



May 17, 2018

Anonymous Request

RE: Formal Response to request for Policy Advisory Request Regarding signing and sealing documents related to petrochemical plant design

The Texas Board of Professional Engineers (Board) met in public session on May 17, 2018 and directed staff to develop this response to the anonymous request, dated March 25, 2018.

Request:

In the engineering and design of petrochemical facilities there are several drawings, specifications, and documents that contribute to the design of the piping systems. Many are produced by the Piping Engineers and Designers, however, some are created by the Process Engineers.

1. Process and Instrument Diagrams
2. Line List
3. Piping Material Specifications
4. Piping Stress Analysis Specification
5. Pipe Stress Analysis Reports
6. Piping Isometric Drawings

Which of these documents should be sealed by a Professional Engineer?

Response:

The Policy Advisory Opinion process allows the Board to issue interpretations of the Texas Engineering Practice Act and Board Rules to address specific questions. The committee reviewed this request and determined that it can be answered by reference to the existing language of a statute or board rule and does not need to go through the full Policy Advisory process.

The Texas Engineering Practice Act establishes practice requirements for engineers in the state of Texas and establishes a set of exemptions from the Act. The response to this request is addressed by section 1001.057 of the Act:

§ 1001.057. Employee of Private Corporation or Business Entity

(a) This chapter shall not be construed to apply to the activities of a private corporation or other business entity, or the activities of the full-time employees or other personnel under the direct supervision and control of the business entity, on or in connection with:

- (1) reasonable modifications to existing buildings, facilities, or other fixtures to real property not accessible to the general public and which are owned, leased, or otherwise occupied by the entity; or
- (2) activities related only to the research, development, design, fabrication, production, assembly, integration, or service of products manufactured by the entity.

(b) A person who claims an exemption under this section and who is determined to have directly or indirectly represented the person as legally qualified to engage in the practice of engineering or who is determined to have violated Section 1001.301 may not claim an exemption until the 10th anniversary of the date the person made that representation.

(c) This exemption does not prohibit:

- (1) a licensed professional engineer who intends to incorporate manufactured products into a fixed work, system, or facility that is being designed by the licensee on public property or the property of others from requiring the manufacturer to have plans or specifications signed and sealed by a licensed professional engineer; or
- (2) the board from requiring, by rule, that certain manufactured products delivered to or used by the public must be designed and sealed by a licensed professional engineer, if necessary to protect the public health, safety, and welfare.

(d) For purposes of this section, “products manufactured by the entity” also includes computer software, firmware, hardware, semiconductor devices, and the production, exploration, and transportation of oil and gas and related products.

If a full-time employee of a petrochemical company, including piping or process engineers, works exclusively on that company’s property or products and meets the other conditions in § 1001.057, he or she could create any of the six listed documents without a license. If the company hired an outside entity or consultant, the exemption would not be applicable and any of those documents that constitute engineering, would be required to be done by a licensed Texas Professional Engineer.

It should also be noted that in accordance with Section 1001.401(d) of the Act shown below, if a licensed Texas professional engineer works for a private entity as described above and his or her engineering work is covered by Section 1001.057, that engineering work is not required to be sealed.

§ 1001.401. Use of Seal

(a) On receiving a license, a license holder shall obtain a seal in a design authorized by the board, showing the license holder’s name and the legend “Licensed Professional Engineer” or “Registered Professional Engineer.”

(b) A plan, specification, plat, or report issued by a license holder for a project to be constructed or used in this state must include the license holder’s seal placed on the document. A license holder is not required to use a seal required by this section if the project is to be constructed or used in another state or country.

(c) A person may not place a seal on a document if the license of the license holder named on the seal has expired or has been suspended or revoked.

(d) A license holder is not required to use a seal under this section for a project for which the license holder is not required to hold a license under an exemption provided by Subchapter B.

(e) A license holder shall not be required to provide or hold any additional certification, other than a license issued under this chapter, to seal an engineering plan, specification, plat, or report.

For related information, see also Policy Advisory # 34, Request Regarding the Industry Exemption (May, 2014)

Conclusion:

No new Policy Advisory Opinion will be developed for this request.