

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Tuesday, August 14, 2018 4:19:08 PM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Tuesday, August 14, 2018 4:04 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: Tracey

Last Name: Oshay

Title: President

Organization you are affiliated with: Gordon & Lawton, Inc.

Email:

City: Austin

State: Texas

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

Ms. Morgan Constantino,
Sunset Advisory Commission,
PO Box 13066, Austin, TX 78711

Re: Texas Board of Professional Geoscientists & the Texas Geoscience Practice Act

Dear Ms. Constanino

I am concerned that the Texas Sunset Advisory Commission (Commission) has recommended the abolishment of the Texas Board of Professional Geoscientists (TBPG) and the repeal of the Texas Geoscience Practice Act. In my opinion, this places Texas geoscientists and geoscience firms at a distinct competitive disadvantage, not only in Texas but in neighboring states with which the TBPG has reciprocal agreements.

I co-own a small business that routinely engages in geoscience practices in the field, with private corporations, with state and federal regulatory agencies and in the courtroom. This business employs scientists, technicians and subcontractors and will suffer significant harm should the Texas Geoscience Practice Act be repealed. I believe the Texas Sunset Advisory Commission may have failed to consider the significant impact the repeal of the Texas Geoscience Practice Act would have on small Texas businesses.

I do not agree with the Commission's assessment that the public does not need the protection of the TBPG. From 1988 to 1992 I was employed by the Texas Water Commission's (now the TCEQ) Groundwater Enforcement Unit.

This was prior to the establishment of the TBPG. The majority of the groundwater contamination cases I handled were represented by honorable professionals.

However, I had a handful of cases in which a few consulting firms misrepresented hydrogeological conditions which would have impacted ground and/or surface water had the TWC staff not been vigilant in its review of the facts. Requiring similar businesses to register as geoscience firms would help prevent these types of situations from reoccurring and would provide recourse for companies inadvertently hiring nefarious geoscience/engineering firms or individuals. Additionally, the existence of the TBPG assists State agency staff reviewing documentation presented to the State for review by licensed individuals and firms and provides recourse for the State in the event of nefarious actions.

The Texas Sunset Advisory Commission seems most concerned with a lack of “meaningful enforcement action”. In my 35-years of professional experience I have dealt with a number of geoscientists and engineers. I have found geoscientists to be a particularly honest, thoughtful and scientifically careful group of professionals so it does not surprise me that there has been a lack of “meaningful enforcement action”. Fortunately for the State of Texas, I suspect there are very few cases requiring enforcement action. That does not justify repealing the Texas Geoscience Practice Act and placing Texas geoscientists at a distinct competitive disadvantage. It is also important to consider the size of the geoscience community relative to the much larger engineering and medical communities which, no doubt, have a robust enforcement action pool.

Respectfully,

Tracey O’Shay, President
Gordon & Lawton, Inc.

cc: TBPG P.O. Box 13225, Austin, TX 78711
Rep. Celia Israel, P.O. Box 2910 Austin, TX 78768 Sen. K. Watson

Any Alternative or New Recommendations on This Agency: I believe the Texas Geoscience Practice Act should not be repealed and should continue to be administered by Texas Board of Professional Geoscientists.

My Comment Will Be Made Public: I agree