

1-1 By: Shapleigh S.B. No. 2384  
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 May 4, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 10, Nays 0; May 4, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2384 By: Averitt

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to children's exposure to area-wide soil contamination in  
1-11 certain counties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Chapter 88, Health and Safety  
1-14 Code, is amended to read as follows:

1-15 CHAPTER 88. ~~[REPORTS OF CHILDHOOD]~~ LEAD POISONING AND SOIL  
1-16 CONTAMINATION

1-17 SECTION 2. Chapter 88, Health and Safety Code, is amended by  
1-18 designating Sections 88.001, 88.002, 88.0025, 88.003, 88.004,  
1-19 88.005, 88.006, 88.007, 88.008, and 88.009 as Subchapter A and  
1-20 adding a subchapter heading to read as follows:

1-21 SUBCHAPTER A. REPORTS OF CHILDHOOD LEAD POISONING

1-22 SECTION 3. Chapter 88, Health and Safety Code, is amended by  
1-23 adding Subchapter B to read as follows:

1-24 SUBCHAPTER B. EXPOSURE TO CONTAMINATED SOIL IN CERTAIN COUNTIES

1-25 Sec. 88.051. APPLICABILITY. This subchapter applies only  
1-26 to a county that:

1-27 (1) has a population of 600,000 or more; and

1-28 (2) is located on the international border.

1-29 Sec. 88.052. DEFINITIONS. In this subchapter:

1-30 (1) "Area-wide soil contamination" means low to  
1-31 moderate arsenic or lead soil contamination dispersed over a large  
1-32 area of a county.

1-33 (2) "Department" means the Department of State Health  
1-34 Services.

1-35 (3) "School" means a public or private elementary or  
1-36 secondary school.

1-37 Sec. 88.053. SOIL CONTAMINATION; BEST MANAGEMENT PRACTICE  
1-38 GUIDELINES. (a) The department, in cooperation with the Texas  
1-39 Commission on Environmental Quality, the commissioner of  
1-40 education, and local school and health districts in a county to  
1-41 which this subchapter applies, shall:

1-42 (1) assist schools and child-care facilities in one or  
1-43 more areas of the county selected by the department to reduce the  
1-44 potential for children's exposure to area-wide soil contamination;  
1-45 and

1-46 (2) develop best management practice guidelines for  
1-47 schools and child-care facilities located in an area with area-wide  
1-48 soil contamination that recommend a range of methods for reducing  
1-49 exposure to contaminated soil, considering the concentration,  
1-50 extent, and location of contamination and the nature and frequency  
1-51 of child use of the area.

1-52 (b) The department shall:

1-53 (1) identify schools and child-care facilities  
1-54 located in the geographic area in the county selected by the  
1-55 department;

1-56 (2) conduct qualitative evaluations of the selected  
1-57 geographic area to determine the potential for children's exposure  
1-58 to area-wide soil contamination;

1-59 (3) if the qualitative evaluation indicates children  
1-60 may be routinely exposed to area-wide soil contamination at a  
1-61 property, conduct soil samples at that property not later than 120  
1-62 days after the date the evaluation is completed; and

1-63 (4) if soil sample results confirm the presence of

area-wide soil contamination, notify schools and child-care facilities regarding the test results and the steps necessary to implement best management practices.

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

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

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

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

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

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

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