

- SUBJECT:** Allowing TCEQ to suspend rules in order to protect worker safety
- COMMITTEE:** Environmental Regulation — committee substitute recommended
- VOTE:** 9 ayes — Cook, Chisum, Burnam, Dunnam, Farrar, Hancock, Legler, Veasey, Weber
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* James Clark, American Chemistry Council; Kinnan Golemon, Shell Oil; Hugo Gutierrez, Marathon Oil Corp.; Debbie Hastings, Texas Oil and Gas Association; Warren Mayberry, DuPont; Cindy McCauley, Lyondell Basell Industries; Mike Meroney, Huntsman Corporation; Stephen Minick, Texas Association of Business; Julie Moore, Occidental Petroleum; Rebecca Moss, Texas Association of Manufacturers; William Phelps, Total Chemical and Refining, Alon Refining; Christina Wisdom, Texas Chemical Council)
- Against — None
- BACKGROUND:** The general duty clause of the federal Occupational Safety and Health Act of 1970 (29 U.S.C., Section 654) requires employers to furnish to employees a place of employment that is free from hazards that are causing or are likely to cause death or serious physical harm to employees.
- DIGEST:** CSHB 2895 would establish that a violation of a Texas Commission on Environmental Quality (TCEQ) rule, order, or permit would not be considered a violation if a person could establish that it occurred solely as a consequence of complying with the general duty clause of the federal Occupational Safety and Health Act.
- The bill would take effect September 1, 2009.
- NOTES:** The companion bill, SB 1080 by Jackson, passed the Senate by 31-0 on April 9 on the Local and Uncontested Calendar and was reported favorably, without amendment, by the House Environmental Regulation Committee on May 1 and recommended for the Local, Consent, and

Resolutions Calendar, making it eligible to be considered in lieu of  
HB 2895.