

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 8:03 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

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Your Comments About the Staff Report, Including Recommendations Supported or Opposed: The conclusions put forward in the executive summary are either short-sighted or result from an incomplete understanding of the totality of processes which produced them. There has never been a more important time to have state regulatory oversight for the quality of work produced by geoscientists. Much of the work produced by geoscientists in Texas has not, and will continue not to focus on harm to human health and the environment; however, there is value in ensuring money and property is protected. This is a realm where licensing of petroleum geologists is, for example, of primary importance. Regarding health and safety, Texas cannot claim to be a leader among states in the realm of vapor intrusion. However, real estate property transactions and due diligence standards have changed and this very real exposure potential is now and will continue to be a growing concern for both Texas residents and workers. The detection, transport, and ultimate fate of toxins in the subsurface, potentially migrating into breathing zones, is best performed by geoscientists of demonstrated competence. The public demand for a professional standard and licensure is actually quite high, considering third party liability concerns that owners and operators of contaminated property face. Indeed, if nothing else, the requirement for licensure ethics is critical in this realm, creating a level playing field where one may not have existed previously. Acting with little to no state guidance on this matter, it is even more imperative that a licensing board remain to oversee the quality of work. It is too soon to judge that the existence of the TBPG is unnecessary on this matter, as it is a relatively new, but critical, element in environmental geoscience work. The importance of the finding of the amount of professional geoscientists that have not had to take a "rigorous" examination is flawed in at least two respects. First, this is a common and appropriate practice for every licensing body when startup takes place, as experience itself imparts knowledge. Second, the examination is broad in scope and most licensed professional geologists will concentrate upon only a fraction of what is contained in the examination while practicing their particular aspect of geoscience. Before drawing conclusions that the TBPG has received little to no complaints from regulatory agencies, inquiry should perhaps be given to whether the agencies that might otherwise have referred matters to the TBPG have policed identified issues themselves, and whether, if such a practice has occurred, it resulted in a stifling effect upon reporting of violations. In addition, some consideration should be given as to whether the TBPG's violations depart significantly from other licensing boards, which, upon cursory inspection, it

does not. It is highly unfair to claim that state agencies have the necessary competence to oversee and enforce malpractice of geoscience, as employees of these agencies are statutorily exempt from geoscience licensure when performing reviews of geoscience work. In practice, however, one observes that many employees of state agencies reviewing geoscience will seek out licensed geoscientist to assist them in evaluating geoscience work. I respectfully request that the Sunset Commission recognize the shortcomings contained in the recommendation to abolish the TBPG and, instead, allow the TBPG to continue its important work, tasks that, as outlined above, are more important than ever.

Any Alternative or New Recommendations on This Agency: I have no alternatives or recommendations other than the item expressed above regarding inquiry into whether state agencies have policed matters of potential geoscience violations themselves, and whether this has had a stifling effect on potential violations of TBPG statute and rules.

My Comment Will Be Made Public: I agree