



Oregon

Kate Brown, Governor

Board of Geologist Examiners

707 13th Street SE, Suite 114

Salem, OR 97301

Phone: 503-566-2837

Fax: 503-485-2947

E-mail: osbge.info@state.or.us

Web: www.oregon.gov/OSBGE

February 10, 2016

SUBJECT: HB 4137

Presented to Committee on Rural Communities, Land Use & Water

Dear Chair Clem and Members of the Committee,

Thank you for the opportunity to address HB 4137. My name is Christine Valentine, Administrator (Executive Director) for the Oregon State Board of Geologist Examiners (OSBGE), and I offer this testimony on behalf of OSBGE. Under ORS 672.505-705, OSBGE regulates the public practice of geology within the State of Oregon. Public practice of geology is defined in ORS 672.505(7) as *“the performance for another of geological service or work, such as consultation, investigation, surveys, evaluation, planning, mapping and inspection of geological work, that is related to public welfare or safeguarding of life, health, property and the environment.”* Any individual engaging in the public practice of geology within the State of Oregon must be registered (i.e., licensed) with OSBGE or exempt from registration. OSBGE follows established minimum education, examination, and experience standards in granting geologist registration. More information on geologist registration is accessible to the public via the OSBGE website and by contacting the Board office.

OSBGE is neutral on HB 4137 but does offer the following comments regarding possible unintended consequences of specific language in the bill. HB 4137 refers in several places to work by a “qualified geologist or hydrologist” and describes the work that these individuals would undertake in Section 3(3). OSBGE would interpret the work as described in Section 3(3) as the public practice of geology. Determination and interpretation of hydraulic conductivity, transmissivity, porosity and stratigraphy from site well cores are the tasks of a professional hydrogeologist. A “qualified hydrologist” not holding geologist registration in Oregon and carrying out the work described in Section 3(3) would appear to be engaging in unlicensed public practice of geology in violation of state law. Hydrologists are not separately licensed in Oregon. Since hydrology is a diverse discipline, not all hydrologists practice in a geologic subdiscipline of that field. Some may practice in an unregulated field, while others could fall under the practice of engineering or geology for example. This issue could be resolved by referring only to a “qualified geologist” or “Registered Geologist” and relying on the existing Oregon registration for geologists.

HB 4137 would set education and experience standards for “qualified geologists and hydrologists” in Section 3(1)(b). An individual would need to have a master’s degree or PhD from an accredited educational institute in geology or a hydrology-related field and five (5) or more years of experience in geology or hydrology. OSBGE appreciates the intent to define qualifications for those that would carry out the work described in Section 3(3). However, OSBGE notes that the bill sets different education and experience standards for geologists compared to existing statutory standards for geologist registration. Also, OSBGE is uncertain as to what is meant by “accredited educational institution” but knows that geology degree programs in the United States have traditionally not been

accredited in the manner that is more common in other fields. Would geologists currently registered to practice in Oregon and holding advanced geology degrees, including those who graduated from geology degree programs at Oregon universities, meet the education standard of this bill? With respect to experience, OSBGE looks at experience before and after an individual meets qualifications for registration. Before registration, that experience must be supervised by a qualified geologist and is part of an aspiring geologist's training to show competence to meet minimum standards in public practice. The experience required in 3(1)(C) is described as "professional-level" but is not otherwise defined.

OSBGE would certainly cooperate with the Oregon Water Resources Department (WRD) on the development of any list of qualified individuals as envisioned per HB 4137. However, OSBGE respectfully offers that an easier approach could be to require that the work contemplated in HB 4137 be carried out by geologists registered with OSBGE. OSBGE maintains a list of active geologists that the public can access 24/7 on the OSBGE website. This list is updated daily and can be searched on several parameters including location. OSBGE is concerned that having WRD maintaining a separate list of qualified individuals may be costly and perhaps confusing for the public and the Board's own registrants.

On behalf of the Board, I again thank you for the opportunity to provide this written testimony. I apologize for not being able to be present at the hearing due to schedule conflicts, but I'd be happy to address any questions the Committee may have about this testimony or to assist with further engagement of OSBGE as may be prudent.