

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, August 16, 2018 3:05:10 PM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Thursday, August 16, 2018 2:55 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: Lynn

Last Name: Clark

Title: Principal Geoscientist and Vide President

Organization you are affiliated with: LCA Environmental, Inc.

Email:

City: Dallas

State: Texas

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

I strongly oppose Staff's recommendation to abolish the TBPG and the PG license.

I have been a practicing geologist, in Texas, for over 35 years. I was appointed by Governor Perry to the Texas Board of Professional Geoscientists and served 6 years from 2005-2011, and was Chairman of the Board for 2 years.

During my tenure I served on several committees and chaired the joint committee with the Texas Board of Professional Engineers. I am also a past President of the Texas Association of Professional Geoscientists. I co-founded my firm, Lynn Clark Associates, Inc. dba LCA Environmental, Inc. in 1992; our firm is State-registered as both a Professional Geoscience Firm and a Professional Engineering Firm.

I was active in the legislative efforts to pass the Texas Geoscience Practice Act over multiple sessions, including, of course, all the unsuccessful efforts. I was standing at Governor Perry's right shoulder when he signed the bill.

Respectfully, the Staff Report mis-characterizes the broad motivations of geoscientists' support for licensure as primarily a desire to achieve professional parity with the engineering profession. The primary motivation was actually to protect the public from shoddy geoscientific work performed by incompetent geologists or by individuals with little or no geological training at all. Licensure was the necessary step to establish professional standards and individual accountability for the protection of the public. As is well understood, the engineering profession and others took the same step decades ago.

The Staff Report cites a large percentage of licensees as holding their P.G. license by virtue of grandfathering instead of examination and concludes this is evidence of reduced competency with the profession. That is foolish.

This is the same situation that exists in almost every profession that administers professional licenses and Staff's conclusion. (For the record, I voluntarily took and passed the ASBOG Geology exams when I was on the Board, so

that I could intelligently and honestly advise the many young professionals who were contemplating and preparing to take the exam to obtain their Professional Geoscientist license.)

Staff's competency concern with grandfathers PGs does not seem to consider at least two important point.

1) In the first few years of licensure, hundreds of grandfathered PGs surrendered or did not renew their license. The Staff Report concludes that these individuals saw no benefit or realized they did not need the license after all. There must have been some of that, but the primary reason was that many practitioners were simply unwilling to obtain the required annual continuing education and ethics training to maintain their new P.G. license.

The profession and the public's perception of the profession were both improved by the withdrawal of these practitioners.

2) Staff do not credit the thousands of grandfathered practitioners who have maintained their P.G. licenses in good standing for the past 15 or so years for the personal and professional development they have achieved. Fifteen years of continuing education and ethical training, coupled with a professional code of conduct, translates to constant improvement within the profession, to the benefit of the public. In my business life, I commonly review and have reviewed thousands of geologic reports covering decades of practice by hundreds of firms. I declare, unequivocally, that the quality of geoscientific work provided to the public has steadily improved since Professional Geoscience licensure became the law of the land in Texas.

Beyond the practical consideration that the TPBG is a donor agency to the State of Texas, and those annual General Fund contributions would be lost if the TBPG and licensure were abolished, the Staff Report does not seem to address the much greater cost and challenge to methodically dismantle numerous other regulations and programs that have been amended and modified over the past 15 years to incorporate and require the involvement of Professional Geoscientists and their work.

And finally, there is the integration and reliance of other professions on the quality of the work produced by PGs. (Remember I own a firm that is both an Engineering Firm and Geoscience Firm.) The engineering profession is always the first to be mentioned when it comes to protecting public health, safety and welfare. There are certainly some Professional Engineers who are experienced and qualified to perform certain work most would normally call "geoscience", just as there are some Professional Geoscientists who are experienced and qualified to perform certain work most would normally call "engineering". The important point is that with licensed PGs performing the work they are best qualified to perform, and PEs having the reasonable expectation to rely on that geoscientific work to do the design work they are best qualified to perform, the cost of all services provided to the public are more efficient, less expensive and, yes, just plain better. With respects, I challenge Staff to provide a better definition of how a profession, any profession, can better serve the public interest and protect health, safety and welfare.

Thank you for your thoughtful consideration of these comments.

I will be attending the public hearing on 29 August, and I hope you have some hard questions for me.

Y. Lynn Clark, P.G.

Any Alternative or New Recommendations on This Agency: This is the first full sunset review of the Texas Board of Professional Geoscientists and Professional Geoscientist licensure. Extend the TBPG and P.G. licensure for another 10 years to allow the Board to continue maturing and improving the way TBPG and licensed PGs serve and protect all the people of Texas.

My Comment Will Be Made Public: I agree