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August 22, 2018

Michael J. DeNeve, P.G.  
Chairman  
Florida Board of Professional Geologists

Mr. Ken Levine  
Director  
Texas Sunset Advisory Commission  
PO Box 13066  
Austin, TX 78711

**RE: Florida Board of Professional Geologists Comments on the Sunset Commission's  
Recommendation to Abolish the Texas Board of Professional Geoscientists**

Dear Mr. Levine,

The Florida Board of Professional Geologists (FBPG) has reviewed the Texas Sunset Commission's recommendation to abolish the Texas Board of Professional Geoscientists (TBPG). While we recognize the hard work and research that the Sunset Commission has put into formulating your recommendation to abolish the TBPG, we feel that the report and recommendation miss the point on several key issues that have the potential to damage the practice of professional geoscience on a national level. While we will not try to refute every point made in the report, we would like to respond to some of the key points that we feel need further consideration.

In Issue 1, the findings state that the TBPGs regulation does not provide meaningful public protection. It further cites an exhaustive study of records indicating no significant harm attributable to the practice of geoscience. It is the opinion of the FBPG that a review of historic records to ascertain harm due to the practice of unqualified geoscience work is not a useful measure of the effectiveness of the TBPG and their regulatory function. FBPG is not surprised that few records exist. The commission's use of the findings from this study to rate the effectiveness of the TBPG is troubling. It is also not surprising that there is not a measurable demand from the public and/or consumer groups for regulation as there is a general lack of familiarity by them with geoscience work until one of the hypothetical scenarios mentioned in the report happens. The fact that the commission used examples such as flash floods and sinkholes as unpreventable harm that occur, ignores the fact that trained professional geoscientists can evaluate areas where flash floods and sinkholes may occur and take preventative or mitigative measures to prevent harm prior to an event. Additionally, the TBPG provides a regulatory function that prevents unscrupulous practitioners of geoscience from providing bogus services in a number of areas of importance to the public including but not limited to geo-environmental studies, potable well placement, sinkhole analyses, land drainage evaluations and resource conservation.

The list included in Issue 1 titled "Why Be a Licensed Professional Geoscientist" is an accurate assessment as far as it goes although we feel that does not go far enough and ignores some of the obvious benefits that stem from a regulated and coordinated professional practice of geosciences. Issue 1 also uses employment statistics and exemptions to question the need for regulated geoscientists. We find the 2017 statistic that indicates registration of 52% of the geoscientist in a state the size of Texas with a number of mining activities that exempt geoscientist as a positive indicator that the regulation of geoscientists outside of mining and teaching is working very well. The second bullet in Issue 1 states that "Far reaching exemptions means much geoscience

remains unregulated without a negative effect on the public". This is a disingenuous statement. While mining and teaching concerns make up the bulk of the 48% of geoscientists in Texas that are not licensed, they are regulated by the companies and organizations that employ them, which in turn have the potential to impact the public. This point alone indicates the need for regulation for the remaining professional geoscientists in Texas that are not engaged in mining or teaching concerns. We also find that the statement in bullet 3 of Issue 1 is misleading and self-serving. The statement that "The public is not the primary consumer of most direct geoscience services" can also be applied to the commission's gold standard boards that regulate engineering and architecture. This statement as written is not relevant to the issue. Statements made in the report that other agencies can assume regulation of geoscience activities ignore the fact that this will lead to a disjointed and uncoordinated regulation of professional geoscience with increased potential for substandard work and public harm.

The commission's use of the number of states that currently regulate geoscience or geology is probably the most misleading use of a statistic in the report. Although only 58% of the states choose to regulate geoscience or geologic professionals at this time, the number of states that are adding regulation of professional geologist or geoscientist is increasing. This indicates a growing concern by the public and state governments over the importance of well-regulated profession. Issues concerning geoscience and related issues are increasing in global scope in recent years and unless there is an effective means of regulating the practice of geoscience, the potential for public harm does indeed exist. The fact that all 50 states have boards for engineering and architecture is not a fair comparison and is in no way a "nationwide consensus" that geosciences do not merit oversight.

In conclusion, the FBPG is very concerned that the Texas Sunset Commission's recommendation to abolish the TBPG if acted on is precedent setting for other states that are simply trying to reduce regulation without fully considering the long term consequences of this action. It is our hope that the Texas Sunset Commission will carefully review the comments provided by the FBPG and other concerned citizens and groups to make a fully informed decision to not recommend the abolishment of the TBPG.

We appreciate the opportunity to comment on this issue of national importance.

Sincerely,



Michael J. DeNeve, P.G.  
Chairman  
Florida Board of Professional Geologists

CC: ASBOG  
Robert Milne  
Richard Morrison