



Clarification of PE Site Visit Requirement for ENERGY STAR Label Applications for Commercial Buildings

Background

To assist Professional Engineers (PEs) in completing the necessary requirements to verify applications for the ENERGY STAR label for commercial buildings, EPA publishes and regularly updates the "Professional Engineer's Guide", available at <http://www.energystar.gov/peguide>. This Guide describes the process by which a Professional Engineer (PE) is to verify data provided in the application.

The introduction to the PE Guide, on page "i", states that "the PE must verify that the data entered about the building are accurate" and that "all building characteristics are provided in entirety on the data checklist and must be verified through a site visit by the PE." This required site visit is referenced throughout the remainder of the PE Guide. It is also referenced on the Statement of Energy Performance (SEP) in the text below the space for the PE signature, which reads "Based on the conditions observed at the time of my visit to this building, I certify that the information contained within this statement is accurate and in accordance with the PE Guidelines."

At times EPA has been asked by applicants if the PE himself or herself must visit the building, or if another individual may conduct the site visit and share findings with the PE. To answer this question, EPA is providing the clarification below.

Clarification

EPA requires that the data and all information in an application for the ENERGY STAR label for commercial buildings be verified by a site visit to the building. Traditionally this visit has been performed by the PE himself or herself. However, it is common in engineering practice for PEs to use non-licensed individuals to complete certain work related to projects that ultimately bear the PE's seal and signature. Therefore, EPA wishes to clarify the following:

For purposes of verifying the information contained in the application for the ENERGY STAR label for commercial buildings, the PE may engage a representative to conduct all or part of the site visit while under his or her direction and control. However, the SEP and the corresponding Data Checklist required must still bear the seal and signature of the licensed PE, who remains responsible for all work performed by others under his or her direction and control.

To validate the Statement of Energy Performance, a PE must possess a current license and be in good standing. Territorial engineering licensure laws and regulations vary from jurisdiction to jurisdiction. Before offering or performing services, it is recommended that PE's understand the engineering professional practice and ethics requirements contained in the state and territorial laws and regulations.

Supporting Information

There are many instances in the course of conducting engineering work where non-licensed individuals perform work on projects for which a PE later seals plans or other documents. These instances have been addressed in the Code of Ethics for Professional Engineers published by the National Society of Professional Engineers (NSPE)¹, as well as by many State Licensing Boards.

¹ <http://www.nspe.org/Ethics/CodeofEthics/index.html>

Section II.2.b of the NSPE Code of Ethics for Professional Engineers states that “Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.” The NSPE Board of Ethical Review has reviewed numerous cases dealing with the interpretation of the phrase “under their direction and control.” In one such case, the Board noted that “the term ‘direction’ contained in Code II.2.b. is generally defined as ‘guidance or supervision of action or conduct; management; a channel or direct course of thought or action.’ The word ‘control’ is generally defined as ‘the authority to guide or manage: direction, regulation, and coordination of business activities.’”

Various State Licensing Boards also include language within their rules governing the practice of engineering that allow for PEs to affix their seal to documents on which non-licensed individuals may have worked. For example, the State of Oklahoma, in describing requirements for the use of the PE seal, states that “the application of the licensee’s signature and date of signature to a sealed document shall constitute certification that the work thereon was done by the licensee or under the licensee’s direct control and personal supervision and that the licensee accepts full responsibility and liability for the professional work represented thereon.”²

Section 137.33, Sealing Procedures, of the Texas Engineering Practice Act and Rules uses similar language, but substitutes “direct supervision” for “direct control and personal supervision.” The Act defines “direct supervision” as “the control over and detailed professional knowledge of the work prepared under the engineer’s supervision. The degree of control should be such that the engineer personally makes engineering decisions or personally reviews and approves proposed decisions prior to their implementation. The engineer must have control over the decisions either through physical presence or the use of communications devices.”³

² http://www.pels.state.ok.us/regulat/rules15_17.html

³ http://www.tbpe.state.tx.us/downloads/law_rules072009.pdf