



# ASSOCIATION OF ENVIRONMENTAL & ENGINEERING GEOLOGISTS

---

August 6, 2018

## **MEMORANDUM**

**TO:** Association of Environmental & Engineering Geologists Board of Directors (BOD)

**FROM:** Kenneth G. Neal, Co-Chair, Licensure Committee  
Charles Nestle, Co-Chair, Licensure Committee  
James Struthers, Co-Chair, Licensure Committee

**SUBJECT:** Licensure Committee 2018 Midyear Report

### **Members**

Ken Neal, Co-Chair (Nisqually Chapter)  
Charles Nestle, Co-Chair (So. California Chapter)  
Jim Struthers, Co-Chair (Nisqually Chapter)  
Kevin Coleman (Texas Chapter)  
Chris Humphrey (Oregon Chapter)  
Adam Reese (Oregon Chapter)  
Paul Weaver (Carolinas Chapter)  
Tom Westbrook (Lower Mississippi Valley Chapter)  
Tiana Rasmussen (Phoenix Chapter)  
David Wilshaw (Atlanta Chapter)  
Nate Saraceno (Greater Pittsburgh Chapter – SPC Rep)  
Curt Schmidt (New York-Philadelphia Chapter – SPC Rep)  
Dave Fenster (DC-Maryland-Virginia Chapter – EC Liaison/AEG Vice-President)  
Greg Hempen (Saint Louis Chapter – AEG President)

## **RECENT LEGISLATIVE AND ADMINISTRATIVE ACTIVITIES**

### **Texas**

The Texas Sunset Commission Staff report recommends discontinuing the regulation of professional geologists. The key recommendation is to “Abolish the Texas Board of Professional Geoscientists and repeal the Texas Geoscience Practice Act.” The full Sunset Staff Report is available on the Sunset Commission website at the following link: <https://www.sunset.texas.gov/reviews-and-reports/agencies/texas-board-professional-geoscientists0tbpg>. Cynthia Palomares is in the process of preparing a PLSF funding request.

---

Connecting Professionals, Practice and the Public

201 E. Main Street, Ste. 1405, Lexington, KY 40507 USA | 844-331-7867 |  
manager@aegweb.org | www.aegweb.org

## **Florida**

Florida HB 15, which was written to eliminate licensure for a number of occupations, also included professions including geologist on their list. David Wilshaw coordinated AEG's effort in removing geologists from that bill. The Florida AIPG had retained a lobbyist for a number of years, because there has been a running battle over geologist licensure. The lobbyist's 2018 Session Summary stated that HB 15 either died in committee or was postponed and withdrawn from consideration. HB 71 and the companion bill, SB 1114, which would have removed regulations on specified professions, revised geologist-in-training registration requirements, and revised the types of document requiring a geologist's seal, died in the House Careers and Competition Subcommittee and SB 1868 died in the Senate Regulated Industries Committee.

## **Idaho**

The "Licensing Freedom Act," which passed without any AEG knowledge or participation, required an assessment of state agencies to determine if licensure was necessary and in the public interest. Recommendations for licensure improvements, modifications, or elimination were requested by the Governor on his website, and were due by May 1, 2018. Linda Mark, R3 Director, made a concerted effort to get Idaho-licensed geologists to respond to this request. We are not aware of any outcome.

## **Nebraska**

Legislative Bill 299, entitled "Adopt the Occupational Board Reform Act and change procedures for rules and regulations," was approved by the Governor on April 23. This bill was cited on the Institute for Justice Website. While this bill does not mention geologists or any profession specifically, it outlines major changes in how occupations and professions are regulated. We were unable to identify anyone in Nebraska who could provide any insight into how this might affect geologist licensure.

## **Oregon**

There is an apparent shortage of Certified Engineering Geologists (CEGs) available for mentoring geologists who are attempting to gain credible experience for certification. The Oregon Board is proposing to allow experience gained under the supervision of a geotechnical engineer as acceptable for certification. This raises a number of questions about Oregon's program, including but not limited to who is currently stamping the engineering geologist trainee work performed by these geologists (under Oregon law, engineering geologist work must be stamped by a CEG), and the ability of a geologist to develop the engineering geologist perspective from an engineer. There are a number of us that are licensed in Oregon who oppose this move.

## **Other States**

As stated in previous reports, there is an ongoing effort nationally by groups such as the Freedom Chamber of Commerce and the Institute for Justice to eliminate licensure of all fields

and professions in the name of free trade and deregulation. These bills have and will continue to be introduced in state legislatures. The National Council of Examiners for Engineering and Surveying puts out a newsletter, outlining threats to engineering and surveying licensure, at the following web address:

<https://www.nspe.org/resources/issues-and-advocacy/action-issues/threats-professional-licensure>

This contains a map that is frequently updated. It is interesting to note that, while we share some states' threats with engineers and surveyors, the match is far from unanimous.

In spite of the LC's urging, most states are still not monitoring legislative activities. To that end, in late July, Duane Kreuger, Stephenie Kline, Maddie German, Meredith Beswick, and Jim Struthers completed a test of the CQ State tracking service, which provides a series of links and information by state related to ongoing legislative activities. The current thought if this system were adopted would be to feed information to Headquarters, which in turn would reconcile the information and forward the results to state representatives (assuming volunteers can be identified). The results of this evaluation have not yet been compiled. In the meantime, Bill Godwin identified an alternative firm, TrackBill, while attending the National Conference of State Legislatures in Los Angeles. All of this information, including how to fund a system should it be adopted, needs to be evaluated.

## **PLSF**

This year, the LC received and is anticipating one additional request for funding from the PLSF. \$5,000 was granted to Florida to help protect geologist licensure. A second request was expected from Niall Henshaw on behalf of the New York-Philadelphia Chapter for their financial sponsorship of the New York State Council of Professional Geologists, who recently successfully lobbied for passage of licensure legislation in New York, but was never issued. We anticipate a request from the Texas Chapter for their effort against proposed sunseting of licensure in that state.

We are concerned that the funding of low-priority activities such as those in California (for which no request has yet been received) and New York may preclude our ability to respond to high priority needs resulting from anti-regulation efforts by groups such as the Freedom Chamber of Commerce and the Institute for Justice. It was suggested that PLSF funding be used to support the state tracking effort. We recommend the BOD consider carefully how these funds are to be distributed.

As stated in earlier reports, the key issue identified with the Florida issue and subsequently with Idaho is that it is difficult to manage information or PLSF funds in a state that does not have any AEG Chapters. We recommend AEG emphasize as a responsibility of Regional Directors they make a concerted effort to establish at least one Chapter in each state within their region. This not only helps in coordinating legislative efforts, but would also help in attracting new members to AEG, which would provide an obvious financial benefit.

## **COMMITTEE LEADERSHIP**

The Licensure Committee is pleased to welcome Jim Struthers as our new Co-Chair. Jim is Chief Engineering Geologist for the Washington State Department of Transportation and a member of the Nisqually Chapter. Ken Neal and Charles Nestle have co-chaired the Licensure Committee since its inception in 2009. Ken will be phasing out his role as Co-Chair during 2019 and will work closely with Jim so that he can fully take on those tasks Ken is performing.

## **COMMITTEE ACTIVITIES**

An article detailing the efforts made by AEG, AIPG, and others authored by Ken Neal and Chris Stohr (Chair, Illinois chapter) was published in the February 8 issue of *The Insider*, with an addendum describing the recent events in Arizona and Florida. This paper will be presented at the IAEG meeting in San Francisco by Patty Bryan.

Ken Neal also prepared a talk for the San Francisco meeting, entitled "The Impacts of Cooperation between West-Coast State Licensure Boards on Professional Specialty Licensure and the Corresponding Effects on the Geotechnical Professions." The paper will be presented by Laurie Racca.

## **MEETING SCHEDULE**

The LC is currently conducting business via e-mail and, when issues are identified where our participation is warranted, scheduling conference calls to provide advice and assistance. For more information on our committee or on LC activities and issues, contact Ken Neal at [kengneal@aol.com](mailto:kengneal@aol.com), Jim Struthers at [struthj@wsdot.wa.gov](mailto:struthj@wsdot.wa.gov), or Charles Nestle at [CNESTLE@dpw.lacounty.gov](mailto:CNESTLE@dpw.lacounty.gov).

## **BUDGET**

The LC has no real budgetary needs outside of the costs associated with our use of Goto Meetings. Should there be a need for one of the Co-Chairs to participate in person at a BOD meeting, some travel dollars might be needed.