

HB162 INTRODUCED



1 HB162
2 AR8TEQ7-1
3 By Representative Stubbs
4 RFD: State Government
5 First Read: 13-Jan-26



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4 SYNOPSIS:

5 This bill would prohibit an agency from adopting
6 a new rule, or amending an existing rule, that
7 establishes standards for certain environmental
8 protection subjects that are more stringent than
9 federal law or regulations.

10 This bill would also require that in the absence
11 of federal law or regulations, agencies may not adopt a
12 new rule, or amend an existing rule, that establishes
13 standards for certain environmental protection subjects
14 unless the rule is based on the best available science
15 and the weight of scientific evidence.

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18 A BILL

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 TO BE ENTITLED

20 AN ACT

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22 Relating to administrative law; to prohibit agencies
23 from adopting a new rule, or amending an existing rule, that
24 establishes standards for certain environmental protection
25 subjects that are more stringent than the federal
26 requirements; and to prohibit an agency from adopting a new
27 rule, or amending an existing rule, in the absence of federal
28 requirements, unless the rule is based on the best available

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29 science and the weight of scientific evidence.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. (a) For purposes of this section, the
32 following terms have the following meanings:

33 (1) AGENCY. The term as defined in Section 41-22-3,
34 Code of Alabama 1975.

35 (2) BEST AVAILABLE SCIENCE. Science that:

36 a. Is reliable, unbiased, subject to independent
37 verification, and applies to the agency's rule;

38 b. Maximizes the quality, objectivity, relevance,
39 completeness, and integrity of information, including
40 statistical information; human, animal, and other relevant
41 scientific studies; and, if applicable, human health
42 risk-based assessments; and

43 c. Involves the use of scientifically defensible and
44 quality-assured supporting studies conducted in accordance
45 with generally accepted scientific or technical practices
46 utilizing data collected by generally accepted methods or best
47 available methods and that are:

48 1. Site-specific studies, including area-wide or
49 statewide studies;

50 2. Studies published in a refereed journal; or

51 3. External peer-reviewed studies contained in a
52 federal government report published for a purpose other than
53 development of a rule.

54 (3) GENERALLY ACCEPTED SCIENTIFIC OR TECHNICAL
55 PRACTICES. Scientific methods, principles, or protocols that:

56 a. Are broadly acknowledged and routinely applied by



57 the relevant scientific community;

58 b. Are consistent with refereed journal literature or
59 established technical standards; and

60 c. Have been tested for reliability and validity.

61 (4) MANIFEST BODILY HARM. A physical disease or injury
62 that is:

63 a. Presently existing and diagnosable;

64 b. Not based solely on the presence or detection of a
65 substance in the human body; and

66 c. Not based solely on an increased risk of disease.

67 (5) REFEREED JOURNAL. A publication that:

68 a. Uses an editorial board or critical review panel of
69 subject matter experts in the relevant scientific or technical
70 disciplines who critically and objectively assess the
71 methodology and analysis of submitted scientific studies in a
72 nonpartisan fashion and provides editorial services prior to
73 publication; and

74 b. Takes meaningful steps to avoid biases in the
75 publication's scientific review process.

76 (6) WEIGHT OF SCIENTIFIC EVIDENCE. An approach to
77 scientific evaluation in which each piece of relevant
78 information is considered based on its quality and relevance,
79 which, at a minimum, includes consideration of study design,
80 fitness for purpose, replicability, peer review, and
81 transparency and reliability of data; and the information is
82 transparently integrated with other relevant information to
83 inform the scientific evaluation prior to making a judgment
84 about the scientific evaluation.



85 (b) An agency may not adopt a new rule or amend an
86 existing rule that establishes new or changes existing numeric
87 criteria or numeric limitations applicable to a chemical
88 substance, mixture, contaminant, pollutant, hazardous
89 substance, solid waste, hazardous constituent, or hazardous
90 waste that relates to drinking water, water pollution control,
91 hazardous substances, contaminated site remediation, air
92 quality, solid waste handling, or hazardous waste handling if
93 the new rule or amendment would result in criteria or
94 limitations that are more stringent or extensive in scope,
95 coverage, or effect than any federal law or regulation setting
96 a standard regarding the same or a substantially similar
97 topic.

98 (c) Notwithstanding subsection (b), if there is no
99 federal law or regulation establishing a standard regarding
100 the same or a substantially similar topic, an agency may not
101 adopt a new rule or amend an existing rule that establishes
102 numeric criteria or numeric limitations applicable to a
103 chemical substance, mixture, contaminant, pollutant, hazardous
104 substance, solid waste, hazardous constituent, or hazardous
105 waste that relates to drinking water, water pollution control,
106 hazardous substances, contaminated site remediation, air
107 quality, solid waste handling, or hazardous waste handling
108 unless, for each individual chemical substance, mixture,
109 contaminant, pollutant, hazardous substance, solid waste,
110 hazardous constituent, or hazardous waste to which the rule
111 applies, the scientific and technical information relied on to
112 support the standard established by the rule is based on the



113 best available science and the weight of scientific evidence.

114 (d) (1) For any rule adopted pursuant to subsection (c)
115 to protect human health, safety, or welfare, the best
116 available science and the weight of scientific evidence shall
117 establish a direct causal link between exposure at or above
118 the numeric criteria or numeric limitations provided by the
119 rule and manifest bodily harm in humans, based on generally
120 accepted scientific or technical practices.

121 (2) In the absence of data from voluntary scientific
122 studies on humans, best available science and the weight of
123 scientific evidence may be based on tests performed on
124 experimental animal species or human and animal cells
125 establishing a direct causal link, based on generally accepted
126 scientific or technical practices, between exposure at or
127 above the numeric criteria or numeric limitations provided by
128 the rule and manifest bodily harm in humans, provided that the
129 harm may be extrapolated to humans based on the best available
130 science and the weight of scientific evidence.

131 (e) No agency shall be required to use values from the
132 United States Environmental Protection Agency's Integrated
133 Risk Information System in the development of numeric water
134 quality criteria.

135 (f) This section does not apply to any of the
136 following:

137 (1) A rule that is required by federal law or
138 regulation, including a rule adopted to comply with, and in
139 furtherance of, federal agency authorization or primacy
140 requirements.



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141 (2) A rule that is less stringent or extensive in
142 scope, coverage, or effect than any federal law or regulation
143 setting a standard regarding the same or a substantially
144 similar topic or that is substantively equivalent to a federal
145 law or regulation.

146 (3) A rule that would repeal or modify an existing rule
147 to be less stringent or extensive in scope, coverage, or
148 effect.

149 (4) An emergency rule adopted pursuant to Section
150 41-22-5, Code of Alabama 1975.