

**From:** [Sunset Advisory Commission](#)  
**To:** [Brittany Calame](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Wednesday, August 15, 2018 3:23:00 PM

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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 3:22 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: Lee

Last Name: Beeson

Title: Senior Geologist

Organization you are affiliated with:

Email:

City: Dallas

State: Texas

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

I am in opposition to the Texas Sunset Advisory Commission's (Commission) recommendation to abolish the Texas Geosciences Practice Act(Act) and the Texas Board of Professional Geoscientists (TBPG).

After reviewing the reports provided by the Commission, I was dismayed by the two primary reasons that the commission wishes to abolish the TBPG. Those two reasons were 1) No catastrophic events or public harm and 2) No meaningful enforcement actions.

To address the first issue of no catastrophic events or public harm, I would like to remind the Commission that many of the licensed Geoscientists in Texas are employed in environmental consulting. This type of work involves identifying and quantifying toxic and hazardous substances in soil and groundwater as well as other media. If this work is not done by qualified individuals, there is the potential for toxic materials to migrate to public water supply wells, private water wells, and even into homes. The repercussions of this may not become evident until years later when the chronic effects of the toxins begin affecting the health of those exposed.

The effects of the toxins can produce outbreaks of cancer, neurological conditions, birth defects, and many other potentially debilitating or fatal conditions. This has been seen previously in sites such as Love Canal, Times Beach, and Pacific Gas & Electric. The argument of no catastrophic events or public harm does not hold up under scrutiny. If this were a substantial reason, then wouldn't it also be practical to abolish licensing Boards for dentists or pharmacists since there is no more potential for public harm in these professions than those individuals working on environmental sites and there is certainly not a potential for catastrophic events.

The second issue of no meaningful enforcement actions also does not hold up under scrutiny. Having been in the environmental consulting business for over 30 years, I have seen in the past many instances of substandard work performed. In my opinion, the inception of the Act has aided in bringing more competence to the environmental consulting industry and has "weeded out" a great deal of less than ethical businesses that claim to be environmental

consultants; thereby, reducing inferior work and the potential for enforcement actions. The lack of fines was also noted in this reasoning for abolishment. If the absence of producing additional revenue for the General Fund is a reason for abolishment, then there are numerous other Agencies, Boards, and Commissions that should be abolished.

Other items I would like to address include the whole premise of the Staff Report (Report). This document was prepared as part of a review of a scientific board. However, the Report seems to ignore the whole of the scientific method of establishing a hypothesis, collecting data to either prove or disprove the hypothesis, and drawing conclusions based on the data.

This Report appears to have established a conclusion and then selectively used the data or omitted items in an effort to support that conclusion. I would hope to see the scientific method used in the review of a scientific profession. I would also hope that someone with a scientific background was involved in the review process. In reviewing the academic credentials of the preparers of the Staff Report, I have not been able to identify anyone with this type of background. This appears to be a major shortcoming in the Report. Some of the more obvious omissions are discussed below. One glaring omission, but I think a very important one, concerns the comparison of the regulation of Geoscientists with Engineers and Architects. The changes to environmental laws in the 1980s were a major impetus to regulation of the Geoscience profession. As the number of environmental projects grew, the need for those with an understanding of the mechanisms in the subsurface grew and a greater number of Geoscientists were conducting this work. Due to the nature of this type of work, regulation of Geoscientists became more prominent. Your Report uses the argument that only 29 states regulate the practice of Geoscience or Geology but all 50 states regulate Engineers and Architects. Would it not be critical to inform those making the decisions that it took 50 years after the first state began licensing Architects for all the states to adopt such practices. It would also be worth noting that some of these states have had Geoscience regulation much longer than Texas and apparently see merit in such regulation. Another example of using selective data is the argument that the Act was not pushed in order to protect public health but only to increase the stature of the practice of Geoscience. Selective passages of bulletins and associated comments were used to make this argument and omitted that the protection of human health was one of the primary factors. The Report also does not mention that when the American Institute of Architects (AIA) was pushing for the states to begin licensing, their objectives were to “promote the scientific and practical perfection of its members” and “elevate the standing of the profession”. It appears that Geoscientists are being judged by a different standard when they are merely following the path that has been taken before by one of these other professions. I consider this an important piece of information if a comparison is to be made. I think it would have also been important to interact with the those who actually perform environmental work to gain an understanding of the profession, like past reviews with Engineers.

There are also the matters of exempted groups and grandfathering. It is true that academia and oil and gas Geoscientists are exempt from the Act. If the Report is to be honest, I would think that the number of Professional Engineers (P.E.s) in private industry that are exempt from regulation should also be included as a comparison. As far as the grandfathering, this has been done in many professions throughout the years as licenses were required and often has included individuals that received licensure through internships and practice rather than academic credentials. The Act requires certain academic credentials to be eligible for licensure. The Report infers that a majority of the grandfathered Geoscientists are incompetent based on the fact that they grandfathered. I find this inference to be insulting to both me personally and the Geoscientist profession as a whole.

The final matter I would like to discuss involves the more direct and robust evaluation of Geoscience work by the Texas Commission on Environmental Quality (TCEQ) and the Railroad Commission of Texas (RRC). Although the TCEQ and RRC evaluate data submitted to the agencies, they do not have the capacity or the authority to oversee the Geoscientists work. In particular, the TCEQ reviews the data that is presented in reports and works with the professional to correct deficiencies in the reports. There is no regulatory oversight of the individual or entity conducting the work to determine if the work was done in an ethical and conscientious manner. Having the TCEQ do this would slow the investigation, remediation, and permitting processes to such an extent that work would take an excessive amount of time to complete; thus, creating a financial burden to the regulated community and potential harm to the public at large. In addition, the TCEQ has had a high turnover rate the past several years due to retirement. Many of these positions have been filled with non-Geoscientists. It will take some time for the experience level and academic background at the agency to reach a level in which it could even consider taking on this endeavor.

In closing, I found that the documents recommending the abolishment of the Texas Geoscientists Practice Act and the Texas Board of Professional Geoscientist to be incomplete and inconsistent with the reviews of other professions

boards. As I have discussed previously, the Act and Board are important for maintaining the integrity and ethical standards of Geoscientist working in the environmental, natural resources, and engineering related fields and should not be abolished. It is my recommendation that the Sunset Advisory Commission allow the Texas Geosciences Practice Act and the Texas Board of Professional Geologists to continue.

Thank you for your time.

Any Alternative or New Recommendations on This Agency: It is my recommendation that the Sunset Advisory Commission allow the Texas Geosciences Practice Act and the Texas Board of Professional Geologists to continue.

My Comment Will Be Made Public: I agree