



Approved February 29, 2008

Position Statement National Kitchen & Bath Association

The National Kitchen & Bath Association (“NKBA”), as the leading trade and professional organization in the kitchen and bathroom industry, takes seriously its role in educating our members and the public at large of the importance of retaining the services of a professional designer when contemplating new or remodeled kitchen and bath projects. It is only through education of the public that they become familiar with the services that a trained kitchen and bath professional can offer, and determine for themselves the level of skill and expertise that is required to meet their needs and budget. Because of this, the NKBA is justly concerned about the efforts of a small segment of the interior design community, primarily those belonging to the American Society of Interior Designers (“ASID”), to limit the right of the public to retain the services of a designer of their choosing and restrict our members from practicing their profession, a profession in which we have been engaged in for many years without complaint or concern by the public. As a result of the limited success that those interior designers have had across the nation, and our belief that their anticompetitive efforts will continue in the future, the National Kitchen & Bath Association has developed this Position Statement to make clear where we stand on interior design licensing and how this organization will react to any further attempts to restrict the profession.

ASID has for over 30 years, conducted a campaign through local coalitions to convince a small but vocal part of its membership along with various state legislators that there is a desperate need for interior design licensing to “protect the public” from those designers who they have decided are unqualified and who do not meet the self-imposed standards which they have arbitrarily set. They have had some qualified success in obtaining licensing laws, primarily due to the fact that such efforts went largely unnoticed by the design community at large. Members of the National Kitchen & Bath Association generally historically were not concerned about “titling” laws – regulations that merely restricted the ability to use a term such as “Certified Interior Designer” or “Registered Interior Designer” – since our members did not consider themselves “interior designers” and had no desire to use the regulated term. In fact, under the broad definition of interior design which these bills regulate, our members do provide interior design services and would come well within the proscriptions of the law.

Titling acts such as these have been adopted in some twenty-two jurisdictions; however, the adoption of these types of laws is not the stated goal of the ASID and its supporters. Instead, they wish to impose their will on all interior designers by saying who may or may not perform any design work in a home or commercial establishment and mandating passage of their supported exam, the National Council for Interior Design Qualification exam (“NCIDQ”) and graduation from a limited number of higher educational institutions who have been accepted by their supported agency, the Council of Interior Design Accreditation (“CIDA”). As we have witnessed repeatedly in the past, if ASID and their coalitions are unable to obtain a governmental sanctioned monopoly in interior design by the initial passage of a practice act, they will “settle” for a title act in the hopes of introducing much more restrictive practice acts once the dust settles.

NKBA has many concerns about these efforts by a select few individuals to corner the interior design market. Our primary objections, however, are centered on two specific issues:

- Such laws do nothing to further the protection of **public health, safety, and welfare**.
- Despite the glossy language intended to lend credence to these laws as a necessary form of **consumer protection**, the truth is that the end result of such laws is increased cost to the consumer and increased consumer confusion.

Public Health, Safety, and Welfare

The NKBA firmly believes that the purpose of licensure is to protect the public and that one of state government's top responsibilities is to safeguard its citizens.¹ Regulation by nature limits entry into a profession, makes it more difficult for those already working in the industry to compete and should be reserved for professions and occupations that, if unregulated, pose a serious threat to public health, safety, and welfare. In other words, to take the serious step of restricting the marketplace, thereby impacting the ability of persons to compete effectively, a state must determine whether a profession provides services that **directly** and **significantly** affect the public health, safety, and welfare.

These laws do nothing to achieve their purported desire of safeguarding the public health, safety and welfare. Their sole purpose is to protect the interests of a few individuals within the interior design community and in no way promotes nor advances any rational, justifiable or necessary public policy. If anything, these laws present a threat to the public health, safety and welfare in that they imply to the public that the person certified thereunder is in fact regulated by the State when in truth, the state has virtually no authority over the practice of that

¹ As used in this document, any reference to a state or national government shall be equally applicable to the provinces of Canada.

individual. The state's only jurisdiction is over the individual's use of the regulated title; the requirements to become certified and sit for the exam are determined by third parties over whom the state has no input or control.

In addition, these laws are anti-competitive in that they favor one group of interior designers over other members of the design community and, again, do so without serving any identifiable, valid public policy. These laws seek to bestow upon one segment of the interior design industry a potential commercial benefit that is attendant with state regulation. It is reasonable to presume that consumers may attach value to the state certification, thus placing non-certified interior design professionals at an unfair competitive disadvantage.

Consumer Protection

Proponents of these regulations contend that they are needed as some form of consumer protection. However, they add nothing to the level of protection in the built environment afforded to a state's citizens.

There is no indication that poor interior design work is a problem for any consumer warranting the regulation of an entire profession. What is the showing of "public health, safety and welfare" that is currently unprotected by a state and which is not being adequately addressed by existing law (e.g., consumer protection statutes, building codes, licensing of contractors, plumbers and electricians)? How many consumer complaints have been filed because of unregulated interior designers? Virtually every study conducted has concluded that there is no compelling need for interior design legislation and in fact, such laws harm the public by artificially inflating consumer prices, erecting unnecessary barriers to entry into the profession, giving government-imposed advantages to those already practicing and failing to demonstrate any social benefit.

Similarly, there is no evidence that the public desires additional regulation. Consumers already have the means to verify the credentials of interior designers through verification of membership in existing private sector interior design professional associations, such as the National Kitchen & Bath Association, the American Society of Interior Designers, the Interior Design Society, the International Interior Design Association, the International Furnishings and Design Association, the Home Furnishings Independents Association, the Organization of Black Designers and the International Council of Interior Architects and Designers. In fact, the qualification standards for membership in many professional associations, particularly our Certified Kitchen and Certified Bath Designers, are more stringent than the licensing criteria contained many of the interior design licensing bills. We would submit that no industry is more readily accessible to the public than the interior design profession. Aside from the organizations listed above, there are numerous consumer publications, websites and television programs (and networks such as HGTV) which educate

the public on the role of interior designers and the qualifications of the various disciplines. Surely, the public does not lack the ability to make informed choices about who they retain for design services.

The NKBA's National Position

The NKBA has formally adopted a position to oppose Title and/or Practice Acts in general and specifically for numerous reasons.

- There is no guarantee that a Title/Practice Act will not lead to a more restrictive Practice Act
- There is no guarantee that exemptions in Title or Practice Acts today will not be removed tomorrow – once on the books, they may be easily and without much fanfare, changed
- Once a state (anywhere) enacts a Title or Practice Act, it gives credence to the movement in other states to encourage additional interior design legislation in those states that may not offer similar or any exemptions
- Regulatory enforcement of a new law does not always accurately reflect the intent of the law. Agencies charged with creating and administering the rules and procedures to approve applicants for licensure often have no state oversight and frequently interpret their requirements in the most restrictive way imaginable in an effort to limit those who may perform interior design services and compete for their work. The result is costly litigation and an uncertain outcome
- Title and Practice Acts create another unnecessary bureaucracy without adding value
- The NKBA does not accept the proposition that only the NCIDQ exam tests the minimum competencies to perform interior design services. Other exams, such as our CKD and CBD exams, the Council for Qualification of Residential Interior Designers (“CQRID”) exam and state code exams are equally valid and should be recognized. In fact, the State of California does just that and has rejected repeated efforts of ASID to accept only their supported (both financially and philosophically) test. The NCIDQ exam, an independent, unregulated test with a historically low pass rate of under 40%, should not be granted a monopoly on saying who does and who does not possess the minimum skills necessary to practice interior design, including kitchen and bath design
- The NKBA does not accept the proposition that only CIDA accredited schools are competent to train designers to practice their profession. Aside from the many other educational institutions which offer valid and

rigorous interior design programs, including our accredited colleges and universities, NKBA supports various pathways of entry into the profession. Many people can acquire the necessary skills through extended work experience or through shorter degree programs combined with other education. Many others have started in one area and evolved into competent practitioners in another. Society does not benefit by a narrowing of access to creative fields.

- Competence is best judged on the basis of the work produced rather than credentials alone. Credentials are a result of, but not substitutes for, competence. Competence can and often does exist in the absence of a credential. Many of our kitchen and bath professionals have chosen not to seek the credentials that our certification programs provide
- There has been no demonstration of harm to the “public health, safety or welfare” to warrant increased governmental regulation of a profession which has, for so many years, operated without such interference. Since 1988, five state agencies have examined the need for titling and/or licensing laws for interior designers and all five found no benefit to the public, concluding that consumers already possessed the means to make informed decisions about interior designers and their services. There has been no evidence whatsoever that a failure to license interior designers has adversely impacted the consuming public
- Interior design title and practice act legislation is not being advocated by the public through consumer advocacy groups, attorneys general offices or divisions of consumer affairs. Rather, such laws are being pushed by a small group of designers who have a personal stake in limiting competition under the guise of “consumer safety” and are asking that the State give a select few a competitive and economic advantage over others, including kitchen and bath designers
- Existing state and local laws and codes already afford the consumer with protection against unqualified persons performing construction and remodeling in the home. Building inspectors, code enforcement officials, licensed electricians, licensed plumbers and others all have a role in verifying that work performed by contractors meets the code and safety requirements enacted to protect the public. Additional licensure merely duplicates those efforts and creates another layer of bureaucracy and oversight
- The NKBA believes that the consumer should be given a choice in retaining the services of a design professional. Our Members wish to compete on the merits of their work and abilities and do so through their portfolios, references, design competitions, certification and continuing education. The NKBA spends in excess of 1 million dollars each year in

educating the public as to the benefits of retaining the services of an NKBA Member; we do not support efforts to limit freedom of choice among consumers by dictating who they can and cannot hire to perform design work, with the attendant increased cost to the consumer which always follows when competition is restricted

While interior designers are deserving of respect for their role in the design process, special legislative consideration is not warranted based on an objective review of the facts. As such, NKBA joins with the vast majority of the design community in opposing these unjustifiable attempts to monopolize the interior design profession by the ASID and it's supporters.

About the National Kitchen & Bath Association

The National Kitchen & Bath Association (NKBA) is a non-profit trade association that has educated and led the kitchen and bath industry since 1963. With over 41,000 members and growing, NKBA owns the Kitchen/Bath Industry Show & Conference (K/BIS), the world's largest trade show dedicated to the kitchen and bath industry. The mission of NKBA is to enhance member success and excellence, promote professionalism and ethical business practices and provide leadership and direction for the kitchen and bath industry. For more information, visit www.nkba.org or contact the NKBA at 800-843-6522