

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 8, 2025

TO: Honorable Brooks Landgraf, Chair, House Committee on Environmental Regulation

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1674 by Kerwin (Relating to the production, sale, and use of certain agricultural products containing perfluoroalkyl and polyfluoroalkyl substances (PFAS); creating a criminal offense.), **As Introduced**

The fiscal implications of the bill cannot be determined due to a lack of data to estimate the number of tests of commercial fertilizers for the presence of perfluoroalkyl and polyfluoroalkyl substances.

The bill would expand the definition of commercial fertilizer to include any biosolid, compost, wastewater residuals, or other material intended for use as a fertilizer, soil amendment, or other similar agricultural purpose that contains or was produced from sewage sludge. The bill would require the manufacturers of such commercial fertilizers to submit samples to the Texas Feed and Fertilizer Control Service (FFCS) for analysis for the presence of perfluoroalkyl and polyfluoroalkyl substances (PFAS). FFCS is funded by annual inspection fees on commercial fertilizer distributed in the state at a rate of \$0.36 per ton. Because the annual volume of PFAS testing is unknown, the fiscal impact of the bill cannot be determined.

The bill would create a criminal offense for selling, distributing, or applying certain commercial fertilizers with a concentration of PFAS above the levels authorized by the bill. It is assumed that any impact on state correctional populations or on the demand for state correctional resources would not be significant.

Local Government Impact

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 556 Texas A&M AgriLife Research, 710 Texas A&M University System Administrative and General Offices

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