

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Tuesday, August 14, 2018 8:03:11 AM

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From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Monday, August 13, 2018 10:47 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: Henry

Last Name: Wise

Title: President

Organization you are affiliated with: AIPG-Texas

Email:

City: Sugar Land

State: Texas

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

After reviewing the Texas Sunset Commission Staff Report for the Texas Board of Professional Geoscientists I am disappointed in its recommendations.

Below are a few of my reasons why.

The Board was not established in the first place to protect the Public, but primarily “to legitimize the profession” and to protect Geoscientists from the Engineers and from untrained competitors. Public protection has always been of primary concern to Geologists. Geologists have long understood that geological studies need to be accurate in order to protect the health and welfare of the public. In the past, many of the inaccurate geologic studies were performed by Engineers and other persons untrained in geologic processes who misinterpreted the data and showed the migration of the contamination plume to be in the wrong direction, resulting in lawsuits against the wrong persons or companies and improperly designed remediation projects. Licensure ensures that qualified persons will oversee these projects.

There has been no measurable impact of Geoscientist licensing on Public protection. The public’s welfare includes not only its health and safety, but its financial welfare. Improperly performed geologic studies can cause undue expenses related to source identification and remediation recommendations. Environmental problems can result in not only financial hardships to individuals and small, locally-owned businesses, but can cause them to go out of business, leaving the State of Texas the responsibility of remediating the problem. The cost can run into hundreds of thousands or even millions of dollars to the public.

Almost no geologists deal directly with the public – our clients are mainly. Actually, many geologic studies affect the public. The public doesn’t have to be the direct consumer in order to be affected.

Water-supply studies affect hundreds of thousands or even millions, for example. Dams have failed because geology wasn’t properly considered.

Environmental impacts on neighboring homes have gone unnoticed because improper geologic studies indicated

groundwater flow was in the opposite (wrong) direction.

More direct oversight of geoscientists work is provided by other state agencies (Texas RRC, TDEQ), which renders ongoing state regulation of geoscientists unnecessary to protect the public. If that were true, then there would also be no need for many, if not all other professional boards, e.g. engineers. Those "other state agencies" have little or no oversight and/or disciplinary avenues available to them regarding the professional practice of geoscience (or for that matter any other profession), and may not have appropriately qualified geoscientist administrators and/or other appropriately qualified professionals on staff, nor the laws/regulations required to implement the policing powers required (as was incorrectly stated). For uniformity sake alone, the statement cited concerning "other state agencies" regulating professional practice should apply to ALL other professional boards. Based on that flawed logic, there then would be absolutely no need for any professional licensure boards to exist in The State of Texas. 78% of current Texas PGs were Grandfathered, therefore did not take ASBOG, therefore there is no guaranty that they are, in fact, well-trained. A profession is considered a property right guaranteed under the US Constitution and its Amendments and, as such, to not "grandfather" those practicing the profession of the geosciences would constitute an illegal taking of one's personnel property (intellectual property rights). All states that have enacted geoscience or other profession licensure laws typically and in adherence to the US Constitution and its Amendments MUST allow for and contain a "grandfathering" provision in order to be legally valid/applicable. Additionally, even though those who grandfathered were not subject to examination for the reason previously stated, those applicants underwent significant scrutiny in terms of appropriate education and experience prior to being licensed by the TBPG. This scrutiny was similar to the requirements the AIPG uses to qualify geologists for their CPG certification, as well as those used by other organizations.

Less restrictive means exist to ensure the safe practice of geoscience (i.e. certification by AIPG, AEG, AAPG, etc.) Certification is not legally binding and therefore all State, with the exception of Alaska don't recognize it.

If the Texas Geologic License were to cease to exist, documents requiring a licensed professional would be signed and sealed by a Professional Engineer, as was the case prior to the licensure of geologists in Texas. This would not guarantee that the person overseeing the geologic study is qualified to do so.

The licensee population is steadily declining, from 6,600 in 2003 to 4200 in 2017. This statement fails to take into account several very good reasons for this. 1. Many geologists who were grandfathered were in fields that were exempt. They decided not to renew their license. In 2007-2008, due to the Great Recession, approximately 1,400 of these exempt geologists also lost their jobs. In an effort to cut back on expenses, they also didn't renew their license, which explains the large drop that year. Also, new geologists entering college will take eight years or more to become qualified to become PGs. Combine this with the older geologists retiring and the Great Recession causing a drop in persons studying geology in college, and you'll see a drop in the original numbers. As the economy improves, there should be an increase in geology students, and, eventually, an increase in persons obtaining their PG license.

Just over half of the states regulate the practice of geoscience or geology, while all states regulate engineers and architects. This is a very poor argument against the regulation of geologists. The first state to regulate engineers was Wyoming, in 1907 and the last one was Montana, in 1947. It took 40 years for engineers to be regulated in all states. If the requirement for legitimacy for regulating a profession is 100%, then engineers should never have been regulated because 100% wasn't achieved within 12 years or less.

Any Alternative or New Recommendations on This Agency: I request you reconsider the report's recommendation and approve the TBPG for continuing its existence. I do agree that improvements to the TBPG could be made and I've sent a separate letter to the TBPG with those recommendations.

My Comment Will Be Made Public: I agree