

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Comments: Texas Board of Professional Geoscientist
Date: Wednesday, August 15, 2018 7:58:14 AM

From:
Sent: Tuesday, August 14, 2018 8:41 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Comments: Texas Board of Professional Geoscientist

Texas Sunset Advisory Commission
P.O. Box 13066, Austin, Texas 78711
Email: sunset@sunset.texas.gov

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

I want to express my appreciation for this opportunity to provide comments with the Texas Sunset Advisory Commission Staff Report (the Staff Report) on the **Texas Board of Professional Geoscientists** (the Board) recommendation that the Board and geoscientist licensing be abolished.

For the record, I disagree with the Sunset Staff Report recommends that the Board be abolished because "The board's regulation does not provide meaningful public protection".

Professional geoscientists have the primary responsibility for providing technical analysis and opinions (geological assessment reports) for the protection of our groundwater resources. These are individuals who work in both the public and private sector firms, whether consultants or corporate employees.

These individuals perform assessments, make recommendations or decisions regarding the protection of groundwater when oil and gas wells are drilled, for the location and protection measures used for underground storage tanks, for land fill and

other permits, et cetera. Additionally, these assessments are critical when it comes to assessing and cleaning up sites that have become contaminated, such as underground or above ground fuel tank facilities, commercial or industrial facilities, or areas of illegal dumping.

Geoscientists are also responsible for testing, analyzing, and making recommendations on groundwater availability for assessing new resources and managing (conserving) existing resources.

Geoscientists provide a valuable service to our State. However, to maintain the integrity of this service, there must be a standard of qualifications of the individuals performing this work. The qualifications to accomplish these tasks have been established in Texas through the Board of Professional Geoscientists. To abolish requirements for these qualifications would inevitably result in the performance of these activities by unlicensed, unqualified individuals with unspecified training and skill sets. This would put the burden of establishing the qualifications and regulating those standards on the customer, those receiving the assessment reports.

The Sunset Staff report questions the effectiveness of the program due to the lack of enforcement actions regarding competency of practice. One could and can argue the opposite. Just through the existence of the geoscience license and the requirement that a licensed geoscientist be used to perform geological assessments has restricted the practitioners to those who have the appropriate credentials and experience. Prior to the Geoscience Practice Act, there were many individuals with very diverse educational backgrounds and experience attempting to perform these assessments. Without the program, there is nothing to prevent these unqualified individuals attempting to practice in the field again.

Regarding the practice of grandfathering existing practitioners and exempting certain industries. These were decisions made by the legislature and the board. Those who were grandfathered still had to apply and demonstrate the appropriate level of education and provide recommendation letters attesting to their experience and competence. They were just exempted from taking an examination. The same procedures are used when establishing any licensure program. The exemptions for the oil and gas industry was a decision made by the Legislature, a decision which it may choose to change or maintain.

In summary, the licensure of geoscientist does benefit the public by setting a minimum standard of qualifications for individuals tasked to protect our groundwater resources, thus protecting human health and safety.

Thanks for your consideration.

Respectfully,

Danny M. Neal II, P.E., P.G.