

TEXAS HOUSE OF REPRESENTATIVES



May 4, 2010

Michael Ford
Chairman

Texas Low-Level Radioactive Waste Disposal Compact Commission
3616 Far West Blvd., Suite 117, #294
Austin, TX 78731

Dear Chairman Ford,

We write to express serious reservations about the Texas Low-Level Radioactive Waste Disposal Compact Commission's (hereafter referred to as "the Compact Commission") pending decision regarding the importation of radioactive waste from around the country via the proposed rule entitled "Subchapter B, Exportation and Importation of Waste," 31 TAC §§675.21 – 675.23, published in the Texas Register on February 12, 2010.

By approving this rule, the Commission declares Texas open for business to dispose of so-called "low-level" radioactive waste from around the country, if not from around the world. As you know, this waste includes dangerous materials that will be radioactive for tens of thousands of years. We are particularly concerned that the Compact Commission has not addressed the significant increase in the state's financial liability or a number of transportation safety issues implicit in waste importation. We feel it's necessary for the Legislature to have the opportunity to weigh in on these crucial matters, and thus for the reasons outlined below, ***we urge the Compact Commission not to adopt the proposed rule*** at this time.

Given that the State of Texas assumes liability for waste upon its arrival in the state, the increase in waste implied by importation has significant fiscal implications for the State of Texas in the event of an eventual leak at the site. Since the radioactive waste at the Compact facility will remain lethal for tens of thousands of years, the potential clean-up costs to the state of Texas are exceptionally high. This liability has been *completely excluded* from the fiscal "Impact to the State of Texas," which discusses the positive fiscal benefits of import to the State and the host County but makes no mention of associated liabilities. The impact to the State's budget must be considered before any import rule is adopted.

The rule also fails to consider the liability implications of transporting millions of additional tons of imported radioactive waste by truck and train through Texas communities. If an accident occurs, state and local governments will be responsible for

the emergency and clean-up services necessary to ensure public health and safety by protecting them from exposure to radioactivity.

Several of the undersigned represent districts traversed by major thoroughfares and international ports of entry, and thus likely routes for imported waste. Because it fails to address the multiple transportation safety issues associated with importation, the proposed rule unnecessarily places our constituents and their families at risk.

It bears reminding that the purpose of the Compact is "to promote the health, safety, and welfare of the citizens and the environment of the party states" (Article 1, Section 403.006, Texas Health and Safety Code). Given that import threatens the health and safety of hundreds of thousands of Texans, as well as the fiscal implications of increased liability resulting from import, we believe that the potential costs of import to the state far outweigh the benefits, particularly since those benefits largely accrue to a private, profit-motivated site operator (Waste Control Specialists).

For these reasons, we ask you **not to adopt the proposed import rule**, at least until the Legislature has had the opportunity to consider these issues of such lasting significance for Texans for generations to come.

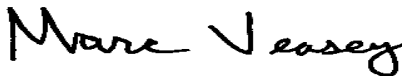
Sincerely,



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Member, House Environmental Regulation
Committee



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