

Dear GEAA members and friends,

Thanks to all of you who responded to our request for action yesterday. We have another stinker coming up for a vote on the House floor next Monday:

[HB 1794](#) - Geren Relating to maximum penalties for certain environmental violations

**This bill imposes standards that would effectively prevent local governments from protecting their citizens and the environment from careless, negligent, reckless, and even grossly negligent behavior.**

HB 1794 would radically change existing law to require that local governments (and the state, in actions filed by local governments) prove a bad actor's criminal intent in civil cases seeking civil penalties – never the law in Texas. Under existing law, local governments are empowered to seek civil penalties from anyone who “causes, suffers, allows, or permits” pollution in Texas. The “cause/suffer/allow” standard is characteristic of laws designed to protect public health and the environment because the legislature has recognized the importance of creating an ironclad incentive for responsible and careful conduct when protecting public health and the environment. Proof of criminal intent, or that a defendant acted “knowingly or intentionally” – terms of art in law requiring proof of a much higher level of intent, care, or knowledge – has never been required. Besides being very difficult to prove in environmental cases, that standard would leave local governments and the state, as a necessary party in local government actions, powerless to penalize a person responsible for careless, negligent, reckless, or even grossly negligent conduct resulting in air, water, solid waste, or hazardous waste pollution or public harm, no matter how serious.

Please contact your State Representatives before Monday and ask them to vote NO on HB 1794.

Thank you!

Annalisa Peace

Executive Director

[Greater Edwards Aquifer Alliance](#)