

SB71 ENGROSSED



1 SB71
2 84IXWHH-2
3 By Senator Chesteen
4 RFD: County and Municipal Government
5 First Read: 13-Jan-26



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A BILL
TO BE ENTITLED
AN ACT

Relating to administrative law; to prohibit agencies from adopting a new rule, or amending an existing rule, that establishes standards for certain environmental protection subjects that are more stringent than the federal requirements; and to prohibit an agency from adopting a new rule, or amending an existing rule, in the absence of federal requirements, unless the rule is based on the best available science and the weight of scientific evidence.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

(2) BEST AVAILABLE SCIENCE. Science that:

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

b. Maximizes the quality, objectivity, relevance, completeness, and integrity of information, including statistical information; human, animal, and other relevant scientific studies; and, if applicable, human health



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risk-based assessments; and

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

1. Site-specific studies, including area-wide or statewide studies;
2. Studies published in a refereed journal; or
3. External peer-reviewed studies contained in a federal government report published for a purpose other than development of a rule.

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

- a. Are broadly acknowledged and routinely applied by the relevant scientific community;
- b. Are consistent with refereed journal literature or established technical standards; and
- c. Have been tested for reliability and validity.

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

- a. Presently existing and diagnosable;
- b. Not based solely on the presence or detection of a substance in the human body; and
- c. Not based solely on an increased risk of disease.

(5) REFEREED JOURNAL. A publication that:

- a. Uses an editorial board or critical review panel of subject matter experts in the relevant scientific or technical



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57 disciplines who critically and objectively assess the
58 methodology and analysis of submitted scientific studies in a
59 nonpartisan fashion and provides editorial services prior to
60 publication; and

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

63 (6) WEIGHT OF SCIENTIFIC EVIDENCE. An approach to
64 scientific evaluation in which each piece of relevant
65 information is considered based on its quality and relevance,
66 which, at a minimum, includes consideration of study design,
67 fitness for purpose, replicability, peer review, and
68 transparency and reliability of data; and the information is
69 transparently integrated with other relevant information to
70 inform the scientific evaluation prior to making a judgment
71 about the scientific evaluation.

72 (b) An agency may not adopt a new rule or amend an
73 existing rule that establishes new or changes existing numeric
74 criteria or numeric limitations applicable to a chemical
75 substance, mixture, contaminant, pollutant, hazardous
76 substance, solid waste, hazardous constituent, or hazardous
77 waste that relates to drinking water, water pollution control,
78 hazardous substances, contaminated site remediation, air
79 quality, solid waste handling, or hazardous waste handling if
80 the new rule or amendment would result in criteria or
81 limitations that are more stringent or extensive in scope,
82 coverage, or effect than any federal law or regulation setting
83 a standard regarding the same or a substantially similar
84 topic.



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(c) Notwithstanding subsection (b), if there is no federal law or regulation establishing a standard regarding the same or a substantially similar topic, an agency may not adopt a new rule or amend an existing rule that establishes numeric criteria or numeric limitations applicable to a chemical substance, mixture, contaminant, pollutant, hazardous substance, solid waste, hazardous constituent, or hazardous waste that relates to drinking water, water pollution control, hazardous substances, contaminated site remediation, air quality, solid waste handling, or hazardous waste handling unless, for each individual chemical substance, mixture, contaminant, pollutant, hazardous substance, solid waste, hazardous constituent, or hazardous waste to which the rule applies, the scientific and technical information relied on to support the standard established by the rule is based on the best available science and the weight of scientific evidence.

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

(2) In the absence of data from voluntary scientific studies on humans, best available science and the weight of scientific evidence may be based on tests performed on experimental animal species or human and animal cells establishing a direct causal link, based on generally accepted



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113 scientific or technical practices, between exposure at or
114 above the numeric criteria or numeric limitations provided by
115 the rule and manifest bodily harm in humans, provided that the
116 harm may be extrapolated to humans based on the best available
117 science and the weight of scientific evidence.

118 (e) (1) No agency shall establish as the default or be
119 required to use values from the United States Environmental
120 Protection Agency's Integrated Risk Information System in the
121 development of numeric water quality criteria.

122 (2) An agency that has adopted a rule establishing use
123 of the United States Environmental Protection Agency's
124 Integrated Risk Information System as the default in any
125 numeric water quality criteria shall revise all rules to
126 comply with this subsection not later than nine months after
127 the effective date of this act.

128 (f) This section does not apply to any of the
129 following:

130 (1) A rule that is required by federal law or
131 regulation, including a rule adopted to comply with, and in
132 furtherance of, federal agency authorization or primacy
133 requirements, so long as an agency does not have discretion or
134 flexibility under some or all of the federal requirements or
135 authorization.

136 (2) A rule that is less stringent or extensive in
137 scope, coverage, or effect than any federal law or regulation
138 setting a standard regarding the same or a substantially
139 similar topic or that is substantively equivalent to a federal
140 law or regulation.



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141 (3) A rule that would repeal or modify an existing rule
142 to be less stringent or extensive in scope, coverage, or
143 effect.

144 (4) An emergency rule adopted pursuant to Section
145 41-22-5, Code of Alabama 1975.

146 Section 2. This act shall become effective immediately.



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147
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149 Senate

150 Read for the first time and referred13-Jan-26
151 to the Senate committee on County
152 and Municipal Government

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154 Read for the second time and placed20-Jan-26
155 on the calendar:
156 1 amendment

157
158 Read for the third time and passed03-Feb-26
159 as amended
160 Yeas 27
161 Nays 7
162 Abstains 0

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165 Patrick Harris,
166 Secretary.
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