

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Thursday, August 2, 2018 3:32 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: Robert

Last Name: Niehay

Title: Geoscientist-in-Training 168, Environmental Geologist

Organization you are affiliated with: ESSCO Environmental, Inc.

Email:

City: El Paso

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or

Opposed:

Upon review of the 2018 Sunset Advisory Commission Staff Report on the Texas Board of Professional Geoscientists, I have the following comments:

The dissolution of the Texas Board of Professional Geoscientists will negatively impact commercial property transactions within the State of Texas.

The report fails to account for even the very basics of the importance of the work that Professional Geoscientists or the TBPG actually conducts, and puts forth the fallacy that the number or type Board Enforcement Actions has any bearing on the work that the board does; it doesn't.

The purpose of the TBPG is not to check the work that geoscientists do, its purpose is to ensure that the people that practice professional geoscience, largely in the environmental field in the State of Texas, are qualified to do so. By only issuing licenses to those who meet the educational and experience requirements, it weeds out those unqualified who would otherwise produce low quality reports to clients or other agencies, and prevents quality of work enforcement actions against PGs by its very existence.

The 2018 Sunset Advisory Commission Staff Report on the Texas Board of Professional Geoscientists fails to realize that like engineering, geoscience is a multidisciplinary science, unlike chemistry and physics which are components of geoscience. Geoscientists need to be tested on multiple strengths, and weaknesses are determined in testing, so that candidate can build up missing from skills from university.

A licensed Professional Geoscientist is not some individual who just sat in a class for 4 years and paid a fee, a PG is a person with both proven education and experience. By checking that education and experience actually exists and issuing a title, the TBPG ensures that clients and regulators can easily identify qualified scientists. Very few reports actually require a PG seal, but many, many people utilize PG services because they are easy to identify as qualified

scientists.

The 2018 Sunset Advisory Commission Staff Report on the Texas Board of Professional Geoscientists also fails to account for the Code of Federal Regulation 312.10 that specifically defines Professional Geoscientists as environmental professionals. The elimination of PG license in the State of Texas would reduce the number of people qualified to carry out Phase I and Phase II Environmental Site Assessment for financial institutions (among other actions), which are serious commercial property transaction documents that help prevent banks from making loans on contaminated or unusable property, or property that needs excessive remediation. The ASTM standard documents explicitly require an environmental professional to prepare the reports, partly defined in the Code of Federal Regulations as a PG, among others. By eliminating the PG license, a huge part of the population that produces these reports would be eliminated.

The reduction of the number of qualified individuals would drive up to cost of these types of documents and further empower and enrich the members of the Texas Board of Professional Engineers, who have a stranglehold on STEM when used for public protection. Reports made by unqualified individual can and have resulted in serious property issues for buyers and banks, and have resulted in lawsuits (not identified in the report???) because documents did not meet the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act.

In conclusion, the Texas Board of Professional Geoscientists is not responsible for checking the quality of work of the Professional Geoscientists it licenses, it is instead responsible for licensing qualified people so their work doesn't NEED to be checked in the first, and so they wont need any enforcement beyond the administrative issues. The TBPG also ensures that geoscientists continue their education and advance themselves, like good scientists should. The Sunset Advisory Commission Staff Report seems overly concerned about costs, despite the fact that that the only people penalized are those blatantly breaking Texas law and getting caught. It sounds like the TBPG does their jobs.

Any Alternative or New Recommendations on This Agency:

Dissolve the Texas Board of Professional Engineers and the Texas Board of Geoscientists and merge these board into a new Texas Board of STEM Professionals, an agency that maintains licensing and professional titles for Professional Engineers, Professional Geoscientists, and other STEM fields that may wish to use the term "Professional", as it relates to scientists, technicians, engineers, and mathematicians; all of which are highly qualified to perform a wide array of work.

Professional implies that an individual gets paid for the work they do, because they have education and experience, the State of Texas should protect Professional titles for the public, so they can readily identify qualified individuals and help reduce the amount of loss and litigation, especially during commercial property transactions.

My Comment Will Be Made Public: I agree