

GEOS Consulting
7205 Towering Oaks Drive
Austin, Texas 78745-5224

P: (512)445-3433 F: (512)445-5005 C: (512)924-1805 e: geos-jkm@swbell.net
Licensed by & registered w/ the TX Board of Prof. Geoscientists (Firm #50191) (512)936-4400 www.tbpg.state.tx.us

John K. Mikels, P.G.
Groundwater Resources
Environmental Hydrogeology

Texas Sunset Advisory Commission
1501 N Congress Ave., 6th Floor
Austin, TX 78701

August 16, 2018
GEOS Project No: N/A
Pages: 2 + 2 attachments

Re: Objections to the Sunset Advisory Commission's proposed abolishment of the Texas Board of Professional Geoscientists

Dear Commission Members,

I am writing to you to express my **STRONG** opposition to the Commission's pending recommendation to abolish the Texas Board of Professional Geoscientists (TBPG). I understand that this recommendation was prepared by Commission staff, based on their review of TBPG's history, activities, and functions.

To give you some insight into my familiarity with the geosciences, here is brief summary of my career as a geologist/hydrogeologist

- BS in Geology, Baylor University; graduate studies in geology at UT-El Paso
- First worked (1976) as a geologist for Dow Chemical's minerals division
- Two years as a hydrogeologist with the US Geological Survey
- Have worked as an environmental geologist and hydrogeologist since 1981; first for two consulting firms and since 1995 as a consulting sole-practitioner.
- The two key focuses of my career over the past 25+ years have been the assessment of environmental impacts by human activities and the evaluation of our groundwater resources, particularly the prudent, science-based utilization & management thereof.
- I was active in the establishment of TBPG and am one their initial licensees (#14).

Now, some comments and questions about the Commission's Staff Report on TBPG:

- On page 11 of the Commission's Staff Report, last item on page, it states "The public is not the primary consumer of most direct geoscience services." How does the Commission define "consumer" and "direct". My belief is that even if our (PGs) work is being done for a governmental entity (TCEQ, GCD, TxRRC, city, county, etc.), the **ULTIMATE** "consumer" **IS** the public. Much of our work is done to comply with or support governmental rules/regulations that are usually intended to "protect the public" (e.g: groundwater for Public Water Supply, development on the Edwards Aquifer Recharge Zone, Certification of Groundwater Availability for subdivisions that will depend on individual wells to supply each home, assessing commercial/industrial impacts on the environment, etc.). Yes, our work product usually goes to a regulatory entity, but they need it to help them "protect the public".

- Page 13 of the report, 2nd bullet item..."Minimal enforcement referrals from other state agencies". This **IMPLIES** that the work done by us, how it is done, and what is submitted to a state agency **IS** acceptable to these agencies. My conclusion - we do good work and usually satisfy the requirement of the agencies. If we weren't doing so, I'd expect far more complaints from the agencies, and the public, to the TBPG. TBPG has outreached to several State agencies, informing them of the PG licensure and TPBG's enforcement program.

- Page 15 of the report....”Other state agencies provide more direct and robust evaluation of geoscience work than the board”. I’ve a couple of issues with this grossly erroneous conclusion. First, It is NOT the role/mission of TBPG to review all of our work, but rather to ensure the qualifications of those who conduct geoscience work - particularly for the public and for the agencies who represent/protect the public, and who WILL review our work. Do the Engineers, Architects, Doctors, etc. licensing boards review all the work done by their licensees - I don’t think so! That said, I believe it’s critical that any regulatory agency that requires/accepts work product prepared, signed, and sealed by an appropriately licensed professional (PE, PG, RPLS, MD, etc.) have on its staff similarly licensed professionals to do a qualified review of our work. Second, I believe there’s a significant potential financial impact from NOT having properly qualified, and licensed, professionals do geoscience work. If this work is done by non-qualified “professionals”, there is a significant risk of it NOT being approved by the reviewing regulatory agency (TCEQ, TxRRC, GCDs, etc.) and it then being sent back to whoever prepared and/or submitted it, to correct or re-do. This in turn burdens their applicant/submitter with added time and costs to get it done right. Proper qualification and licensing, provided by TBPG, better ensures that the geo-work gets done right the first time - a definite advantage to our clients, and to the public!

- Page 15 of the report, bulleted item at bottom: A historical comment on this statement – one of the key reasons for the drive by geoscientists to establish a state licensure program was poor quality, even wrong, geoscience work being done by non-geoscientists. This was observed by both geologists and their colleagues at some state agencies, when geo-work was reviewed. The errors included data inadequacies, wrong (or lacking) application of geological facts/principles, and wrong interpretations/conclusions. Licensed geoscientists have largely eliminated this problem.

- Appendix B to the report, 2nd bullet: The stakeholder survey – other than TBPG (?), were Texas licensed PGs and the various geoscience professional groups across the State considered for inclusion in the stakeholders group? If not, WHY NOT? These are the individuals who would be most adversely impacted by abolishment of TBPG – along with the public and natural resources (i.e: groundwater) that much of our work serves and protects!

I’ve more comments on the overall issue, but I know that they are also being sent to you by numerous PG colleagues. So, I will conclude with two recommendations. First, the Commission, and the public in general, needs to be better informed on what the geosciences are and the services we PGs provide to protect the public, and their earth resources. Second, that the Commission recommend that the Legislature consider requiring that the TBPG Executive Director be a PG, ensuring that the Board’s leader has a true understanding of what we do and our benefit to the public, resulting in better leadership at the TBPG.

Attached hereto are two documents that should help you better understand what geoscientists do and the justification for licensure, when the geo-services provided protect or benefit the public. Note – the one prepared in 2001 predates establishment of TBPG and the list of cited governmental requirements for PG services has since expanded. Please call or email me if you any questions. Thanks!

Cordially,

JKM

John K. Mikels, PG#14

2 attachments