

August 15, 2018

Texas Sunset Advisory Commission  
P.O. Box 13066, Austin, Texas 78711  
Email: [sunset@sunset.texas.gov](mailto:sunset@sunset.texas.gov)

Mr. Chairman and Members of the Texas Sunset Advisory Commission

On behalf of Phase Engineering, Inc we want to express our appreciation for this opportunity to provide comments and our **strong opposition** to the Texas Sunset Advisory Commission Staff Report (the Staff Report) on the **Texas Board of Professional Geoscientists** (the Board) recommendation that the Board be abolished and the requirement that geoscientists be licensed also be abolished.

The Staff Report recommends that the Texas Board of Professional Geoscientist be abolished because “The board’s regulation does not provide meaningful public protection”. This conclusion is **categorically false**.

As an environmental engineering company, we provide a range of environmental services to the public including lenders, brokers, attorneys, bona fide prospective purchases, property managers, developers, property owners, and municipal housing development committees. These services must to be conducted by environmental professionals (Eps) as defined in the ASTM International Standard 1527-13 and by EPA’s All Appropriate Inquiries (AAI) per CFR 49. Criteria necessary to be identified as an Environmental Professional includes the following:

- Current Professional Geologist (P.G.) or Professional Engineer (P.E.) license with three years of relevant experience;
- Five years of relevant experience and a college degree within a related field; or
- Ten years of relevant experience.

Our geoscientists/geologists deal directly with the public – our clients – who seek services from qualified professionals, especially those services where reports are submitted to city, county and state agencies that may involve properties impacted as a result of contaminant releases to the environment. Our work involves direct evaluation of conditions that result in determinations associated with likely exposure to a wide variety of known contaminants (including many substances confirmed to be carcinogenic). Professional Geoscientists are necessary to oversee or directly conduct these services to identify recognized environmental conditions, evaluate subsurface geological conditions, develop accurate contaminant fate and transport models and determine appropriate corrective action measures in order to “protect human health, public welfare and the natural resources of Texas”.

Phase I Environmental Site Assessments are prepared to the EPA “All Appropriate Inquires” (AAI) rule, Phase I Environmental Site Assessments per ASTM Standard E 1527 and client specific

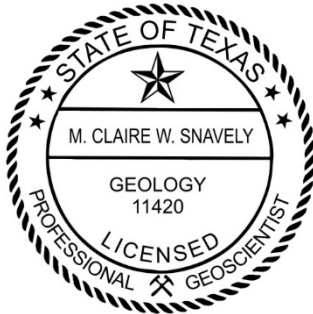


requirements such as Fannie Mae, FDIC, Freddie Mac, HUD, DHCA, NEPA, NEPA, USDA, FDIC, and TDHCA; each of these require all services to be conducted by an EP that also holds a current P.G. or P.E. license.

Phase II Environmental Site Assessments involve evaluation of likely hazardous substance and/or petroleum product releases to the environment that may have impacted the underlying soil and/or groundwater-bearing units, ecological habitats (sediment and surface water) and/or vapor that could potentially result in vapor intrusion within an overlying structure. Investigation and remediation options associated with discovery of contamination require reporting to numerous state and federal environmental remediation-related agencies. All of the investigation and remedial action-related work that is submitted to state and federal agencies are required to be conducted under the direct supervision of person(s) holding current P.G. or P.E. licenses. The Professional Geoscientist clearly identifies the individual who assumes responsible charge for such work and ensures that all work is conducted in accordance with established professional standards.

The TCEQ Remediation Division and the Texas Railroad Commission (RRC) Environmental Cleanup Section require that all reports and technical information that contain geoscience work to be signed and sealed by persons that hold current P.G. or P.E. licenses. Because all of the work we submit to any regulatory agency must be signed and sealed by an appropriately licensed professional, it is imperative that the regulatory agencies have on their staff similarly licensed professionals to do qualified review of our work. Proper qualification and licensing, such as that provided by the TBPG, ensures that geoscience work is completed to standards and protects the public. This work is being done to comply or support some governmental rule/regulation that is intended to “protect the public”. Our work product goes to a regulatory entity, but they use it to help them “protect the public”.

It is not the role or mission of the Texas Board of Professional Geoscientists to review all of our work, but to ensure the qualifications of those who conduct geoscience work and particularly for the “public” and for agencies who represent and protect the public. To abolish these requirements for these qualifications, including requirements for continuing education, would inevitably result in performance of these activities by unlicensed, unqualified individuals with unspecified training and skill sets. While those geologists who work in the oil and gas industry self-regulate and are not required to be licensed, those who practice environmental geology or engineering geology need to continue to be licensed. The Professional Geoscientist credential establishes a common basis for assessing the qualifications of geoscientists to assume liability for work conducted for clients in the private sector and in the public sector.



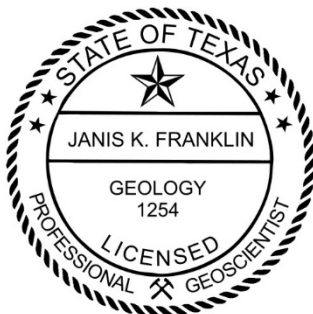
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M. Claire W. Snavelly  
 State of Texas Professional Geoscientist #11420



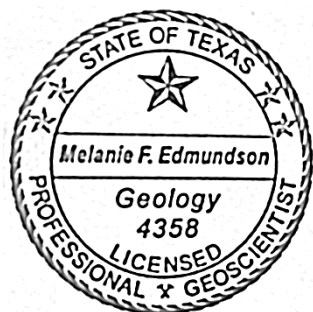
A handwritten signature in cursive script, reading "Ross Doctoroff".

Ross I. Doctoroff  
 State of Texas Professional Geoscientist #2767



A handwritten signature in cursive script, reading "Janis K. Franklin".

Janis K. Franklin  
 State of Texas Professional Geoscientist #1254



A handwritten signature in cursive script, reading "M. F."

Melanie F. Edmundson  
 State of Texas Professional Geoscientist #4358

