

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, August 20, 2018 7:41:20 AM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Sunday, August 19, 2018 12:20 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: Mervin

Last Name: Dale

Title:

Organization you are affiliated with:

Email:

City: Fort White

State: Florida

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

Response to Pending Sunset of Texas PG Licensure (note: in opposition to
sunsetting TX PG licensure)

My name is Mervin W. Dale, P.G., and I hold professional licensure in Florida and Texas. My Texas P.G. License is # 10375, and I proudly display it in my office. I earned my first P.G. license in Florida following passage of a state exam before they became an ASBOG state. When my employer asked me to obtain licensure in Texas for some project-specific work, I was required to take and pass the rigorous ASBOG exams. So, I'm particularly fond of my Texas P.G. License as it is additional proof of my commitment to serving the public as a dedicated geoscientist.

The recent findings by the Sunset Review Commission could lead to the end of P.G. licensure in Texas and this disturbs me greatly. Here are some of the reasons I feel this course of action should be avoided:

1. It will harm professional licensed geologists/geoscientists and businesses as they will be forced to compete with 'fly-by-night' companies staffed by unlicensed and possibly incompetent personnel.
2. It will hurt the consumer as there will no longer be a standard requirement and anyone will be allowed to pass themselves as a 'Professional Geologist/Geoscientist' and those harmed by their incompetence will not have recourse such as is currently available.
3. Without trustworthy geoscientists there will be no one to safeguard the state of Texas' vast natural resources and the citizenry will suffer in my opinion.
4. The State of Texas may face lawsuits for failing to protect its citizens.
5. Professional geologists have been working for about two decades to achieve parity with professional engineers nationwide and the loss of the Texas PG Board and PG licensure there will damage if not call into question the work accomplished to date.
6. Geologists licensed by any state should be held to the same standards as a

professional engineer, for example:

- a. Licensure by a state licensing board should be required of both professions because they can present similar risks to the public's health, safety and welfare.
 - b. It is unclear or not understood by some people that geologists are subject to testing that is similar to or more rigorous than the testing required by professional engineers, or that state geology licensing boards can investigate complaints of negligence or incompetence.
 - c. Professional engineers have licensing boards in all 50 states, and licensure of engineers began about 110 years ago; however, licensure of geologists is currently required in about 32 states, and that practice began about 60 years ago. It is important to note that licensure of geologists is growing with Michigan currently considering licensure.
 - d. According to Wikipedia, PE "licensure in the United States began in the State of Wyoming when lawyers, notaries and others without engineering training were making poor quality submittals to the state for permission to use state water for irrigation. Clarence Johnson, the Wyoming state engineer, presented a bill in 1907 to the state legislature that required registration for anyone presenting themselves as an engineer or land surveyor and created a board of examiners. Charles Bellamy, a 52-year-old engineer and mineral surveyor then became the first licensed professional engineer in the United States. After enactment, Johnson would wryly write about the effect of the law, saying, "A most astonishing change took place within a few months in the character of maps and plans filed with the applications for permits." Louisiana, followed by Florida and Illinois, would become the next states to require licensure. Montana became the last state to legislate the licensing in 1947." I bring this historical note on PEs to point out a couple of things: 1) Licensure of any profession serves to elevate the quality of the work done by those licensed; 2) Even PE licensure began in response to 'administrative' need versus a perceived 'threat to the public'; and, 3) Texas PG licensure has only been in force for about 15 years while states like Arizona have been licensing PGs for about 60 years so it stands to reason that it takes time to see the 'need' for such qualifications.
7. Texas is one of 10 states that require CEUs. This practice is important since it gives the public the assurance that these professionals are staying current and relevant in their chosen field of work. After all, new technologies, protocols, and concepts are rapidly developing in today's world.

Thank you for your time,
Mervin W. Dale, P.G.

Any Alternative or New Recommendations on This Agency:

In view of my foregoing comments I recommend continuing the practice of licensure for geoscientists in the Great State of Texas, and I support the Texas Board of Professional Geoscientists in any effort to maintain its authority!

My Comment Will Be Made Public: I agree