

**From:** [Sunset Advisory Commission](#)  
**To:** [Brittany Calame](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Thursday, August 16, 2018 12:41:58 PM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission  
Sent: Thursday, August 16, 2018 12:25 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: Charles

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Organization you are affiliated with: GSA, NGWA, AEEG

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City: Sachse

State: Texas

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

I would like to make it known that I support the TBPG and continued Geoscientist licensing in Texas.

To the claim that no public complaints have been brought and there has been no public demand for the TBPG, I'd respond by saying that before the TBPG there was no mechanism to file a complaint save for a lawsuit. And even then there were no standards of conduct or professional work other than another geoscientist's opinion. The TBPG provides that framework. Further, there are a number of agencies that the public never asked for, and yet they exist and the public benefits either directly or indirectly.

To the claim that there has been no "measurable" impact of geoscientist licensing, I respond that this metric is akin to trying to prove a negative.

How are the successful projects that have been carried out by licensed geoscientists accounted for? There has been tremendous success in the remediation of Underground Storage Tanks (USTs) over the last few decades to where it is now a maintenance issue and no longer a crisis. The same can be said of dry cleaner remediation, which followed after the USTs. Both of these issues have been successfully dealt with by a team effort of licenses geoscientists and engineers.

To the claim that the TBPG was generated to "legitimize" the profession and protect Geoscientists from engineers is a strange argument. While there is plenty of overlap between geology and certain engineering specialties, like some civil and geotechnical engineering, one could argue then that if all engineers can do geoscience, then geoscience is a subset of engineering and geoscientists should be licensed as engineers. I would further argue that if geoscience was "legitimized" by licensure, then is was a long overdue recognition of a profession. While a grad student I took a course in advance engineering geology and the instructor had a Bachelors in Mining Engineering, a Masters in Geology and a Ph.D. in Civil Engineering. He explained that he decided to obtain a Master's degree in Geology when, after working as a forensic engineer, he discovered that most of the failed projects he worked on were due to the geology of the site either being ignored or not well understood. The bottom line is that many such projects are successful because of a team effort by multiple competent professionals, and licensing of all such professionals helps to ensure those professionals are both competent and responsible for their work.

To the claim that “almost no” geoscientists work directly for the public, I would say that that is true, but that it ignores the fact that while many of my clients might be institutional, commercial or governmental entities, the end result of the work done by my colleagues and me does directly impact those same members of the public. The cleanup of the environment directly and indirectly impacts the “public” even if my client wasn’t John Q. Citizen.

To the claim that there are too many Texas Geoscientists exempted from licensure, I respond by saying that those who are not required to be licensed (but can be if they so choose) are not doing work that directly impacts the public safety, health, and welfare. Further, in some cases, such as petroleum geology, should something go awry, then it is licensed geoscientists and engineers who step in to remedy the problem. In fact, the same sort of thing exists within the engineering world in that an engineer whose work is deemed “internal” to a company and not directly impacting the public, then those engineers are not required to become licensed.

To the claim that there has been “no meaningful enforcement action” over the life of the board, I respond by saying that the existence of the TBPG provides a mechanism for such enforcement. Remove the board, and that mechanism is gone. While I am unsure as to exactly what would make an enforcement action “meaningful”, one could argue that perhaps the standards set in place by the TBPG have prevented an egregious act of misconduct that would warrant “meaningful” enforcement. Further, without knowing the nature of any infractions and any aspects that might allow “leniency”, perhaps no geoscientist has committed an act that would cause their license, and their livelihood, to be revoked? If so, does that not argue for the TBPG?

To the claim that other state agencies “oversee” the work of Geoscientists, I would respond by saying that each agency “oversees” the rules and regulations of their specific purview; i.e., are the right forms submitted and the right type of data included. They do not necessarily oversee the competency of a Geoscientist. And, in my experience, those representatives of a given state agency may not even be geologists or engineers; they may be biologists or environmental scientists, who would not be able to judge the competency of a geoscientist.

To the comment that 78% of current Geoscientists are grandfathered overlooks several things. First, those who were grandfathered have already proven their competency by virtue of their longevity in the field and the testimony/recommendations of their peers—anyone who wasn’t competent in the field would likely have been weeded out. Second, those who were grandfathered are the older Geoscientists—time will chip away at these numbers, so that even if this were a legitimate issue, it is temporary.

To the claim that the licensee population is declining, I would respond by saying that there are several reasons for that, none of which imply the need to abolish the TBPG. First, many grandfathered PGs are retiring at a rate that may exceed the licensing of new PGs. Second, a number of the grandfathered PGs were likely from out of state—I have seen a rush of out of state Geoscientists obtain licenses in another state with a new licensing program only to drop the license when their own state starts to license Geoscientists, or they do not work in the state, or the two states have a reciprocity agreement, and therefore, the licensee has no long term impetus to keep their TX license. In fact, I did this with a license from Alabama. I did one job in Alabama, then over the next few years, I did no more work there, and I let my license lapse.

To the claim that other entities exist that can ensure the safe practice of geoscience, none of the potential entities that offer some sort of “certification” have any ability to enforce continuing education or disciplinary actions. They cannot act as regulatory agents for a state.

To the claim that “just over half” of the states regulate the practice of Geoscience, is a bit misleading. Including Puerto Rico, 65% of the states do regulate the practice of Geoscience. Many of those who do not license Geoscientists either license “environmental professionals” or “Groundwater Professionals”, or they are trying to pass Geoscience licensing regulations. As of the current ASBOG website, only 8 states (16%) do not have some sort of licensing regulations in place or are not trying to pass Geoscience licensing.

Any Alternative or New Recommendations on This Agency: The TBPG should be kept as is.

My Comment Will Be Made Public: I agree