



AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS

CALIFORNIA COUNCIL
AMERICAN SOCIETY OF
LANDSCAPE ARCHITECTS

September 22, 2015

Ms. Julie Saare-Edmonds, Senior Environmental Scientist and ITP Project Manager
Department of Water Resources - Water Use and Efficiency
Landscape & Green Building Programs
Julie.Saare-Edmonds@water.ca.gov

RE: Independent Technical Panel (ITP) Report to the Legislature, *California Landscape Water Use – A Framework for the Future*, including *Section 8, Workforce to Accomplish the Transformation*

Dear Ms. Saare-Edmonds:

The California Council, American Society of Landscape Architects (CCASLA) and the undersigned respectfully submit the following comments regarding the ITP's Report to the Legislature, *California Landscape Water Use – A Framework for the Future*.

CCASLA and the undersigned firmly support the work of the Panel and recognize the importance of this endeavor in addressing California's critical water shortage. As we have previously expressed, we feel strongly that the targeted goals of achieving water savings in the landscape will be best served through public education and focused monitoring and enforcement of the various provisions of the updated Model Water Efficiency Landscape Ordinance (MWELO). These public education activities should include the education and training of municipal and other agency personnel who will ultimately be charged with the responsibility of overseeing the monitoring and enforcement activities.

To address the use of water in the landscape, education of the public also needs to be a key component. This should focus first on what are climate-appropriate landscape alternatives, and secondly, on the selection and retention of licensed professional landscape service providers to assist consumers in addressing landscape design. These service providers will afford the consuming public technical expertise in addressing critical design options to reduce water consumption in the landscape. Foremost in this endeavor needs to be the continued protection of the public health, safety, and welfare (HSW) to help ensure the public does not become susceptible to unscrupulous practices. The professional licensure of landscape practitioners is in place to help ensure the public is protected.

As you may be aware, landscape architects (LA) are licensed in the State of California by the Landscape Architecture Technical Committee (LATC). The licensing process and the regulated practice of landscape architecture, including exceptions and exemptions, are strictly defined by the Landscape Architects Practice Act (Business and Professions Code, Division 3, Chapter 3.5).

LAs are required to pass a rigorous national examination, as well as LATC's California Supplemental Examination. In addition, LAs must have a degree from a Landscape Architects Accreditation Board approved program, or the equivalent, as well as two additional years of internship under the direction of a licensed LA.

The issue of the "exempt area of practice" in the Landscape Architects Practice Act, which defines the precise area in which unlicensed individuals may provide services to the public, has been extensively discussed in at least 10 separate public meetings of the LATC, California Architects Board, and the Legislature's Sunset Review process. The conclusions of all of these proceedings have been that current law is appropriate to protect the public HSW.

CCASLA and the undersigned strongly feel that allowing unlicensed individuals to provide services outside the exempt area as defined in the Landscape Architects Practice Act represents a huge risk in the area of consumer protection and HSW. The core rationale for occupational licensing is to protect HSW. Accordingly, any conversations about changes to the law to improve market conditions, as introduced in coordination with the Association of Professional Landscape Designers (APLD) and discussed by the ITP are inappropriate. Simply stated, changing the law to economically benefit any class of individuals and/or businesses is contrary to current law and the public interest.

This is not to say that unlicensed landscape designers are precluded from offering design services to the public, or to continue assisting homeowners with addressing the appropriate use of water in the landscape. Per the Landscape Architects Practice Act, they are permitted the opportunity to do so through the exceptions and exemptions clause of the Act. Landscape designers are currently allowed to prepare conceptual designs, including the selection of plant materials and preparation of planting plans, which will be a key component of conserving water in the landscape. Although APLD has testified that the Landscape Architects Practice Act creates an unfair advantage to licensees in the delivery of these design services, this is simply a claim that is not supportable by the facts.

Unlicensed landscape designers have attempted to make the case that they possess qualifications to provide new or additional professional services beyond their current exemption, namely construction drawings, details and specifications. In reality, unlicensed designers are not qualified to perform these professional services. Currently, unlicensed landscape designers are credentialed through a self-certification program administered through a national organization. This self-certified credential provides no basis for claiming that holders of that credential are competent to provide any particular services to consumers.

The only legal demonstration of competence is a valid occupational examination developed pursuant to national standards, such as that developed for the profession of landscape architecture. No such examination exists for unlicensed landscape designers. Furthermore, any suggestion that unlicensed landscape designers possess the qualification to provide similar professional services as currently regulated for LAs is baseless. (As a side note: unlicensed landscape designers have no empirical evidence to support their claims of market needs and realities.)

In light of the facts above, we ask the Independent Technical Panel on Demand Measurement Measures (ITP) to recognize that any discussion of workforce challenges and opportunities in addressing **California's water conservation mandates** must remain focused on how best to implement the updated water regulations.

Professional licensure, whose sole aim is the establishment of minimum professional competency and the protection of the HSW of the consuming public, is an entirely separate issue with a clearly defined process under law for the purposes of discussion and alteration. As such, we do not feel that the mandate to the ITP by the legislature is the appropriate venue to discuss potential changes to professional licensure through the Landscape Architects Practice Act, including its exceptions and exemptions.

The ITP's mandate to provide information and recommendations to DWR and the legislature must remain focused on demand management measures and not to provide an economic advantage through the improvement of market conditions to any class of service providers.

Should the ITP wish to address the exceptions and exemptions issue, we highly recommend that the ITP contact LATC in order to discuss the history and importance of the regulated practices of landscape architecture in California and the appropriate course in addressing exceptions and exemptions to the LA Practice Act. A compendium of the material from the many public discussions on the exempt area of practice from 2002-2015 is available from LATC.

Page Three

We look forward to continuing to work with the ITP in addressing demand management measures and development of ITP's Report to the Legislature, **California Landscape Water Use – A Framework for the Future**. In support of our comments regarding the availability of design services to the consuming public, I have attached two presentations that address different aspects of the importance of minimum professional competency, protection of the public HSW, and the selection of landscape professionals to help address California's water in the landscape issues.

Please feel free to contact me at (619) 916-6956 should you have any questions or wish to discuss CCASLA's thoughts on these matters.

Sincerely,



Jon Wreschinsky, PLA, ASLA
President, CCASLA



David Nelson, ASLA
Northern California Chapter, ASLA President



Sara Bowhay, ASLA
Sierra Chapter, ASLA President



Baxter Miller, ASLA
Southern California Chapter, ASLA President



Tim Smith, ASLA
San Diego Chapter, ASLA President



Glen Schmidt, ASLA
Schmidt Design Group, San Diego

Attachments:

California Council ASLA (CASLA) – Workforce Challenges and Opportunities
ASLA So California Presentation

Cc:

Peter Estournes, Gardenworks, Inc.
Penny Falcon, P.E., Los Angeles Department of Water and Power
David W. Fujino, Ph.D, California Center for Urban Horticulture
William Granger, City of Sacramento – Utilities Department
Lisa Maddus, P.E., Maddaus Water Management
Edward R. Osann, Natural Resources Defense Council
Jeff Stephenson, San Diego County Water Authority
David Ceppos, Center for Collaborative Policy
Cathy L. Crothers, Chief Counsel
Peter Brostrom, CA Department of Water Resources
Julie Saare Edmonds, CA Department of Water Resources