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Sewage testing for birth control and abortion pills? Texas eyes a long game | Grumet



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If you can get past the obvious ick factor, a city's sewage contains an ocean of information. During the pandemic, for instance, Austin and other cities tracked COVID surges and new variants of the virus by routinely testing the wastewater — a sensible public health endeavor.

But some of the same Texas lawmakers who seem awfully obsessed with who's in the bathroom stall next to you are pushing another kind of bathroom bill that's even creepier. Senate Bill 1976 would start testing wastewater in certain communities for traces of substances related to birth control pills and abortion pills.

Because your most personal decisions are supposedly hurting the environment.

Before you start drawing up plans for an outhouse, know that any test results wouldn't be traceable to any particular location, as the samples would come from wastewater plants receiving sewage from tens of thousands of homes. But this effort is nonetheless insidious and alarming, a first step in a long game to potentially restrict the Pill as a pollutant of the natural world, or provide the ammunition to sue the makers of abortion medication out of existence.

And if this sounds like a far-fetched use of environmental law to further restrict personal reproductive healthcare decisions, recognize that the overturning of Roe v.

Wade was never the finish line, and those who wish to take child-bearing decisions out of your hands will be unrelentingly resourceful in their use of tools.

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“Environmental law has teeth. It already exists,” Kristi Hamrick, the vice president of Students for Life of America, said at the group’s annual conference earlier this year, according to reporting by Politico. “And, frankly, I’m for using the devil’s own tools against them.”

SB 1976 author Sen. Bryan Hughes’ office did not respond to my questions about the bill, but Hughes put a decidedly green spin on the measure at an April 14 discussion at the Senate Committee on Water, Agriculture and Rural Affairs.

The prevalence of hormones and other chemicals seeping into the environment, and eventually into drinking water supplies, “is a growing concern around the country, and it's not a left or right issue,” Hughes told the committee. “It's a health issue. It’s a life issue, especially when we think about pregnant moms and vulnerable populations like that.”

While the bill calls for testing a few substances in addition to those in birth control and abortion pills — including BPA appearing in plastics, the carcinogen benzophenone and a couple of chemicals used in fragrances — it’s hard to buy Hughes as a champion of the environment. The Republican from Mineola was tied for the lowest score in the Senate in Environment Texas’ 2023 scorecard, and his latest 4% rating from the Texas Sierra Club was so embarrassingly low that the organization simply noted: “The score speaks for itself.”

Hughes is well known, however, for authoring Texas’ first successful abortion ban in half a century, the 2021 measure empowering private citizens to sue anyone they believed assisted in an abortion after about six weeks into the pregnancy. Recall that, too, was a novel strategy — one that seemed audacious and improbable right up until the courts allowed SB 8 to stand.

For those who actually care about the science, the notion that birth control pills are contaminating the environment is hogwash. Yes, studies have found elevated levels of estrogen making their way into waterways, even affecting some fish populations. But researchers say the synthetic estrogen found in birth control accounts for less than 1% of the trace amounts of estrogen found in drinking water. Up to 90% of the estrogen is coming from agricultural operations — steroid implants that promote the growth of cattle and sheep, then appearing in the manure used to fertilize crops.

Moreover, the feds already looked into this question back in 2015, testing for hormone levels in 12,000 water systems across the country, including 1,000 systems in Texas, Cari-Michel LaCaille, the director of the Office of Water for the Texas Commission on Environmental Quality, told the Senate water committee on April 14. “They had less than 1% of those systems showing detects,” she said.

In the meantime, if we’re so concerned about the trace amounts of the abortion medication mifepristone that end up in the sewage, why aren’t we testing for the contamination from scores of more widely used pharmaceutical products? Funny, I didn’t see Propecia or Viagra on the testing list for SB 1976.

Perhaps the saving grace for women will be Texas leaders’ apathy toward the environment, especially when it comes time to pay for things. The original version of SB 1976, calling for a statewide sewage testing program estimated to cost nearly $24 million a year, was pared down to a committee substitute bill for testing 10 random sites as part of a pilot program.

“It’s one of those tough things that you probably should know (about various contaminants in the water), but the more you know, the more you might decide we've got a real problem we can't fix,” state Sen. Charles Perry, R-Lubbock, said as the committee hearing closed.

The bill was left pending in committee. We can only hope this wasteful idea goes down the drain.

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