

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, August 16, 2018 7:47:38 AM

-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 5:28 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS BOARD PROFESSIONAL GEOSCIENTISTS TBPG

First Name: Daniel

Last Name: Airey

Title: Project Manager

Organization you are affiliated with: Ranger Environmental Services, Inc.

Email:

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or

Opposed: I completely disagree with the findings of the Sunset Commission

(SC) regarding the professional geoscience board and their rules. The P.G.

Board provides a valuable service to the State of Texas. Several of the SC findings were complete hog wash. First, I review a substantial volume of geological reports as part of my work. I have personally noticed an overall increase in the quality of geological work in the state of Texas since the P.G. board required licensed people to perform work. Additionally, the SC used the lack of "meaningful enforcement" as a reason to sunset the agency.

Did the SC not consider that maybe the industry has already accepted and implemented the P.G. Board rules and requires licensed people to perform geological activities. Just the threat of the PG board having the ability to take away a persons license (and subsequent right to work as a geologist) is huge. The SC has no clue the far reaching impacts that dissolving the P.G.

Board and rules that would occur. Numerous state agencies and municipalities already require P.G.'s to perform specialized activities (Edwards Aquifer plans, City of Austin Environmental Impacts, etc.). The SC stated that the term lack of meaningful enforcement about the P.G. board. I challenge the SC to go ask the RRC to see how many enforcement actions that they have pursued regarding geological actions. That agency has been around for decades. Further, the TCEQ enforcement program is extremely suspect as many of their enforcement actions cost to pursue and collect enforcement monies is rarely cost effective (i.e., they spend more money chasing dollars than collecting dollars). Also, the P.G. board has "geologist" reciprocity arrangements with other states that allow Texas Geoscientists the ability to work in those states. Therefore, by doing away with the P.G. board and rules, the SC takes away my abilities to work in other states. Also, the SC stated that 78% of the current licenses were grandfathered in. I suggest the SC look at the P.E. Board that did the exact same thing when they were starting. If the SC would take a step back and look around, in the next 20 years, I bet that 78% statistic will be completely reverse itself as the grandfathered licensees will retire. The P.G. board, to the best of my knowledge, grandfathered >95% of these people in the first year or two of its existence. Further, I would be willing to bet, of these grandfathered persons, a pretty elevated percentage would be for State regulators who would have no chance of passing the Geology competency test. The SC said that the P.G. board had not received a complaint that posed

significant harm or risk to the public.

That is not the P.G. boards fault. Also, I believe increased seismic activity as a possible result of oil field salt water injection is a potential significant issue. Or how about the sink hole that took out a farm to market road near Daisetta, Texas. I would believe that those types of issues are significant. However, it is not the P.G. boards fault that the petroleum industry was exempted in the original legislation. The SC also says that they rarely receive complaints from the RRC or the TCEQ. But that is not a fault of the P.G. Board. Further, as being a part of the private sector geological industry, we see on occasion potential suspect geological work done by the regulators themselves. However, as these are generally subjective issues, we feel it is a waste of time to turn in state regulators for P.G. enforcement. The SC also holds up the idea that the TCEQ and RRC provide regular and direct oversight of geoscience work. That being said, I encourage the SC to seek the counsel of those agencies and they will see that both of these agencies quote and require that all geoscience work has to be performed by both a licensed individual and a geoscience firm (as regulated by the PG board). I strongly disagree with the findings of the Sunset Commission. The P.G. board and their respective rules are an accepted part of industry and provide valuable regulatory oversight to the practice of geology in the State. To remove them at this point would create a industry standard "vacuum".

Any Alternative or New Recommendations on This Agency: None

My Comment Will Be Made Public: I agree