

Thesis: The Licensed Professional Geologist requirement for conducting the business of environmental science in the State of Utah excludes other disciplines of legitimate and historical contribution, creating an unlawful monopoly and should be wholly rescinded.

Conducting the business of environmental science in the State of Utah traditionally drew from a variety of disciplines including Biologists, Chemists, Engineers, Geologists, Mathematicians, Meteorologists, Physicists and others.

Licensure of Geologists, H.B. 96 (attached), 2002 Legislative session, Sponsor Ralph Becker commenced regulation of geologists, which is used to punish those who are not geologists.

The latest iteration is called the Professional Geologist Licensing Act, §58-76, Utah Code (attached).

This Act is damaging to all other science professionals outside the discipline of geology, because of the sweeping authority granted only to licensed geologists. This Act restricts paid scientists from performing any scientific task because the Act defines the science of Geology as anything that has to do with "...rocks, minerals, liquids, gases and other materials for the use of mankind. (§102(2))" This definition excludes from doing work in Utah those:

- scientists from doing research and development using any earth-made materials,
- prior-legislative approved environmental soil and groundwater samplers,
- prior-legislative approved consultants in the underground storage tank program,
- consulting in fields including biological, chemical, engineering and food science, etc.

This Act now has the cooperation of the Division of Environmental Response and Remediation (DERR) through a proposed rule that would limit practice of PST Fund, third party consultants to licensed geologists, see R311-201-11, -207-9(a)(3), attached. This restriction ignores precedent of DERR's own Consultant Certification rule, which certifies any applicant with any science education (Utah Administrative Code, R311-201-4(a)(3)(A)) to function within DERR programs.

The effect of this proposed rule is to make it ILLEGAL for me as a DERR-certified consultant to do something as simple as groundwater flow calculations. My certification as a consultant reaches back as far as the original consultant certification, but now I will be barred from doing what I have been trained to do for the last 30 years and fined if I continue practicing my profession.

As a Biologist, I researched closed system aquaculture systems, led the patent for Fuel Vault (pat. 5,037,239), patented Subsurface Metabolism Enhancement (Pat.6,464,005), patented an Infrared Sensor (pat, 7,705,312B2), won first place in the Stoel Rives-sponsored Utah Innovator 2010 for Clean Technology, have an aerobic bioremediation system for chlorinated solvents, cleaned up 116 contaminated properties nationwide, etc.; all of which is illegal under the Geologist Licensing Act.

This legislation is racketeering. There is no justification for restricting the study of the environment to licensed Geologists. **This Act should be amended to become a regulation on Geologists, not other disciplines.** It is an unjust law and should be amended to allow other disciplines to perform all their competent abilities, including in geology.

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