

ASSOCIATION OF ENVIRONMENTAL & ENGINEERING GEOLOGISTS

Texas Sunset Advisory Commission
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Thursday, August 16, 2018

Subject: Opposition to abolishing the Texas Board of Professional Geoscientists and repealing the Texas Geoscience Practice Act

Dear Sunset Commission Members:

The Association of Environmental & Engineering Geologists (AEG) respectfully disagrees with the recommendation of your Texas Sunset Advisory Commission's (TSAC's) staff to abolish the Texas Board of Professional Geoscientists (TBPG). Abolishing the TBPG, which would eliminate the licensing of Professional Geoscientists (PGs), and repealing the Texas Geoscience Practice Act (TGPA) will harm the public's health, safety and welfare. There is no cost to the public for licensure of Professional Geoscientists; the costs of the TBPG are totally borne by the PGs' fees to the TBPG. In making their determination, the staff also holds the TBPG to higher standards than those of many other boards in their early stages. Applied Geoscience for the public's health, safety and welfare is a profession, which should remain appropriately regulated under the TGPA. Applied geoscience is not an occupation; it is a vitally needed profession.

A number of geologically-evaluated hazards (geohazards) have impacted the citizenry of Texas, contrary to the statements of your staff. These hazards include more recently increased impacts of coastal erosion, as well as the long-term concerns of groundwater-resource supply and protection, effective hazardous-waste management, landslides, land subsidence, active surface faults and stream-bank erosion. Continued availability of safe drinking water, lack of impacts from hazardous wastes, and protection to their residences and work places from geologic hazards are certainly paramount interests to the public. These geohazards can only be effectively evaluated by the profession of applied geosciences. Many measurable adverse impacts from these hazards occurred prior to 2001 with the enactment of TGPA. I will be happy to provide references to these adverse "measurable impacts" to the public upon your request. Anecdotally, these adverse impacts prior to creation of the TBPG occurred more regularly than the period afterward with licensed PGs. Licensed PGs have likely prevented many impacts from occurring by their proper understanding of the local applied geology.

The goal of the TBPG is not to arbitrarily control or benefit geoscientists, since two-thirds of Texas geoscientists, whose work does not affect the public's health, safety and welfare, do not need to be licensed. The TBPG assures the public's interests are served by having all new PGs' licensees have university degrees, passed two minimum-standards exams in Applied Geoscience, and continue to have relevant training throughout their careers. The adverse impacts to the public from geohazards during the period before the TBPG existed were due to deficient, or total lack of, understanding of the geologic conditions, which is directly attributable to the absence of geoscientists' involvement or to the conduct of a professional unqualified by the present TBPG's standards. Your staff's assertion that this applied-geoscientific review will be assured by other state agencies is not valid. Other licensed professionals are not trained as applied geoscientists. Current curricula for civil engineering degrees do not require a single

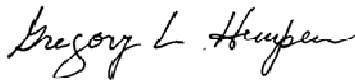
course in applied geology. What required licensed professional would perform these duties? Or would anyone be able to state that their background allows them to practice applied geoscience in Texas? The argument that grandfathered percentages are too high is meaningless. New practitioners apply to the TBPG every year. New licensees reduce the pool of those grandfathered professionals to annually smaller percentages. A significant decline in the percentage of grandfathered professionals, due to retirements, is expected in the next decade.

TSAC's staff does state the TBPG is "generally well managed." However, the staff's concern that there have been with few complaints of improper practice does not prove the originating TGPA was unfounded. If the smaller number of licensed PGs, as compared to other licensed professionals, results in very few complaints [relative to the number of complaints in boards with much greater number of licensees] and the public's interests are being served, then the statement is invalid that the TBPG "struggles to remain enforcement relevant."

AEG believes licensed PGs, managed through the TBPG, are essential to the public's health, safety and welfare. Documented adverse impacts in Texas have occurred due to improper, or lack of, practice of applied geoscience prior to the originating legislation in 2001. If the licensure of PGs was eliminated and the TBPG was abolished, then there is no other licensed professional that has the education and experience to perform applied geoscience. When a law or regulation required a licensed professional to perform duties pertaining to applied geoscience, what profession does your staff suggest should perform those duties? If a licensed professional was not required to perform specific applied geoscientific duties, could anyone in Texas conduct those duties? Would such great latitude in who might perform the work allow deficient understanding of applied geoscience to be conducted contrary to the public's interests?

AEG urges the TSAC to retain the TGPA and the TBPG, which manages the licensing of PGs.

Respectfully submitted,



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