

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, August 16, 2018 7:51:12 AM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 11:42 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: Scott

Last Name: Kolodziej

Title: Department Manager

Organization you are affiliated with: Terracon Consultants, Inc.

Email:

City: Dallas

State: Texas

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

I oppose the recommendation to abolish the Texas Board of Professional Geoscientists and repeal the Texas Geoscience Practice Act. I also disagree with the Sunset Advisory Commission report finding that the regulation of geoscientists provides no measureable public benefit.

Although the direct consumers of regulated geoscience services are often not themselves members of the public, they do include State agencies, counties, municipalities, and school districts which serve the public, as well as various private companies involved with projects that ultimately serve or affect the public.

Regulated geoscientists routinely benefit the public through environmental assessments and ensuring that our soil and groundwater do not pose a threat to human health or the environment. Although the TCEQ and RRC provide regulation of these issues, they specifically rely on the opinions of licensed PGs to provide high-quality work that the agencies can trust.

Removing licensure will ultimately reduce the quality of geoscience services by allowing unqualified firms to enter the market. Poor quality work by unqualified, unlicensed firms will increase the threat of public exposure to contaminated soil and groundwater, place an additional burden and risk upon the TCEQ and RRC, and result in increased costs associated with damages resulting from lower-quality services, incorrect interpretations, and improper recommendations.

Licensure itself introduces accountability and liability for PGs signing off on work, which ultimately results in better protection of the public and higher quality of these services in the market. Removing licensure will reduce liability and accountability. Unqualified or marginally-qualified persons or firms will also be able to operate without the consequences of penalty. Although other professional organizations offer certification programs, they do not have the statutory jurisdiction to enforce penalties.

The quality of work product and services following PG licensure has notably improved. This is evident when

comparing representative work deliverables prior to and after licensure. Staff from both the TCEQ and RRC have also communicated this observation.

The report cited the absence of catastrophic events and the absence of significant harm the public as rationale to support its findings and recommendations. Negative effects associated with poor geoscience work are inherently not as evident because of time scale and other factors. Chronic health affects associated with public exposure to contaminated soil and groundwater often take years to manifest. They may not be as directly-observable or relatable to risk perception as a bridge or structure collapse, but they are real and serious threats to human health and public welfare. In addition, the absence of catastrophic events, obvious public harm, and serious violations/enforcement actions demonstrate the result of a functional and necessary agency and system. Licensed geoscientists are here to prevent these situations. In total, the Sunset Advisory Commission staff report was severely lacking in research and evaluation of scientific and/or public survey data related to measurable benefits to the public. Their claim of no measurable public benefit was largely supported by causal and circumstantial observations and was heavy on assumptions.

One indirect yet measurable benefit that the report fails to consider is the fact that the TBPG actually generates revenue for the state. Regulation of geoscientists is not only providing a necessary and valuable service for the public, but is also generating revenue for the General Revenue Fund. In addition, the regulation itself is not over-reaching or burdensome and is effectively administered by a staff of 4 to 5 employees. This regulation uses minimal state resources and is not resulting in over-regulation or negative impacts to the public.

Any Alternative or New Recommendations on This Agency: If regulation of geoscience is abolished, it is necessary that the state create a professional licensure or certification program for environmental professionals to ensure the protection of human health. Other states including Massachusetts and New Jersey have such programs to ensure quality and professional services related to soil and groundwater assessment and remediation. These disciplines are where licensed geoscientists are currently providing the greatest benefit to the public.

My Comment Will Be Made Public: I agree