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## **WASHINGTON'S GEOLOGIST LICENSING LAW TAKES FULL EFFECT ON JULY 1, 2002**

In 2000, the Washington Legislature adopted licensing requirements for geologists practicing in Washington. As of July 1, 2002, all persons practicing "geology for others" must be licensed by the State. RCW 18.220.901.

### **1. What is the "practice of geology?"**

RCW 18.220.010(11) defines the "practice of geology" as the:

performance of geological service or work including but not limited to collection of geological data, consultation, investigation, evaluation, interpreting, planning, geological mapping, or inspection relating to a service or work that applies to geology, and the responsible supervision thereof, the performance of which is related to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided by this chapter.

### **2. What activities constitute the "practice of geology for others?"**

The new licensing scheme makes it unlawful for a person to "practice geology for others" without a license. RCW 18.220.010(12) defines the "practice of geology for others" as:

(a) . . . [T]he preparation of geologic reports, documents, or exhibits . . . when the reports, documents, or exhibits are disseminated or made available to the public in such a manner that the public may reasonably be expected to rely thereon or be affected thereby; and

(b) The performance of geological services by any individual, firm, partnership, corporation, or other association . . . whether or not the principal business of the organization is the practice of geology, which the geological reports, documents, or exhibits constituting the practice of geology are disseminated or made available to the public or any individual or organization in such a manner that the public or individual or combination of individuals may reasonably be

expected to rely thereon or be affected thereby.

In summary, the “practice of geology for others” means any geological work or service that is performed on behalf of, or will be relied upon by, a party other than the person or entity who actually performs the service.

### **3. What activities fall outside the definition of “practice of geology for others?”**

RCW 18.220.010(12) identifies one exception to this broad definition. Geological work that is prepared “in-house” exclusively for “in-house” use does not constitute the practice of geology for others.

Exceptions to the licensing requirement can also be found in RCW 18.220.190, which identifies specific geology-related activities that can be performed **without** a geologist license. These activities include:

- Geological work performed by an employee or a subordinate of a licensed geologist, provided its under the supervision and control of the licensed geologist.
- Geological work exclusively related to exploration for energy and mineral resources, provided this work has no substantial impact upon the public health, safety, and welfare.
- Geological research conducted through academic institutions, government agencies, nonprofit research institutions, or for-profit organizations, including submission of reports of research to public agencies.
- The teaching of geology and related sciences.
- The gathering and utilization of geological information by a licensed engineer or by persons licensed and/or certified to perform geology-related work.
- General scientific work customarily performed “by such physical or natural scientists as chemists, archaeologists, geographers, hydrologists, oceanographers, pedologists, and soil scientists,” providing such work does not intrude upon areas of responsibility specifically reserved for licensed geologists.
- Testifying before an administrative or judicial tribunal or preparing documents for the sole purpose of being placed in evidence before such a tribunal.

### **4. Specialty Areas**

The statute and associated regulations also recognize and create separate licensing schemes for two specialty areas: engineering geology and hydrogeology. *See* WAC 308-15-090 (regulations governing licensing of geological engineers and hydrogeologists). Persons practicing in these areas should refer to RCW 18.220.010, which contains definitions for persons and activities that

fall within these specialty areas.

## **APPLYING THE EXCEPTIONS**

We anticipate that the new licensing law may create some confusion among the geosciences community regarding which activities are exempt from the licensing requirement.

### **1. Must a civil engineering design or report that contains geological elements be stamped by a licensed geologist?**

RCW 18.220.190(6) creates an exemption for professional engineers who develop, use or rely upon geological information incident to their design services. Generally, plans or reports developed by a licensed civil engineer that use or incorporate geological information do not have to be stamped by a licensed geologist. *See* RCW 18.220.190(6).

### **2. Must a licensed geologist stamp laboratory reports that contain geological data?**

RCW 18.220.190(7) creates an exception for “[g]eneral scientific work performed by such physical or natural scientists as chemists, archeologists, geographers, hydrologists, oceanographers, pedologists, and soil scientists.” To fall within this exception, the scope of the laboratory report should be limited to specific findings made by laboratory personnel. If the laboratory report is used to convey geological analysis, conclusions or recommendations, it should be signed by a licensed geologist.

### **3. Must work product prepared by a hydrologist (as opposed to a hydrogeologist) be stamped by a licensed geologist?**

RCW 18.220.190(7) appears to create an exception from the licensing statute for work product produced by a hydrologist, provided the hydrologist’s work does not overlap with areas for which a geologist or a hydrogeologist has exclusive control. If the hydrologist’s work simply involves characterizing surface water flow, for instance, a geologist’s stamp would probably not be necessary.

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