By: Guillen H.B. No. 993

A BILL TO BE ENTITLED

1	AN ACT
2	relating to public notice by the Parks and Wildlife Department of
3	consumption advisories for mercury contamination in certain
4	aquatic and terrestrial animals, including fish, crustaceans, and
5	molluscan shellfish.
6	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
7	SECTION 1. Chapter 66, Parks and Wildlife Code, is amended
8	by adding Subchapter E to read as follows:
9	SUBCHAPTER E. CONSUMPTION ADVISORIES
10	Sec. 66.401. INFORMATION ON MERCURY. (a) In this section:
11	(1) "Health services department" means the Department
12	of State Health Services.
13	(2) "Mercury risk" means a risk to the public or to a
14	segment of the public from the consumption of fish, crustaceans, or
15	shellfish contaminated with mercury.
16	(b) If the department or the health services department
17	identifies a public lake or reservoir as having a risk for mercury
18	contamination, subject to adequate funds, the department may post a
19	sign at that public lake or reservoir, provide information on the
20	department's website, or produce and provide to the public
21	educational materials to advise the public of mercury risk at that

22

23

24

public lake or reservoir. For the purposes of this subsection, the

department shall cooperate with the health services department and

an agency or political subdivision that has jurisdiction over the

- 1 public lake or reservoir.
- 2 <u>(c) If the department or the health services department</u>
- 3 <u>identifies a body of water located in a state park as having a risk</u>
- 4 for mercury contamination, subject to adequate funds, the
- 5 department shall post signs at fishing piers and boat launch
- 6 facilities used to access the body of water to advise the public of
- 7 mercury risk.
- 8 SECTION 2. Subchapter G, Chapter 436, Health and Safety
- 9 Code, is amended by adding Sections 436.092 and 436.093 to read as
- 10 follows:
- 11 Sec. 436.092. SURVEY. (a) The director shall rely on
- 12 surveys of the levels of mercury and mercury compounds in aquatic or
- 13 terrestrial animals, including fish, crustaceans, and molluscan
- 14 shellfish, living in or near bodies of water in or bordering on this
- 15 state that have been conducted by the department to determine
- 16 whether to issue a consumption advisory under Section 436.093.
- 17 (b) Annually, the director shall notify the public of the
- 18 survey results and of any declaration of a prohibited area or
- 19 consumption advisory necessary based on the survey results.
- 20 (c) The executive commissioner of the Health and Human
- 21 Services Commission may adopt rules governing the surveys used or
- 22 public notifications required under this section. The rules may
- 23 not conflict with or establish standards that differ from the
- 24 standards that have been established by written agreement pursuant
- 25 to a regulatory program of a federal or state agency on or before
- 26 September 1, 2013.
- Sec. 436.093. CONSUMPTION ADVISORY FOR MERCURY. (a)

- 1 Annually, the director shall issue or update consumption advisories
- 2 for aquatic or terrestrial animals, including fish, crustaceans,
- 3 and molluscan shellfish, living in or near bodies of water in or
- 4 bordering on this state if the surveys under Section 436.092
- 5 indicate that levels of methyl mercury in the tissues of the animals
- 6 that are consumed by the public equal or exceed 0.3 mg/kg.
- 7 (b) The director may issue a consumption advisory if the
- 8 survey shows levels lower than 0.3 mg/kg if the director determines
- 9 that the risks of consumption of the animal require an advisory.
- 10 (c) A consumption advisory must distinguish:
- 11 (1) risks related to particular animal species; and
- 12 (2) risks to sensitive or at-risk populations, such as
- 13 children.
- 14 (d) The director shall, in consultation with the Parks and
- 15 Wildlife Commission and other state or federal agencies, post
- 16 <u>consumption advisories:</u>
- 17 (1) on the department's Internet website; and
- 18 (2) through any other means of public notification
- 19 that the director determines appropriate.
- 20 (e) In consultation with the department and subject to
- 21 adequate funds, the Parks and Wildlife Commission shall post a
- 22 consumption advisory at each public body of water that is the
- 23 <u>subject of an advisory.</u>
- 24 (f) The department shall provide on its Internet website:
- 25 (1) a map of the public bodies of water in this state
- 26 for which a consumption advisory or a consumption ban has been
- 27 issued; and

- 1 (2) information advising the public of the risks of
- 2 consuming animals covered by a consumption advisory under this
- 3 section.
- 4 (g) The department may use its Internet website or other
- 5 means to educate the public about the risks of consumption of
- 6 <u>animals</u> with elevated levels of mercury or mercury compounds.
- 7 SECTION 3. The heading to Chapter 436, Health and Safety
- 8 Code, is amended to read as follows:
- 9 CHAPTER 436. AQUATIC AND CERTAIN TERRESTRIAL LIFE
- 10 SECTION 4. The heading to Subchapter G, Chapter 436, Health
- 11 and Safety Code, is amended to read as follows:
- 12 SUBCHAPTER G. AQUATIC AND CERTAIN TERRESTRIAL LIFE FROM PROHIBITED
- 13 AREAS
- SECTION 5. Notwithstanding Sections 436.092 and 436.093,
- 15 Health and Safety Code, and Section 66.401(c), Parks and Wildlife
- 16 Code, as added by this Act, a consumption advisory is not required
- 17 to be issued before February 1, 2014.
- SECTION 6. This Act takes effect immediately if it receives
- 19 a vote of two-thirds of all the members elected to each house, as
- 20 provided by Section 39, Article III, Texas Constitution. If this
- 21 Act does not receive the vote necessary for immediate effect, this
- 22 Act takes effect September 1, 2013.