

CHAPTER 162

S.B. No. 537

AN ACT

relating to the health risk assessment of certain toxic substances and harmful physical agents by the Texas Department of Health.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 71, Revised Statutes, is amended by adding Article 4477-7e to read as follows:

Art. 4477-7e. HEALTH RISK ASSESSMENT OF TOXIC SUBSTANCES AND HARMFUL PHYSICAL AGENTS

Sec. 1. DEFINITIONS. *In this article:*

(1) "Agency" includes only the Texas Department of Health, the Department of Agriculture, the Texas Water Commission, the Parks and Wildlife Department, the Department of Public Safety, the Railroad Commission of Texas, and the Texas Air Control Board.

(2) "Board" means the Texas Board of Health.

(3) "Committee" means the Toxic Substances Coordinating Committee.

(4) "Department" means the Texas Department of Health.

(5) "Harmful physical agent" means a physical phenomenon, but not a toxic substance, that has or may have carcinogenic, mutagenic, teratogenic, or other harmful effects on humans, including ionizing radiation, X-rays, gamma rays, ultraviolet light, or other electromagnetic radiation; and acoustical, thermal, or mechanical vibration.

(6) "Health risk assessment" means the use of objective data to characterize the potential adverse health effects that exposure to a toxic substance or a harmful physical agent may have on a person or persons.

(7) "Toxic substance" means a substance that has or may have toxic, carcinogenic, mutagenic, teratogenic, or other harmful effects on humans or a product that contains a toxic substance that poses or may pose a substantial hazard to human health.

Sec. 2. COORDINATING COMMITTEE. (a) *The Toxic Substances Coordinating Committee is created and is composed of seven members as follows: one representative each from the Texas Department of Health, the Department of Agriculture, the Texas Water Commission, the Parks and Wildlife Department, the Department of Public Safety, the Railroad Commission of Texas, and the Texas Air Control Board.*

(b) *The chief administrative officer of each agency shall appoint the agency representative to the committee. A representative serves at the pleasure of the chief administrative officer or until the representative terminates employment with the agency, whichever occurs first.*

(c) *The representative of the department serves as chairman of the committee.*

(d) *The committee shall adopt rules for the conduct of its meetings.*

(e) *The department shall provide administrative support to the committee.*

(f) *Not later than the 15th day before the date on which the committee holds a meeting, the committee shall provide public notice of the meeting date. The committee shall meet:*

(1) *at the call of the chief administrative officer of any member agency; or*

(2) *at a minimum, once each quarter on a meeting date set by the committee.*

(g) The committee shall coordinate communication among member agencies concerning each agency's efforts to regulate toxic substances and harmful physical agents.

(h) The committee shall develop a plan that provides for:

(1) intergovernmental cooperation concerning the regulation of toxic substances and harmful physical agents relating to the prevention and control of adverse health effects of those toxic substances and harmful physical agents;

(2) health risk assessment of emergency responses to accidents involving toxic substances or harmful physical agents;

(3) prevention and control of adverse health effects resulting from exposure to toxic substances or harmful physical agents through the coordination of agency programs;

(4) establishment of an integrated system to collect and manage information relating to toxic substances and harmful physical agents; and

(5) public education concerning the use of toxic substances and harmful physical agents and the potential adverse health effects.

Sec. 3. POWERS AND DUTIES OF DEPARTMENT. (a) The department is responsible for protecting the health of the people of Texas as provided by Article 4414b, Revised Statutes. In its capacity to protect the public health, the department shall coordinate health risk assessments conducted under this article. Each agency shall meet federal standards and health risk assessments, if appropriate, and avoid duplicating federal efforts.

(b) The department may establish an information management system and may collect and evaluate information relating to the use of toxic substances and harmful physical agents.

(c) For the purpose of implementing this article, the department may enter into agreements or contracts with federal, state, or local governmental entities, planning regions, and other public or private entities.

(d) This article does not amend or affect in any way the regulatory activities or procedures authorized under other law.

(e) For purposes of this section, "the department shall coordinate health risk assessments" means that each agency shall advise and consult with the department concerning health risk assessment activities upon the initiation of the health risk assessment unless the agency is acting in an emergency situation, in which case the agency shall advise and consult with the department upon taking the action or as soon as possible thereafter. This may not be construed to require department approval of the agency's action or health risk assessment.

SECTION 2. (a) This Act takes effect September 1, 1987.

(b) The plan required to be prepared by the Toxic Substances Coordinating Committee by Subsection (n), Section 2, Article 4477-7e, Revised Statutes, as added by this Act, shall be presented to the governor and to the chief administrative officer of each agency as defined by Section 1 of that article not later than May 1, 1988. Each of those agencies shall review the plan and make recommendations on the implementation of the plan to the governor, lieutenant governor, and the speaker of the house of representatives not later than October 1, 1988.

SECTION 3. The provisions of this Act expire September 1, 1999.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 23, 1987, by a viva-voce vote; and that the Senate concurred in House amendment on May 12, 1987, by a viva-voce vote. Passed the House, with amendment, on May 8, 1987, by a non-record vote.

Approved May 25, 1987.

Effective Sept. 1, 1987.