

August 14, 2018

To the members of the Sunset Commission:  
1501 N Congress Avenue,  
6<sup>th</sup> Floor, Robert E Johnson Building  
Austin, Texas 78701

Mr. Dale C. Vodak, P.G.  
License No. 2674

RE: Abolishing the Texas Board of Professional Geoscientists

Ladies & Gentlemen of the Sunset Commission:

I have read the Summary Report written by Sunset Commission Staff and have comment on the proposed closure of the Texas Board of Professional Geoscientists. As a practicing Professional Geoscientist, I currently work for the Texas Commission on Environmental Quality (TCEQ). I have worked for the TCEQ and its predecessor agencies for the past 30 years. Prior to that I worked for five years as exploration and production geologist for a large independent oil company, Champlin Petroleum. After coming out of college, I worked two years as a mud logger for Petrograph Mudlogging. I have combined experience of 37 years in my profession. I have held a PG license since 2001.

In the Summary Report it makes note that *"When an occupational licensing agency cannot be justified by a clear threat to the health, safety, and welfare of the public, Sunset staff has a duty to report this finding to its Commission and the Legislature in an effort to reduce state regulation and focus state resources where public protection is paramount."* Regarding activities that require ongoing geological or geoscientific work to protect the public, consider the recent collapse of a roadway in the rapidly growing Austin area. This incident highlights the need for Professional Geoscientists to evaluate developments prior to construction in karsted areas of the state. In addition, professional geoscientists are needed to develop the detailed maps which become the guides for further development in these areas.

In my opinion, only an educated geoscientific professional can assess properties which have never been developed before. Even older developed areas in Austin require use of a geological professional as many structures were built on clays which cause them to breakup or fail. This is true in the Dallas area of the Texas as well. In the Houston area there are a number of active faults and areas where subsidence due to the withdrawal of groundwater is an issue.

Currently in the Houston area, new landfills are being proposed to meet the growing demand for waste storage. While the engineers can design a landfill, who is going to assess the site for active faults, groundwater issues, and evaluate how it must be protected? This is the job of the licensed PG. I find it to be just as relevant for a competent geoscientific professional to seal the maps associated with these permits, as it is for civil engineers to seal the design criteria and as-builts. Monitoring programs require periodic evaluations for contaminants, groundwater speed and direction, which lie outside the realm of the engineer.

Additionally, the Summary Report says: *"the need for this regulation is even further diminished by the fact that effectively half of the practicing geoscientists in Texas are exempt from regulation, essentially*

*making the professional geoscientist license optional for many current licensees and practitioners.”* This has always been a point of concern on my part, the lack of professional credentials for oil & gas company Geologists and Geophysicists. In my opinion, a Bachelor of Science degree or a Master’s degree or even a PHD, in most cases only teaches a geologist how to learn and persevere.

The licensing of these PGs would bring the practice of geology statewide under the same umbrella and ensure more ethical and competent behavior. It is field experience and ethical behavior which will truly protect the public health and welfare. Champlin Petroleum, the Oil & Gas Company where I worked a high value on ethical behavior and geological competence. Much of the history around Texas Oil & Gas has been the realm of the wildcatter (in other words – No Rules). Yet as we see oil & gas activity moving more and more into populated areas.

Thus, the need increases for a governing body over geological practitioners. The active faulting in the Irving area of Dallas comes to mind. In East Texas, the faulting in Irving and recently along the Mount Enterprise Fault System of East Texas appears to be related to saltwater injection wells. The proper placement and operation saltwater disposal operations needs to be reviewed by a competent geological professional. These operations have contributed significantly to earthquakes in Texas, Oklahoma, and other states. If the currently licensing program were expanded to cover all geologists and geoscientists statewide, it would ensure some degree of uniformity for investigating violations of geological practices not currently covered.

With regards to the comment: *“the board grandfathered about 78 percent of current licensees into the profession without licensees passing the rigorous exam requirements to obtain a license, undermining the promise of competence that typically comes from licensing agencies.”* I myself was grandfathered in based on my experience with the predecessor agencies to the TCEQ, and my oil field experience. Since that time, I have been subjected to two random audits to ensure ongoing educational requirements have been met. The most recent one was this year. I personally am unaware of another licensing program that conducts random audits of this type. Also the Commission should note that as time goes on the number of grandfathered professional geoscientists continues to shrink due to death and retirement.

These are my thoughts on the matter of the continuation of the Texas Board of Professional Geoscientists. I find its work to be important, but even as your own report notes it is not evenly applied across all areas of geological practice.

If you need additional comments please feel free to call or write me. Thank you for this opportunity to share my thoughts on this matter.

Sincerely: dcv>