

**From:** [Sunset Advisory Commission](#)  
**To:** [Brittany Calame](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Wednesday, August 15, 2018 11:15:03 AM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission  
Sent: Wednesday, August 15, 2018 10:53 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: Lindsey

Last Name: Sydow

Title:

Organization you are affiliated with:

Email:

City: Round Rock

State: Texas

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

I have been a licensed professional geoscientist (PG) in Texas since 2016, and I am strongly opposed to the recommendations made in the Sunset Staff Report concerning the Texas Board of Professional Geoscientists (TBPG) and the Texas Geoscience Practice Act. Please consider my responses to specific portions of the Staff Report below:

Sunset Report: "Overall, the recommendation to abolish the Texas Board of Professional Geoscientists would result in an estimated negative impact to the state of about \$265,641 in fiscal year 2020 and a reduction of 5.5 employees."

The TBPG operates at a surplus by the Sunset Advisory Commission's own admission. The Texas Geoscience Practice Act and regulation by the TBPG contribute to a high standard for the practice of geoscience in the State of Texas. I do not see financial or practical benefits to abolishing TBPG and repealing the act.

Sunset Report: "As a result of years of negotiations and compromises with other professions and industries, 10 broad areas of geoscience are exempt from regulation... almost half of the practicing geoscientists in Texas are unregulated by the board. While some of these unlicensed geoscientists could simply be practicing illegally without a license, the broad exemptions, particularly for the oil and gas industry, likely account for the large percentage of unregulated geoscientists."

I agree that it is a problem that many professionals, specifically the large number practicing in the energy industry, are exempt from licensing.

However, I think that requiring many of these professionals to be licensed is the answer to this problem, not eliminating regulation of all geoscientists.

Furthermore, not all the exempted practice areas would benefit from licensing or are even possible to license. For example, many Earth Science teachers do not meet the education requirement to become a licensed PG and are not

performing, approving, or evaluating geoscience work out in the world where public health and safety are a concern. Likewise, it is misleading to cite the exemption of “geoscientific work performed by an employee or subordinate of a licensed professional geoscientist” as an oversight in licensing. This work must be exempt or there would be no avenue for aspiring licensees to acquire the necessary years of experience for licensure. These individuals are working under the supervision of a PG, and the work they do is guided, reviewed, and, if necessary, corrected by that professional.

Sunset Report: “The public is not the primary consumer of most direct geoscience services.”

This is certainly untrue from a health and safety perspective. Ensuring that water wells are properly installed for adequate and consistent quality and quantity is inherently beneficial to the public. Understanding how groundwater and surface water are interconnected and applying that knowledge toward effective management of those resources is inherently beneficial to the public. Performing any work that isolates or remediates hazardous substances is inherently beneficial to the public. It is easy to think of industrial clients who pay for geoscience services as the direct beneficiaries of those services, but I have personally conducted work as an environmental consultant at sites where environmental hazards to the public were removed. Brownfield redevelopment is one of the more easily recognized examples of the public benefiting from geoscience services.

Additionally, the license creates a requirement under 22 Tex. Admin. Code §851.106(a) that PGs must “protect the public in the practice of their profession.” This requirement is exceptionally important for geoscientists in the private sector who work for industrial clients. In hiring geoscience consultants to address their issues, these businesses get the expertise of the consultant, but they also get the benefit of impartiality that comes with hiring an outside entity to evaluate their potential hazards. That benefit is lessened when the geoscientist performing the work is not duty-bound to protect the public. Furthermore, this requirement inspires public confidence in the integrity of the scientists who perform this work, and there is a process for recourse if that standard is not met.

Sunset Report: “Most commonly, professional geoscientists work with other licensed professionals, such as engineers, to produce aspects of reports submitted to other state and federal agencies related to groundwater monitoring and development, remediation (clean-up sites), and evaluating soils for structural design of buildings, roads, bridges, and agricultural use.

The idea that we wouldn’t need to be licensed because we (1) work closely with other licensed professionals or (2) have direct oversight of our work provided by other agencies is frankly ridiculous. We may sometimes work with other licensed professionals, but the work we perform is very different from that of an engineer, for example. Their license does not provide any sort of oversight for the work we perform. Another example is that I frequently installed wells with licensed drillers as a consultant. Just because they were licensed to operate a drill rig and set the well did not mean that they were qualified to do any of the other work that went into installing and operating that well. The PG logs the lithology as the well is drilled, decides where the well should be screened for production (all of which becomes more complicated at contaminated sites), and performs any evaluation to determine production capability of the screened formation, such as slug tests and pumping tests. Similarly, just because I directed the work of the drill crews in this way did not lessen their need to be licensed to perform their work.

Sunset Report: “The Texas Commission on Environmental Quality and the Railroad Commission of Texas evaluate much of the regulated geoscience work submitted by licensed geoscientists and registered geoscience firms for permit applications, groundwater quality testing, site evaluations, soil testing, and participation in site remediation (clean-ups). If the geoscience in these reports or evaluations fails to meet the respective standards of the two large state agencies, agency staff work directly with the submitting entity or professional to correct deficient geoscience work...”

Removing the licensing requirement opens the door for less qualified people to submit reports, and therefore increases the time spent reviewing those reports by regulatory agencies. This is not limited to state agencies like TCEQ and RCT. Poorly completed work may have to go through several iterations of submissions to regulators and may even have to be redone at huge expense to all involved. The licensing requirement helps prevent this waste of time and money by ensuring that work is completed or at least reviewed by someone at a superior practice level prior to submission.

Any Alternative or New Recommendations on This Agency: As an alternative to the recommendations made in the Sunset Staff Report, I recommend requiring licensure for work performed in the exploration and development of energy resources to address the issue that only just over half of practicing geoscientists in Texas are licensed.

My Comment Will Be Made Public: I agree