



Association of Environmental and Engineering Geologists Southern California Section

November 2, 2009

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 "reform 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



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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