



**LEAGUE OF WOMEN VOTERS  
OF TEXAS**

**TESTIMONY  
LEAGUE OF WOMEN VOTERS OF TEXAS**

**House Committee on Environmental Regulation re HB 2268  
APRIL 20, 2011, 1:30 p.m.**

The League of Women Voters of Texas (LWV-TX) is **STRONGLY OPPOSED** to HB 2268. Providing a defense where polluters who are in “general compliance” with the law can respond to a nuisance case affirmatively is totally against the precepts of the Texas Clean Air Act, making it more difficult to enforce this law. “General compliance” is not defined and thus is vague and indefinite. If, for example, “general compliance” is determined to be an average of emissions, dangerous spikes could be ruled out—the very spikes that are illegal and a detriment to health. Making it easier for polluters to pollute is antithetical and unacceptable to Texans who would like to breathe clean, healthy air. Polluters should have no recourse but to respond as usual to nuisance suits.

The Texas Commission on Environmental Quality states in the Legislative Budget Board Report on HB 2268 that this legislation could “hamper the agency’s ability to cite a nuisance violation.” Furthermore, this act would limit local governments’ ability to enforce nuisance violations.

For these reasons LWV-TX urges you NOT to pass this bill.