

IDPC

Interior Design Protection Council



Protecting interior designers' rights to practice
Magnifying, illuminating, and exposing the interior design cartel
Educating the design community, legislators, students and consumers

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OPPOSITION TO INTERIOR DESIGN REGULATION

Because facts matter in the fight for occupational freedom.

FAQ's

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1. Is the issue of "protecting the health, safety and welfare of the public" valid?

In the 30 years that ASID has been pushing for regulation, not one shred of evidence has ever been presented to support their claim that the unregulated practice of interior design places the public in any form of jeopardy.

According to data compiled by the Better Business Bureau and other sources, since 1907 only 52 lawsuits have been filed against interior designers in the **entire country**, and most of these were concerned with contract disputes, not safety issues.

2. What is the motive behind regulation?

Given the absence of any threat to the public interest, the only fair conclusion that can be drawn is that a small group of industry insiders are pushing for regulation in order to eliminate much of their competition. In his veto message, Governor

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Daniels of Indiana stated, "government must . . . avoid limiting competition where no significant public health or safety concerns are involved."

3. Why are title acts objectionable?

Title acts are well-recognized as the "Trojan horse" of design regulation. Once a foot-in-the-door has been established through enactment of a seemingly innocuous title act, the acknowledged goal of the pro-regulation cartel is to come back in a few years and expand the title act into a full-blown practice. Witness the case in New Hampshire -- after the overwhelming defeat of a practice act, the proponents of the bill, the New Hampshire Interior Design Coalition, sent a message to their membership stating, "Since NH isn't the most agreeable state toward licensure, it was added that we may want to begin with a title act and move *inconspicuously* toward a practice act within a few years." (emphasis mine) Unfortunately, this kind of sneaky approach is a hallmark of the pro-regulation camp.

4. Would consumers be affected by regulation of interior design?

Yes -- and in an extremely negative way. The Federal Trade Commission concluded that regulation would result in fewer choices and increased costs to the consumer. Regulation would take away consumers' freedom to choose a designer based on their needs. Currently, consumers have many avenues to determine the qualifications of interior designers -- portfolios, websites, resumes, interviews, *private* certification programs such as NKBA-CKD and CBD, CQRID, NCIDQ, and state code exams. The public does not lack the ability to make informed choices and regulation would take this choice away from consumers and put it in the hands of the government.

There is no consumer outcry for interior design regulation, nor is there any indication that faulty interior design work is a problem warranting regulation. Consumer protection is currently and adequately addressed by systems already in place, e.g. building inspectors, codes, licensed plumbers and electricians, etc. Regulating interior design would be a duplication of these efforts and a waste of the State's time and resources.

5. What about the notion of regulation as a way to "garner respect from the public?"

The legislature should not regulate occupations for the sole purpose of providing enhancement of a profession, giving government-sanctioned advantages to a small sub-section of the profession while placing the rest at an unfair competitive disadvantage. They should consider adoption of a law only if the public health, welfare or safety compels it, which in the case of interior design, it clearly does not. "Regulation is being proposed in the name of 'professionalization,' but it really amounts to 'cartelization.'" (George Will)

6. What changes, if any, are evident so far in states that have enacted regulation?

Research has shown that states with practice laws actually have a *higher* number of complaints than those with no regulation. (Designing Cartels)

7. What about the argument that interior designers cannot submit plans for pulling building permits?

The fact is, construction code enforcement officials do not have to accept any plans for any kind of construction (loadbearing or otherwise) if they feel that the health, safety or welfare of the public is at risk. Thus, whether you are a "licensed" design professional or not, the official can reject your plans. Under the IBC, whether or not you are "licensed" will have no effect on the construction code enforcement official's decision. This is merely a strawman used by the coalitions to try and get support for their attempt to limit who can perform design services.

8. Why should I be concerned about regulation attempts in other states?

Once a state enacts a bill which in some way regulates interior design, it gives credence to the movement to impose regulation in other states.

9. Do CIDA accredited schools offer the best interior design programs?

The majority of universities and colleges that offer courses in interior design have accreditation other than CIDA. There has been no evidence presented that would indicate that students graduating from non-CIDA accredited schools are any less qualified or become less successful designers.

The single-entry method into interior design that is being pushed by ASID will destroy the interior design profession. We need multiple pathways into creative fields. Competence should be judged on the basis of a designers work, not on credentials alone. Competence can and often does exist in the absence of a credential.

10. How will regulation affect students?

College years are among the most impressionable times in our lives and students have been the most deceived about this issue. Over the years, ASID has been able to persuade students that regulation would benefit them. This is blatantly not true -- regulation will *hurt* them. Historically, the number of licensed designers that are either able or willing to hire entry level designers is substantially lower than the number of entrants into the field. Students would be forced to find employment in other states, or even find it necessary to change occupations. This in turn has the potential of negatively affecting enrollment in the schools offering programs in interior design that have an accreditation other CIDA. This single-entry method into the field of interior design will destroy a profession that to-date has been operating just fine without governmental controls.

11. What is “de facto legislation?”

De facto legislation occurs when groups or associations change their policies without the knowledge or consent of the state legislators. For instance, when a law requires passage of the NCIDQ exam or limits access primarily to CIDA graduates, and NCIDQ or CIDA subsequently tighten or narrow their policies, the effect is to amend the state law without formal action by the legislature. These states are thus prevented from having a full, frank, and public review of the effects of the NCIDQ or CIDA policy changes.

12. What about the MGM Grand fire?

Suggesting that the incident had anything to do with unqualified interior designer work is completely belied by a 2005 article in the Las Vegas Review Journal, which makes clear that the primary reason why the fire spread was a combination of: (a) inadequate sprinklers; (b) rampant code violations; and (c) the defective flammable adhesive used to attach ceiling tiles. Most of the victims died of smoke inhalation, but there has been no evidence presented that the quantity or lethality of the smoke was in any way enhanced by improper decorating or design choices.

13. What about the RI nightclub fire?

The 2003 fire at “The Station” in West Warwick, Rhode Island, while tragic, had nothing to do with unlicensed interior design. Forensic evidence showed that the causes were (1) the performing band did not have the required city permit for a pyrotechnics display inside the enclosed nightclub; (2) installation of the club's flammable soundproofing foam by the club owner, not by any interior designer caused the blaze to spread; (3) a door near the stage swung inward in violation of the fire code; (4) lack of a sprinkler system; (5) the three exits and front doors had battery-powered exit lights, but people couldn't see them.

14. Why is ASID so ruthless in their pursuit to regulate every state?

In the ASID book *From Practice to Profession*, ASID claims that "representation through multiple professional member organizations [as] reducing the perceived clout of the practice." They proceed to give the example of the American Bar Association as the one professional association for lawyers. It doesn't take a huge leap of imagination to realize that ASID's agenda is to establish themselves as the ONE interior design association, and in conjunction with NCIDQ (whom they founded in 1974) and CIDA (whom they helped found in 1970), would create a monopoly of the interior design profession. Follow the money -- who stands to gain financially from interior design regulation?

15. Is IDPC a subsidiary of the Institute for Justice (IJ), as claimed by the pro-regulation faction?

IDPC is a nonprofit organization whose only mission is to protect the rights and livelihoods of the interior design community. IDPC has no agenda or concerns with any other regulatory actions. The Institute for Justice, along with the National Kitchen and Bath Association, is a strong ally and partner. Together with IDPC, these three groups are a formidable force to be reckoned with.

16. How many occupations are negatively affected by interior design regulation?

Many!

17. Is interior design regulation inevitable?

NO! Contrary to the pro-regulation camp's mantra, regulation is not inevitable unless you let it be. Historically, legislation has only passed because it was done "under the radar" -- the efforts went unnoticed by the design community, or designers were told that legislation "would not hurt them" or that they would be grandfathered. That has all changed. IDPC and collaborating organizations are tracking bills in *every* state. We have and will continue to work together to resist new legislation as well as repeal existing laws.

PLEASE HELP US PROTECT OUR RIGHT TO PRACTICE!