



Texas Sunset Advisory Commission
1501 North Congress Avenue
Austin, Texas 78701
Senator Brian Birdwell, Chair

RE: Texas Board of Professional Geoscientists (TBPG)

Dear Senator Birdwell,

Geoscience Consultants International employs a total of seven licensed geoscientists and one graduate geoscientist in Texas. We are a TBPG registered geoscience firm, and perform geoscientific work for Civil and Geotechnical Engineering firms in Texas. Public projects we have worked on have included dams, pipelines, tunnels, railways, highways and bridges. Typically we evaluate geologic subsurface conditions that may impact these projects, and present the findings to the engineering firms and recommend mitigation of adverse geologic conditions in their design. Our work directly and indirectly impacts public health and safety through these evaluations and recommendations. Engineers rely on licensed geoscience work because they know we are legally responsible to the State of Texas for that work.

The Sunset Advisory Commission Staff Report recommending abolishment of the Texas Board of Professional Geoscience and repeal of the Texas Geoscience Practice Act, and presented several perceived justifications for doing that. The report generally stated: “[Geoscientists don’t perform work that directly protects public health, safety and welfare. Prior to 2001, there were no major catastrophic events that led to a public mandate to create the Texas Board of Professional Geoscientists. Most geoscientists in Texas are exempted from licensure by the Texas Geoscience Practice Act. The Texas Board of Professional Geoscientists has not investigated any major enforcement cases.]”

While there is a fraction of truth in each of these statements, the message they create is misleading. Licensed geoscientists perform much work in Texas that protects public health, safety and welfare:

Environmental work is performed by licensed geoscientists and reported to the Texas Commission on Environmental Quality (TCEQ) and U.S. Environmental Protection Agency (EPA). The work incorporate geologic conditions that affect groundwater presence and movement, and contaminant transport mechanisms. Although biologists and chemists recognize and identify these contaminants, they are not qualified to determine where they perch or how they move. TCEQ appears to have reduced it’s geoscience staff levels leaving oversight of these conditions less attended.

Surface and Groundwater in Texas is becoming a more precious commodity with time, as population levels increase. Groundwater geoscientists (Hydrogeologists) evaluate storage capacity of aquifers, as well as water quality within these aquifers. Others can address this better than I can, but although not catastrophic, this work certainly impacts public health, safety and welfare.

We work on large civil engineering projects which, by definition, are constructed on or in the earth, and are subject to adverse geologic conditions such as active and inactive faults, presence and avenues for groundwater in subsurface projects (tunnels, deep foundations), unstable slopes and landslide/rock failure hazards. I can present many examples

of these. Some examples of such failures prior to 2001 were presented in a report issued to legislators of the 2001 Texas Legislature (attached to the same e-mail as this letter).

Many geoscientists in Texas are exempted from licensure by the Texas Geoscience Practice Act. These include petroleum geologists and geophysicists and mining geologists who are engaged in exploration and production of energy and mineral resources. This type of work does not impact public health, safety and welfare, and the 2001 Texas Legislature exempted them for that reason. There have been no major enforcement cases of licensed geoscientists since passage of the Texas Geoscience Practice Act. The Texas Board of Professional Geoscientists relies on users of geoscientific work requiring licensure to report or file complaints if the work product is misleading or incorrect. Otherwise, the TBPG is limited to administrative enforcement. Most geoscientists currently licensed by TBPG were "grandfathered" and have not since licensed by examination. State and federal law prohibits removal of the right to work through legislation, hence "grandfather" clauses are mandated in all licensing acts. It has been 17 years since passage of the Texas Geoscience Practice Act. The "grandfather" period from the time of the first TBPG meeting until the grandfather period was closed was less than one year. The grandfather period for the Texas Board of Professional Engineers lasted from its creation until the mid-1980s.

I hope this will put some of the claims presented in the Staff Report in perspective. If you have any questions or concerns about my comments, please don't hesitate to contact me. I am at your disposal.

Respectfully,



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