

BILL ANALYSIS

Senate Research Center
77R1745 NBH-D

S.C.R. 22
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Natural Resources
3/19/2001
As Filed

DIGEST

The reduction of pollution and the protection of the environment is of great concern to both the federal government and the Texas Legislature. However, to protect its natural resources and environment as effectively as possible, Texas needs greater flexibility in its implementation of federal regulations. The current command-and-control approach instituted by the U.S. Environmental Protection Agency to limit pollution at the state level through the use of a federally mandated permitting process has proven to be moderately successful at reducing pollution, but it is also an overly prescriptive process that is unduly burdensome and costly to both the states and the regulated facilities relative to the results achieved. Alternative paradigms are available, including outcome-based methods that allow the state to measure the actual reduction of pollution rather than simply monitoring each facility's compliance with its permit. States should be given greater latitude to implement innovative regulatory programs and other pollution reduction methods that vary from the current model, which requires states to adhere strictly to the federally mandated permitting process. Providing this flexibility would allow states such as Texas to tailor appropriate and effective approaches to state-specific environmental problems rather than expending resources to ensure compliance with one-size-fits-all regulations that place an inordinate emphasis on procedural detail.

PURPOSE

As proposed, S.C.R. 22 submits the following resolutions:

Provides that the 77th Texas Legislature respectfully urges the United States Environmental Protection Agency to provide maximum flexibility to the states in the implementation of federal environmental programs and regulations. Provides that the Texas secretary of state forward official copies of this resolution to the administrator of the U.S. Environmental Protection Agency, to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.