

## **BILL ANALYSIS**

Senate Research Center  
77R3112 NBH-D

S.C.R. 23  
By: Brown, J. E. "Buster"  
Natural Resources  
3/16/2001  
As Filed

### **DIGEST**

The reduction of pollution and the protection of the environment are matters of great state and national concern, and both the state and the federal government bear responsibility for actions in this regard; ideally, this mutual concern and shared responsibility should manifest itself in a collaborative partnership to reduce pollution and protect natural resources. However, while both state and federal governments share these goals, differences have arisen regarding the most effective approach to environmental problems and specific pollution reductions and environmental protection efforts. These differences reflect a state-federal relationship that relies less on mutual development of policy and coordination of agency efforts and more on a command-and-control approach that focuses exclusively on state implementation of federal regulations, thus denying Texas the flexibility it needs to protect its natural resources and environment as effectively as possible. The current approach instituted by the United States Environmental Protection Agency (EPA) to limit pollution at the state level through the use of a federally mandated permitting process has proven to be moderately successful at reducing pollution, but it is also a process that is burdensome and costly to both the states and the regulated facilities. In Texas, the burden of enforcing federal regulating and monitoring compliance with required permits falls primarily on the Texas Natural Resource Conservation Commission (TNRCC); however, the overly prescriptive approach that the federal government has taken gives TNRCC no input in the development of these regulations and little flexibility, either in interpreting regulations or in the way it is required to enforce them. Alternative paradigms are available, including outcome-based assessment methods that allow the state to direct its efforts to measuring the actual reduction of pollution and identifying and targeting offending facilities rather than expending limited agency resources simply monitoring each facility's compliance with its permit. States should be given greater latitude to implement innovative regulatory programs and other pollution reduction methods that vary from the current top-down model that requires states to adhere strictly to the federally mandated permitting process. TNRCC should take a leadership role in these efforts and work as closely as possible with the EPA and other national environmental associations to establish a working relationship that would give states a greater voice in the decision-making process and allow them greater flexibility in the implementation of federal environmental programs. Such a relationship would benefit individual states and the federal government by streamlining current environmental programs, making them more effective and reducing the overall costs of environmental regulations.

### **PURPOSE**

As proposed, S.C.R. 21 proposes the following resolution:

That the 77th Legislature of the State of Texas hereby respectfully urges the Texas Natural Resource Conservation Commission to expand its coordination efforts with the United States Environmental Protection Agency, the Environmental Council of the States, and other national associations to increase flexibility for the state in the implementation of federal environmental regulations. That the Texas secretary of state forward an official copy of this resolution to the executive director and to the chairman of the Texas Natural Resource Conservation Commission.