

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, August 16, 2018 10:00:51 AM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Thursday, August 16, 2018 9:50 AM
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: Byron

Last Name: Ellington

Title: Senior Geologist

Organization you are affiliated with: Terracon Consulting

Email:

City: Austin

State: Texas

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

I oppose the abolishment of the Texas Board of Professional Geologist (TBPG).

Prior to my current employment I spent 27 years with the State of Texas (TCEQ and predecessor agencies (15 yrs; RRC 12 yrs) reviewing geologic interpretive work product. It was clear to me and my coworkers at the state that the quality of geologic work product and interpretation increased many fold after the enactment of geoscientist licensure in Texas. The majority of these cases at the state are oppositional in nature because the regulated entity had caused pollution which was going to be expensive to remediate.

How expensive often could be controlled by one geologic interpretation versus an opposing interpretation. In addition to the quality improvements which benefited the public and the environment, the immediate effect to state agency workers was one of efficiency because the presumption of accuracy of geologic interpretation increased, thereby reducing review time.

Other facts to consider in my opposition of the abolishment of the TBPG are:

Licensure adds accountability/liability for PGs signing off on work, which ultimately results in a better product for the public and higher quality of these services in the market.

- Removal of licensure will allow for degradation of the market by introducing inferior service providers. This will result in a reduction in quality, a threat to public health, and possibly increased costs to consumers via damages associated with poor quality work.
- Emphasize that we affect the public every day by working with/for the TCEQ, RRC, counties, school districts, and municipalities, as well as various clients in the private sector involved with projects that ultimately serve the public.
- Emphasize the improvement in quality of services following PG licensure, as well as any feedback to this point that you may have received from TCEQ or RRC over the years.
- Emphasize the necessity and value of PGs to public health and welfare.

- Introduce the fact that negative effects associated with poor geoscience work are inherently not as evident because of the time scale and other factors (e.g., a building collapsing is more direct and observable than chronic health effects associated with public exposure to contaminated soil, groundwater, air).
- Consider the concept that the absence of catastrophic events, public harm, and serious enforcement violations could be the result of a functional and necessary agency and system. We are here to prevent these situations.
The absence of them does not mean that we are not needed.
- Although we should first stress necessity and public protection/welfare, also consider the fact that the TBPG actually generates revenue for the state. We are therefore not only providing a necessary and valuable service, but are also generating revenue for the General Fund.
- Ask whether regulation of Geoscientists is really burdensome when it only takes 4-5 state employees, actually generates revenue, and has little negative effect/burden on the public.

Thank you.

Byron Ellington

Any Alternative or New Recommendations on This Agency: I support keeping the TBPG whole a it is currently organized.

My Comment Will Be Made Public: I agree