

March 6, 2017

The Honorable Mike Shirkey
Senate Committee on Michigan Competitiveness Chairman
201 Townsend Street
Suite #5300
Lansing, MI 48933

Dear Chairman Shirkey:

On behalf of the National Society of Professional Engineers (NSPE) and the Michigan Society of Professional Engineers (MSPE), we write to you in opposition to SB 157. The legislation states in section 3, subsection 1, “A public entity shall not enter into a contract involving a public works project that is financed in whole or in part by public funds unless, except as otherwise provided in subsection 3, the pipe and piping materials to be used for the public works project meet or exceed the recognized standards for pipe and piping materials on similar projects as determined by the American Society for Testing and Materials or the American Water Works Association and that are in effect on the effective date of this act and meet the performance specifications for the public works project.”

In section 3, subsection 3, the bill states “Subsection 1 does not limit the professional judgment of the project’s engineer to select any acceptable pipe and piping materials that meet the requirements of the public works project.” NSPE and MSPE strongly believe that, if this legislation is enacted, the judgment of the professional engineer will be significantly undermined. All professional engineers are already obligated to choose the right piping material, based upon experience, expertise, qualifications, and the applied knowledge of engineering principles.

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.” Professional engineers are obligated to protect the public health, safety, and welfare above all other interests. If this bill were to pass, professional engineers would not have the final decision on selection of appropriate piping material for projects. It is the professional engineer who protects our safety and the professional engineer who must make this decision.

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.” If this bill passes, the responsible charge of professional engineers would be stripped away.

NSPE, MSPE, and the professional engineers we represent have a foremost responsibility to ensure the protection of the public health, safety, and welfare in the practice of engineering. Therefore, we oppose SB 157, or any legislation or regulation, which strips away the decision-making process from professional engineers. Thank you for this opportunity to provide comment. If we can answer any questions or respond to any comments, please contact Arielle Eiser, Senior Manager of Government Relations, at aeiser@nspe.org.

Sincerely,



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President, 2016-2017
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Michael Schwartz, P.E.
President, 2016-2017
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Professional Engineers