

Licensing of Geologists in New York State and Related Issues

Edward J. Hinchey
ERM Northeast
5788 Widewaters Parkway
DeWitt, NY 13214
E-mail EJHINCHE@MAILBOX.SYR.EDU

Geologists have an identity crisis. Geologists are professionals and as such should be recognized by New York State as professionals in the form of licensure. Many geologists support the concept of licensing but do not understand why licensing is appropriate and beneficial for the practicing geologist. Some geologists oppose licensing for a variety of reasons. Our professional ambivalence (“identity crisis”) gives our detractors the opportunity to create misconceptions and deceptions about what motivates geologists in their desire for professional licensing. Geologists should be licensed because we are professionals; we routinely make decisions and render opinions for a fee that directly affect the public health and welfare.

A solid understanding of the term professional is required if we are going to defend our position on licensure. A professional is a person who possesses great skill or experience in a specific field or activity and receives a fee for the service. A broader definition includes all persons engaged in a specific activity as a means of livelihood. A speaker at the National Colloquium on the Registration of Geologists in 1990 defined five criteria for the definition of a professional. First, a professional must possess a body of specialized knowledge requiring advanced study and experience. Second, the professional must possess skills primarily of a mental rather than physical nature. Third, there must be professional standards governing the practice of the profession. Fourth, the professional must execute specific skills and judgments for the benefit of an employer or client. And fifth, the profession is organized into a body of practitioners with a code of practice.

From these definitions it is clear that professionals are called upon by society to do more than merely possess specialized skills, knowledge and experience. Society looks to professionals for solutions to problems. In a general sense, it is through professionals that society defines goals, identifies problems and satisfies shortages and needs. Historically geologists have been providing professional services in the extractive industries like mining and energy production that provide the raw material and energy for industry. In today's society, practicing geologists provide calculated solutions and educated opinions on a variety of issues that directly or indirectly relate to the public welfare. Today and more so in the future, geologists will be called on by society to make critical decisions regarding resource use and preservation as the known reserves of strategic material dwindle. The geologist's role in environmental protection will increase as the population continues to increase. Society has already turned to geologists to solve problems relating to hazardous waste management, land use and management, solid waste disposal, potable ground water supply development, and protection, global sea level rise and global warming.

The term, '*professional work*', is codified under the federal Fair Labor Standards Act (29 CFR 541.301). It recognizes "the learned" professions under the heading of "engineers and scientists" (29 CFR 541.302 (e) (1)). Individual states use occupational licensure, in this case professional licensure, to ensure the protection of the public welfare. Professional licensure is established by individual states so that each profession can more or less self-regulate themselves. For example, professional engineers in New York are licensed and regulated by the Board of Engineers under the State Education Department (SED). All professions in New York State are licensed through the SED.

Geologists are professionals. We possess advanced education, skills and experiences. We provide geological and environmental opinions for a fee to the public and clients. As part of our routine practice, we use our specialized knowledge to make decisions that affect the public welfare. Professional licensure will provide the acknowledgment of the profession by the state, which in the interest of the public protection, will require decisions regarding geological issues to be made by an appropriately qualified professional. Twenty-two states have adopted licensure and legislation is pending in two more. Eleven states have joined an organization called the National Association of State Boards of Geology (NASBOG). NASBOG is currently designing a national qualifying test that will establish uniform licensing criteria and facilitate reciprocity between states. As our profession continues to mature and our responsibility to society increases, as it has so dramatically in the last 20 years, we will continue find our identity as professional geologists.