

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Tuesday, August 14, 2018 5:16:59 PM

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

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Tuesday, August 14, 2018 5:12 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: Sarah

Last Name: Zappitello

Title: Hydrogeologist

Organization you are affiliated with: NA

Email:

City: Austin

State: Texas

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

I oppose the recommendation of the staff report to abolish the Texas Board of Professional Geoscientists. Geoscience as a profession is intrinsic to public health and safety. For example, geoscientists protect clean water resources by protecting springs and groundwater from contamination. Natural hazards that geoscientists possess the skills to address include sinkholes, ground subsidence, earthquakes, and landslides. Local examples of natural hazards in central Texas include: a sinkhole which opened under Cambria Drive in north Austin/Round Rock, and a sinkhole which opened under the water quality pond at the Arbor Trails shopping center in south Austin. There are other classic examples of environmental catastrophes that may have been avoided if qualified geoscientists had been involved. The regulation of professional geoscientists helps ensure that our workforce keeps integrity on the forefront of our industry and provides an avenue for enforcement, should it be necessary. It also provides a base standard of experience, peer recommendations, and knowledge above and beyond a college degree.

Requiring that work is completed by a licensed professional geoscientist sets a minimum standard of performance, and regulators don't have to track down the author's work history to know their qualification level. Therefore the professional geoscientist licensure saves regulatory agencies' time and saves the taxpayers' money. The state agencies which review geoscientists' work do not regulate or enforce the practice of geoscience in Texas.

The public is the primary recipient of the benefits of effective geoscience work. Benefits to the public include: knowledge and potential protection of groundwater for well-water dependent communities, knowledge and potential protection of springs and resulting improved surface-water resources, and avoidance of infrastructure and homes near geologic hazard zones. These protection services could be quantified: for example by calculating the volume of groundwater used, the volume of groundwater protected, the area of geologic hazard zones avoided, and the cost of infrastructure repair/replacement/relocation as a result of placement in geologic hazard zones that were not evaluated in the past.

All of the line-item findings that the commission presents as evidence to de-regulate professional geoscientist licensure can be addressed by a combination of: taking note that the practice of geoscience is a high-integrity profession with an admirable level of peer accountability, addressing the enabling legislation to encompass exempted geoscience practices, and refuting statements that are untrue.

Response to findings:

1a - Protecting the public was the intent of the agency when it formed, and that mission is still just as valid as when it was when created. While licensure may not prevent flash floods and sinkholes, with the proper expertise and evaluation, situations where flash floods and sinkholes affect infrastructure may be avoided or minimized. While natural disasters often make the news, the ongoing work of geoscientists who protect our natural resources is a real and tangible benefit to the public. Without the work of concerned geoscientists, many of Texas' favorite springs and swimming holes would be contaminated and unsafe for recreation, drinking water would be unsafe for consumption, and contaminated sites would continue leaking pollutants into our environment.

1b – The exemptions that were adopted mirror those granted by other states. Many of these are reasonable, such as exempting teachers. Work performed by an employee or subordinate that is supervised by a licensed professional geoscientist is not truly “exempted”. And the enabling legislation could be strengthened by including energy and mineral exploration geoscience.

1c – The public does in fact consume geoscience services, as taxpayers, as consumers of well-water, as residents of infrastructure in areas that have been evaluated as stable and geologically sound, as users of landfills, and as members of communities where polluted sites have been cleaned up and converted to parks or other usable space.

2a – The board has initiated enforcement action, and the lack of complaints reflects a workforce with a high level of integrity. Perhaps the management could do a better job, but that is a judgement decision outside the realm of evaluating the existence of the agency.

2b – The case that the board is attending to and following up on administrative concerns indicates that they are taking care of business. It is not the role of TBPG to review all of our work, but rather to ensure the qualifications of those who conduct geoscience work - particularly for the public and for the agencies who represent/protect the public.

2c – Minimal enforcement referrals from other state agencies implies that geoscience work to date is acceptable to these agencies. This indicates that the oversight provided by the board has been effective.

3 – The grandfathered licensees had to demonstrate minimum standards of experience and recommendation from their peers. The lack of complaints again implies that their work to date has been acceptable. This indicates that the oversight provided by the board has been effective.

4 – The declining licensee population does not diminish the need for licensing: a single bad actor can do more damage than before.

5 – Other state agencies do not regulate or enforce the practice of geoscience in Texas. They rely on vetted professionals to provide a minimum standard of work.

6 – I have not encountered any other organization which certifies and licenses geoscientists for Texas.

7 – Texas is in charge of its own affairs and its own destiny.

Any Alternative or New Recommendations on This Agency: I recommend that the Texas Board of Professional Geoscientists be reaffirmed and the enabling legislation strengthened to address the shortcomings listed in the staff report.

My Comment Will Be Made Public: I agree