

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 public lake or reservoir. For the purposes of this subsection, the
23 department shall cooperate with the health services department and
24 an agency or political subdivision that has jurisdiction over the

1 public lake or reservoir.

2 (c) If the department or the health services department
3 identifies a body of water located in a state park as having a risk
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.

27 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 consumption advisories:

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 subject of an advisory.

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

