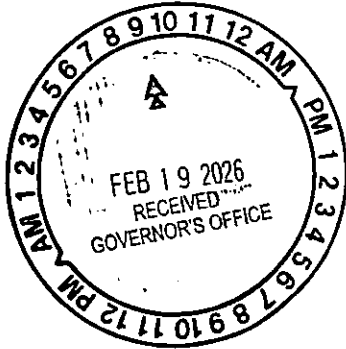




1 SB71  
2 84IXWHH-3  
3 By Senator Chesteen  
4 RFD: County and Municipal Government  
5 First Read: 13-Jan-26

ACT #2026-81



SB71 Enrolled



1 Enrolled, An Act,

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4 Relating to administrative law; to prohibit agencies  
5 from adopting a new rule, or amending an existing rule, that  
6 establishes standards for certain environmental protection  
7 subjects that are more stringent than the federal  
8 requirements; and to prohibit an agency from adopting a new  
9 rule, or amending an existing rule, in the absence of federal  
10 requirements, unless the rule is based on the best available  
11 science and the weight of scientific evidence.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) For purposes of this section, the  
14 following terms have the following meanings:

15 (1) AGENCY. The term as defined in Section 41-22-3,  
16 Code of Alabama 1975.

17 (2) BEST AVAILABLE SCIENCE. Science that:

18 a. Is reliable, unbiased, subject to independent  
19 verification, and applies to the agency's rule;

20 b. Maximizes the quality, objectivity, relevance,  
21 completeness, and integrity of information, including  
22 statistical information; human, animal, and other relevant  
23 scientific studies; and, if applicable, human health  
24 risk-based assessments; and

25 c. Involves the use of scientifically defensible and  
26 quality-assured supporting studies conducted in accordance  
27 with generally accepted scientific or technical practices  
28 utilizing data collected by generally accepted methods or best



29 available methods and that are:

- 30 1. Site-specific studies, including area-wide or  
31 statewide studies;  
32 2. Studies published in a refereed journal; or  
33 3. External peer-reviewed studies contained in a  
34 federal government report published for a purpose other than  
35 development of a rule.

36 (3) GENERALLY ACCEPTED SCIENTIFIC OR TECHNICAL  
37 PRACTICES. Scientific methods, principles, or protocols that:

- 38 a. Are broadly acknowledged and routinely applied by  
39 the relevant scientific community;  
40 b. Are consistent with refereed journal literature or  
41 established technical standards; and  
42 c. Have been tested for reliability and validity.

43 (4) MANIFEST BODILY HARM. A physical disease or injury  
44 that is:

- 45 a. Presently existing and diagnosable;  
46 b. Not based solely on the presence or detection of a  
47 substance in the human body; and  
48 c. Not based solely on an increased risk of disease.

49 (5) REFEREED JOURNAL. A publication that:

- 50 a. Uses an editorial board or critical review panel of  
51 subject matter experts in the relevant scientific or technical  
52 disciplines who critically and objectively assess the  
53 methodology and analysis of submitted scientific studies in a  
54 nonpartisan fashion and provides editorial services prior to  
55 publication; and  
56 b. Takes meaningful steps to avoid biases in the



57 publication's scientific review process.

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

67 (b) An agency may not adopt a new rule or amend an  
68 existing rule that establishes new or changes existing numeric  
69 criteria or numeric limitations applicable to a chemical  
70 substance, mixture, contaminant, pollutant, hazardous  
71 substance, solid waste, hazardous constituent, or hazardous  
72 waste that relates to drinking water, water pollution control,  
73 hazardous substances, contaminated site remediation, air  
74 quality, solid waste handling, or hazardous waste handling if  
75 the new rule or amendment would result in criteria or  
76 limitations that are more stringent or extensive in scope,  
77 coverage, or effect than any federal law or regulation setting  
78 a standard regarding the same or a substantially similar  
79 topic.

80 (c) Notwithstanding subsection (b), if there is no  
81 federal law or regulation establishing a standard regarding  
82 the same or a substantially similar topic, an agency may not  
83 adopt a new rule or amend an existing rule that establishes  
84 numeric criteria or numeric limitations applicable to a



85 chemical substance, mixture, contaminant, pollutant, hazardous  
86 substance, solid waste, hazardous constituent, or hazardous  
87 waste that relates to drinking water, water pollution control,  
88 hazardous substances, contaminated site remediation, air  
89 quality, solid waste handling, or hazardous waste handling  
90 unless, for each individual chemical substance, mixture,  
91 contaminant, pollutant, hazardous substance, solid waste,  
92 hazardous constituent, or hazardous waste to which the rule  
93 applies, the scientific and technical information relied on to  
94 support the standard established by the rule is based on the  
95 best available science and the weight of scientific evidence.

96 (d) (1) For any rule adopted pursuant to subsection (c)  
97 to protect human health, safety, or welfare, the best  
98 available science and the weight of scientific evidence shall  
99 establish a direct causal link between exposure at or above  
100 the numeric criteria or numeric limitations provided by the  
101 rule and manifest bodily harm in humans, based on generally  
102 accepted scientific or technical practices.

103 (2) In the absence of data from voluntary scientific  
104 studies on humans, best available science and the weight of  
105 scientific evidence may be based on tests performed on  
106 experimental animal species or human and animal cells  
107 establishing a direct causal link, based on generally accepted  
108 scientific or technical practices, between exposure at or  
109 above the numeric criteria or numeric limitations provided by  
110 the rule and manifest bodily harm in humans, provided that the  
111 harm may be extrapolated to humans based on the best available  
112 science and the weight of scientific evidence.



113 (e) (1) No agency shall establish as the default or be  
114 required to use values from the United States Environmental  
115 Protection Agency's Integrated Risk Information System in the  
116 development of numeric water quality criteria.

117 (2) An agency that has adopted a rule establishing use  
118 of the United States Environmental Protection Agency's  
119 Integrated Risk Information System as the default in any  
120 numeric water quality criteria shall revise all rules to  
121 comply with this subsection not later than nine months after  
122 the effective date of this act.

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

125 (1) A rule that is required by federal law or  
126 regulation, including a rule adopted to comply with, and in  
127 furtherance of, federal agency authorization or primacy  
128 requirements, so long as an agency does not have discretion or  
129 flexibility under some or all of the federal requirements or  
130 authorization.

131 (2) A rule that is less stringent or extensive in  
132 scope, coverage, or effect than any federal law or regulation  
133 setting a standard regarding the same or a substantially  
134 similar topic or that is substantively equivalent to a federal  
135 law or regulation.

136 (3) A rule that would repeal or modify an existing rule  
137 to be less stringent or extensive in scope, coverage, or  
138 effect.

139 (4) An emergency rule adopted pursuant to Section  
140 41-22-5, Code of Alabama 1975.



**SB71 Enrolled**

141           Section 2. This act shall become effective immediately.



SB71 Enrolled

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB71  
Senate 03-Feb-26  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

\_\_\_\_\_

House of Representatives  
Passed: 17-Feb-26

\_\_\_\_\_

By: Senator Chesteen

APPROVED 2-19-2026

TIME 10:00 am

GOVERNOR

Alabama Secretary Of State  
Act Num.....: 2026-81  
Bill Num....: S-71

SPONSOR  
 CO-SPONSORS

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SENATE ACTION  
 I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill.  
 SB 71  
 yeas 33 nays 0 abstain 0  
**PATRICK HARRIS,**  
 Secretary

I hereby certify that the notice & proof is attached to the Bill. SB \_\_\_\_\_ as required in the General Acts of Alabama, 1975 Act No. 919.  
**PATRICK HARRIS,**  
 Secretary

CONFERENCE COMMITTEE  
 Senate Conference \_\_\_\_\_

HOUSE ACTION  
 DATE: 2-3 2026  
 RD 1 RFD AAE

REPORT OF STANDING COMMITTEE  
 This bill having been referred by the House to its standing committee on \_\_\_\_\_ was \_\_\_\_\_ acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) \_\_\_\_\_ w/sub \_\_\_\_\_ This 5 day of Feb, 2026.  
 \_\_\_\_\_ Chairperson

DATE: \_\_\_\_\_ 20\_\_\_\_  
 RF RD 2 CAL

DATE: \_\_\_\_\_ 20\_\_\_\_  
 RE-REFERRED  RE-COMMITTED   
 Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill.  
 SB 71  
 YEAS 68 NAYS 30  
**JOHN TREADWELL,**  
 Clerk

FURTHER HOUSE ACTION (OVER)