

## House Votes to Weaken Rights of Citizens' to Fight Pollution

AUSTIN – The House of Representatives today voted 107 to 38 for legislation which significantly weakens the public’s ability to contest permits for nearby polluting facilities which pose risks to public health and the environment. Amendments to legislation reauthorizing the Texas Commission on Environmental Quality (HB 2694) fundamentally altered the contested case process by reducing legal rights and increasing legal burdens of Texans challenging permits to pollute.

“On the eve of the anniversary of the disaster in the Gulf of Mexico and just days before Earth Day, the Texas House of Representatives chose to side with polluters over public health and the environment,” said Luke Metzger, Director of Environment Texas. “The bill started out pretty good, but polluters and their allies in the House turned a good bill into a big step backwards for the many Texans working to protect their families from pollution.”

The House approved an amendment by Rep. Warren Chisum which shifts the burden of proof from those applying for a permit to the party contesting the permit, which could make it cost-prohibitive for the community to engage in the process. Another Chisum amendment adopted by the House will force Texans to use a weaker federal process, rather than the Texas contested case process, to push for reductions of mercury pollution from power plants.

There were a few bright spots in the legislative debate. After critiques by Representatives Castro and Farrar, Rep. Chisum withdrew his amendment to prohibit TCEQ from assessing penalties on each pollutant involved in a permit violation. Rep. Burnam also successfully amended the enforcement policies to require TCEQ to adopt policies regarding “deterrence to prevent the economic benefit of non-compliance.”

Environment Texas applauded these moves and highlighted some important provisions in the bill. For example, the statutory cap on penalties would increase from \$10,000 to \$25,000 per day. The bill would also give additional authority to the TCEQ Executive Director to curtail water rights during drought.

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