



Certification is under attack

THERE'S A NEFARIOUS EFFORT AFOOT right now to reduce state licensures and eliminate certifications not required by state laws, championed by non-profit lobbying groups with a specific agenda to devalue skilled labor. Earlier this year it got floated and shot down in Louisiana—however, it actually became law in Missouri. It says, “You can’t use ‘certified’ in your title unless state law requires it.” And it’s structured to eliminate certification programs nationwide over a five-year period, state-by-state.

What?

Last April, the Louisiana House of Representatives passed Bill 748 titled “Occupational Licensing Review Act.” The legislation states “Individuals possessing a ‘certification’ from a voluntary program shall not utilize the term ‘certified’ as a title.”

As originally drafted, the Louisiana bill:

- Included language that prohibited certificants from using the term “certified” as a title unless the certification is a requirement for licensure.
- Restricted the use of credentials as prerequisites for licensing for many professions in the state.
- Required the governor’s office to review each year 20% of state licensing programs that require association certification—with the goal of “sunsetting” all such programs over five years.
- Stated no licensure law can include a certification requirement unless the governor’s office finds “empirically substantiated harms to consumers” if the certification is not required.

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If passed, this bill would have prevented any individual possessing a voluntary certification, such as an ETCP Certified Technician, from acknowledging their professional credentials in offering their services. Employers would be unable to identify skilled labor as there would be no indication of third-party, objective vetting of that individual’s level of knowledge or skills. Additionally, companies

who employ certified individuals would be unable to use this in marketing their services.

Writing to the author of the bill, Lori Rubinstein, ESTA’s Executive Director, expressed ESTA’s grave concern over certain provisions of the bill:

“An ETCP credential provides employers with an important tool to use in evaluating the level of knowledge and skill of a prospective employee by confirming he or she has passed a rigorous examination. If an individual is unable to distinguish themselves by use of their title, then an employer will have to rely on an individual stating ‘I know what I am doing’ without any ability to verify the claim. This means audiences across Louisiana will be sitting under thousands of pounds of equipment whose installation and operation was performed by an individual who did not have to prove he or she was qualified to do so.”

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Thanks to the efforts of the American Society of Association Executives (ASAE) and its members, the Louisiana Senate made rational edits before sending the bill back to the House, and the amended bill was passed by both with only a call to review all occupational licensing requirements over a five-year period. In essence, this unrealistic bill got shot down—however, the proponents have not gone quietly into the night.

In May, the lobbying groups took their fight to Missouri whose legislature passed two bills which include similar language intended to modify the state’s approach to the licensing of occupations. While neither bill specifically prohibits private certification, the text defines certification as a “program in which the (state) government grants nontransferable recognition to an individual.” By redefining “certification” as an exclusively government function, the bills as drafted push Missouri to start supplanting (or, more honestly,

killing-off) private certification programs.

As written, the Missouri bills pose a threat to both credentialing programs that are incorporated into state licensure laws (such as in the medical and accounting fields) and voluntary certifications that are not required to practice an occupation in the state but demonstrate an individual's professional knowledge and competence in a field—such as ETCP Certification. It would take under state control the hundreds of non-governmental professional credentialing programs using the term “certification.” The bill would again preclude professionals who hold private credentials using their title and would establish standards for state-controlled licensing programs that are so rigorous and unrealistic that they could effectively result in ending state licensing of professions including doctors, lawyers, accountants, architects, etc.

In June, Missouri's Governor Eric Greitens signed the legislation (HB 1719) into law just prior to his resignation. The bill was wrapped into an omnibus package that required the governor's signature prior to the end of the legislative session—and it goes into effect August 28, 2018. ASAE and the Building Commissioning Association (BCA) are working with Missouri Senator Jeanie Riddle's office (Chair of the Professional Registration Committee in the Missouri Senate) on a legislative fix—so, stay tuned.

The proponents of these legislative initiatives include Americans for Prosperity and the American Legislative Exchange Council. Their deregulatory agendas hold that regulation must be eliminated—especially, it seems, in industries and markets where it will benefit them.

What can you do to help ensure the

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health and existence of the ESTA ETCP program? If you hear or read of any proposed legislation regarding elimination of certification, please immediately notify ESTA so that we can, as appropriate, help to address it. ■

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