

SB71 INTRODUCED



1 SB71
2 84IXWHH-1
3 By Senator Chesteen
4 RFD: County and Municipal 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
19 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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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 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



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

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

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



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(b) An agency may not adopt a new rule or amend an existing rule that establishes new or changes existing 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 if the new rule or amendment would result in criteria or limitations that are more stringent or extensive in scope, coverage, or effect than any federal law or regulation setting a standard regarding the same or a substantially similar topic.

(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



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

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

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

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

151 Section 2. This act shall become effective on October
152 1, 2026.