

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 148

SPONSOR: Senator Meek

SUBJECT: Protection of Children's Health

DATE: January 20, 2001

REVISED: 01/24/01 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HC</u>	<u>Fav/1 amendment</u>
2.	<u>                    </u>	<u>                    </u>	<u>GO</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AGG</u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

## I. Summary:

This bill creates a 14-member Children's Health and Environmental Protection Advisory Committee to review existing state laws and rules to ensure that they adequately protect the health of children from environmental hazards and recommend changes; to gather and disseminate information concerning ways to reduce, treat, and eliminate children's exposures to environmental hazards; to develop uniform guidelines for state agencies to follow which will assist in reducing and eliminating the exposure of children to environmental hazards; and to produce a report outlining its recommendations to the Governor and the Legislature by February 15, 2003. The Florida Department of Environmental Protection is responsible for providing staff for the committee.

This bill creates sections of law that have not been assigned to the Florida Statutes.

## II. Present Situation:

The Department of Health has among its statutory responsibilities and duties, a mission to protect the public health of all residents and visitors in Florida. The department provides services in the following broad areas: community public health; services for children with special health care needs; and the regulation of health care professionals.

Under chapter 154, Florida Statutes, the Department of Health accomplishes its public health functions primarily through a delivery system of county health departments. County health departments manage environmental health by monitoring and regulating sanitation and safety conditions in facilities, inspecting and monitoring onsite sewage disposal systems, testing water systems for contamination, providing animal and mosquito-borne disease control services, and controlling threats of sanitary nuisance. County health departments coordinate activities with other agencies that have jurisdiction over various responsibilities relating to the environment

including the Department of Environmental Protection, the Department of Business and Professional Regulation, and the Department of Agriculture and Consumer Services. County health departments also provide communicable disease surveillance, immunizations, and treatment for sexually transmitted diseases, HIV/AIDS and tuberculosis. The Family Health Services program provides access to basic health services through the Women, Infants, and Children (WIC) program and nutrition services, family planning, school health, dental health, and medical care for acute and episodic conditions. Additionally, county health departments screen for chronic diseases and provide education for reducing behaviors that lead to chronic disease.

The Department of Health responds to resident inquiries regarding environmental pollution and possible health effects. Environmental Health Division programs within the Department of Health protect the health of Florida's residents by maintenance of a healthy environment. Program areas include on-site sewage treatment and disposal, drinking water hygiene, facility sanitation, community hygiene, environmental toxicology, and environmental epidemiology. The programs are responsible for coordinating sampling for chemical contamination of water and air. Contamination monitoring helps protect Floridians from pollutants, agricultural chemicals, industrial solvents and heavy metals, including lead. Lead is an extremely toxic metal that adversely affects many of the body's organs and systems. The programs provide technical consultation to county health officials, state agencies and federal entities regarding human exposures from environmental contaminants in the air and water. The programs also develop health advisory levels for contaminants to ensure protection of public health.

Additionally, county health officials are responsible for enforcing federal regulations for the containment of asbestos. Asbestos fiber-release exposure has been associated with the development of diseases such as asbestosis, lung cancer, and mesothelioma, a rare and usually fatal disease. The Department of Health maintains statewide pesticide poisoning surveillance in cooperation with the federal Centers for Disease Control and Prevention and the National Institute for Occupational Safety and Health.

The Department of Environmental Protection's mission is to provide responsible stewardship over Florida's ecosystem. In addition to its regulatory functions, the Department of Environmental Protection must set and enforce environmental standards to protect the public health. Programs within the department are responsible for protecting the quality of the state's air and drinking water. The Department of Environmental Protection maintains a waste program with target levels for cleanup of contaminated sites and has responsibilities for maintaining and conserving state land for conservation and recreation. The department implements state and federal laws relating to recycling, pollution prevention and solid and hazardous waste management, and regulates and registers aboveground and underground pollutant storage systems. The department cleans up sites contaminated with petroleum products, drycleaning solvents, or other hazardous wastes.

Under the Florida Community Health Protection Act, codified at sections 381.1001-381.103, F.S., the Legislature created the Community Environmental Health Program to ensure the availability of public health services to members of low-income communities that may be adversely affected by contaminated sites located in or near the community. Such services extend beyond those typically provided by a county health department and address the health effects that are associated with exposure to environmental contamination. The Community Environmental Health Advisory

Board (CEHAB or board) established by the Department of Health includes low-income residents, county health department representatives, and health care professionals and providers. The act required the board to identify community environmental health needs and types of services which should be provided. Along with a list of services, the board identified four main components for community environmental health and prevention efforts: community awareness and advocacy; research; health care provider awareness; and screening and treatment.

In 1999, the Legislature funded health promotion and prevention services identified and coordinated by CEHAB and the Department of Health to low-income communities affected by environmental contamination in six pilot project demonstration sites located in Pinellas, Escambia, Hillsborough, Pasco, Manatee, Palm Beach, and Broward County. The activities of each pilot project were developed and coordinated at the neighborhood level by CEHAB. Partnerships with other organizations and programs such as Front Porch Florida was encouraged. The projects' services included the promotion of low cost or no cost health care services such as health care screenings and health education to a population that does not normally seek medical assistance. Each pilot project was also encouraged to contact other organizations engaged in health promotion and disease prevention. Local outreach services that are typically not provided by county health departments were offered by the pilot projects. The Community Environmental Health Advisory Board prepared a report to the Governor and Legislature summarizing its findings, accomplishments, and recommendations regarding the pilot projects. The board recommended that the Governor and the Legislature remain supportive of public health in building an environmental capacity to respond to the concerned people living in and around contaminated communities.

On the federal level, the Clinton Administration, has made the protection of children's health one of its highest environmental priorities. The Office of Children's Health Protection within the United States Department of Environmental Protection (EPA) has invested substantial effort to assure that protecting children from environmental threats is a continuing effort and integrated into public health considerations. Additionally, the Office of Children's Health Protection has worked with other federal agencies to raise awareness about environmental threats and provided information and resources. In January, 2001, the EPA issued a report, "America's Children and the Environment: A First View of Available Measures." [Available on the EPA's website at <http://www.epa.gov/children/indicators/ACE-Report.pdf>] The report was developed by the EPA's Office of Children's Health Protection and provides trends in measures reflecting environmental factors that may affect the health and well-being of children in the United States. The report outlines trends in the level of environmental contaminants in air, water, food, and soil, concentrations of lead measured in children's bodies, and childhood diseases that may be influenced by environmental factors.

### **III. Effect of Proposed Changes:**

**Section 1.** Creates an undesignated section of law to state that the Legislature finds that:

- children today face an array of preventable exposures to environmental hazards in their schools, homes, and communities;
- children are at greater risk than adults for exposure to and possible illness from environmental hazards;

- children in poverty and children from racial and ethnic communities may suffer more frequent and direct exposure to chemicals and pollutants; and
- solutions to complex environmental health problems require the ongoing communication and collaboration of affected communities and many disciplines.

The section also states that the Legislature intends to meet its responsibilities to enable all children to grow up in a safe and healthy environment by creating an advisory committee to identify environmental hazards to children through interdisciplinary problem solving and coalition building.

**Section 2.** Creates an undesignated section of law, providing definitions for the following terms: “advisory committee” to mean the Children’s Health and Environmental Protection Advisory Committee; “environmental hazard” to mean exposure to harmful chemicals and pollutants such as lead, pesticides, air pollutants, contaminated drinking water, polluted waters, toxic waste dumps, polychlorinated biphenyls, second-hand tobacco smoke, industrial chemicals, and other chemicals and pollutants that may affect children’s health; and “protect the health of children” to mean to protect the health of children by taking into account the special vulnerabilities of children because of their developing physiology and because their exposures, behaviors, and diet can differ greatly from those of adults.

**Section 3.** Creates an undesignated section of law, establishing a 14-member Children’s Health and Environmental Protection Advisory Committee that terminates on June 30, 2003. The advisory committee must include: a Senator appointed by the President of the Senate; a Representative appointed by the Speaker of the House of Representatives; the Secretary of Health or designee; the Secretary of Environmental Protection or designee; the Commissioner of Agriculture and Consumer Services or designee; the Commissioner of Education or designee; the Secretary of Children and Family Services or designee; the Secretary of Community Affairs or designee; and two licensed pediatric health care providers and a licensed social worker who have expertise in the field of children’s environmental health, a parent or guardian whose child has been exposed to environmental health hazards, a pediatric environmental health researcher, and an economist skilled in measuring the costs of illness and the benefits of prevention, all of whom are appointed by the Governor.

The Secretary of Health or designee and the Secretary of Environmental Protection or designee must serve as co-chairs of the advisory committee. The advisory committee must meet at least six times during its term and a majority of the committee constitutes a quorum. Committee members may be reimbursed for per diem and travel expenses. In the event a vacancy occurs on the committee, the bill specifies procedures for appointment of a successor.

The bill requires the Department of Environmental Protection to staff the advisory committee. The advisory committee is delegated duties: to review existing state laws and rules to ensure that they adequately protect the health of children from environmental hazards and recommend changes; to gather and disseminate information concerning ways to reduce, treat, and eliminate children’s exposures to environmental hazards; to develop uniform guidelines for state agencies to follow which will assist in reducing and eliminating the exposure of children to environmental hazards; and to produce a report outlining its recommendations to the Governor and the Legislature by February 15, 2003.

**Section 4.** Provides that this act takes effect upon becoming a law.

**IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Art. VII, s. 18 of the Florida Constitution.

**B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

**C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Art. III, s. 19(f) of the Florida Constitution.

**V. Economic Impact and Fiscal Note:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The children affected by environmental hazards should benefit to the extent their health status is improved as a result of the duties delegated to the Children's Health and Environmental Protection Advisory Committee as provided in the bill.

**C. Government Sector Impact:**

The bill does not provide an appropriation or identify a funding source for the reimbursement of per diem and travel expenses of the Children's Health and Environmental Protection Advisory Committee members. The Department of Environmental Protection would have to support the advisory committee and pay the member's per diem and travel costs with existing resources. The Department of Environmental Protection estimates that a minimum of \$50,000 is necessary to cover the committee member's per diem and travel costs.

**VI. Technical Deficiencies:**

On page 3, line 12, the bill says that the Advisory Committee is to be composed of 13 members, although the following lines in the bill specify 14 members.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Health, Aging and Long-Term Care:

(Technical) Provides that total membership on the Advisory Committee is 14 members.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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