

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, August 15, 2018 7:57:10 AM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Tuesday, August 14, 2018 5:52 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: Mary

Last Name: Musick

Title: Geologist

Organization you are affiliated with: Musick Groundwater Consulting

Email:

City: Wimberley

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or
Opposed:
August 14, 2018

Texas Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711

Re: Sunset Staff Report on the Texas Board of Professional Geoscientists

Mr. Chairman and Members of the Texas Sunset Advisory Commission:

I am a Professional Geoscientist licensed in Texas and I want to thank the Sunset Commission for the opportunity to comment on the Staff Report regarding the Texas Board of Professional Geoscientists. While I agree with many of the facts contained in the report, I think the initial purpose of the TBPG is still valid and the agency should continue. I disagree that the TBPG should be abolished, however, I believe that its statute and administrative function should be revamped or restructured through the sunset process.

The current TBPG lack of meaningful oversight and enforcement is a disappointment. With the initial grandfathering of almost all applicants without serious review, the agency set itself up as a paper tiger. The lack of serious oversight/review or follow-up with those grandfathered applicants whose experience and background were questionable, has resulted in paper violations being the only activity the Board can implement. I can't disagree with the Sunset Commission findings on the lack of meaningful enforcement.

I worked at the Texas Water Commission (now the Texas Commission on Environment Quality) in the RCRA program when the state was first permitting hazardous waste facilities and overseeing groundwater remediation (in

the early and mid-1980s). In my review of groundwater monitoring and remediation plans as part of the initial permitting process, I saw questionable geology and hydrogeology being presented to the state for approval. The individuals that presented this information appeared to do so without ethical consideration for their clients or consideration of potential future impacts to human health and the environment. This was the reason I supported the long effort to get legislation passed to create the PG licensing program. Until my retirement in 2007 from TCEQ's Water Policy and Regulatory Development Group part of my duties included support for staff geoscientist licensing and incorporating into agency rules the requirements for PGs to perform and seal geoscience work submitted to TCEQ.

Unfortunately, the type of oversight on the profession from the TBPG that I had hoped would materialize from the passage of its enabling legislation, has not appeared. Without a major revamp of the statute and organization, I feel that there is no value added by the current TBPG paper violation programs.

The exact form of this revamp, or if the TBPG should remain as a separate agency, should be explored as part of the sunset legislative process.

Paper violations such as on-time license renewals and review of continuing education hours do not equate to protection of current or future groundwater resources or environmental and health protection. This type of protection should be the main goal for licensing professionals. The current PG program seems to rest on a model of regulation in which there is concern with impact on an individual customer at a place of business or where site inspections of work performed is appropriate. I feel that there is a big difference between licensing science, engineering, and medical professions and other types of professionals. The more academic and scientific based studies conducted by PGs are based upon best professional judgment and conceptual oriented investigations which require a greater dependency upon both ethical judgement, academic education and relevant work experience.

I think that geoscience licensing is worth saving. Some of the issues pointed out by the Sunset Commission report can be corrected or can be resolved as the TBPD matures. As the population of geoscientists age, eventually there will no longer be grandfathered professionals practicing, and the academic background of PGs will improve.

There is much to lose if the licensing of geoscientist in the state is abolished. As for Licensed PGs, I feel that the ability to use reciprocity of licensing to be able to work in other states will be a great loss to small business and HUBs (such as mine) that are consulting within and beyond the state's borders.

The state could lose a qualified workforce that it needs to protect groundwater resources. Younger geoscientists may choose not to continue in their careers in the state or in state government because the professional support for their careers will no longer be recognized. Without PG licensing, state agencies may judge that there is no longer the need to expend funds for continuing education, or a separate professional career tract. Because there will no longer be the need to get work experience to practice geoscience, there will also no longer be a need for mentoring and oversight of younger geoscientist by those with more experience. This lack of experience and oversight of inexperienced agency staff without adequate educational background will be a great loss to the state and agencies' effectiveness in reviewing groundwater remediation plans and permits. The lack of a qualified staff could result in activities being approved that will ultimately result in future remediation and clean-up costs that the state will have to bear, or human health consequences from contamination of drinking water or of surface water resources.

Beyond remediation of contamination and the protection of the quality of current and future water resources, the state is experiencing water shortages. There is a pressing need to identify and develop future water resources, including the need to investigate groundwater availability and sustainability. Economic growth in the state will be dependent upon the accurate investigation of water resources and local planning. The success of these efforts will greatly depend upon aquifer characterization by geoscientists who provide information upon which models are developed and projects are designed. Trained and experienced geoscientists with reliable credentials are needed to contribute to state and local efforts to understand their aquifers.

The ability for the public to be able to identify individuals who are qualified to practice geoscience (by licensing which assures that they have the appropriate training and educational background) is a public benefit. These professionals do provide a public health, water supply, and environmental protection benefit. I urge you to reconsider the recommendation by staff and instead recommend that the Texas Board of Professional Geoscientists continue, but with modification.

Mary Musick, PG

Any Alternative or New Recommendations on This Agency: See comments on staff report.

My Comment Will Be Made Public: I agree