

BILL ANALYSIS

Senate Research Center
79R4838 SLO-D

S.B. 1387
By: Ellis
Natural Resources
4/4/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law lacks legally enforceable ambient air quality standards for air toxins other than a small number specified by the Federal Clean Air Act. The Texas Commission on Environmental Quality (TCEQ) has established Effects Screening Levels (ESLs) for a number of air toxins, but ESLs are not set at levels supported by science and are not legally enforceable.

As proposed, S.B. 1387 requires TCEQ to establish ESLs that consider the effects of chronic exposure on vulnerable individuals. It also makes the ESLs legally enforceable by prohibiting a person from causing an ESL to be exceeded and directs TCEQ to establish penalties for violations of ESLs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 382.042, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 382, Health and Safety Code, by adding Section 382.042, as follows:

Sec. 382.042. EFFECTS SCREENING LEVELS; PENALTY. (a) Requires the Texas Commission on Environmental Quality (TCEQ), by rule, to set effects screening levels that evaluate the potential for effects to occur as a result of exposure to concentrations of air contaminants. Requires the effects screening levels to be based, in part, on specific effects and measure for a wide variety of contaminants.

(b) Prohibits a person from causing, suffering, allowing, or permitting the emission of any air contaminant or the performance of any activity that causes an effects screening level set by TCEQ under Subsection (a) to be exceeded. Requires TCEQ, by rule, to establish requirements for the assessment of a penalty for a violation of this subsection.

SECTION 2. Requires TCEQ, not later than January 1, 2006, to adopt rules relating to effects screening levels as required by Section 382.042, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: September 1, 2005.