

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 Brookline Avenue, Suite 123
Baton Rouge, Louisiana 70809**

RULING ON PETITION FOR DECLARATORY ORDER

RULING NO. 2022-1

1.

On November 2, 2021, John G. Williams, P.E. ("Petitioner") filed with the Louisiana Professional Engineering and Land Surveying Board (the "Board") a petition for declaratory order and ruling pursuant to LAC Title 46:LXI§727.

2.

Petitioner seeks a declaratory order as to whether a professional engineer is required to seal and sign documents in connection with a public water system's switch of its secondary (distribution system) disinfection residual type from free to total chlorine where (a) the system is already permitted by the Louisiana Department of Health to feed chlorine, (b) the system is under the control and direction of a certified operator holding the appropriate professional certification in the category of water treatment, (c) the existing feed equipment for the system is adequate to accomplish the dosage required to achieve the desired residual (free or total chlorine) and no additional feed equipment is required and (d) only an adjustment of chlorine dose is required.

3.

La. R.S. 37:682(13) defines the "practice of engineering" as follows:

(13)(a) "Practice of engineering" shall mean responsible professional service which may include consultation, investigation, evaluation, planning, designing, or inspection of construction in connection with any public or private utilities, structures, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data.

(b) A person shall be construed to practice or offer to practice engineering: who practices in any discipline of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer; or who represents himself as able to perform; or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by a person who himself operates or maintains machinery or equipment.

4.

La. R.S. 37:682(16) defines “responsible professional services” as follows:

(16) "Responsible professional services" shall mean the technical responsibility, control, and direction of the investigation, design, or construction of engineering service or work requiring initiative, engineering ability, and its use of independent judgment.

ORDER

After due consideration of the petition for declaratory order and ruling filed by Petitioner and after discussion by the Board during its meeting on February 1, 2022:

IT IS THE RULING of the Board that:

5.

Under the scenario presented above, the preparation and issuance of documents in connection with the public water system’s switch of its secondary (distribution system) disinfection residual type from free to total chlorine would not constitute the “practice of engineering”, particularly since no changes are being made to the feed equipment for the system. Therefore, the Board’s laws and rules would not require that such documents be prepared, sealed and signed by a professional engineer.

6.

However, this ruling does not affect any other applicable laws or rules (such as those of the Louisiana Department of Health) which may require that such documents be prepared, sealed, signed or issued by a professional engineer, certified operator and/or other qualified person.

THUS DONE at Baton Rouge, Louisiana, on the 1st day of February, 2022.

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD**

By: 

JEFFREY A. PIKE, P.E., Chairman