

**From:** [Sunset Advisory Commission](#)  
**To:** [Brittany Calame](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, August 14, 2018 8:02:57 AM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission  
Sent: Monday, August 13, 2018 7:03 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: Raymond

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State: Texas

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

Thank you for providing information pertaining to the recent notice and recommendations of the Texas Sunset Advisory Commissions findings on the Texas Board of Professional Geoscientists. I have always held great respect for the Board, the Staff, and the service to the industry and public that they perform.

Every human endeavor has its failings and short comings with limitless room for improvement, but I was surprised to see the harsh criticism of relevance and lack of meaningful enforcement directed towards the Board. I was equally surprised by the curt recommendation of revocation of the entire Geoscience Act without even an attempt at remediation. This alone would seem like an unusually harsh response for such a young, and by Sunset Commissions own admission, an otherwise well performing agency. According to a representative of Louisiana Board of Professional Geoscientists, the TBPG is the example by which other state licensing agencies are modeled.

The Commission listed several reasons for their recommendation; lack of enforcement, significant number of grandfathered members, and lack of evidence of significant public harm. Each point, though potentially valid, unfortunately show a very limited and shortsighted understanding of the nature of the TBPG role.

I have been a part of the environmental/groundwater community for most of my professional life. It is doubtful any of the Sunset Committee were around during the early days of the UST, LPST, or PCE Superfund. It was not uncommon to find unethical/unqualified practitioners actively falsifying data or installing unnecessary wells. Some even blatantly falsified reports or collected site water samples from their own office water tap to falsify data. Some also purchased false PhD credentials to acquire lead contracts. Not to mention the ever-present client pressure to have a data friendly specific outcome. The only reason the public did not feel harmed was a lack of knowledge. It is a different type or caliber of person that seeks professional licensure. One generally not tilted toward unethical or deceptive practices.

The Commission spoke about the lack of relevance of the TBPG and of meaningful regulation. That statement alone shows a lack of understanding of the Board's strife to provide meaningful regulation and guidance for the whole geoscientific community in Texas. The Board consistently reviews ways to offer meaningful regulation. A prime example is the Board's attempts in 2010-2011 to bring oil and gas geologists into the professional regulated community. The Board successfully passed the administrative requirements for licensure of that industry only to have them rescinded by a direct mandate from the Governor of Texas. They were ordered to cease and desist all attempts to regulate the oil and gas geoscientists under pain of revocation.

Nothing can exist in a vacuum.

"When the situation was manageable it was neglected, and now that it is thoroughly out of hand, we apply too late the remedies which then might have effected a cure." Sir Winston Churchill, House of Commons, May 2, 1935

Sir Winston Churchill understood the value of forethought and planning. The Commission's recommendations are based on a short optic view of the agency and not the long lens of overall performance and industry wide meaning of the licensed Professional Geoscientist designation.

As to the charge of lack of enforcement, the agency does perform enforcement. Speaking from personal experience as well as from communication with other professionals, every time my professional geoscience seal is removed from its locked case my pulse quickens and my hands sweat just a little bit. This is partly because of the type of responsible person I strive to be, but also because there is an agency and peers to which I am held accountable. From a professional stand point any professional reprimand, even if the fine may be low, seriously damages your professional credibility and integrity. Generally, the reason enforcement is low says more about the regulated community rather than the regulator.

It is understandable to feel that a large community of grandfathered members would indicate a potential lack of competency. However, even the original members had to possess a geoscientific education and more than five years of experience to become licensed without taking the exam.

With the creation of any regulated body, it is necessary to allow the already practicing members to be a part of the regulated community. Regulated communities are generally organized and created by the same grandfathered practitioners in order to form a more professional body. As mentioned before, this Board is still very young. Having only been enacted since 2001 with a grandfather period closing on August 31, 2003, there has not even been enough time for one generation of Texans to be born and dream of being a licensed Texas Professional Geoscientist. Naturally, there should still be a large membership of grandfathered practitioners.

Admittedly the TBPG should have a more active outreach program to the university system encouraging graduating geoscientists to take the fundamental portion of the ASBOG exam and proceed to the Geoscientist in Training program. Some universities push graduating students to sit for the exam while regrettably others do not.

I have been a licensed Professional Geoscientist since May 20, 2011. I took both portions of ASBOG exam and passed them the first time. I hold several other occupational licenses and am a board member on several state level boards. I am proud to be a licensed Professional Geoscientist and hope to remain a licensed Professional Geoscientist. I own a licensed Professional Geoscience Firm with geoscientists. I do not look forward to a revocation of the Texas Geoscience Act and the return of the pre-regulated era and neither should any informed Texan. However, I do look forward to the continued growth and governance of this young agency and the advancement and professionalism of the vibrant Texas geoscience community.

Thank you,

Raymond L. Straub Jr., P.G. TXPG-11070

Any Alternative or New Recommendations on This Agency: TBPG should have a more active outreach program to the university system encouraging graduating geoscientists to take the fundamental portion of the ASBOG exam and proceed to the Geoscientist in Training program.

My Comment Will Be Made Public: I agree