

By: Shapleigh

S.B. No. 2384

A BILL TO BE ENTITLED

AN ACT

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

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

Sec. 88.051. DEFINITIONS. In this subchapter:

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

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

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

Sec. 88.052. SOIL CONTAMINATION; BEST MANAGEMENT PRACTICE

1 GUIDELINES. (a) The department, in cooperation with the Texas  
2 Commission on Environmental Quality, the commissioner of  
3 education, and local school and health districts, shall:

4 (1) assist schools and child-care facilities in one or  
5 more geographic areas selected by the department to reduce the  
6 potential for children's exposure to area-wide soil contamination;  
7 and

8 (2) develop best management practice guidelines for  
9 schools and child-care facilities located in an area with area-wide  
10 soil contamination that recommend a range of methods for reducing  
11 exposure to contaminated soil, considering the concentration,  
12 extent, and location of contamination and the nature and frequency  
13 of child use of the area.

14 (b) The department shall:

15 (1) identify schools and child-care facilities  
16 located in the geographic area selected by the department;

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

20 (3) if the qualitative evaluation indicates children  
21 may be routinely exposed to area-wide soil contamination at a  
22 property, conduct soil samples at that property not later than 120  
23 days after the date the evaluation is completed; and

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

1       Sec. 88.053. WRITTEN NOTIFICATION OF SOIL TEST RESULTS. If  
2 a school or a child-care facility with area-wide soil contamination  
3 fails to implement best management practices within six months of  
4 receiving written notification from the department, the  
5 superintendent or board of directors of the school or the owner or  
6 operator of the child-care facility must provide written notice of  
7 the results of the soil tests to the parent or legal guardian of  
8 each child attending the school or child-care facility. The  
9 department shall prepare the written notice for distribution by the  
10 school or facility.

11       Sec. 88.054. RECOGNITION OF COMPLIANCE WITH BEST MANAGEMENT  
12 PRACTICES. The department shall recognize a school or child-care  
13 facility that successfully implements best management practices by  
14 providing to the school or facility a certification letter stating  
15 the facility has successfully implemented best management  
16 practices.

17       Sec. 88.055. ACCESS FOR SOIL SAMPLING. Schools and  
18 child-care facilities shall cooperate with the department to  
19 provide the department with site access for soil sampling at times  
20 most convenient for all parties.

21       Sec. 88.056. GRANT PROGRAM. The department may establish a  
22 grant program to assist a school or child-care facility in  
23 implementing best management practices as recommended by Section  
24 88.052.

25       SECTION 4. The Department of State Health Services shall  
26 develop best management practice guidelines as required by  
27 Subchapter B, Chapter 88, Health and Safety Code, as added by this

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1 Act, not later than January 1, 2010.

2 SECTION 5. This Act takes effect September 1, 2009.