

- SUBJECT:** Excepting certain chemical manufacturers from reporting requirements
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 11 ayes — Crossover, Naishtat, Blanco, Coleman, Collier, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas
- 0 nays
- WITNESSES:** For — Daniel Womack, the Dow Chemical Company; (*Registered, but did not testify*: Julie Moore, Occidental Petroleum)
- Against — None
- BACKGROUND:** Health and Safety Code, sec. 481.080 is part of the Texas Controlled Substances Act. Under this section, an entity that sells, transfers, or otherwise furnishes a chemical laboratory apparatus must make a record of the transaction and must maintain the record for at least two years. In addition, these entities must submit a report of the transaction to the Department of Public Safety (DPS). Entities that receive a chemical laboratory apparatus from a source outside the state or that discover a loss or theft of such an apparatus also must submit a report of the transaction to the director of DPS.
- The director of DPS may exempt a chemical laboratory apparatus from record requirements if the director determines that the apparatus does not jeopardize public health and welfare or is not used in the illicit manufacture of a controlled substance or controlled substance analogue.
- The Occupational Safety and Health Administration certifies through the Voluntary Protection Program employers that have implemented effective safety and health management systems and have maintained low injury and illness rates for their industry. The Texas Commission on Environmental Quality can provide a Facility Operations Area (FOA) authorization to petroleum refineries and chemical manufacturing plants that must conduct corrective action for releases from solid waste

management units and areas of concern related to a hazardous waste permit or corrective action order. Using an FOA allows all contamination from manufacturing process areas and waste units within those areas to be addressed with a response action.

DIGEST:

HB 2675 would exempt certain chemical manufacturers engaged in research and development from reporting requirements related to transactions of chemical laboratory apparatuses if the manufacturers met certain criteria.

To be exempt, the chemical manufacturer's primary business would have to be the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials. The chemical manufacturer would have to operate a secure, restricted location that contained a physical plant not open to the public and would have to use security personnel to constantly monitor the entrance into the location. The chemical manufacturer also would be required to hold a Voluntary Protection Program Certification from the Occupational Safety and Health Administration or a Facility Operations Area authorization under the Texas Risk Reduction Program to be exempt from the reporting requirements.

This 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, 2015.