

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, August 13, 2018 4:04:48 PM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Monday, August 13, 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: Michael

Last Name: Simms

Title: Dr.

Organization you are affiliated with: Texas Board of Professional Geoscientists

Email:

City: Baton Rouge

State: Louisiana

Your Comments About the Staff Report, Including Recommendations Supported or

Opposed: I oppose the recommendation of the staff report to abolish the TBPG and repeal the Texas Geoscience Practice Act. Geoscientist licensing provides long-term public protection relative to near-surface geologic conditions and processes and is the primary reason to have this regulation.

The statements that geologic professional organizations did not mention public protection back in the 1990s are not relevant. The staff report misunderstood the reasons for exemptions from licensing, e.g., the largest exempted group is the oil and gas geologists, who have their own certifications (such as the well-known Certified Petroleum Geologist) and for whom the public safety issues are dealt with by petroleum engineers. The staff report also misunderstood the public protection role of geoscience licensing. Most work by licensed geoscientists and by licensed engineers is for private firms and government entities and not directly for general members of the public. The oversight by the licensing boards promotes public safety by supporting practice by qualified individuals, promoting ethical practice, and working with the appropriate regulatory agencies. The staff report states that the Texas Commission on Environmental Quality and the railroad Commission of Texas oversee geoscience work more effectively than the Board can. I agree that these regulatory agencies themselves require correction of deficient work in all cases where it is needed, but their requirements for submittals to be made by licensed geoscientists provide a basic standard for the qualifications needed for preparing and submitting documents. Before the start of geoscience licensing in Texas, many submittals of geoscience work to the agencies were prepared by environmental scientists, biologists, and non-scientists without qualifications to conduct geoscience work. Geoscientist licensing provides a standard for conducting geoscience work, but has never been claimed to be a guarantee of perfection. The staff report states the Board takes no significant enforcement action. In my opinion, an incentive for improved geoscience practice is provided by the actions of the Board and the requirements of the State agencies for submittals to be made by licensed geoscientists. This important incentive would be removed by the recommendation of the staff report to abolish the TBPG.

Any Alternative or New Recommendations on This Agency: I recommend that the TBPG be required to explore more-effective enforcement of the laws and rules that have been established. This should not to instigate a "witch

hunt", but to ensure that the goals of minimizing public harm and risk are being achieved by the program.

My Comment Will Be Made Public: I agree