

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: CS for CS/SB 1760 and SB 924

SPONSOR: Fiscal Policy Committee, Senators McKay and Lee

SUBJECT: Agricultural Pests and Diseases

DATE: April 8, 1999 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Henderson</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/1 amendment</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable/CS</u>
3.	<u>Hendon</u>	<u>Hadi</u>	<u>FP</u>	<u>Favorable/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill states that it is the Legislature’s intent that aerial application of a pesticide be used only as a last resort for plant pest infestations. The bill creates the Pest Exclusion Advisory Committee within the Department of Agriculture and Consumer Services (DACS) to review the state’s pest-exclusion, detection, and eradication programs. The bill directs the DACS to establish a program to reimburse persons who choose to temporarily relocate because of a medical necessity during Malathion spraying. It also provides an appropriation of \$200,000 for reimbursement costs.

This bill also requires the Department of Health (DOH) to conduct a study to determine if there are adverse effects associated with the aerial application of Malathion and bait for plant pest eradication. It also requires the DACS to provide the public with four days notice before beginning the aerial application of Malathion. The DOH is required to evaluate and, if necessary, treat cases of illness associated with the aerial application of Malathion and bait. The DOH is required to pay the costs, within limits, of such evaluation and treatment only for those uninsured residents of the spray area that participate in the department’s study. The bill provides an appropriation of \$550,000 for the DOH to conduct the study and to pay evaluation and treatment costs to qualified individuals.

This bill amends sections 593.21 and 593.22, Florida Statutes. The bill creates sections 570.235 and 593.28, Florida Statutes.

II. Present Situation:

The Mediterranean Fruit Fly has been detected on four separate occasions in central Florida since May 1997. The 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.

Chapter 98-108, L.O.F., 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 and to notify the public at least 48 hours before beginning the aerial application of a pesticide when the infestation of medflies requires the DACS to use aerial application.

In addition, the law requires the 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 when the DACS conducts an emergency response to plant pest infestation in an urbanized area. Furthermore, the DACS shall assist the United States Environmental Protection Agency in expediting the approval process for plant pest eradication alternatives and alternative types of baits.

Section 2. Creates the Pest Exclusion Advisory Committee within the DACS. Provides for membership. Provides for governance of the committee. Requires the committee to review and evaluate the state's existing and future pest-exclusion, detection, and eradication programs. Provides criteria for evaluation. Requires the committee to issue a report to the Commissioner of Agriculture, the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2001.

Section 3: Directs the DACS to establish a program to reimburse persons who choose to temporarily relocate because of a medical necessity during Malathion spraying to a location up to 25 miles outside the spray zone. The individuals must provide documentation for the medical necessity to temporarily relocate as well as receipts for lodging and meals. Reimbursement shall not exceed \$100 per person per day.

Section 4. 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 and bait for the purposes of plant pest eradication. The DOH is authorized to have access to confidential patient information for the purpose of conducting the study. The results of the study are 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 within 18 months after the next aerial application of Malathion conducted by the DACS occurring after July 1, 1999.

Section 5. Amends s. 593.22, F.S., 1998 Supplement, to require the DACS to provide the public with 96 hours notice before beginning the aerial application of a pesticide to an urbanized area.

The DOH is required to provide services to evaluate and treat cases of illness associated with the aerial application of Malathion and bait for plant pest eradication. The total cost of all evaluation and treatment services, including the health practitioner services, laboratory services, imaging services, and medications, is capped at \$1,000 per patient. Evaluation and treatment costs will be paid by the DOH only for those individuals who are uninsured residents of the sprayed area and who participate in the DOH study as provided under section five of the bill. The pesticide-illness classification established by the United States Centers for Disease Control and Prevention is to be used to determine which individuals are eligible for services.

Section 6. Appropriates \$200,000 from General Revenue fund to the DACS to provide reimbursement for residents who choose to relocate due to the Malathion spraying.

Section 7. Appropriates \$550,000 from the General Revenue fund to the Administrative Trust fund of in the DOH to provide for the requirements of this act. Of this amount \$450,000 is provided to conduct the study provided under section four of the bill and the remaining \$100,000 is for the purpose of evaluating and treating illness according to the provisions of this act.

Section 8. Provides an effective date of July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill authorizes the DOH to have access to confidential patient information for the purpose of conducting the study. Although the bill itself does not protect the confidentiality of this information once it is obtained by the DOH, or exempt such information from the Public Records Law requirements, and although there is no companion public records exemption bill, s. 381.0055, F.S., protects the confidentiality of and exempts from the Public Records Law requirements, such information obtained by the DOH.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who choose to temporarily relocate because of a medical necessity during

Malathion spraying will be reimbursed for certain expenses.

C. Government Sector Impact:

The Department of Agriculture has indicated that there will be a small, indeterminate amount of expense associated with the reimbursement of travel and per diem for the Pest Exclusion Advisory Committee. The bill provides a \$200,000 appropriation from the General Revenue fund to the Department of Agriculture and Consumer Services and a \$550,000 appropriation from the General Revenue fund to the Department of Health. The total fiscal impact of the bill is as follows:

	Fiscal Year 1999-00	Fiscal Year 2000-01	Fiscal Year 2001-02
Department of Agriculture and Consumer Services			
Non-Recurring Costs (including \$200,000 appropriation)	\$219,302	0	0
Recurring Costs (one position and expenses)	\$53,458	\$54,793	\$56,189
Subtotal - Department of Agriculture and Consumer Services	\$272,760	\$54,793	\$56,189
Department of Health			
Non-Recurring Costs (\$550,000 appropriation)	\$550,000	0	0
Total	\$822,760	\$54,793	\$56,189

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.