

SB71 ENROLLED



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



Enrolled, An Act,

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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.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

17 (2) BEST AVAILABLE SCIENCE. Science that:

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

20 b. Maximizes the quality, objectivity, relevance,
21 completeness, and integrity of information, including
22 statistical information; human, animal, and other relevant
23 scientific studies; and, if applicable, human health
24 risk-based assessments; and

25 c. Involves the use of scientifically defensible and
26 quality-assured supporting studies conducted in accordance
27 with generally accepted scientific or technical practices
28 utilizing data collected by generally accepted methods or best



29 available methods and that are:

30 1. Site-specific studies, including area-wide or
31 statewide studies;

32 2. Studies published in a refereed journal; or

33 3. External peer-reviewed studies contained in a
34 federal government report published for a purpose other than
35 development of a rule.

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

38 a. Are broadly acknowledged and routinely applied by
39 the relevant scientific community;

40 b. Are consistent with refereed journal literature or
41 established technical standards; and

42 c. Have been tested for reliability and validity.

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

45 a. Presently existing and diagnosable;

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

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

49 (5) REFEREED JOURNAL. A publication that:

50 a. Uses an editorial board or critical review panel of
51 subject matter experts in the relevant scientific or technical
52 disciplines who critically and objectively assess the
53 methodology and analysis of submitted scientific studies in a
54 nonpartisan fashion and provides editorial services prior to
55 publication; and

56 b. Takes meaningful steps to avoid biases in the



57 publication's scientific review process.

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

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

80 (c) Notwithstanding subsection (b), if there is no
81 federal law or regulation establishing a standard regarding
82 the same or a substantially similar topic, an agency may not
83 adopt a new rule or amend an existing rule that establishes
84 numeric criteria or numeric limitations applicable to a



85 chemical substance, mixture, contaminant, pollutant, hazardous
86 substance, solid waste, hazardous constituent, or hazardous
87 waste that relates to drinking water, water pollution control,
88 hazardous substances, contaminated site remediation, air
89 quality, solid waste handling, or hazardous waste handling
90 unless, for each individual chemical substance, mixture,
91 contaminant, pollutant, hazardous substance, solid waste,
92 hazardous constituent, or hazardous waste to which the rule
93 applies, the scientific and technical information relied on to
94 support the standard established by the rule is based on the
95 best available science and the weight of scientific evidence.

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

103 (2) In the absence of data from voluntary scientific
104 studies on humans, best available science and the weight of
105 scientific evidence may be based on tests performed on
106 experimental animal species or human and animal cells
107 establishing a direct causal link, based on generally accepted
108 scientific or technical practices, between exposure at or
109 above the numeric criteria or numeric limitations provided by
110 the rule and manifest bodily harm in humans, provided that the
111 harm may be extrapolated to humans based on the best available
112 science and the weight of scientific evidence.



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

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

123 (f) This section does not apply to any of the
124 following:

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

131 (2) A rule that is less stringent or extensive in
132 scope, coverage, or effect than any federal law or regulation
133 setting a standard regarding the same or a substantially
134 similar topic or that is substantively equivalent to a federal
135 law or regulation.

136 (3) A rule that would repeal or modify an existing rule
137 to be less stringent or extensive in scope, coverage, or
138 effect.

139 (4) An emergency rule adopted pursuant to Section
140 41-22-5, Code of Alabama 1975.



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Section 2. This act shall become effective immediately.

