

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, August 16, 2018 7:49:56 AM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 8:08 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: Mark

Last Name: Rudolph

Title:

Organization you are affiliated with: private citizen

Email:

City: Wimberley

State: Texas

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

The report and recommendations issued by Sunset Commission staff seems to be based on a misunderstanding of the professional geoscientist role in society and the risks to the public if the PG license process is discontinued. The report prepared by staff concluded that registration provides no measurable public benefit. This is simply not true. Most of the work performed by these professionals involves evaluation of geologic formations and strata that are not visible at the surface and out of the public eye.

Nevertheless, the public can be directly affected by errors of judgement that result in contamination of groundwater relied upon by so many Texans for their water supply. Due to the potential for significant consequences to critical state resources, it is imperative that vetted professionals be involved in the geologic and soil assessments associated with waste and wastewater application to lands and to oil and gas operations. Had the commission staff probed this issue deeper, they would have discovered that there are numerous examples of groundwater contamination resulting from waste disposal on land that could have been prevented if PGs had been involved in the geologic site assessments. When an engineer fails in the prudent practice of his/her profession and a structure collapses, the failure is obvious and the general public becomes acutely aware of it from media reports. Due to the hidden nature of geologic formations and aquifers, failures can remain hidden from the general public and only a few individuals in government agencies and a small number of the public become aware of them. Due to this, it is not surprising that few, if any, public complaints can be found in the public record. Once contaminated, aquifers are difficult, if not impossible, to remediate in a reasonable amount of time. When remediations are called for, professional geoscientists are who I would prefer to design and coordinate these restoration projects of such an important state resource.

The report concludes that the regulation of activities of geologists and soil scientists are adequately handled by State agencies that oversee waste disposal and other relevant geologic related activities. The staff who authored the report failed to realize that state rules and regulations governing things such as waste disposal or surface casing requirements for oil and gas wells depend heavily on competent Agency staff to apply a high degree of professional judgement. These rules are written specifically with this in mind. As a member of the public, I would have a much

higher degree of confidence in Agency oversight if their rules are implemented by licensed and vetted professionals. An analogy I think that is comparable is the licensing of drivers. If simply having traffic laws and regulatory agencies were sufficient to protect the public from poor drivers, why would drivers then need to be evaluated for minimum competence and licensed before allowed to drive?

Due to the limitations of State regulatory agency enforcement capabilities and resources, this mechanism to enforce breaches of rules and prevention of pollution of critical natural resources cannot by itself be relied upon to be a deterrent to the incompetent practice of geoscience. The additional layer of regulation of the PG profession through licensure by the PG board is an insignificant extra regulatory burden in comparison to the potential cost to the public from contamination of critical state resources. The TORT law remedies available to the public are a poor substitute for preventing resource damage in the first place.

Thanks for your consideration of my comments when forming your recommendations for the state legislature. Please reconsider the recommendation to abolish the PG Board and licensure of geoscientists in Texas.

Any Alternative or New Recommendations on This Agency: Continue the PG Board and licensure of professional Geoscientists. Recommend that Board rules be modified to require regulatory agencies that have knowledge of groundwater contamination make that information readily available and conveniently accessible by the public so that the public can make informed decisions regarding their risk of consuming groundwater in these areas. If numbers of PGs continue to decline, put licensure of this profession under the Texas Department of Licensing and Registration.

My Comment Will Be Made Public: I agree