

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Tuesday, August 14, 2018 8:03:25 AM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Tuesday, August 14, 2018 7:45 AM
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: Alexander

Last Name: Smith

Title:

Organization you are affiliated with:

Email:

City: Summerville

State: South Carolina

Your Comments About the Staff Report, Including Recommendations Supported or
Opposed:
To Whom It May Concern:

I am writing with regards to the Commission's recommendation to abolish the Texas Board of Professional Geoscientists (TBPG) and the associated licensing requirements in the State of Texas. While it is noted several times that many practicing geoscientists are exempt from regulation in the State, the report issued by the Commission does not adequately summarize the importance of the TBPG and geoscientist licensing with respect to other geologic practices.

1) The report suggests that the TCEQ and RRC can readily regulate practicing geoscientists, although it notes they have little to no enforcement authority and have referred a grand total of zero complaints to the TBPG since 2013.

Having worked for a state regulatory agency for almost three years in another state with ASBOG licensing, this is alarming. While complaints were not regular, I saw multiple complaint referrals to that State's licensing Board. This tells me that these agencies either don't respect the TBPG's authority or aren't concerned with referring poor geologic work. The report also notes that the Boards of Architectural Examiners, Professional Engineers, and Professional Land Surveying have also not referred complaints to the TBPG. It would seem to me that these Boards would be looking for complaints regarding their respective licensees, not geoscientists, and the lack of referrals from these agencies seems irrelevant. Lastly, the report states that no one from the public has brought forth a complaint and there was no demand from the public to create the agency originally. Was there a public demand to create a Board for the other professions mentioned in the report? Has the public brought forth complaints to those respective Boards?

2) On page 11, the Commission references reasons on "Why Be a Licensed Professional Geoscientist" and notes that there is "no mention of helping to ensure public health, safety, or welfare".

These reasons were taken from the Texas Association of Professional Geoscientists, a group I had never heard of until I read this report. Upon further investigation, they are no more than a political lobbying group, much like Engineers and other licensed professions have. Multiple professional geologist/geoscientist organizations first and foremost stress the importance of the P.G. license as it pertains to protecting the public. Cherry picking this language from a political website is disingenuous at best. Of course, there are personal benefits to a professional license. However, I had an even greater sense of responsibility when it came to my professional work after passing the P.G. test. I understood my work could be officially relied on to make decisions that affected the public and I believe this is the driving force behind most professionals who gain P.G. licensure. The report also states that establishment of the Board was done primarily to “legitimize the profession”. This statement is an opinion and not a fact. Professional Geoscientist licensure removes liability from engineers, architects, and other professionals not well versed in geology and places it on a professional who has the educational and experience background which ultimately protects the public. Removing licensure requirements ensures there are less safeguards to protect the public’s interests.

3) The report states that often, the public is not the end consumer of work done by licensed geoscientists. I frequently conduct due diligence work for multi-family and commercial real estate transactions. Other licensed geoscientists perform work on Brownfield projects, Superfund sites, Department of Transportation projects, and in most cases the public is always the end consumer. The public is inhabiting the new apartments built on a piece of land that was heavily contaminated and required remediation to mitigate future health concerns to make the land livable. The public ultimately depends on a licensed geoscientist to make sure a groundwater treatment system is functioning properly and protecting their drinking water quality or that a vapor mitigation system functions effectively to protect the air in their residence. The public depends on the geologic evaluation of the bedrock beneath a highway overpass or skyscraper. Again, the public is most frequently the end consumer.

4) The report states that 78% of original licensees were grandfathered and did not pass the rigorous testing now required. Further, the report states the rate of license geoscientists is declining and uses the reasoning that licensed geoscientists don’t feel it’s necessary to renew their license. Meanwhile, the report points out that 67% of current licensees are 55 and older for the fiscal year of 2017. Based on the numbers above, it would appear retirement is also a large reason for the decline in licensees. Further, the report doesn’t address how many geoscientists are taking the test and how many are passing. Clearly the licensed geoscientist population is going to undergo a steep decline when many are retiring and predominantly grandfathered, especially if the amount retiring is not equal to the amount passing the tests. Why did the Commission not discuss these numbers? There are important numbers to present to view the full picture and would likely present a convincing reason to continue geoscientist licensing as the numbers will likely reverse over the coming years.

5) The report states that licensing through national organizations (i.e. AIPG) can be utilized as they are in other states (although AIPG licensing only holds water in one state, Alaska). These organizations often have no testing requirements and licensing is achieved simply through work experience and a few recommendations. Further, these national organizations support the licensing of geoscientists through state licensing boards and ASBOG so it appears they would disagree with the sentiment that the TBPG is unnecessary. Further, licensure through ASBOG is the most rigorous based on the required testing.

6) The report fails to discuss in any detail the importance of licensing geoscientists as it pertains to hydrogeology. Water resources are already becoming stressed and will continue given the ever-changing climate and lack of water preparedness. West Texas has a bevy of dry water wells and the Ogallala Aquifer, which provides necessary water for agricultural purposes, has been irreparably damaged. Hydrogeologists are at the forefront of water exploration, educating the public on water conservation, and groundwater remediation. This is reason enough to continue licensing geoscientists and ensuring that highly qualified, educated individuals with the requisite geologic and hydrogeologic knowledge are the ones making decisions vital to the health of the public.

I appreciate you all for your time and I very sincerely hope you reconsider the decision to abolish the TBPG. I believe the TBPG and the requisite licensing requirements are important to the protection of the health and welfare of the public and will be ever more important in the future.

Sincerely,

Alex Smith, P.G. #11479

Any Alternative or New Recommendations on This Agency: I recommend keeping the TBPG in its current capacity but also looking for ways to improve complaint referrals from the public and the other participating agencies noted in the report.

My Comment Will Be Made Public: I agree