

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Thursday, August 16, 2018 1:31 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

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

I disagree with the Texas Sunset Advisory Board Commission staff recommendation to abolish the Texas Board of Professional Geoscientists and licensed P.G.s. As an attorney I rely on geoscientists to perform subsurface investigations and quarry evaluations, whether for consulting or trial work, in a professional manner and the P.G. registration ensures minimum qualifications and professional standards. Stating that there is no measurable evidence of the Act protecting the public as a basis to repeal the Act is akin to taking out red lights at intersections because there have been no reported accidents at the intersection. It is equally plausible that the regulation of the profession is having the desired impact.

Furthermore, the Sunset Commission's statement about the TCEQ and Railroad Commission reviewing the work is not completely accurate. I have friends that work at the TCEQ and they tell me that their management discourages reporting suspected violations of Geosciences Practices Act. Since the outreach portion of the Board's mission is relatively new, perhaps this element should be emphasized.

I formerly practiced geology and hydrogeology before becoming an attorney. I worked for one unscrupulous boss, where my recourses were to refuse to sign reports that he altered when he had no experience in the area, and to look for a new employer. Had the Geoscience Practices Act been in existence at that time the reporting of his unethical behavior would have been another means of protecting the public.

The staff's report regarding the reasons for the average decline in licensees is speculative and misleading as it completely ignores the obvious fact that roughly 1,300 licensees dropped out of the program in the Great Recession from 2008 to 2009. Since 2010 the average decline has been only about 100 licensees per year and may have stabilized according to the last two data points. Regardless, since the cost of the program is more covered by the annual renewal fees the decline does not appear to have any negative effect on the public.

To say that no harm came to the public when geologic work was unregulated is absurd. Texas had hundreds of waste sites and hazardous waste sites which put harmful chemicals into pits that subsequently required hundreds of millions of dollars in remediation efforts and exposed countless individuals. I worked on one trial matter where a major oil company, prior to geologist registration, was consistently setting their surface casing short of protecting the base of underlying aquifer. A blowout in one well caused large amounts of groundwater contamination which exposed an entire community for about a decade before it was uncovered. There are likely hundreds of similar examples tucked away in the subsurface of this State that could be avoided or lessened with the regulation of geosciences.

Any Alternative or New Recommendations on This Agency: Increase outreach to the TCEQ and TRRC and train their employees what conduct constitutes reportable violations of the Geosciences Practices Act.

My Comment Will Be Made Public: I agree