

- SUBJECT:** Studying brickmaking processes along Texas-Mexico border
- COMMITTEE:** Environmental Regulation — favorable, with amendment
- VOTE:** 6 ayes — Chisum, Bonnen, Kuempel, Bosse, Dukes, Geren  
0 nays  
1 present, not voting — Uher  
2 absent — Howard, Zbranek
- SENATE VOTE:** On final passage, April 20 — 30-0, on Local and Uncontested Calendar
- WITNESSES:** None
- BACKGROUND:** The El Paso-Ciudad Juarez metropolitan area faces severe air-pollution problems, in part because frequent temperature inversions create meteorological conditions that prevent the clearing of pollutants from the atmosphere. For several years, El Paso has violated the U.S. Environmental Protection Agency's standards for allowable concentrations of ozone, carbon monoxide, and total suspended particles.
- Operations of more than 400 brick kilns in Juarez, Mexico, are a major source of carbon monoxide and particulate emissions. Brickmakers use centuries-old technology as they first mix clay, typically using their feet, with additives such sand, sawdust, or manure; mold the mixture into bricks by hand; sun-dry the bricks; and then fire the product in open kilns. Brickmakers burn low-quality fuels such as agricultural waste, sawdust, pecan shells, scrap wood, waste plastics, and scrap tires to fire their bricks. Burning these fuels produces harmful pollutants such as carbon monoxide, particulates, hydrocarbons, and nitrogen oxides.
- DIGEST:** SB 905, as amended, would require the Texas Natural Resource Conservation Commission (TNRCC), in cooperation with the Joint Advisory Committee for Improvement of Air Quality, to study the brickmaking processes of facilities on both sides of the Texas-Mexico border. The

commission would have to prepare a report, including recommendations on more efficient processes to decrease air pollution, and submit it to the governor, lieutenant governor, and House speaker not later than January 1, 2003.

TNRCC would have to survey the use of inefficient and highly polluting fuels used in brick kilns such as scrap wood, sawdust, and tires. The commission would have to work with higher education, government, and industry representatives from both the United States and Mexico.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001. The legislation would expire January 1, 2003.

**SUPPORTERS  
SAY:**

Air pollution respects no international boundaries. Particulates and gases from brick kilns foul the air in El Paso and the Big Bend region, as well as in Juarez. SB 905 would establish a regional and international framework to help combat this ongoing concern.

The bill would allow TNRCC to build on current work by U.S. and Mexican groups such as the Southwest Center for Environmental Research and Policy (SCERP) and the Instituto de Investigaciones Ecotecnológicas (ECOTEC). The study could examine the socioeconomic dynamics of the brickmaking industry and could suggest use of updated technology and cleaner-burning fuels such as natural gas or propane. This new investigation would not duplicate other efforts and could help provide solutions for pollution caused by these brick kilns.

Authorizing the brick-kiln study through statute rather than as an interim legislative or agency study would underscore the high priority the state assigns to this matter. Recommendations would be available before the start of the budgetary cycle for fiscal 2004-05.

**OPPONENTS  
SAY:**

No new studies are needed to establish that the fuels used by brick kilns in Juarez cause serious air pollution. Studies by SCERP, ECOTEC, and others have identified solutions and recommendations for kiln pollution problems. Any investigation undertaken under SB 905 would only waste time and delay implementing solutions for another two years.

OTHER  
OPPONENTS  
SAY:

A study of pollution caused by Juarez brick kilns would not require statutory authorization. An interim study by legislative committees or TNRCC could address this issue.

NOTES:

The House committee amendment to the Senate engrossed version of SB 905 would add the requirement that TNRCC conduct the study in cooperation with the Joint Advisory Committee for Improvement of Air Quality.

On May 18, the House passed on second reading a related bill, SB 749 by Shapleigh, et al., which would allow TNRCC to finance and participate in activities in Mexico, in cooperation with Mexican governmental authorities, if TNRCC considered it necessary or convenient to accomplish one of TNRCC's duties and if that cooperation would benefit the Texas environment. SB 749 is scheduled for consideration on third reading on today's calendar.