

TO: NSPE Board of Directors

cc: NSPE Committee, Task Force, Council and Interest Group Chairs
State Society Presidents and Presidents-Elect
State Society Executives Council
NSPE Past Presidents

FROM: Mark J. Golden, FASAE, CAE 
Executive Director & CEO

DATE: October 1, 2019

RE: Board Update: September 15–30, 2019

Champion

National Transportation Safety Board goes all in on eliminating licensing exemptions for natural gas infrastructure. The NTSB’s full report on its investigation into the Merrimack Valley pipeline explosions has not been released yet, but a public [summary](#) demonstrates that NSPE’s message of the importance of licensed professional engineers in protecting the public health, safety, and welfare has been accepted by the agency.

As it could not be more plainly stated than in finding #9 on page 2 of the summary:

“Requiring a licensed professional engineer to stamp plans would illustrate that the plans had been approved by an accredited professional with the requisite skills, knowledge, and experience to provide a comprehensive review.”

The summary goes further, (recommendation #3, page 4), calling out states that exempt these activities from PE requirements:

“To the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New York, North Carolina, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, and Wyoming:

3. Remove the exemption so that all future natural gas infrastructure projects require licensed professional engineer approval and stamping.”

At the NTSB [public meeting](#) where the report was discussed (September 24, 2019), the NTSB chairman specifically cited the vital role of PEs in his opening and closing remarks, observing that “A PE’s seal

NSPE encourages states to use the information in this report in newsletters or other updates to their membership to inform members on the activities of NSPE. As a suggestion, it may be most useful to take the bullets of most interest from the transmittal email. The full report (and past reports) can always be found [online](#).

stakes an expert's career on the completeness of the planning process before work begins on a project¹."

As a sad footnote to this continuing story, within days of the one year anniversary of the explosions, a natural gas leak in this same area [forced evacuations](#) and power was cut off overnight to 1,900 homes in Lawrence, Massachusetts. The gas leak was traced to a line that was installed within the last year. Thankfully, no injuries, fires, or explosions were reported.

Continued action from our members is needed to close PE exemptions in this area.

For the last few months, NSPE has been updating members about the Leonel Rondon Pipeline Safety Act ([H.R. 2139](#), [S.1097](#)), a bill that would write National Transportation Safety Board recommendations on gas pipeline operations into federal guidelines. Specifically, NSPE efforts have focused on a provision that would require a PE to approve "covered tasks," which include activities affecting pipeline operation or integrity.

Earlier this summer, the Senate version of the Pipeline Safety Act was added, as an amendment, to a larger pipeline safety bill, [S. 2299](#). Unfortunately, the amended language fully restored the licensing exemption. Instead of requiring a professional engineer to approve covered tasks, the language now simply says approval can be given by "relevant qualified personnel," which includes PEs but is not strictly limited to PEs. NSPE believes this change is problematic as it removes a layer of accountability.

To make progress on this issue, senators need to hear from NSPE members about how their state's residents will be affected if this change becomes law. Many need to be educated about professional licensure—how the process works, what makes a PE different from an unlicensed engineer, and how PEs are uniquely positioned, indeed specifically accountable, for putting the health, safety, and welfare of the public first.

What You Can Do—Call Your Senators

- Tell the person on the phone that you're a professional engineer;
- Express your disappointment in the amended language;
- Ask them to work on getting the original language back in the bill;
- Ask who in the office you can talk to about the issue; and
- Try to schedule a phone call with that person, so you can have a longer conversation about PEs and the amended language in S. 2299.

Read the [Policy Perspectives article](#) on this legislation from *PE* magazine.

Colorado board issues red-light camera warning. A case of unlicensed engineering practice and red-light camera installation strikes again—this time in Colorado. In August, the Colorado State Board of Licensure for Architects, Professional Engineers, and

¹ The chairman also, prudently, noted that PE requirements strengthen public safety protections, "But it still relies on a human being, who is subject to human error."

Professional Land Surveyors issued a cease and desist order to Redflex Traffic Systems for practicing engineering without a license in the state.

According to [the document](#), Redflex Traffic Systems provided professional services to the city and county of Denver in July 2008 in violation of state engineering law. Firm staff prepared design drawings for red light photo enforcement, which included design layout for intersection improvements with detailed construction notes and details about installation of related hardware and infrastructure.

If the company disregards the cease and desist, the state attorney general and Denver's district attorney can take further legal actions. This case is similar to one in which the North Carolina engineering licensing board concluded, [after an investigation last year](#), that the firm American Traffic Solutions Inc., violated the law when it installed red-light cameras without a license to practice in the state.

Texas adds certificate of merit protections. Design professionals licensed in Texas now have more legal protections after the Texas legislature amended the state's certificate of merit statute.

The legislature [revised the statute](#) to require all claimants to provide a certificate of merit from a third-party licensed professional in any lawsuit or legal arbitration associated with damages arising out of professional services provided by a licensed architect, licensed professional engineer, licensed professional land surveyor, or licensed landscape architect. This third-party professional must practice in the same area of practice as the licensee that is being sued.

Supporters of the change believe that this revision will help reduce frivolous claims.

Illinois offers licensure reciprocity for military personnel. A new law will expedite the process for members of the US Armed Forces and their spouses to obtain temporary or professional licenses in Illinois. The legislation ([H.B. 1652](#)) was signed by Governor Jay Pritzker in August.

Applicants who meet specified requirements can obtain a license for three years and within 60 days of a licensing board receiving his or her application. An applicant must hold a valid license in good standing for an occupation or profession issued by another US jurisdiction or foreign jurisdiction with equivalent licensure standards. The applicant must also be assigned to a duty station in Illinois or will reside in the state within six months after the date of application.

This law will also allow the service member or spouse to place their license in an inactive status through a military liaison if they must leave Illinois. The license can be reactivated within 30 days upon return with a formal request.

Guide

NSPE's three-part webinar series on ethics continues this month, with "[Ethics Forum: Conflicts of Interest – Vendors and Colleagues](#)" (October 16) and "[Ethics Forum: Conflicts of Interest – Serving the Public](#)" (November 13). Our regular series of live ethics webinars are highly valued by members, important to keeping current on ethics and meeting license renewal obligations, and a key tactic in advancing NSPE's mission and goals. Don't let familiarity with the program cause you to overlook the opportunity to promote it to members and state societies.

Advance

NSPE is offering a new webinar series, "**Climate Action for Engineers**" in October.

[ACC Overview](#) (October 9): This session will start with a brief overview of anthropogenic climate change (ACC)—the greenhouse effect, definition of terms, breakdown of atmospheric greenhouse gases, verifiable data, and historic trends, followed by a review of recent events.

[Categories of Action - What To Do?](#) (October 23): Lots of different actions can be taken. This webinar will clarify mitigation versus adaptation and resilience, as well as the various categories of mitigation—personal, professional, and political action, the effectiveness of different types of action, the economics of carbon reduction, as well as activities that have immediate short-term benefits versus long-term effects.

[Structural and Infrastructure Mitigation](#) (October 30): Every area of engineering has a different set of opportunities for the mitigation of climate change. This session will drill down into some ideas for building and infrastructure construction. We'll review the carbon footprint of concrete, steel, masonry, and wood based on current, third-party verified Environmental Product Declarations.

The webinars will be presented by Jim D'Aloisio, P.E., a principal with Klepper, Hahn & Hyatt, in East Syracuse, New York.

Members receive a special rate on these webinars, but all three webinars can be purchased in a [discounted bundle](#) until **Tuesday, October 8**.

Autonomous vehicles, artificial intelligence, sustainability, climate change ... these are all leading edge, politically charged, and controversial topics of the day. And none more so than climate change. However, more important than that, they are all STEM-based: science, technology, engineering, and mathematics dependent. And they all demand the serious attention of those both technically competent and ethically aware enough to get past the emotional/political polemics that add so much heat but throw very little light on the subject.

So, it should have surprised no one that announcement of this series of webinars on climate change would provoke some immediate (albeit, limited) negative reaction. "So sorry to see that NSPE has bought into the Climate Change Religion," one long-time member posted.

Regardless of whether or not you hold that climate change is just a normal process and regardless of who or what you believe caused it, warming oceans, shrinking ice sheets, glacial retreat, decreased snow cover, sea level rise, declining arctic sea life, extreme weather events, and increasing ocean acidification are all matters that can be objectively assessed, and civilly and rationally debated. But even more importantly, they are issues demanding to be addressed in order to figure out how to adapt and even thrive in the face of them. Not theory, but action. Not blame assignment, but solutions.

And who better to take on this topic than **the problem solvers** ... the engineers whom the public has always depended upon to provide confidence that the engineering decisions affecting their lives are made by qualified and ethically accountable professionals.

There are plenty of forums available for political debate and doctrinaire posturing on climate change, if you are interested. Our intent here is not to hew to anyone's party line. The public *deserves* that NSPE—an organization of problem solvers—not ignore the issues of today but fully, openly, honestly, and rationally engage and lead discussions to determine the nature and extent of the problem and the opportunities and solutions open to us.

Moreover, the next generation of engineers have told us they *expect* it from NSPE.

Unite

It's time to start preparing for this year's Engineers Week activities. Plan to participate on October 10 at 12:00 p.m. (ET) for a short and informative kickoff webinar for [Engineers Week](#) and [Girl Day](#). Attend and learn:

- More about DiscoverE's goal to give EVERY child an engineering experience
- Six factors that contribute to students choosing engineering
- Ways you can support and build on these factors
- New activities, outreach grants, and the 2020 theme

[Reserve your spot](#) and you'll receive a copy of the *Ultimate How To: Bring out the engineer in everyone* guide.

Emails and letters have gone out to this year's "QBS Award" recipients. Awards were granted to Portland International Jetport and the Federal Highway Administration's Western Federal Lands Highway Division. Merit Awards were granted to the City of Austin and New Jersey DOT.

Every year, ACEC and NSPE partner to administer the [QBS Awards](#), recognizing public and private entities that make exemplary use of the qualifications-based selection process at the federal, state, and local levels. QBS Award winners serve as examples of how well the QBS process works, and they help ACEC and NSPE promote the practice of QBS in jurisdictions that do not use, or underuse, QBS to procure engineering services.

Kudos to our Maryland affiliate for its mentorship program, recently [promoted](#) in state electronic newsletter communications.

We are very interested in gathering information on similar programs in other states, so we can compile and promote locally available mentorship opportunities on a national level. Mentorship is important to the future of the profession *and* to future membership growth. It is an activity that can be fueled through national efforts, but action can only be delivered locally. Help us to unite and leverage *your* state's programs to achieve impact on a wider scale.

Important insurance coverages for integrated state affiliated societies now in the implementation stage. On September 26, NSPE held a working webinar with state society leaders, walking through the steps to secure **at no cost to the state society** important Commercial General Liability (CGL) and a Management Liability (D&O, Employment Practice Liability and Employee Dishonesty) insurance coverages.

The CGL policy protects against events resulting in either bodily injury or property damage that result from the state society's use or occupancy of a premise (e.g., meetings at hotels and restaurants, facility tours, etc.).

The Management Liability Policy contains three coverage modules: Directors & Officers (D&O) Liability coverage, Employment Practices Liability (EPL) coverage, and Fidelity (employee/volunteer dishonesty) coverage. Nonprofit D&O protects against claims that allege a director or officer failed to perform their fiduciary duty (i.e., certain legal responsibilities such as placing the interests of the organization before their own). You may be wondering why the NSPE state society program includes EPL coverage when few state societies have employees. The answer is that, even without employees, state societies face the risk of (nonemployment) workplace claims such as sexual harassment and discrimination.

While, as noted on the call, claims in these areas are relatively rare, when they do occur, they can be extremely costly to a state society, even if successfully defended against. Without appropriate coverages, volunteer leaders needlessly face risks as well.

Details on the program and the simple steps that state societies must take to secure coverage are provided [here](#). National is bearing the full costs of this coverage (\$25,000), which will be available to any integrated affiliated state society, *but the nature of the program requires all interested states to be enrolled at one time*, which means if a state society doesn't respond or misses a deadline, they *cannot* be added to the plan until renewal time next year.

These are not only vital coverages that no state society should be without but may allow participating societies to reduce operating costs they are currently carrying. Any steps you can take to encourage state leaders to not miss out would be greatly appreciated.

On the call, 27 of 48 eligible state societies participated, and we are following up directly with those that were not able to participate.

Committee appointments are still a work in progress. As discussed on the board's most recent call, President Martini's completion of committee charges and appointments is in the final stages. If you hear from members asking about their responses to the "call for volunteers," please be aware that appointment emails have not yet gone out. Please be assured that an effort will be made to find a role for every member who expressed an interest in serving and each *will* receive a formal response, even if there is no place for them at this time.

The newly updated and revised [NSPE Strategic Plan](#) represents *both* continuity *and* change: continuity with the society's unchanging goal of protecting public health, safety and welfare; and a recognition that we needed change in order to achieve more impact, through strategies backed by resources that will deliver real-world results.

It starts from a simple premise, something that has been NSPE's reason for being since it was founded 85 years ago. It is a premise that should resonate with any man or woman on the street, regardless of their familiarity (or lack thereof) with NSPE, engineering or licensure, namely that *we all deserve to live in a world where we can be confident that the engineering decisions affecting our lives are made by qualified and ethically accountable professionals.*

NSPE's unique role in bringing this vision to reality follows in a mission statement of just nine words: *to foster licensed professional engineers in service to society.*

That will be achieved by engaging in activities governed by the organization's values: *ethics and accountability; qualifications; professional advancement; and unity.*

That is the all-important *why* and *how* of NSPE. We can never afford to take our eyes off these statements. They need to guide and inform every decision we make as an organization.

And remember, you always have access to numerous NSPE leadership resources in the [Leadership Toolbox](#). This includes [talking point](#) scripts and presentations for use by NSPE officers, board members, and other leaders during state visits, chapter meetings, or other venues to promote NSPE and its activities, updated on an at least quarterly basis.

The [State and National Leaders](#) community page is not only a direct means of engaging, sharing ideas, and asking for advice from your peers in leadership across the country, it is your link to data, reports, and analysis on membership, programs and activities to better inform and support your leadership duties at the national, state and chapter level.

Current board members can access an online library of board meeting materials (past, current and future) through the online board book site, ([BoardBookIt](#)).