

Keep Special Interests Out of Our Water

Reject Material Preference Legislation Known as
“Open Competition” or “Innovative Materials”

Background

Discussions of a failed policies mislabeled as “open competition” or “innovative materials” are making their way around Congress. This failed, special interest policy seeks to undermine the ability of engineers, utilities, public entities and other water works professionals to design water projects in the manner that best serves the needs of their community. This national effort is intended to benefit one industry, and it has received widespread opposition from groups such as engineers, utilities, contractors, architects, public entities and the business community.

Congress should not allow special interests to undermine the ability of local communities and engineers to best serve the public.

Similar bills have been introduced and failed in other states, including Arkansas, Arizona, Connecticut, Indiana, Michigan, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. **NO state has passed this type of legislation, and Congress should not.** Congress has also rejected special interest efforts to include this type of preference in infrastructure legislation.

Reasons to Protect Our Water Systems from Special Interests and Reject Material Preference Legislation

- In reality, material preference legislation is neither practical nor necessary. It is nothing more than a **top-down, government solution to a problem that does not exist.**
- This effort adds unnecessary mandates and compliance costs. Therefore, funding will go toward new compliance costs, instead of maximizing infrastructure investments. We should be cutting regulations and red tape, not adding new, unnecessary requirements.
- Engineers have professional, ethical and legal responsibility for their design decisions, and this legislation undermines their ability to meet these obligations and exposes them to new litigation.
- Water system design is an inherently local process, and local communities are in the best position to make these important decisions.
- The ultimate goal of this national effort is to use government to benefit an industry by forcing a product on engineers and water systems even when it is not the best material for a community.
- There is no evidence that engineers and/or local communities have been creating erroneous or otherwise improper specifications for water projects.
- Construction materials are not the same – they have very different service lives, durability, reliability, economic, health and safety characteristics. Engineers and communities need to retain local control in order to determine the best material(s) based on the factors important to the local community.
- Our water systems are too important to have outside, special interests undermine the ability of engineers and water works professionals to best serve the public. Furthermore, this type of legislation will only delay water projects and unnecessarily increase costs through litigation and additional bureaucratic red tape.
- Communities and engineers design water systems, not a series of individual projects. It is important to allow consistency and encourage efficiencies for local design decisions, thereby speeding up projects and saving money.