

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 3:49 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: Mark

Last Name: Hanson

Title: Vice President

Organization you are affiliated with: DCH ENVIRONMENTAL CONSULTANTS LLC

Email:

City: FRIENDSWOOD

State: Texas

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

I am a Licensed Professional Geologist (P.G.) in the State of Texas and have been practicing Geology and Environmental Geology for over 24 years with Federal, State, and private organizations. Based on my experience, I strongly OPPOSE the abolishment of the Texas Board of Professional Geoscientists (TBPG).

The TBPG provides a much needed additional layer of protection in the interest of public health, safety, and welfare. Texas is actually late to the game in this respect when it should have been leading the nation. Doing some quick research it appears that currently over 35 States and even a few US Territories require licencing of P.G.s. All were created to add another layer of protection to the public. The Texas Board of Professional Geoscientists is fundamentally the equivalent of these programs and shares reciprocity with many of these States. This is likely true for the Professional Engineers in ours and their states as well.

In the Sunset Committees Summary, I noted the comment that indicates that "History shows no catastrophic event or public harm as the impetus for creating this regulation, or public demand for creating this regulation."

Does something have to be reactionary to cause Regulatory oversight. I'd rather go for a proactive stance which the P.G. program offers. I am pretty sure that these conditions did not exist for the P.E. or most other professions in the State of Texas too. I can state however, off the top of my head a couple instances where the lack of a P.G. program (some were done before the P.G. Program) or lack of a Professional Geologist has caused harm to the public in Texas.

1) Faulting in the Woodlands Development, a Master Planned Community located north of Houston. Natural geological faulting was well known to geologists in Texas however little or no consideration was given to this natural phenomenon and the concern was not addressed properly moving forward resulting in litigation and significant damage to public and private property. While other State Licensed Firms were involved in the planning and oversight of this community, a Texas Professional Geoscientist was not used.

2) Another example would be the development of a community over what is now known as the Brio Site (A Super Fund Site) located south of Houston. The community was built on top of an oil field and illegal chemical dump site. Again as part of development I understand numerous State Licensed individuals and companies installed borings across the area but were only looking for specific properties and but did not recognize or fully appreciate the affect the local geology had and its effects on contamination at the site. This again resulted in significant harm to the public and again a Texas Professional Geoscientist was not used.

Both of the preceding examples did not have the benefit of a licensed Professional Geoscientist through the State of Texas looking out for the public health and welfare. As a matter of course almost every Super Fund Site in the State of Texas has had the involvement and input from numerous previously existing State licensed professionals and by there very nature resulted in significant harm to the public. A Professional Geoscientist may have recognized issues that would have allowed for a better response to the issues for each individual site.

The question is if the purpose is to protect the health and welfare of Texans and our States Natural Resources we cannot afford to do without the Professional Geoscientist program as an additional layer of protection. My primary job is to investigate and inform our clients that there are geological and/or environmental concerns and that development without cleanup (on impacted sites) would result in direct harm to the public, unless something else is done. If I do my job right no one is going to complain and that's a good thing because I did not put them at risk to begin with. If anything the P.G. program should be on equal footing with any other State Licensed Program and have the ability to shut sites down if there is a significant threat the pubic.

The grandfathering of existing and experienced professionals has been a practice in almost all State Licensed Professional organizations at their inception, because you have to start somewhere. That time was only at the infancy of this program and is no longer applicable going forward. The P.G. requires a certain "Degree" of training, knowledge and experience to be licensed. The required Continuing Education (Such as those required by P.E.'s, lawyers. etc.) ensures that a P.G. will continue to keep up to date of new changes and ideas that assist them in making their decisions. The required Ethics is valuable as well.

The nature and lack of complaints for P.G. s should actually be considered a testament to the character and effectiveness of the existing P.G. program and individuals practicing. The unknown statistic here is the countless commercial sites and residential subdivisions not built on contaminated sites or buildings located on active faults, or natural resources destroyed because they were not considered during planning. Prevention is a much better measurement in this case, I think anyone would agree.

What is even better is that this added layer of public protection comes at no cost to the public or State. The PG Program appears to generate a surplus of revenue for the State.

The TBPG holds it members to a higher degree of professionalism than non members. I strongly believe that the TBPG should be allowed to continue and grow in its current role.

Any Alternative or New Recommendations on This Agency: None at this time.

My Comment Will Be Made Public: I agree