

By: Deuell

S.B. No. 506

A BILL TO BE ENTITLED

AN ACT

relating to consumption advisories for mercury contamination in fish, crustaceans, molluscan shellfish, and other aquatic and terrestrial animals.

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

SECTION 1. Subchapter G, Chapter 436, Health and Safety Code, is amended by adding Sections 436.092 and 436.093 to read as follows:

Sec. 436.092. SURVEY. (a) The director shall rely on surveys of the levels of mercury and mercury compounds in fish, crustaceans, molluscan shellfish, and other aquatic or terrestrial animals living in or near bodies of water in or bordering on this state that have been conducted by the department to determine whether to issue a consumption advisory under Section 436.093.

(b) Annually, the director shall notify the public of the survey results and of any declaration of a prohibited area or consumption advisory necessary based on the survey results.

(c) The executive commissioner of the Health and Human Services Commission may adopt rules governing the surveys used or public notifications required under this section. The rules may not conflict with or establish standards that differ from the standards that have been established by written agreement pursuant to a regulatory program of a federal or state agency on or before September 1, 2011.

1       Sec. 436.093. CONSUMPTION ADVISORY FOR MERCURY.

2       (a) Annually, the director shall issue or update consumption  
3 advisories for fish, crustaceans, molluscan shellfish, and other  
4 aquatic or terrestrial animals living in or near bodies of water in  
5 or bordering on this state if the surveys under Section 436.092  
6 indicate that levels of methyl mercury in the tissues of fish or  
7 other animals that are consumed by the public equal or exceed 0.3  
8 mg/kg.

9       (b) The director may issue a consumption advisory if the  
10 survey shows levels lower than 0.3 mg/kg if the director determines  
11 that the risks of consumption of the animal require an advisory.

12       (c) A consumption advisory must distinguish:

13               (1) risks related to particular fish or other animal  
14 species; and

15               (2) risks to sensitive or at-risk populations, such as  
16 children.

17       (d) The director shall, in consultation with the Texas Parks  
18 and Wildlife Commission and other state or federal agencies, post  
19 consumption advisories:

20               (1) on the Internet website of the department; and

21               (2) through any other means of public notification  
22 that the director determines appropriate.

23       (e) In consultation with the department and subject to  
24 adequate funds, the Parks and Wildlife Commission shall post a  
25 consumption advisory at each public body of water that is the  
26 subject of an advisory.

27       (f) The department shall provide on its Internet website a

1 map of public bodies of water in this state for which a consumption  
2 advisory or a consumption ban has been issued.

3 (g) The department shall provide on its Internet website  
4 information advising the public of the risks of consuming fish or  
5 other animals covered by a consumption advisory under this section.

6 (h) The department may use its Internet website or other  
7 means to educate the public about the risks of consumption of fish  
8 or other animals with elevated levels of mercury or mercury  
9 compounds.

10 SECTION 2. Notwithstanding Sections 436.092 and 436.093,  
11 Health and Safety Code, as added by this Act, a consumption advisory  
12 is not required to be issued before February 1, 2012.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2011.