

By: Shapleigh

S.B. No. 2384

A BILL TO BE ENTITLED

AN ACT

relating to children's exposure to area-wide soil contamination in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 88, Health and Safety Code, is amended to read as follows:

CHAPTER 88. [~~REPORTS OF CHILDHOOD~~] LEAD POISONING AND SOIL  
CONTAMINATION

SECTION 2. Chapter 88, Health and Safety Code, is amended by designating Sections 88.001, 88.002, 88.0025, 88.003, 88.004, 88.005, 88.006, 88.007, 88.008, and 88.009 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. REPORTS OF CHILDHOOD LEAD POISONING

SECTION 3. Chapter 88, Health and Safety Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. EXPOSURE TO CONTAMINATED SOIL IN CERTAIN COUNTIES

Sec. 88.051. APPLICABILITY. This subchapter applies only to a county that:

(1) has a population of 600,000 or more; and

(2) is located on the international border.

Sec. 88.052. DEFINITIONS. In this subchapter:

(1) "Area-wide soil contamination" means low to moderate arsenic or lead soil contamination dispersed over a large area of a county.

1           (2) "Department" means the Department of State Health  
2 Services.

3           (3) "School" means a public or private elementary or  
4 secondary school.

5           Sec. 88.053. SOIL CONTAMINATION; BEST MANAGEMENT PRACTICE  
6 GUIDELINES. (a) The department, in cooperation with the Texas  
7 Commission on Environmental Quality, the commissioner of  
8 education, and local school and health districts in a county to  
9 which this subchapter applies, shall:

10           (1) assist schools and child-care facilities in one or  
11 more areas of the county selected by the department to reduce the  
12 potential for children's exposure to area-wide soil contamination;  
13 and

14           (2) develop best management practice guidelines for  
15 schools and child-care facilities located in an area with area-wide  
16 soil contamination that recommend a range of methods for reducing  
17 exposure to contaminated soil, considering the concentration,  
18 extent, and location of contamination and the nature and frequency  
19 of child use of the area.

20           (b) The department shall:

21           (1) identify schools and child-care facilities  
22 located in the geographic area in the county selected by the  
23 department;

24           (2) conduct qualitative evaluations of the selected  
25 geographic area to determine the potential for children's exposure  
26 to area-wide soil contamination;

27           (3) if the qualitative evaluation indicates children

1 may be routinely exposed to area-wide soil contamination at a  
2 property, conduct soil samples at that property not later than 120  
3 days after the date the evaluation is completed; and

4 (4) if soil sample results confirm the presence of  
5 area-wide soil contamination, notify schools and child-care  
6 facilities regarding the test results and the steps necessary to  
7 implement best management practices.

8 Sec. 88.054. WRITTEN NOTIFICATION OF SOIL TEST RESULTS. If  
9 a school or a child-care facility with area-wide soil contamination  
10 fails to implement best management practices within six months of  
11 receiving written notification from the department, the  
12 superintendent or board of directors of the school or the owner or  
13 operator of the child-care facility must provide written notice of  
14 the results of the soil tests to the parent or legal guardian of  
15 each child attending the school or child-care facility. The  
16 department shall prepare the written notice for distribution by the  
17 school or facility.

18 Sec. 88.055. RECOGNITION OF COMPLIANCE WITH BEST MANAGEMENT  
19 PRACTICES. The department shall recognize a school or child-care  
20 facility that successfully implements best management practices by  
21 providing to the school or facility a certification letter stating  
22 the facility has successfully implemented best management  
23 practices.

24 Sec. 88.056. ACCESS FOR SOIL SAMPLING. Schools and  
25 child-care facilities shall cooperate with the department to  
26 provide the department with site access for soil sampling at times  
27 most convenient for all parties.

1       Sec. 88.057. GRANT PROGRAM. The department may establish a  
2 grant program to assist a school or child-care facility in  
3 implementing best management practices as recommended by Section  
4 88.053.

5       SECTION 4. The Department of State Health Services shall  
6 develop best management practice guidelines as required by  
7 Subchapter B, Chapter 88, Health and Safety Code, as added by this  
8 Act, not later than January 1, 2010.

9       SECTION 5. This Act does not make an appropriation. A  
10 provision in this Act that creates a new governmental program,  
11 creates a new entitlement, or imposes a new duty on a governmental  
12 entity is not mandatory during a fiscal period for which the  
13 legislature has not made a specific appropriation to implement the  
14 provision.

15       SECTION 6. This Act takes effect September 1, 2009.