

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, August 16, 2018 7:56:05 AM

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From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 9:45 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: Jonathan

Last Name: Repman

Title:

Organization you are affiliated with:

Email:

City: Midland

State: Texas

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

I am a Licensed Professional Geologist practicing in the environmental sector of geology. My area of expertise is heavily related to remediation projects in the oil and gas industry. Being part of the 22% of Licensed Professional Geologists in the state of Texas, by passing the ASBOG exam and meeting all licensure requirements to the fullest extent of the Texas Board of Professional Geoscientist (TBPG), I find the Sunset Advisory Commission's (SAC) recommendations to be informative but drastic in regards to their only key recommendation is to abolish the TBPG and to repeal the Texas Geoscience Act. The primary complaints during the SAC Review were the TBPG does not promote the protection of the public health and safety through the regulation of the public practice of geoscience; out of approximately 7,780 geoscientists approximately 4,029 are licensed; and the two primary state-governed agencies, the Texas Commission on Environmental Quality (TCEQ) and the Texas Railroad Commission (RRC), provide more regular and direct oversight of geoscience work. I would like to address these issues based on my education and direct experience in the field of geology.

First, the SAC review has stated the TBPG licensure does not protect the general public health and safety through the regulation of the public practice of geoscience. As part of the 22% of Licensed Professional Geologists through the ASBOG examination, my credentials allow me to provide a service that not only protects the general public health and safety, but also preserves the state's welfare and natural resources to my fullest extent. If the SAC has fully reviewed the ASBOG examination process, they would note that nearly 50% of candidates who apply lack the knowledge and/or experience to practice geology at a minimum competency level, meaning they cannot complete the fundamentals of geology (FG) portion of the test.

Therefore, the practice of proper licensing methods provides protection by mitigating the undermining of unqualified individuals in the geoscience practice. (creates opportunities for individuals that understand the need for the PG examination to be placed into board positions, therefore changing the culture of the TBPG board.) On a daily basis as a geoscientist primarily overseeing oil and gas related environmental projects, my tasks include, but are not limited to: directly overseeing, advising, directing, reviewing, interpreting, preparing technical reports and

consulting on matters which protect the public's general health and safety. It is my licensure through the TBPG that ensures and reaffirms that my work in this capacity is upheld to a standard consistent with other licensing boards governed by the state and that I am not only held to a code of conduct and ethics, but am obligated to ensure work performed under my supervision is held to the same standard.

This creates a quality assurance and quality control process between the various industries needing documentation prepared and submitted by Professional Geologists and regulatory governing agencies such as the Texas Commission on Environmental Quality (TCEQ) and the Texas Railroad Commission (RRC), both mentioned in the SAC report, creating a symbiotic understanding which can be inferred as a reason for a lack of need in enforcement by the TBPG historically.

Second, the SAC review has noted out of 7,780 geoscientists, only approximately 4,029 are licensed. Based on the data provided in the SAC review, approximately 886 Texas geologists have passed a national testing curriculum required by twenty-nine other states (over 50% of the United States, and of which Texas is the largest continental state with the largest production of oil and gas) to require licensing for the public practice of geology to better protect the public's health and safety. The beauty of statistics is that you can create a picture to fit an opinion you have created without considering the full picture because you have minimal experience on the subject matter at hand. Based on the data provided by the SAC review, for each person performing the practice of geology, there is at least one person to oversee the work of any unlicensed individual. The fact that over 50% of geologists are not licensed provides merit into the ASBOG cited statement listed above because only 50% of geologists are competent enough to practice at a minimal level of competency. A key statistic the SAC review has failed to capture is that I, like many others in licensed firms around Texas and the USA, am one of four individuals licensed in my regional office in which I oversee daily work performed by individuals degreed as geologists, geophysicists, chemists, biologists, engineers, and environmental scientists. It also fails to recognize the increase in individuals currently pursuing a degree in a field of geosciences. The importance of having a standard to which these individuals will be held during the development of their careers is paramount to the success of the upcoming generations developing programs to be stewards of the protection of public health and safety. The SAC review has failed to account for individuals performing work under a licensed professional that are not directly in a geology-related field, but perform some form of the practice to protect the health, safety, and welfare of the public through the Geosciences Act they are trying to appeal. Based on the numbers provided by the SAC, the practice of geology is heavily regulated by licensed professionals in the industry with a 1:1 ratio, but in reality this is not the case.

Third, the SAC review has determined the state-governed agencies, the TCEQ and the RRC, provide more regular and direct oversight of geoscience work.

The RRC and TCEQ, when districts are regulated appropriately, require a report to be submitted by a competent individual displaying expertise most commonly as a Professional Geologist, Professional Engineer, Professional Geophysicist, Licensed Surveyor, or Certified Soil Sciences Examiner depending on the scope of the project submitted. Based on the SAC report provided, the two agencies have failed to report individuals which have violated the Texas Geoscience Act after the TBPG has made attempts to educate individuals on how to submit complaints and the importance of upholding the act to preserve public health and safety. The SAC review notes the Texas Department of Transportation (TXDOT) has submitted three complaints and no complaints have been submitted by the TCEQ or RRC and has made the assumptions either the state regulatory agencies have been violating the Geosciences Act in gross negligence, or as stated, there are a limited number of complaints to be filed. Within these agencies, limited staffing and overall incompetence to perform the position individuals have been assigned due to inexperience and lack of training are primary reasons these agencies fail to provide adequate protection of the health and safety of the general public. The RRC, for example, employs seven hundred twenty-five people. Based on data provided by the RRC, employees with ten years or less of experience make up 72% of the regulatory work force and are paid an average median salary of approximately \$50,700. Of these 72%, nearly 50% are compensated below \$50,000. Based on data provided by the TCEQ, employees with ten years or less of experience make up 56% of the regulatory work force and are paid an average median salary of approximately \$42,500. The people in these categories are regulating local districts on regulations whose primary function is to encourage the responsible development of natural resources while protecting the environment. Most of the individuals employed by these agencies do not qualify and/or have not obtained professional licensure through any testing standards listed by the SAC review, but this is held as a reason for dissolving the TBPG. No mention of employees being held to the ethical standards a licensed professional holds were made in their Sunset Reviews, which ultimately undermines the promise of a competent and ethical standard that would come from a licensing agency. The individual districts of these two agencies vary in guidance from district to district and seem to have little to no oversight from a hierarchy level. The lack of ability to follow regulation as written is likely due to a combination of inexperience, poor training

standards, under staffing, lack of regulatory knowledge, and lack of compensation creating a complacent and/or disgruntled culture. This directly results in individuals poorly enforcing rules and regulations appropriately. Licensed professionals allow the opportunity to act as a buffer and act as a subject matter expert mediator between regulators and industries impacted under the current geoscience act.

Based on these reasonings, it would not be advisable for legislature to dissolve the TBPG and diminish the oversight of public geoscience work. This would directly have a negative impact on public health and safety due to the constant changes in environmental, health, and safety regulations.

Any Alternative or New Recommendations on This Agency: Based on the fact that the TBPG is a self-sustaining agency, with a positive cash flow, I would question why the Sunset Review would recommend completely dissolving the agency and Geoscience Act without recommending corrective actions to meet expectations of standards set by 28 other states for agencies functioning in this capacity. I would recommend that the Sunset Review request the TBPG allow grandfathered applicants a grace period of one year to submit passing results in the FG and PG portions of the nationally recognized ASBOG examination. The TBPG should review all current licensed individuals to determine that they meet the licensure requirements listed in summary on page 5 of the staff report provided by the Sunset Advisory Commission to prevent the undermining of the promise to provide competent individuals performing the work of geosciences. The TBPG should make an effort to educate current members of the TBPG on how to submit complaints regarding violations of the Geoscience Act. Oil and gas exemptions should be reviewed and revised to allow for oversight of activities due to the changing processes in exploration and development of oil and gas that may be causing greater threats to the public's safety and health.

My Comment Will Be Made Public: I agree