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**May 2, 2023**

**Testimony of Nina Fisher  
Maine Department of Transportation  
Before the 131<sup>st</sup> Legislature, Joint Standing Committee on Transportation**

**In Opposition to LD 1640**

***An Act to Require Industry Training and Certification for Persons Undertaking Corrosion Prevention and Mitigation for Bridges***

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Senator Chipman, Representative Williams and members of the Joint Standing Committee on Transportation, I am Nina Fisher, Deputy Commissioner of MaineDOT. MaineDOT is in opposition to LD 1640, *An Act to Require Industry Training and Certification for Persons Undertaking Corrosion Prevention and Mitigation for Bridges*.

LD 1640 would require MaineDOT to adopt rules concerning corrosion prevention and mitigation for state-owned bridges. The bill would require such rules to establish a process that ensures that corrosion prevention and mitigation activities are performed in accordance with established standards. It would also require the use of personnel who are industry-certified in corrosion prevention and mitigation.

LD 1640 is similar to legislation submitted during the 128, 129, and 130<sup>th</sup> Legislatures. All three bills submitted during these sessions failed to garner enough support at the legislative level and were indefinitely postponed. Those bills were in direct response to a bridge painting contract that MaineDOT had for one of the I-295 bridges in Portland several years ago. During the execution of that contract, there were allegations by some that the contractor failed to maintain a secure containment site. MaineDOT personnel with extensive expertise in applicable environmental rules thoroughly investigated these allegations and found they were not supported by the facts.

We share the sponsor's concerns of safety and environmental degradation; however, this legislation is duplicative. MaineDOT already has significant safeguards in place throughout specifications to ensure that corrosion prevention and mitigation activities are done in a manner consistent with relevant and applicable industry standards and environmental and safety regulations. To ensure compliance with these regulations and standards, MaineDOT requires

contractors and subcontractors involved with bridge painting projects be qualified in accordance with the Society for Protective Coatings (SPCC) and follow the Standard Procedure for the Qualification of Painting Contractors. Additionally, contractors are required to have quality control personnel trained and certified by the National Association of Corrosion Engineers (NACE), the industry standard on corrosion prevention and mitigation. Furthermore, contractors are required to use Maine-based professional engineers to design and approve plans associated with the contractor's lead containment system; a certified industrial hygienist for the development and approval of appropriate health and safety documents; and a Maine-certified geologist to assess and implement soil, water, and dredge conditions as warranted. These certified professionals work closely with MaineDOT personnel and our contractors to ensure that surface preparations and coating applications of paint on our bridge structures are done in accordance with industry practices and federal and state regulations. Having certified professionals on-site to oversee and direct the work of others, rather than have every worker certified, has been a successful model for accomplishing this work in a cost-effective manner. We are particularly concerned with unnecessarily requiring additional credentials to workers in times of construction workforce shortages.

This bill, as drafted, also affects many of the activities routinely performed on our bridges by our bridge maintenance division. The broad language of LD 1640 seems to include any bridge maintenance work that would exceed the \$50,000 threshold. This means that, should this legislation pass, MaineDOT would need to certify all department personnel who perform this type of maintenance work on our bridges.

Passage of the provisions within LD 1640 would have a significant fiscal impact. With no or extremely limited benefit, we cannot justify this fiscal impact. Therefore, we respectfully request that the committee vote ought not to pass on LD 1640, just as the committee did with the prior versions of this proposal.

Thank you, and I would be happy to try and address any questions you may have or bring additional information for the work session.

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