



Firefighters, Neighborhood Groups, Nurses, Elected Officials and Environmental Groups All Agree:

CSHB 40 is too risky for Texans' health and safety

CSHB 40 (Darby), scheduled for a vote on the House floor Tuesday, “expressly preempts” local governments from adopting health and safety standards to govern oil and gas drilling in their communities. Despite what you may have heard, this bill does not allow cities to adequately protect citizen health and safety and is not a “good deal”. **Please support amendments that will provide better local protections from the impacts of oil and gas operations.** Without amendments, the bill will undermine municipal ordinances in over 300 Texas cities. **Here is why this bill needs to be fixed:**

- Fire and emergency response, traffic, lights, noise, “reasonable setbacks,” and zoning rules are not automatically protected. All local regulations would have to pass a series of tests weighted in favor of industry before they can be enforced.
- Subsurface ordinances - like those that require shut off valves to be installed in the well and activated in the event of a hurricane – would be entirely preempted. They would not even be eligible for the series of “tests” that apply to ordinances addressing the surface.
- The 5-year clause only applies to one of the four tests in the bill. It does not actually grandfather the cities that passed ordinances before 2010.
- An ordinance that “effectively prohibits an oil and gas operation” such as a well in a schoolyard would be automatically preempted under language TML itself tried to change repeatedly.
- Cities will be deterred or prohibited from inspecting well sites and enforcing applicable regulations, at a time when the Commission has asked for more inspectors and failed to receive the necessary funds from the Legislature.

The Dallas Fire Fighters Association, Texas Neighborhoods Together, the National Nurses Organizing Committee, Texas Organizing Project, Environment Texas, Environmental Defense Fund, Public Citizen, Texas Campaign for the Environment, Sierra Club, Earthworks and local elected officials across Texas* all urge a NO vote on CSHB 40 unless fixed.

**Local elected officials still opposing HB 40 include Dallas County Judge Clay Jenkins, Dallas Mayor Mike Rawlings, Wichita Falls Mayor Glenn Barham, Travis County Judge Sarah Eckhardt and many others.*