

Steps to Achieving Soil Science Licensing in Your State

The Soil Science Society of America (SSSA) with help from licensed soil scientists that had experience in helping to get soil science licensing established in their state produced this document. It is a tool to help other soil scientists establish licensing in their state. It is also important to have uniformity between state licensing acts to help with reciprocity issues.

These are practical steps learned by those with the experience. Please realize that what worked in one state may not work in all states. Be flexible and approach the process in a positive manner, wanting to find solutions. Don't be confrontational and realize this may be a long process and success may not come on the first attempt. Don't give up. Determination and persistence are important. The staff and members of SSSA are willing to help. Their contact information is at the end of this document.

One major advantage and you will want to share this with contacts throughout this process is that SSSA's Council of Soil Science Examiners (CSSE) has already created the exams for your state to use in the licensing process. This is a major asset to getting licensing started.

Why is Soil Science Licensing important?

1. Protection of public health, welfare, safety and property.
2. Promote the profession (higher salaries, greater name recognition, greater respect for the profession).
3. Protect the profession by preventing abuses in the practice of soil science by untrained or unprincipled individuals.
4. Protect the profession by preventing other professions from excluding soil scientists from performing work that they are qualified to do.
5. Establish creditability for the practice of soil science equivalent to that of other professions (engineers, geologists, surveyors and architects).
6. Define the practice of soil science as a profession by establishing standards of ethical conduct and professional responsibility.

Step 1: Basic Analysis

1. Identify a core group of soil scientists, representing the major segments of soil science. Government, private sector, academia.
2. Define the mission: To protect life, property, health, and public welfare through regulation of the practice of soil science in the State; to define the practice of soil science as a profession by establishing minimum standards of ethical conduct and professional responsibility and by establishing professional education and experience requirements; and to prevent abuses in the practice of soil science by untrained or unprincipled individuals.

3. How does it benefit the profession, the licensee and the citizen of the state? Be prepared to explain and defend to the state legislature including real life examples for your state. Know the difference between licensing, certification and registration.

Certification: recognition by private sector of voluntarily achieved standards, typically bestowed by a private sector, not-for-profit association, nongovernmental

License: granted by a governmental body to practice a profession, property right of an individual so it is backed by the laws of the state where it is granted, mandatory to practice

Registration: keeping of lists of practitioners by a governmental agency, can be equivalent to licensure but may also be different in that criteria may not exist and may not be required

4. Is the group willing to invest the time (multiple hours per week when legislature is in session over multiple years) and money (tens of thousands) to see this through to the end? If not, quit now.
5. The core group takes it to the larger soil science audience (use professional gatherings or organize one). Is the larger group willing to invest the time and money to see this through to the end? Are all sectors of the profession committed to obtaining and maintaining their license indefinitely as well as promoting licensure to their employees and students? If not, then the core group better re-think licensing because it probably isn't financially sustainable.
6. Define the practice of soil science for your state. Develop the definitions you plan to use. Review statutes from other licensing states.

Step 2: Strategy Time

A. Analyze parallel professions.

1. Identify the groups in your state that are licensed and those that are not, such as, geologists, engineers, landscape architects, land surveyors and any others that are appropriate.
2. Identify key personal contacts within the professions listed in number one. Focus on individuals in other professions that the core group knows will be supportive. Educate other professionals about the benefits to them regarding soil science licensure including shared liability.
3. Obtain copies of existing statutes and rules for the professions that have them in your state. Obtain copies of soil science statutes and rules in other states. (See resource list for web site links.) Begin thinking about how to draft a proposed bill for your state. (The bill becomes the language for the act.)

This is a logical time to hire a lobbyist or you will need to do the following alone. Some states have spent from \$15,000 to \$25,000 (2004 dollars) to get licensure through the first legislative session. Some states have had to go through multiple legislative sessions before achieving licensure. Typically the cost for additional legislative sessions is less than the first.

Keys to look for in a lobbyist:

- a. Lobbyist needs to have experience in natural resource issues.
- b. Preferably understands the thinking of scientists.
- c. Experience with key legislative committees.
- d. Lobbyist needs to be non-controversial, non-polarizing and highly respected.

B. Analyze state legislature/Governor's office

1. Determine the general climate towards new licensing acts in both the executive and legislative branches.
2. Identify politicians in both houses that you know or believe would be receptive to sponsoring or supporting the bill.
3. Evaluate the legislative process including the committees and sub-committees most likely to be involved. Identify the chairs and ranking committee members and who in your group knows them.
4. Identify the legislators for all of your members in the group and tell them to get to know them now.

C. Analyze state regulators and regulations in the natural resource, environmental, public health, agriculture and revenue departments.

1. Identify key agencies and staff to determine who are supportive and work with them to develop reasons to present to the legislature that licensing is needed.
2. Analyze the regulations to determine which would be affected. Identify areas within current regulations where the public health, welfare, safety and property are not adequately protected without licensure.
3. Identify areas within regulations where soil scientists are qualified to perform work but currently are not allowed to do so because they are not licensed.

- D. Analyze budgetary requirements to get the bill passed and to operate the program.

Checkpoint: *Have you identified anything that would keep you from moving forward at this time? If yes, wait until the obstacle is removed or take action to remove it. If no, proceed.*

Step 3: Developing the plan

1. Make an integrated assessment of all data collected to this point.
2. Determine whether you are going to work with another profession or go it alone. If yes, start a dialogue with the other profession. Going it alone, to maintain the soil science profession's identity, is preferable unless political or financial reasons prohibit it.
3. Are all sectors of the profession (government, private practice and academic) still committed to obtaining and maintaining their license indefinitely as well as promoting licensure to their employees and students? If yes, it may be feasible to go it alone, short term and long term.
4. Develop a draft bill that addresses: (items to consider, see licensing states' web sites for additional examples)
 - a. Definitions
 - b. Penalties
 - c. Exemptions and limitations
 - d. Board make up and training of its members
 - e. Powers of the board
 - f. Records and reports – Disposition of funds
 - g. Licensing required (corporate, partnerships, firms, individuals)
 - h. Eligibility – Application
 - i. Examinations
 - j. Professional soil scientists – Qualifications
 - k. Soil scientists-in-training – Qualifications
 - l. Issuance – Form – Evidence
 - m. Registration fees
 - n. Expiration and renewal
 - o. Re-issuance
 - p. Code of ethics
 - q. Disciplinary actions – Grounds
 - r. Disciplinary actions – Procedure
 - s. Seals; requirements and its use

Step 4: Implementation

Strategy is important. Understand and determine what works in your state with respect to timing of bill introduction. If you don't know this, you probably need a lobbyist.

1. Divide the core group into:
 - a. Bill Drafters
 - b. Coordinators of Political Contacts
 - i. potential bill sponsors and co-sponsors
 - ii. all other legislators
 - iii. appropriate committee chairs and members
 - iv. every soil scientist in the state must contact their representative and insist that they support the bill
 - c. Fund Raisers
2. Track the bills after introduction.
3. Be prepared for timely contacts with legislators and their staffs while the bills are moving through committee.
4. Develop a contact list of soil scientists willing to testify at committee hearings on short notice. They must be committed to drop what they are doing and attend a meeting on very short notice. *This is very important!*

Step 5: After the Legislation is Passed

1. Maintain legislator and regulatory contacts.
2. Stay engaged in the rule process and informed about other legislation and rules that may impact this program. Use political connections to ensure that soil scientists are on boards and commissions that are responsible for passing regulations that would affect the practice of soil science.
3. Be aware that start up funding will be required and understand what your state government will expect.
4. Prepare administrative, licensing, code of professional conduct and compliance and enforcement rules.
5. Develop continuing education requirements.
6. Re-analyze budgetary requirements for operating this program.

7. Identify soil scientists willing to serve on the licensing board and agreeable to the appointing body or individuals.

Resources and Contacts

States' web sites for licensing acts:

Maine Code

<http://janus.state.me.us/legis/statutes/32/title32ch73secO.html>

Minnesota Code

<http://www.revisor.leg.state.mn.us/arule/1800/3910.html>

New Hampshire Code (listed as “natural scientist”)

<http://www.state.nh.us/jtboard/home.htm>

North Carolina Code

<http://www.ncblss.org/>

<http://www.ncblss.org/hbill0826.html> (direct to the act)

North Dakota Code (classifiers)

<http://www.state.nd.us/lr/cencode/t43.html>

Go to: 43-36 Professional Soil Classifiers

Texas Code

<http://www.tbpg.state.tx.us>

Wisconsin Code

<http://drl.wi.gov/dept/codestats.htm> (look under Geology)

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