From:	Sunset Advisory Commission
To:	Brittany Calame
Subject:	FW: Texas Board of Professional Geologists Sunset Review
Date:	Wednesday, August 15, 2018 7:59:41 AM

From: Michelle Sutherland
Sent: Wednesday, August 15, 2018 7:29 AM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Texas Board of Professional Geologists Sunset Review

Dear Sir or Madam,

I recently became aware of the Sunset Advisory Commission's recommendation to discontinue state regulation of geoscientists. As a licensed, professional engineer who works closely with geoscientists, I strongly disagree with the Commission's recommendation.

The Commission argues that the board's regulation does not provide meaningful public protection, yet acknowledges that before regulation, certified geoscience reports, surveys, and maps required the signature and seal of a professional engineer. As geoscience work previously required the signature and seal of a professional engineer, isn't that evidence that geoscientists and engineers both work to ensure public health, safety and welfare?

The Commission states that "although geoscientists contribute their services to public works projects throughout Texas, such as water and wastewater treatment facilities, landfills, and polluted site clean-ups, general members of the public are not typically the consumers of direct geoscience services. Most commonly, geoscientists provide services to governmental entities, private firms seeking permits or contracts from governmental entities, or private firms for commercial or residential development." While we can argue who has more clients in the public versus private sector, it seems geoscientists serve the same type of clients as licensed engineers, who require state regulation.

Geoscientists, such as geologists, bring a unique set of skills to a project, typically skill sets that few engineers possess or receive formal training in at the university level. These skill sets may include reading geophysical logs, the interpretation of complex subsurface geology, interpreting faults and subsurface structures, performing geophysics studies in relation to subsidence, interpreting complex groundwater chemistry, building predictive groundwater and geological models or determining the sources and extent of subsurface contamination.

Depending on the project deliverable, a professional geoscientist seal and signature may be more appropriate or may complement a professional engineering seal and signature on a project report. Pre-regulation of geoscientists, engineers were being asked to sign and seal work that wasn't in their primary area of expertise. This is at the least an ethical concern, as the Texas Board of Professional Engineers reminds their engineers during their annual ethics training that they should only perform work in their area of competency.

The fact that so many geoscientists are exempt from professional licensure does not mean they cannot cause public harm, but rather indicates a problem with the enacting legislation. For example, geologists in the energy industry are exempt from regulation, but through improper injection well siting or operation, may trigger seismic activity or contaminate subsurface public water supplies, which can cause a great deal of harm.

In summary, I believe the licensure of geoscientists serves to protect public health, and I oppose the recommendation to sunset the Board. Rather, I believe that legislative reforms may better serve the public.

Sincerely,

Michelle Sutherland, P.E.