

EXECUTIVE SUMMARY OF FINDINGS AND RECOMMENDATIONS

EVALUATION OF REGULATORY REVIEW OF ENGINEERING WORK



The Professional Engineers of North Carolina contributed to this effort by establishing an Action Group Committee:

- Comprised of volunteer participants from the public and private sector
- Representing varying geographic areas within the State
- Selected through an open application process
- Advertised to all PENC Members



The role of the committee was consistent with the PENC Mission:

To promote competent and ethical practice of Professional Engineering that protects the health and welfare of the general public.

PENC Action Group engaged in numerous data gathering, analysis, and evaluation activities with the purpose of developing recommendations to the ERC Study Group:

- Conducting surveys of members and non-members
- Holding Public Workgroup Meetings
- Performing personal interviews with Professional Engineers

As data was collected, the PENC Group evaluated and analyzed the information and feedback, seeking common themes and ideas communicated.

Summary of Findings and Recommendations were discussed and debated among Action Group members and PENC leadership.

SUMMARY OF FINDINGS & RECOMMENDATIONS

1. PENC supports the review of applications that require regulatory approval, including those requiring the work of a Professional Engineer, as prescribed by N.C.G.S. & 89C. ***These reviews should be for the purpose of determining regulatory compliance and fulfillment of the prescribed requirements set forth by Statute, and not for the purpose of evaluating the application of science (Engineering).***

SUMMARY OF FINDINGS & RECOMMENDATIONS

2. PENC encourages that all members of the public, including regulatory reviewers, refer any work completed by a Professional Engineer that is purported to be negligent or incompetent to the North Carolina Board of Examiners for Engineers and Surveyors (NCBELS).

SUMMARY OF FINDINGS & RECOMMENDATIONS

3. PENC encourages the training of regulatory reviewers on the requirements of N.C.G.S. § 89C and in ***the identification of work and activities that constitute the Practice of Engineering.*** PENC, with the assistance and oversight of NCBELS, is available to assist regulatory agencies with the development and provision of such training on N.C.G.S. § 89C and its applicability.

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4. PENC encourages an open, communicative, and proactive regulatory review process to promote clarity of understanding among applicants and reviewers. Examples of such a review process include the opportunity for ***pre-submittal meetings involving the representatives of the Applicant and the applicable regulatory review staff.***

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5. PENC recognizes a distinct difference between reviews for regulatory compliance and the review of Engineering work by system owners and operators. ***PENC supports owners and operators being responsible for determining the required level of review for their purposes.***

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6. It has been communicated to PENC by P.E.'s practicing across the State of North Carolina that there are inconsistencies in review processes and practices among and between groups within a given regulatory agency; and further inconsistencies among staff within the same grouping. PENC encourages regulatory agencies to ***develop and implement programs and practices that establish an improved standardization process and increased consistency among regulatory reviewers.***

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7. PENC recommends that all regulatory reviews be conducted by staff under the direct supervision of licensed, Professional Engineers, competent in the area of practice of the subject matter for which the review is being completed. Having reviews completed under the direct supervision of licensed, Professional Engineers will provide for an ability of applicants to refer inappropriate or unlicensed Practice of Engineering by regulatory reviewers to NCBELS.

Supplemental Recommendations

- Creation and adoption of additional Express Review and “Fast-track” permitting programs. Many participants cited these programs as, generally, being less prone to circumstances whereby regulatory reviewers extend their review to the Practice of Engineering.
- As Professional Engineers, by education, training, and examination, have a clear understanding of actions and work that constitute the Practice of Engineering, PENC encourages regulatory agencies to involve, to the greatest extent practical, licensed Professional Engineers in the review of work prepared by Professional Engineers in the pursuit of regulatory approvals.
- Evaluate limiting secondary review comments (those that stem from a response to an initial regulatory review) to only information provided in response.

- PENC supports the review of applications by regulatory staff; these reviews should be for the purpose of determining regulatory compliance and not for the purpose of evaluating the application of science (Engineering).
- PENC encourages that regulatory reviewers refer any work completed by a P.E. that is purported to be negligent or incompetent to NCBELS.
- PENC encourages the training of regulatory reviewers in the identification of work and activities that constitute the Practice of Engineering. PENC is available to assist with the development and provision of such training.
- PENC encourages an open, communicative, and proactive regulatory review process to promote clarity of understanding among applicants and reviewers - pre-submittal meetings.
- PENC supports owners and operators being responsible for determining the required level of review for their purposes. (Owner to perform whatever review they deem needed)
- PENC encourages regulatory agencies to implement programs that promote increased standardization and consistency among regulatory reviewers.
- PENC recommends that all regulatory reviews be conducted by staff under the direct supervision of licensed P.E.'s, and that those P.E.'s be held to the same standards set forth by N.C.G.S. § 89C.