

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, August 16, 2018 5:02:49 PM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Thursday, August 16, 2018 4:23 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: Phillip

Last Name: Goetze

Title: Hearing officer; petroleum geologist

Organization you are affiliated with: State of New Mexico, Energy, Minerals and Natural Resources Department,
Oil Conservation Division

Email: phillip.goetze@state.nm.us

City: Santa Fe

State: New Mexico

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

RE: Submittal of Comments regarding the Texas Sunset Advisory Commission Review of the Texas Board of
Professional Geoscientists

To Whom It May Concern:

My current employment is with the New Mexico Oil Conservation Division where I serve as a hearing examiner for cases being adjudicated by the Division, Underground Injection Control (UIC) technical reviewer of injection applications, petroleum geologist and expert witness on behalf of the Division before the Commission and legislature. I am a Licensed Professional Geoscientist in the state of Texas, No. 2278, and I am in good standing with respect to the rules governing this license.

As hearing examiner for cases appearing before the Division, I am required to qualify witnesses to provide testimony in cases which cover a range of subject matters including protested injection applications, interest subject to compulsory pooling (or forced pooling) and competing applications for drilling programs within the same lease unit. Additionally, the examiner must consider the testimony of each expert witness that represents opposing parties in the case. I find that the geologists with professional licenses (such as the Licensed Professional Geoscientist) provided a higher quality of technical testimony and opinions that can be substantiated. This provides the examiner with a greater ability to obtain an objective decision and greater confidence in recommendations in the draft hearing submitted to the Division Director for his or her consideration.

Also, having performed over 40 years of service in the geological community, the inclusion of a standard for professional ethics as a requirement for the license is a value not properly characterized by the Sunset review of the

Board. This element of the Texas license I find to be one of its greatest strengths. Self-examination by the professional as to the quality of services and the standards of practices is not found in many license programs, and tends to be lost especially in the competitive markets that utilizes geoscientist.

The executive summary of the Sunset review for this Board states:

“The practice of geology and geoscience was unregulated by the state until 2001 when the Legislature created the board. History shows no catastrophic event or public harm as the impetus for creating this regulation, nor any documented demand from the public or consumer protection groups for it, and Sunset staff found no examples or evidence of significant public harm directly attributable to unqualified or unlicensed geoscientists, either before or after the board’s creation.”

I find this statement somewhat in conflict with recent events that have occurred within the state of Texas related to the oil and gas industry, principally the issue of induced seismicity. This subject appears to have been sufficient stimulation to produce House Bill 2 of the 84th Legislature and the establishment of TexNet. It will be the responsibility of geoscience community to develop responses and provide guidance to address these types of issues. This should include licensed professional geoscientists to provide the public with a level of assurance as issues such as induced seismicity especially with changes in observations and the interpretations of this matter.

Any Alternative or New Recommendations on This Agency:

I would ask the Commission to extend this Board and its authority for additional period. At the same time, I would also recommend the Board to reconsider its prior decision to exclude some “categories” of geoscientists due to their employment since the qualities that make a responsible geoscientist should not be determined by that scientist’s specialty, whether hydrocarbon, water, soil, or mineral.

Respectfully submitted,

Phillip R. Goetze, PG

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My Comment Will Be Made Public: I agree