



SIERRA CLUB

LONE STAR CHAPTER

TO: The Honorable Jeff Leach, Chair

Members, House Committee on Judiciary and Civil Jurisprudence

From: Cyrus Reed, Lone Star Chapter, Sierra Club and Multiple Organizations

DATE: March 15, 2023

SUBJECT: Vote NO on HB 1372

Harms can occur to persons and property even when no law is violated. In these instances, HB 1372 by Cody Harris would abolish the right of Texans to sue for nuisance, including water, air, and noise pollution. Public nuisance is commonly defined as “an unreasonable interference with a right common to the general public.” Common law theories of liability like nuisance are long standing legal tools and can provide much needed remedies when statutes are not applicable.

HB 1372 is an overly broad bill that would abolish the common law of public nuisance as we know it in Texas, by prohibiting nuisance suits from being brought when the person causing the harmful action is engaged in lawful activities. For example, in 2021, the Railroad Commission of Texas (RRC) voted to renew the permit for Blackhorn Environmental, which operates a waste disposal facility in Jim Wells County that has been causing odors and health impacts to its neighbors. Even though the RRC believes that the facility is operating legally, neighbors are still being harmed. Nuisance has also been used to limit pollution by stopping tubing companies from allowing patrons to trash rivers so that they can be clean and enjoyable for all. If HB 1372 passes, Texans will lose an important tool to protect our health, natural heritage, and quality of life.

Other actions, such as an interim study, should be considered first before throwing out hundreds of years of common law. The undersigned individuals and organizations urge you to please protect Texas by voting NO on HB 1372.

Cyrus Reed

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