

**From:** [Sunset Advisory Commission](#)  
**To:** [Brittany Calame](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Thursday, August 16, 2018 5:05:11 PM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission  
Sent: Thursday, August 16, 2018 4:49 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: Jon

Last Name: Brandt

Title:

Organization you are affiliated with:

Email:

City: Corpus Christi

State: Texas

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

The Staff Report states that the Texas Board of Professional Geoscientists (TBPG) is unnecessary to protect the public - because there have been no meaningful enforcement actions by the Board, no impact on public protection (how could this even be measured?), and several regulatory state agencies already oversee geoscience work (indirectly, through review of permit application submissions that often contain geoscience work).

Staff further make the case that licensing of geoscientists is unwarranted by stating there were no catastrophic events or documented public harm that served as a catalyst to establish the Board. I would have to disagree with that assertion, as there were plenty of examples given while the legislation to establish the Board was developed. Why else would lawmakers even entertain this effort? It is also disingenuous to use the lack of a demand from the public or consumer protection groups for geoscience licensing, as the nature of geoscience is inherently less obvious to the public or advocacy groups, compared to work done by engineers.

It seems to me that the legislation creating the TBPG included enough language to effectively remove the relevance of geoscientists performing work in Texas, by including a list of 10 exemptions. In practice, there are several instances where a professional engineer (PE) can override a PG, even though the PG is more suited for that particular determination. I believe a case can be made that PGs were latecomers in the regulatory framework in this state, so other professional disciplines had already carved out their niches and were able to exempt much of the work geoscientists would perform. This is evident by looking at the permit application requirements from several regulatory agencies.

Any Alternative or New Recommendations on This Agency:

Remove some of the exemptions in TOC Section 1002.252, so that work from licensed PGs is required on some of

the projects listed in section in 1002.252(3).

The Texas Board of Professional Geoscientists should include budget funding that allows it to actively inform the public and state agencies about the need for qualified geoscientists to perform work in the following areas, but not limited to:

- site selection for housing subdivisions (minimizing structural damage from shrink-swell soils, karst features, and other potentially deleterious landscape features)
- appropriate assessment and mitigation of hazardous material sites or reclamation/remediation of drastically disturbed sites (industrial operations or surface mining)
- groundwater assessments
- evaluation of subsurface conditions that may impact construction and environmental protection
- evaluation and mapping of soils and their landscapes in order to assess engineering properties
- interpreting soil physicochemical data to provide guidance for land use planning

My Comment Will Be Made Public: I agree