

American Congress on Surveying and Mapping – National Society of Professional Surveyors (ACSM/NSPS) Fall Meeting. Arlington, VA, September 29-Oct 2, 2006

GREAT LAKES REGIONAL COUNCIL MEETING (GLRC). Sept. 29

Comments Relating to NAFTA. *(The Term MRD is dated and used accordingly. The trade commissioners use the term MRA.)*

New Jersey reported that its Board complained of a shortage of surveyors. Engineers were challenging the profession, stating that with 15 additional hours of survey education, they should be able to do part of the surveyors' work. In reality, there was no shortage. Clients just don't want to pay the price. Commendable I mused. But sustainable?

Michigan stated that its licence is all-inclusive. – If they let foreigners do part of the work, it would not be fair to other states.

Ohio reported that its all-inclusive licence is under attack. Other groups have tried to get the right to do "part" of the licensed work such as topo and building layout. Splitting the licence would create a wedge for the other groups to exploit.

MRD8.2 was created from MRD7 to protect western states' interests. There have been challenges, particularly in the GIS area and they are not willing to entertain anything but a full licence in exchange for a full licence in an MRD.

Of 12 states reporting to GLRC, 8 delegates were instructed to vote to rescind MRD8.2, 2 were to vote to keep it and 2 abstained. Ohio moved "that any and all efforts to establish a Mutual Recognition Document(MRD) to supplement NAFTA be permanently discontinued".

NSPS's response seemed likely to be "no" to MRD8.2 and if Ohio's motion succeeded it would be "no" to any further discussion on a MRD.

I decided to experiment with GLRC, a friendly group whom I knew quite well, I read a three page statement that I had prepared to try to inform them of the benefits of a MRA and then asked if what I had read was helpful and instructive and should I read it to the members of the Board of Governors. Dick Wright said by previous email that I should, but I perceived some uneasiness so I took that as a "no". It is attached for optional reading.

But the challenges would still be there from engineers, from MAPPS and from others. And there will be new challenges.

Security issues are chopping away at the historic pillars of custom and law.

Tourism is starting to suffer. Foreign business people are staying home and conducting their business "on line".

Trade will suffer. Dependency on resources from other countries is being discouraged in spite of reports from the Office of the United States Trade Representative that reported that exports to Canada and Mexico grew from \$134.3 billion to 250.6 billion because of NAFTA. Ed.

Board of Governors Meeting; September 30, 2006.

The Governors Meeting had the usual list of housekeeping items to deal with. Reports are given by officers, other organizations with whom NSPS interacts such as mine, the CCLS representative, and guests. The highlights were:

- An insurance programme that covers errors and omissions, professional liability, auto, house, trailer, equipment, seemingly everything and members of NSPS are saving as a minimum 5 times the annual cost of membership in reduced premiums.
- GITA is conducting a study to define “Geospatial” and NSPS will have an opportunity to have input.
- The treasurer reported the best year in the last 15 with membership up 5% and a profit of \$100,000.
- The Certified Survey Technician Programme is going well. Sample exams are on the ACSM/NSPS site. Canadian survey educators may want to look at these.
- The Trig-Star programme is also going well with 33 states involved. They had asked the federal government for \$100,000 in financial assistance but government computers can’t recognize such a small amount. They will rectify that by asking for \$1,000,000. Trig-Star questions are also available on the web.
- Geocaching is a novel and fun way to introduce young people to surveying. The hobby is the fastest growing one today because it mixes the allure of the hunt with hi-tech GPS receivers. Survey related trinkets are left in the cache as well as a log book to record the finder’s visit. The finder may take a trinket and leave something in return. It is considered a great success and it is fun for the promoters. Tons of information are available on the web about geocaching at www.geocaching.com
- The Museum of Surveying is still looking for association banners to hang in the museum in Lansing Michigan. They would appreciate any from Canadian Associations, too. Both BC and Ontario have contributed historical movies to the museum.
- My report from Canada was tame and polite. I had resolved not to meddle in their decision with respect to NAFTA and Malcolm Shaw, the NSPS Governor from New York who is known to most of you as an ardent supporter of NAFTA was absent for health reasons. He had had a gall-stone attack about Sept 15th that resulted in surgery. The Governors were forced to think for themselves. I extended the usual best wishes of President Bert Hol and expressed pleasure that NSPS would be sending one of its members of the Board of Directors, Robert Dahn of Connecticut to the CCLS AGM to represent NSPS and President Joe Dolan, who had a timing conflict. I announced that Hugh O’Donnell had joined our committee and said that he would be our WTO watchdog – a little dig that CCLS is serious about international involvement and that it never sleeps. I informed them about the rising strength in Canada of Internationally Trained or Foreign Trained Professionals whose membership is now about 100,000 across the country, listing PROMPT, Capacity Canada, Capacity Alberta, Capacity Nova Scotia and MOSIAC. With ten times the population the US could expect membership to be 1,000,000 a number that attracts the attention of politicians. US surveyors might want to question the infallibility of “State’s Rights” if this group makes its case to the federal government that State Licensing Boards are not fast-tracking licensure for its members! In talking with John Matonich, Chair of the

ACSM Joint Government Affairs Committee, he acknowledged that he knew of the movement and that it is being monitored.

The US fiscal position is not good and getting worse, partly because of security reasons and the cost of waging war on two fronts. It is not too big a stretch to imagine that the federal government may need to step in to keep the economy going by implementing labour mobility between states. They may write an MRA for surveyors, or worse. They may simply pick the lowest common denominator, the state with the lowest requirements.

Maybe NSPS needed a rest from NAFTA but not prohibition. Maybe things have been done out of order. Maybe NSPS efforts in the next few years should be inter-state harmonization of licenses to ward off challenges from outsiders and to give the federal government a “done deal” if internal trade becomes the only way of doing business.

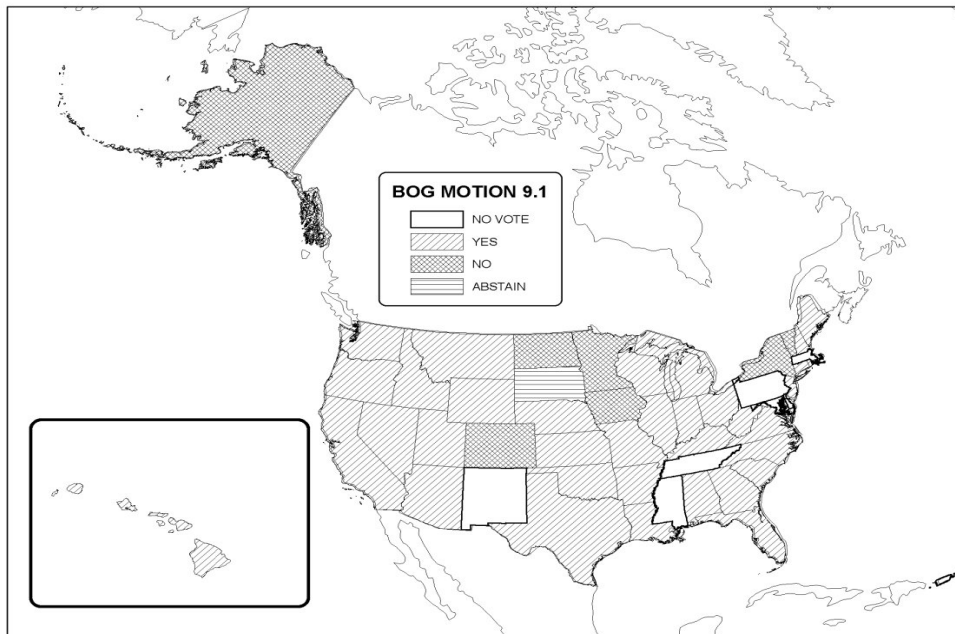
I couldn't believe that eventually, US surveyors wouldn't want access to world markets. By then there will be a Canada - Mexico agreement and I invited them to have a look at it.

That wasn't meddling, was it!

After the reports, the Governors broke into groups to discuss and recommend action to be taken on each of the Motions that came from Great Lakes Regional Council and the Western Federation of Land Surveyors (Westfed).

Motion 9.1: To rescind the prior approval by the Board of Governors for approval of NAFTA MRD 8.2

I was assigned to this group as was Ohio and there was much debate with only two members staunchly supporting NAFTA because some of their members were anxiously waiting for implementation of the MRD. Two had no interest and the rest were a staunchly opposed.



It was argued that this motion had to pass so that NSPS could move forward with other options. The voting results can be seen on the map above.

The discussion on the other motion being considered at another table was completed concurrently so I had no input or sense of how it would be disposed of.

It read, Motion 9.2: Move that any and all efforts to establish a Mutual Recognition Document (MRD) to supplement NAFTA be permanently discontinued.

On the floor, this motion was amended to remove the word “permanently” although I don’t know why. It didn’t dilute the finality of the motion. This passed Yes:23, No 20 Abstain 3.

It was a strange vote because I knew that both the yes and no voters were split amongst themselves regarding the reason for their vote.

Then came a jolt from Chair Wayne Harrison. He correctly reminded the gathering that about 8 years ago, NSPS had requested and received from the Office of the US Trade Representative (USTR) a comfort letter approving them as the proper and rightful national professional association to represent the profession in negotiations with Canada and Mexico to develop an MRD. If the motion were to pass and the Board of Directors took action on it, NSPS would be compelled to notify the USTR that it was NOT the rightful professional association that it presented itself to be.

Then President Dolan confirmed that the Chair’s understanding of the situation was correct.



The amended motion to my utter surprise was resoundingly defeated, Yes, 8, and No, 38 with no abstentions. For Malcolm Shaw's information, who would have eaten haggis or belted a straight scotch just to be there, the Yes states were, California, Indiana, Kansas, North Carolina, Ohio, Oregon, South Carolina and Virginia.

What now, I wondered?

NSPS Board of Directors Meeting October 2nd 2,006

Housekeeping items;

Railroad abandonment. The NSPS feels that it cannot effectually oppose the large railroad companies. Instead it will develop guidelines or policy on how preservation of the location of the rails can be economically, efficiently and consistently accomplished where the boundary of the railway lands is defined by measurement from the rails as located. I told the President that CCLS had a railway abandonment committee and that it might be a resource for the U.S. committee. President Dolan acknowledged that the U.S. committee should contact CCLS and work together.

Video. I reported to CCLS last spring that the California State Land Surveyors have developed an excellent video intended to influence young people to get into surveying at the high school level. It will be made available to other states and it could be made available to Canadian provinces also. The cost for the 4 ½ minute video is 1,000 USD plus an additional fee for adding the state or provincial header that has not yet been determined. Any province that is interested in acquiring a copy should contact Matt Vernon, phone 805-383-3373, email MVERNON@RBF.COM

FIG. There has been a complete turnaround with respect to support for FIG. About three years ago the delegate would have been thrown out of the room if he or she had asked for financial help for travel. This year the board was so impressed with FIG that it added an additional \$10,000 to assist the delegates in their travel to the conference in 2008. When the NAFTA committee was cancelled two years ago, NSPS said that it had no funds to support it. The board believes that having a delegate attend the FIG meetings satisfies all international obligations to its members.

NSPS Liaison to CCLS. Bill Glassy, the current Governor from Washington State will replace Dick Smith from Montana who has resigned. Bill hopes to attend the 2007 meeting. Alternates to Glassy are Pat Beehler, Washington State, and Jerry Goodson from Texas.

NAFTA: The Board dealt with two motions respecting NAFTA. Motion 9.1 from the Great Lakes Regional Council, "To rescind the prior approval by the Board of Governors for approval of NAFTA MRD 8.2", was considered necessary in order to "move on". In explaining the rationale for the motion, the mover, Wayne Harrison, Chair of the Board of Governors said that "we want to put this under the bus". When the motion was presented for the vote, the President used the same language instead of reading the actual motion. A vernacular statement that painted a more of vivid picture than the words in the written motion, indicated the Board's deeply entrenched opinion of the MRD. It passed unanimously.

The next motion came from the Board of Directors. It read "*It is hereby moved that the Board of Directors of NSPS adopt the following language as a proposed MRD for*

NAFTA. It is agreed that licensure of surveying and mapping professionals will be based on the host jurisdiction's requirements. Citizenship and residency in the host jurisdiction are not considered for licensure if the licensing requirements were adopted after 1994. The language of commerce of the host jurisdiction shall be used".

The NSPS Executive believes that such a policy could be folded into a Mutual Recognition Agreement (MRA) and that would become the NSPS version. They believe that adopting this policy would keep them in the loop instead of closing down the NAFTA negotiations altogether, They would have a Mutual Recognition Agreement, it should prevent the government from stepping in and writing one for them, and finally and most importantly it would protect the *Status Quo*. John Fenn, Chair of the Private Practice Committee was given the job of creating an MRA and submitting it to the Board within 30 days. The Board would circulate it to the jurisdictions for comment. Specifically, he was to add the names of the three national associations at the beginning and a signing page. My comment to the meeting was that CCLS did not want to see the MRA until if it was adopted by NSPS. The problem with their solution is that it is no solution.

The philosophy of an MRA is that you must give something in order to get something. The spirit of the NAFTA is liberalization in order to enhance trade and remove irritants. The proposed MRA gives nothing and liberalizes nothing. It appears, in my opinion, that it is totally inconsistent with the NAFTA. Such an agreement would likely be an impediment to free trade.

I expect to be getting an opinion on this from the Department of Foreign Affairs and International Trade (DFAIT) in time for the CCLS annual meeting in mid-October.

It was clear that they had no intentions of liberalizing trade between the NAFTA countries. Their solution appears to be so unworkable that it will likely be the defining issue that permits CCLS to negotiate bilaterally with the Federación de Colegios de Ingenieros Topógrafos de los Estados Unidos Mexicanos A.C.(FECITEUM).

The original surveyors' MRD was fashioned after the engineers' MRD. It was negotiating by the US Council for International Engineering Practice (USCIEP), composed of equal representation from the engineers, the National Council of Examiners for Engineers and Surveyors (NCEES), and the Accrediting Board for Engineering Technology (ABET). The USCIEP became the monitoring committee for NCEES but when a similar MRD from the surveyors was presented to them for comment, they cut it to shreds. It was flawed, incomplete, etc. Now, one year later, the NSPS Board of Directors wants a one page MRA that is totally inconsistent with the NAFTA and is much more incomplete than the one that they "put under the bus".

Recommendation;

I make the recommendation to CCLS that we should proceed bilaterally with Mexico upon approval to do so by DFAIT.

The Mexican version of the MRD is longer than the Canadian MRD⁷ and that reflects the evolution of Mutual Recognition Agreements since ours was drafted in 1996. Mexico concluded a trade agreement with the European Union about three years ago and the

wording reflects both of the WTO Guidelines and the philosophy identified by FIG respecting Mutual Recognition of Qualifications.

The task before the International Committee is to now study the Mexican version to see if the additional wording would be agreeable to CCLS. The additions will either have to be removed or the Canadian version will have to be modified to incorporate the additional phrases. It appears, by studying the Mexican version that FECITEUM is sympathetic to the concept of leaving out cadastral surveying in the manner in which the Canadian version does, but I am not sure. The next step is to discuss and negotiate these two agreements into one by meeting face to face with competent translators present. I have presently reopened the e-mail communication with the Mexicans and hoped to have a concrete proposal respecting such a meeting ready for the annual general meeting.

Wayne Brubacher, Chair,
CCLS International Committee