

**From:** [Sunset Advisory Commission](#)  
**To:** [Brittany Calame](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Thursday, August 16, 2018 7:48:13 AM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission  
Sent: Wednesday, August 15, 2018 5:39 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: Michael

Last Name: Bavoso

Title: P.G.

Organization you are affiliated with: Terracon Consultants, Inc.

Email:

City: Dallas

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or  
Opposed:

I could provide a point by point counter to the entire Sunset Commission's report, but I've chosen to only focus on the central issue at stake during this review: state regulation of geoscientists provides no measurable public benefit and should be discontinued.

Geoscience work does not involve the kind of sudden catastrophe that is noticed on the news such as a bridge collapse. If several unrelated individuals develop cancer, they have little chance of suspecting that their cancer was caused from long term exposure to carcinogenic soil/groundwater/or accumulated soil gas at an apartment complex where they presently live or perhaps used to live years earlier.

This sort of exposure to contaminated soils is the direct responsibility of the environmental due diligence and site assessment activities performed by licensed professional geoscientists (PGs). The Sunset Commission calls this sort of example hypothetical and discounts it, but this is not some tall tale of a minute possibility. It is fact that certain chemicals are known carcinogens, and it is fact that exposure to concentrations of those chemicals above state regulatory levels for specified periods of time will cause cancer. This is a hypothetical situation that is occurring at every contaminated piece of property across the country. The only missing piece of information for the Sunset Commission is someone in the public suspecting that their child's cancer is due to playing in their backyard and initiating an environmental investigation of their property to prove it.

The Sunset Commission also states that the Texas Commission on Environmental Quality (TCEQ) and the Railroad Commission of Texas (RRC) evaluate regulated geoscience work submitted by PGs. This is only true of geoscience work submitted to these agencies. As a PG practicing environmental consulting and site assessment activities, it is my opinion that determines whether or not a property owner submits documentation of a release to the TCEQ or RRC. An assessment itself depends entirely on a PG to collect samples in appropriate locations. Without an adequate understanding of the geosciences, a poorly scoped environmental site assessment could collect

soil/groundwater/soil gas samples in the wrong locations on site and thus completely miss contaminated media. Without identifying the contaminated media, the environmental assessment wouldn't recommend additional actions or reporting to the state TCEQ or RRC. Without reporting to these state agencies, no review of inadequate geoscience work will be conducted. This is the door to unqualified geoscience work that abolishing the TBPG will open.

The state should continue to regulate the practice of geosciences in order to protect the public from inadequate environmental site assessments leading to the unnecessary and deadly exposure to carcinogenic soils/groundwater/or soil gas. If the public wants to be assured that their home, their local park, and their children's school playground has been adequately investigated for carcinogenic chemicals, the practice of geosciences should continue to be regulated.

Any Alternative or New Recommendations on This Agency:

Instruct the TCEQ and RRC to notify the TBPG of PGs submitting deficient geoscience work to the state. The TBPG is in a position where they cannot review the quality of PG work because the board does not see it, but the TCEQ and RRC are on particular project sites. If you want more assurance that PGs are performing quality geoscience work, push the state reporting agencies to assist.

My Comment Will Be Made Public: I agree