.

The debate over the role of government in regulating occupations and professions has recently come to the forefront. While the work of professional engineers—like that of doctors, registered architects, and attorneys—clearly affects the public health, safety, and welfare, it is not uncommon to improperly categorize highly educated and trained PEs with barbers and cosmetologists in the debate over eliminating occupational licenses.

A commonly repeated but inaccurate narrative is that all licensure requirements are the same and that all barriers to entry should, therefore, be removed. A closer examination shows that those professions that are necessary to protect the public health, safety, and welfare need licensing requirements to ensure that only technically and professionally qualified individuals are practicing in their fields.

Professional engineers shoulder the responsibility, not just for the project, but for public safety. PEs conceptualize, plan, design, and construct bridges, tunnels, buildings, waste-water treatment facilities, plants, factories, processing centers, and many other public and private development projects.

To become licensed as a professional engineer, an applicant must meet specific education, examination, and experience requirements. The Ohio State Board of

Registration for Professional Engineers and Surveyors ensures that applicants meet these standards and that they comply with state laws and regulations to ensure public safety. Violation of state requirements can result in disciplinary actions and even license revocation, all of which are tracked and enforced by the Ohio State Board of Registration for Professional Engineers and Surveyors.

Requiring the state's engineering board to defend its continued existence every five years based on a standard presuming that the market protects the public is a radical departure from the system that was designed specifically to protect Ohio's citizens. Engineering services require complex designs, planning, coordination, established expertise, and projects that can last years, if not decades. Selecting an unqualified provider can have extraordinary safety and economic consequences. These are not services that can be judged by a layperson or protected by market forces. Engineering licensure exists specifically to ensure that experts with deep knowledge of the field establish a comprehensive and thoughtful oversight system to protect the public. The new state standard and proposed sunset review poses a grave safety risk.

The narrative around licensure needs to change and recognize the vital role played by our regulatory system in protecting the public health, safety, and welfare. A professional engineer's foremost responsibility is to protect the public, and Ohio's current engineering licensure system is designed to ensure this protection. S.B. 255 could significantly undermine Ohio's engineering licensure system and pose a serious risk to public safety. We therefore urge you to oppose this legislation.

Thank you for this opportunity to comment. Please contact Arielle Eiser, associate director of advocacy, at aeiser@nspe.org to address any questions or comments.

Sincerely,



Tom C. Roberts, P.E., F.NSPE
President, 2017–18