November Newsletter

"STATUS AND RELEVANCY OF LICENSURE AND REGISTRATION
OF GEOLOGISTS AND GEOPHYSICISTS IN CALIFORNIA AND ITS IMPLICATIONS"
OR
"DO WE STILL NEED OUR STINKING BADGES"

Stephen M. Testa

Wednesday, November 18, 2009

4:00 - 5:15  Officer Meeting  Banquet Room
5:15 - 6:15  Social  Banquet Room
6:15 - 7:15  Dinner  Banquet Room
7:15 - 8:30  Speaker  Banquet Room

Location
Sizzler Restaurant, Temecula, CA
(Meeting Cost $25-$27; Students $10); see meeting details on last page

Stephen M. Testa
Executive Officer, California State Mining and Geology board

ABSTRACT

In the United States, California is unique in that its people enjoy a wonderful
climate and diverse landscape. The beauty of the landscape is a result of the
state’s dynamic geology. The dense population centers which benefit from
this beauty are situated in areas of high geologic risks and hazards. Thus, it is
not surprising that California was the first state to enact laws and regulations
for the registration of geologists, making it illegal for any individual to
practice geology within the state unless licensed to practice, with few
exceptions. The American Institute of Geologists (AIPG) in 1963 established
nationwide certification; whereas, California issued its first license to a
geologist in 1969. With the formation of the Association of State Boards of
Geology (ASBOG) in the late 1980s, a means of connecting the individual
state geologic registration licensing boards to prepare uniform procedures
among state boards and coordinate geologic protective measures for the
general public was established.
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THE AEG INLAND EMPIRE CHAPTER NEWSLETTER is a monthly publication of the Inland Empire Chapter of the Southern California Section, Association of Environmental and Engineering Geologists. For more information visit the Chapter website: http://www.aegsc.org/chapters/inlandempire.

SUBMITTALS: Deadline, 28th of the month. Employment notices, job position announcements, and advertisements can be posted for a minimal fee. Newsletter circulation about 170 in greater inland areas of Southern California, and elsewhere.

E-MAIL ADDRESS CHANGES: kerry@catogeoscience.com

ABSTRACT (continued)

Due to the passing of Assembly Bill AB4x 20 in July 2009, on October 23, 2009, the California Board for Geologists and Geophysicists (CABGG) ceased to exist as a stand-alone licensing board. Although CABGG was self-funded, the bill was passed as part of a budget package aimed at cutting costs and reducing the size of state government. As of October 23, 2009, administering licensure examinations for geologists, vetting of applications and acting on complaints against licensees are now performed under the direction of the Board for Professional Engineers and Land Surveyors (BPELS). There are currently no provisions for BPELS to have geologists on their board, or exactly how the transfer will take place. This move was not favorably received by a large segment of the geoscience professional community. As a result, representatives of three California sections of the Association of Engineering and Environmental Geologists (AEG), referred to as CAPG, was recently formed and incorporated. This group applied to the court for injunctive relief against the bill. Although the move of CABGG to the BPELS could not be stopped, the issue of injunctive relief is scheduled to be heard in early December, 2009. The outcome of this effort remains uncertain as of this time.

The importance of licensure for the practice of geology is recognized by the state and all professionals, and the responsibilities and obligations of CABGG have simply been physically moved from a stand-alone board within the Department of Consumers Affairs to the BPELS which is also under the same state department. Whether this effort by CAPG is deemed as a favorable and positive action or not, is not without its critics. Regardless, California was a leader in the registration and licensing of geologists, and in a stressful economic climate, the relevancy of the licensing program remains, and its functions continue. Also, this change provides a unique opportunity for California licensed geologists to interact and work more closely with practicing civil and geotechnical engineers, than ever before.

SPONSOR BIOGRAPHICAL INFORMATION

Stephen M. Testa was appointed Executive Officer of the California State Mining and Geology Board in August 2005. From 1976 until August 2005, he served as an engineering and environmental consultant for a variety of international firms including Bechtel, Dames and Moore, Applied Environmental Services and Testa Environmental Corporation. A member of the Geological Society of America, American Association of Petroleum Geologists, American Institute of Professional Geologists, Association of Engineering and Environmental Geologists and Society of Economic Geologists, among others, Testa is the author of over 125 publications and several books including Geological Aspects of Hazardous Waste Management, The Reuse and Recycling of Contaminated Soils, and Restoration of Contaminated Aquifers: Petroleum Hydrocarbons and Organic Compounds, and Petroleum in the Environment. He has served as an instructor at USC and CSU Fullerton, and has provided numerous workshops and technical presentations. Testa is the Past-President of the American Geological Institute (AGI), the American Institute of Professional Geologists (AIPG) and the Los Angeles Basin Geological Society, and Past Chairman of AIPG’s National Screening Committee. Testa is past Editor-in-Chief of American Association of Petroleum Geologists – Division of Environmental Geosciences’ (AAGP-DEG’s) peer review journal “Environmental Geosciences”, and the recipient of the AIPG’s Martin Van Couvering Award and Honorary Membership, AAPG-DEG’s Research Award, and the Roy Shlemon Geology Mentor Honorarium for excellence in application of applied earth science. Testa is a Registered Geologist and Certified Engineering Geologist in California, among other states.
Future Inland Chapter Meetings

**December** – No Chapter Meeting

**January - 20** – Topic to be announced

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**November Meeting Information**

**Sizzler Restaurant**

27717 Jefferson Avenue, Temecula

**Directions:**

*From the North:* Exit I-15 at Winchester/79 North and turn right and proceed West to 1st light (Jefferson Ave.). Turn left onto Jefferson Ave. and proceed South about 1/2 mile. The Sizzler is located on the right side (West side) of Jefferson several blocks after the intersection with Overland Dr.

*From the South:* Exit I-15 at Rancho California Road and turn left and proceed West over freeway to 1st light (Jefferson Ave.). Turn right at Jefferson Ave and proceed North for about ½ mile. The Sizzler is on the left side of the road (West side) just past the light at Montezuma Ave.

**Dinner choices:**

- **Entree:**
  - 8oz. Steak -$25
  - Lemon chicken (2 breasts)-$25
  - Salmon - $27

- Large salad/soup bar included (this should accommodate vegetarians as the salad bar also includes pasta, tacos, and some other items.

- Non-alcoholic drinks included (with refills): soda, coffee, lemonade, etc. Alcoholic drinks must be purchased individually

**RSVP:** RSVP by COB Monday November 16, 2009 by emailing Ernie Roumelis at akwgeotechnical@verizon.net

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Other Meetings

**IGS:** December 2, 2009 (Wednesday). Dr. Prem Saint, CSU Fullerton, retired *Paleohydrology of the 5000-year old Indus Valley Archeological Sites in the North-West Indian Subcontinent*

**SME:** December 8, 2009 Tuesday, 2009 GEM Christmas Party hosted by Mort and Melda Richardson Speaker: Dinah O. Shumway, RG, Principal Geologist, TerraMins, Inc., Apple Valley, CA. Subject: *Geology and Chemistry of Cement.*

**GSA/AAPG:** May 27-29, 2010 GSA Cordilleran Section and Pacific Section AAPG Joint Annual Meeting. The Cordilleran Section of the GSA and the Pacific Section of the AAPG will be holding their Joint Annual Meeting on May 27-29, 2010 at the Anaheim-Marriott in Anaheim, CA. For more information, visit www.geosociety.org

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**LICENSING BOARD UPDATE**

BOARD OF PROFESSIONAL REGISTRATION FOR ENGINEERS & LICENSED SURVEYORS (BPELS)

**NOVEMBER 19 & 20, 2009** Thursday & Friday

The first meeting of BPELS as “governing body” for professional geologists is coming up in Riverside on November 19 & 20, 2009. Geologists may want to attend to see how BPELS board operates as compared to the BGG.

**On Thursday November 19 (9-11am), BPELS Executive Officer will talk to geologists about BGG to BPELS transition. See attached flyer.**

Also

**SEE ATTACHED DETAILED BGG UPDATE**

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Professionals, Practice, & The Public
Board for Professional Engineers and Land Surveyors
Town Hall Meeting

Date: November 19, 2009
Time: 9:00—11:00 AM

Dave Brown, Executive Officer of BPELS will be present to discuss the elimination of the BGG and transfer of responsibility for the Geologists and Geophysicists Act to BPELS. Bring your questions, concerns, pitch forks, rotten tomatoes...or just show up and listen!

Ontario / Pasadena / Los Angeles Area
10 East to 15 South (San Diego) to 60 East (Riverside)
Exit Downtown/Market Street
Merge Right on to Market Street
Go 1 mile to Mission Inn Avenue
Left onto Mission Inn Avenue
1 1/2 blocks to Mission Inn (on left)

Orange County / Beach Cities
91 East to Riverside
Exit University Avenue/Downtown
Continue straight 1 block to Mission Inn Ave.
Left onto Mission Inn Ave.
3 blocks to Mission Inn (on right)

San Bernardino/Victorville Area
215 South (becomes 91 Beach Cities)
Exit Mission Inn Avenue
Right 3 blocks to Mission Inn (on right)

San Diego
15 North to 91 East (Riverside)
Exit University Avenue/Downtown
Continue straight 1 block to Mission Inn Ave.
Left onto Mission Inn Avenue
3 blocks to Mission Inn (on right)

Temecula
215 North to 60 West (Riverside/San Bernardino) to 91 (Beach Cities)
Exit Mission Inn Avenue/Downtown
Go Right 3 blocks to Mission Inn (on right)

LAX Airport
105 East to 605 North to 60 East
Exit Downtown/Market Street
Merge Right on Market Street
Go 1 mile to Mission Inn Avenue
Left on Mission Inn Avenue
1 1/2 blocks to the Mission Inn (on left)

Palm Springs
10 West to 60 West to 91 (Riverside/Beach Cities)
Exit Mission Inn Avenue
Go right onto Mission Inn Ave.
3 blocks to Mission Inn (on right)

Valet Parking: Enter Mission Inn Driveway
Self Parking: Located on the corner of 6th Street and Orange Street at rear of hotel.
Dear AEG Members and California Professional Geologists:

There’s been a good deal of activity with regard to the elimination of the California Board for Geologists and Geophysicists (BGG), and this letter is intended to give you an update on the status of our efforts and some direction on future actions.

As we’ve discussed in previous communications and calls to action, the three California sections of AEG formed the California Association of Professional Geologists (CAPG) and filed a complaint against the Governor to stop implementation of ABX4 20 which eliminated the BGG. CAPG was formally incorporated on October 6 and filed the complaint on October 14.

Our first hearing on the matter was set for October 20, and over 30 geoscientists showed up to support the action. Unfortunately, the hearing was continued to October 26 when the Attorney General (AG) complained they did not have enough time to review the filing and accused CAPG of waiting until the last minute to file the complaint. A supplemental brief was filed, wherein it was pointed out to the court that the AG had more time to review the filing than did the legislature before voting on ABX4 20, and that the complaint was filed in as timely a manner as possible. There were only 91 days to determine how to respond to the issue, gather support, declarations, etc., and prepare the pleadings – not a lot of time. There was in fact no public notice whatsoever of the actions taken in ABX4 20 and, therefore, no opportunity for the profession to point out the significant failings of this legislation.

At the October 26 hearing, which was also well-attended by supporters, the court would not grant the temporary restraining order, but did set a date to hear the pleadings for injunctive relief on December 2nd. It was hoped that any action against BGG would be forestalled until the court could rule on the injunction, but this didn’t happen. The good news is that the court agreed to grant the December 2nd hearing.

In the meantime, changes are occurring at BGG and the offices may be moved to the Board for Professional Engineers and Land surveyors (BPELS) in early November. Remaining staff (some have already moved on) will be maintained for up to 120 days by civil service rules if they cannot find positions elsewhere in state employment. The board members and Executive Officer have been dismissed. If, however, we prevail in December, provisions of existing law allow for the reinstatement of conditions as they existed prior to the effective date of the legislation.

The other part of our effort, which is ultimately the most important regardless of what happens with the injunction, is meeting with legislators in both houses to get our message out, and even more importantly, building relationships and support among them. Key to this effort is having a strong and consistent message. Without getting into details of when and with whom we’ve met, one element that has come through very clearly from all is that a return to the status quo is unlikely, and quoting one person loosely “改革 is like religion, if you don’t have your own, you’ll probably have to accept someone else’s.”

What we’re finding out through this process is that if whatever we propose does not have some element of consolidation, it will have little support. Everyone we’ve spoken with, including Assembly Members, Senators and/or their staffs, BPELS staff, and Department of Consumer Affairs (DCA) staff, all recognize that process that got us where we are was flawed and the resulting legislation will not work. The key deficiency in the minds of most is the lack of geologic representation on BPELS. Even Land Surveyors have a board member.

The most comprehensive and specific advice we have received so far came from Senator Denise Ducheny, with whom we met on October 26th, coincidentally the same day as the hearing. Based on what she was able to recall about the details of the BGG’s demise and our input, her recommendation was that we seek information from the Senate Business, Professions and Economic Development (BPED) Committee staff and then - hopefully - enlist

Peter Thams, Chair 3628 Gingerwood Court Thousand Oaks, CA 91360
leaders of BPED to sponsor legislation to restore the BGG and consolidate with it jurisdiction over the Registered Environmental Assessors (REAs). She felt strongly that a BPED sponsor was the way to go. She said she would talk to Budget Committee staff to find out what she could about why things went the way they did in AB 4X-20. She told us more than once that concessions were made to the Governor to keep him from cutting health insurance coverage for kids.

We have said from the beginning that any of three possible outcomes from our efforts would be acceptable, although some are more likely and desirable than others; (1) maintaining the BGG as is, (2) merging BGG with the State Mining and Geology Board (SMGB) or with BPELS but with appropriate representation, and (3) consolidating the BGG with other related programs, namely the REA program (and possibly other disciplines) and changing the name to something like the Board of Earth and Environmental Sciences. From what we are learning from meeting with legislators, it is becoming apparent that the third option is the most attractive. Our plan is to update the key messages to reflect this desired outcome and make the rounds with legislators to enlist support and sponsorship. We will continue to prepare materials for distribution and ask California geologists over the coming weeks to contact their local representatives and meet with them if at all possible. You will be asked to reach out not only to your local representatives, but your employers and colleagues, as well. Please forward this information to California Professional Geologists you know who are not AEG members.

As distasteful as the notion of pursuing the injunction to stop ABX4 20 is to many, it a critical tool to help ensure that even the minimal effort of cleanup legislation to allow geoscientists’ representation on BPELS. It provides real incentive and urgency to government leaders to fix the problem. Piecemeal, temporary solutions are seldom satisfactory, frequently undermine their purpose, and become permanent. We are gaining momentum, we are being heard, and our message is being accepted. We can’t let up now. We need your support. I want to thank the many of you who have given so generously and ask others to please realize the importance of what we are doing and contribute to the effort. Donations may be sent to:

California Association of Professional Geologists, Inc.  
(formerly AEGSC-Political Action Fund)  
1772-J East Avenida De Los Arboles, #304  
Thousand Oaks, CA 91362

With your help, the end result of this process will, at best, be a reconstituted board and an expanded mission and, at least, appropriate representation on a reconfigured BPELS that has the resources to accomplish its new mission.

Sincerely,

Peter Thams, Chair  
AEG Southern California Section