

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.)

Date: April 15, 1998 Revised: _____

Subject: Community Environmental Health Protection

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Williams</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable/CS</u>
2.	<u>_____</u>	<u>_____</u>	<u>CA</u>	<u>Withdrawn</u>
3.	<u>_____</u>	<u>_____</u>	<u>WM</u>	<u>Withdrawn</u>
4.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
5.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

I. Summary:

Committee Substitute for Senate Bill 1868 establishes the “Florida Community Environmental Health Protection Act.” The bill provides legislative findings, applicable definitions, program creation, and program purposes. The bill designates areas of the state in which community environmental health pilot projects are to be developed, including specific areas within Escambia County, Broward County, Palm Beach County, Pinellas County, Dade County, Polk County, Hillsborough County, and Duval County. Each project is authorized to create a Community Environmental Health Advisory Board. The bill requires each board to prepare a report to the legislature. The bill provides duties for the Department of Health. The bill establishes the Center for Environmental Equity and Justice at Florida A&M University, and specifies the purposes of the center. The bill provides an appropriation of \$1.8 million for the pilot projects and \$500,000 for the center, and specifies the project allocations and purposes for which the appropriated funds may be used.

The bill creates sections 381.102, 381.103, 381.104, 381.105, 381.106, 381.107, and 240.707, Florida Statutes, and creates an undesignated section of law.

II. Present Situation:

On February 11, 1994, The President of the United States issued Executive Order 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”). The Order directed all federal agencies with a public health or environmental mission to assure that minority and low-income populations are afforded a just implementation of federal policies and activities. It defined environmental justice as “the fair treatment of all people of all races, cultures and income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.” Tracking of agency compliance was

assigned to the Environmental Protection Agency (EPA). On April 3, 1995, the EPA published its environmental equity strategy in which it indicated a preference for partnerships with units of government and communities for the identification and remediation of hazardous health effects.

Also in 1994 the Florida Legislature enacted chapter 94-219, Laws of Florida, which placed in state law a parallel process for the examination of the incidence and effects of environmental hazards upon the state population. Created by the act at the Florida Agricultural and Mechanical University was the Florida Environmental Equity and Justice Commission which undertook a state-specific review of environmental threats along five separate dimensions: health effects and risks; enforcement and evaluation; local government site placement; rules and non-rules policies of the Florida Department of Environmental Protection; and case study reviews. The Commission's Final Report was issued in July 1997 and attempted to build upon prior studies which catalogued the high incidence of hazardous site placements in minority neighborhoods and the presumptively adverse health effects they caused upon the host communities and their citizens.

In 1995 the Legislature enacted chapter 95-295, Laws of Florida, which commissioned a study by the Risk-Based Priority Council of the types of information needed by state agencies for the preparation of environmental impact statements to provide policy makers with timely and informative data necessary for the assessment of scientific risks and benefits. The Council issued a report in December 1996 in which it recommended creation of a Science Advisory Board to provide routine, external advice on the risk assessment process in the agency execution of statutory policy.

Chapter 97-297 created the Brownfields Development Act (ss. 376.77-376.83, F.S.) which committed the state to work in concert with federal and local agencies on the remediation of abandoned industrial and commercial properties believed to be subject to environmental contamination. At that time there were 1,562 sites identified by state authorities as meeting those criteria and another 893 identified by the EPA as meeting criteria for Superfund review. The Brownfields Initiative has as one of its objectives the revitalization of these sites so they may be returned to the host communities as part of a productive industrial, employment, and property tax base. A significant feature of the act was the emphasis on redevelopment and economic incentives to encourage the private sector to redevelop these often blighted urban properties. The 1997 legislation also provided grants to certain local governments to be used to set up and implement a program which promotes brownfield redevelopment.

The Department of Health currently provides limited epidemiological, toxicological, and educational services to federal Superfund sites by performing public health assessments designed to estimate exposures and predict likely illnesses. The department also responds to citizen inquiries regarding environmental pollution and possible health effects.

III. Effect of Proposed Changes:

Section 1. Creates s. 381.102, F.S., providing the short title, the "Florida Community Environmental Health Protection Act."

Section 2. Creates s. 381.103, F.S., providing legislative findings regarding matters relating to community environmental health protection, including state commitment, impact on low-income communities, state progress in addressing community needs, the need to further address the public health needs of low-income communities that are exposed to contaminated sites, the need for a series of pilot projects for demonstration purposes, the benefits of cooperative efforts to address these issues, and the ability of the state to leverage additional resources from federal and private sources to address these issues.

Section 3. Creates s. 381.104, F.S., providing definitions of the terms “low-income community,” and “contaminated site.”

Section 4. Creates s. 381.105, F.S., providing for creation of the Community Environmental Health Program, and specifying the program’s purposes. These purposes are: 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; and to ensure the collection of information and data on health effects potentially caused by acute and chronic exposure to environmental contaminants so that the information and data may be used for research, education, and the improvement of decision-making on sustainability goals.

Section 5. Creates s. 381.106, F.S., providing for the establishment of program pilot projects within the Department of Health: the functions of the projects and the scope and nature of the projects. Pilot projects must be established to serve low-income communities surrounding specific sites in Escambia County, Broward County, Palm Beach County, Pinellas County, Dade County, Polk County, Hillsborough County, and Duval County. The Department of Health is authorized to establish a Community Environmental Health Advisory Board for each pilot project, the majority of the board members of which must be low-income beneficiaries of the pilot project, and which must include representatives of the local county health department, health care professionals and providers, and elected officials. The board must oversee the functions and operations of the pilot project and prepare a report for the legislature that discusses the progress of the pilot project toward achieving its stated goals and recommends future courses of action.

Section 6. Creates s. 381.107, F.S., providing duties of the Department of Health relating to: low-cost health services, including disease prevention and health promotion; translation of pilot project techniques and approaches to other similar areas of the state; a proactive, rapid identification system; evaluating human health consequences of exposure to environmental contamination; a registry for tracking health problems; environmental education and outreach programs; communication between government and communities; and data collection.

Section 7. Creates s. 240.707, F.S., providing for the establishment of the Center for Environmental Equity and Justice at Florida A&M University, and specifying the center’s purposes.

Section 8. Provides a total appropriation of \$1.8 million for fiscal year 1998-99, with \$200,000 allocated for each of the named projects and the Department of Health. Funds are to be used for delivery of health services, maintenance of the voluntary boards, and resources for accessing the delivery of health services through government and third-party coverage. This section also appropriates \$500,000 from General Revenue for the center at Florida A&M University.

Section 9. Provides a July 1, 1998, effective date.

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:

Those citizens who reside near contaminated sites in which the specified projects are to be implemented may benefit from the implementation of these projects and the findings from the overall project findings. In addition, those citizens who reside in similar areas in other portions of the state could see benefits from overall project findings.

Conversely, citizens who live “in the shadow” of contaminated or polluted sites may feel a false sense of hope from the adoption of this measure. Human health effects from contamination and pollution of the sort addressed by this measure are not easily detected, documented, or ameliorated. The proposed pilot projects may or may not identify a “problem” that can be addressed, and the bill certainly does not provide adequate resources for the health care services envisioned in the bill.

C. Government Sector Impact:

The bill appropriates \$1.8 million from General Revenue sources for the pilot activities. The named pilot sites and the Department of Health will each receive \$200,000 of this allocation. The bill also appropriates \$500,000 from General Revenue for the Center for Environmental Equity and Justice.

The Department of Health reports that the registry and rapid identification systems required under the bill are not currently in place and will need to be established. In addition, the department will need to enhance and expand current educational programs and establish outreach initiatives that are site specific.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.