

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1760

SPONSOR: Senator Lee

SUBJECT: Aerial Application of Pesticides

DATE: March 16, 1999

REVISED: 03/18/99

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Henderson</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/3 Amendments</u>
2.	<u> </u>	<u> </u>	<u>HC</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This bill requires the Department of Health to conduct a study to determine if there are adverse effects associated with the aerial application of Malathion. It also requires the Department of Agriculture and Consumer Services to provide the public with four days notice before beginning the aerial application of Malathion. The bill provides an appropriation for the Department of Health to conduct the study and to pay diagnostic and treatment costs for uninsured people in the sprayed areas.

This bill amends sections 593.21 and 593.22, Florida Statutes.

II. Present Situation:

The Mediterranean Fruit Fly has been detected on four separate occasions in central Florida since May 1997. The Florida Department of Agriculture and Consumer Services (DACs) and the USDA initiated a joint eradication effort after each detection. During the 1997 interim the Senate Committee on Agriculture completed an interim report on the Review of the Mediterranean Fruit Fly Eradication Program. The report concluded that at the end of the Medfly eradication program, an assessment of its efficiency and effect on human health and the environment should be conducted.

Senate Bill 926 (Ch. 98-108, L.O.F.) passed the 1998 Legislature and became law. It requires the DACs to use a pesticide that has been approved by the United States Environmental Protection Agency, and to inform the public regarding the Medfly Eradication Program when the infestation of medflies requires the DACs to use aerial application.

In addition, the law requires the Department of Health (DOH) to monitor health problems that result from chemical exposure, establish a toll-free hotline so that individuals may call to register complaints, provide physicians and health care facilities with technical assistance, provide technical assistance to the DACS when an emergency arises from aerial application of a pesticide to an urbanized area, and to establish a health advisory committee.

III. Effect of Proposed Changes:

Section 1. Provides legislative intent that the aerial application of a pesticide is to be used only as a last resort for plant pest eradication. Furthermore, the DACS shall assist the United States Environmental Protection Agency in expediting the approval process for plant pest eradication alternatives, including the use of Spinosad and alternative types of baits.

Section 2. Amends s. 593.21, F.S., (1998 Supplement) to require the DOH to conduct a prospective, case-control study to determine whether there are adverse health effects associated with the aerial application of Malathion. Authorizes the DOH to have access to confidential patient information for the purpose of conducting the study. Requires the results of the study to be made available to the President of the Senate, the Speaker of the House of Representatives, the Executive Office of the Governor and the Commissioner of Agriculture no later than February 1, 2001.

Section 3. Amends s. 593.22, F.S., to require the DACS to provide the public with 96 hours notice before beginning the aerial application of a pesticide to an urbanized area.

Requires the DOH to provide services to evaluate and treat cases of illness associated with the aerial application of Malathion to uninsured residents of the sprayed areas. The total cost of all diagnostic and treatment services, including the health practitioner services, laboratory services, imaging services, and medications, is capped at \$1,000 per patient. Diagnostic and treatment costs will be provided only to those individuals who meet the criteria within this section and who participate in the DOH study as provided under section two of the bill.

Section 4. Appropriates \$500,000 from the General Revenue Fund to the DOH to provide for the requirements of this act for fiscal year 1999-2000. Of this amount \$400,000 is provided to conduct the study provided under section two and the remaining \$100,000 is for the purpose of evaluating and treating illness according to the provisions provided within this act.

Section 5. Provides an effective date of July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services reports that implementation of this act has no fiscal impact on that agency.

The Department of Health estimates the fiscal impact of this act as follows:

FISCAL IMPACT DEPARTMENT OF HEALTH		
	Amount Year 1 FY (99-00)	Amount Year 2 FY (00-01)
Non-Recurring Costs (positions, expenses, appropriation provided in the bill)	\$500,000	-0-
Recurring Costs	-0-	-0-
Grand Total Costs	<u>\$500,000</u>	<u>-0-</u>

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Agriculture and Consumer Services:

This amendment provides legislative intent that the Department of Agriculture and Consumer Services is to use aerial application of pesticides as a last resort when it conducts an emergency response to plant pest eradication in an urbanized area. It also deletes a reference to the specific pesticide, Spinosad.

#2 by Agriculture and Consumer Services:

This amendment requires that “bait” in addition to Malathion be included in a study conducted by the Department of Health to determine any adverse health effects. Requires the Department of Health’s study to include all plant pest control applications including bait mixtures, investigations of appropriate classifications, diagnosis, treatment and monitoring of adverse effect reactions.

#3 by Agriculture and Consumer Services:

This amendment requires the Department of Health to evaluate and if necessary, to treat certain cases of illness associated with the aerial application of bait, as well as Malathion.