

STORAGE NAME: h3641a.ag
DATE: March 31, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3641

RELATING TO: Eradication of Agricultural Pests

SPONSOR(S): Representative Murman

COMPANION BILL(S): CS/SB 926 (s) by Agriculture and Senator Lee

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE YEAS 8 NAYS 0
 - (2) GENERAL GOVERNMENT APPROPRIATIONS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

House Bill 3641 requires the Department of Agriculture and Consumer Services (DACS) to study the effects of pesticides on humans, animals, and the environment when used for emergency eradication of plant pest infestations. The bill also charges DACS with developing a system for notifying the public, as well as the Governor and remaining Cabinet members, about the pesticide application for the duration of the infestation. DACS is also responsible for the dissemination of pertinent information to the public about the eradication program. The Department of Health (DOH) is charged with assisting DACS in accomplishing these tasks.

The bill authorizes DOH to monitor health problems resulting from chemical exposure to aerial spraying or pesticide application and to provide technical assistance to health care providers in the affected zones. DOH is also held responsible for establishing a toll-free hotline for registering complaints and reporting problems.

The bill requires DOH to obtain independent expert opinions on safety issues relating to the pesticide application and to contract with an independent chemical expert, who shall provide information to the public and to DACS.

Please refer to Section III for an analysis of the fiscal impact of this legislation.

Please see Section VI for amendments adopted in the Committee on Agriculture.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Under s. 570.07, F.S., the Department of Agriculture and Consumer Services (DACS) has the power to declare an agricultural emergency and to promulgate rules and issue orders which will be effective during the emergency. However, there are no specific state or federal statutes requiring notification of the public before pest eradication begins.

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requires that any pesticide sold or distributed in the United States must first be registered for specific use patterns, i.e. commercial use only, with the Environmental Protection Agency (EPA). If a state or federal agency wishes to use a certain pesticide not registered for the use the state/federal agency wishes to employ, the agency must receive an exemption from the EPA under section 18 of FIFRA. Section 18 of FIFRA authorizes EPA to exempt a state or federal agency from the provisions of FIFRA, if EPA determines that emergency pest conditions exist.

The section 18 exemption states that the state or federal agency must comply with federal guidelines in its use of the pesticide. These guidelines provide that:

- all applicable environmental laws and regulations will be followed;
- all program personnel will be instructed on procedure and proper use of equipment and materials;
- all materials will be used, handled, stored, and disposed of according to applicable laws to minimize potential impacts to human health and the environment;
- all applications will be made and timed in such a manner as to avoid potential impact to the public and to non-target organisms, including endangered and threatened species; and
- environmental monitoring will be coordinated with federal, state, and county personnel, including monitoring of the environmental fate of program chemicals, identification of adverse effects on public health and wildlife, as well as monitoring of quality assurance and control of environmental monitoring activities.

B. EFFECT OF PROPOSED CHANGES:

This bill requires the Department of Agriculture and Consumer Services (DACS) and the Department of Health (DOH) to work together, in the event of an aerial spraying or application of pesticide in a residential area, to inform the public of the:

- pesticide application schedule;
- effects of the pesticide on the human population, as well as plant and animal life, and the environment;
- recommended safety precautions;
- alternative eradication methods; and
- a listing of health care professionals trained in health problems relating to chemical exposure.

DOH would also be responsible for monitoring health problems resulting from chemical exposure and for establishing a toll-free hotline for registering complaints and reporting problems.

DACS would be responsible for notifying the public, using all reasonable methods, 48 hours prior to the first application of pesticide, and updating the public weekly for the duration of the emergency response. DACS would also be responsible for keeping the Governor and the remaining Cabinet members updated on the progress of the eradication efforts on a weekly basis until the infestation is eradicated.

And lastly, DOH would be responsible for obtaining independent expert opinions on safety issues relating to pesticide application and would contract with an independent chemical expert, who would provide information to the public and to DACS.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes. By establishing a public notification system and a toll-free hotline at the onset of the emergency response, the framework is set for handling public concern. The bill also requires the Department of Health to advise the Department of Agriculture and Consumer Services on rule standards for determining when the use of a particular pesticide should be discontinued.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. The Department of Health is required to provide various services during an eradication program.

(3) any entitlement to a government service or benefit?

The public will benefit from the early notification system and the dissemination of information regarding the emergency response.

b. If an agency or program is eliminated or reduced: **Not applicable.**

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes. Because of the early notification of pesticide application and the dissemination of information regarding the pesticide and its effects, individuals can take a proactive stance in the eradication response.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment: **Not applicable.**

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

b. Does the bill directly affect the legal rights and obligations between family members?

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. STATUTE(S) AFFECTED:

The bill does not affect existing statutes. It creates new language for which chapter and section numbers have not been assigned.

E. SECTION-BY-SECTION RESEARCH:

Section 1: When an emergency response involves aerial spraying or the application of pesticides to a residential property by means other than aerial spraying, the Department of Agriculture and Consumer Services (DACS) shall:

1. Study the effect of each pesticide used and its effect on human populations, plant and animal life, and the targeted pest, and
2. Develop a plan for notifying the public about the eradication program, i.e. the pest, the pesticide and its effects on the human population and environment, recommended safety precautions, alternative eradication methods, and a listing of health care professionals specializing in health problems resulting from chemical exposure.

The Department of Health (DOH) shall assist DACS in carrying out these duties.

Section 2: DOH shall be responsible for monitoring health problems resulting from chemical exposure when aerial spraying or pest application occurs in residential areas. DOH shall establish a toll-free hotline for registering complaints and reporting problems. DACS and DOH shall work together to determine when the use of a particular pesticide should be discontinued.

Section 3: DACS is required to notify the public, using all reasonable methods, 48 hours prior to the first application of pesticide. DACS will continue to update the public weekly until eradication efforts have been concluded.

Section 4: DOH shall provide to health care providers within the eradication zone technical assistance relating to health problems resulting from chemical exposure.

Section 5: DOH shall obtain independent expert opinions on safety issues relating to the pesticide application and shall contract with an independent chemical expert, who shall provide information to the public and to DACS.

Section 6: The Commissioner of Agriculture is required to notify the Governor and remaining members of the Cabinet 48 hours prior to the first application of pesticide and continue to update them weekly until eradication efforts have been concluded.

Section 7: Provides an effective date of July 1, 1998.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

<u>DACS</u>	<u>Year 1</u> <u>FY 98-99</u>	<u>Year 2</u> <u>FY 99-00</u>	<u>Year 3</u> <u>FY 00-01</u>
OCO (Standard package) - (GR)			
Professional 2 FTE @ \$3,215	\$ 6,430	\$ -0-	\$ -0-
Clerical 1 FTE @ \$3,215	3,215	-0-	-0-
Other (1 motor vehicle)	20,000	-0-	-0-

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AGMIC (GR)	<u>3,215</u>	<u>-0-</u>	<u>-0-</u>
Total Non-recurring Costs (DACS)	<u>32,810</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
<u>DOH</u>			
OCO (Standard package)			
Furniture package	2,855	-0-	-0-
Laptop computers 2 @ \$3,837	7,674	-0-	-0-
Desktop computers	1,809	-0-	-0-
Printer	800	-0-	-0-
Network	598	-0-	-0-
Installation of hotline number	<u>50</u>	<u>-0-</u>	<u>-0-</u>
Total Non-recurring Costs (DOH)	<u>13,786</u>	<u>-0-</u>	<u>-0-</u>
Total Non-recurring Costs (DACS/DOH)	\$ 46,596	-0-	-0-

2. Recurring Effects:

DACS

Positions (Leon County) (GR)			
1 FTE-4281 Environmental Admin.	\$ 62,862	\$ 64,748	\$ 66,690
1 FTE-4812 Environmental Spec. III	49,223	50,700	52,221
1 FTE-0093 Sr. Word Proc. Sys. Opr.	<u>26,553</u>	<u>27,350</u>	<u>28,171</u>
Expenses (Standard package) (GR)			
Professional 2 FTE @ \$6,891	13,782	13,782	13,782
Clerical 1 FTE @ \$5,364	5,364	5,364	5,364
Travel	<u>3,500</u>	<u>3,500</u>	<u>3,500</u>
Other - Environmental Study			
Contract Funds (GR)			
Pesticide Environ. Fate Studies	500,000	500,000	500,000
Pesticide Ecological Toxicity Studies	<u>250,000</u>	<u>250,000</u>	<u>250,000</u>
Total Recurring Costs (DACS) (GR)	\$911,284	\$915,444	\$919,728

DOH

Positions			
Environmental Specialist III	35,833	47,777	-0-
OPS Hotline (ES II)	-0-	-0-	50,275
OPS Surveillance ES III	-0-	-0-	40,781
OPS Health Effects (Pay grade 26)	<u>-0-</u>	<u>-0-</u>	<u>9,284</u>
Expenses			
Consultant Toxicologist (contracted)	260,000	260,000	30,000
Article retrieval and reproduction	900	900	-0-
Professional expense pkg. (12 mos.)			
Environmental Specialist III	18,373	18,373	-0-

Non-standard travel	-0-	-0-	3,660
Web page development	6,000	6,000	-0-
"Lay" information sheet	-0-	-0-	38,000
Physician information sheet	-0-	-0-	1,200
Physician seminars	-0-	-0-	15,000
Hotline (Installation \$150 first year only)	270	120	-0-
Hotline usage charge	-0-	-0-	16,875
Laboratory Cost			
Applicators	-0-	-0-	1,800
Residents	<u>-0-</u>	<u>-0-</u>	<u>7,500</u>
Total Recurring Costs (DOH)	<u>321,376</u>	<u>333,170</u>	<u>214,375</u>
Total Recurring Costs (DACs/DOH)	<u>1,232,660</u>	<u>1,248,614</u>	<u>1,134,103</u>
Total Costs (DACs/DOH)	\$1,279,256	\$1,248,614	\$1,134,103
Total Revenues (DACs/DOH)	-0-	-0-	-0-

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

The fiscal impact on county health departments would vary significantly with the size and duration of the eradication program. For a large program similar to the Medfly program in central Florida, substantial resources would be required for a relatively short period of time. Some of the temporary positions added during an emergency, such as the Medfly eradication, would be located in the county, but are included in the DOH budget for this analysis.

2. Recurring Effects:

See above.

3. Long Run Effects Other Than Normal Growth:

See above.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

The cost cannot be accurately estimated because the size and duration of the eradication programs are not known.

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The fiscal impact of the program on the Department of Health (DOH) or the Department of Agriculture and Consumer Services (DACS) cannot be accurately determined because the number or severity of eradication programs that would occur in any given year cannot be predicted. DACS has identified five to ten exotic pests that will likely reach Florida within the next three years. The effort needed to monitor the health problems that might be related to the eradication program will vary with the area to be treated and the length of time pesticides would be applied. The number of phone lines and personnel needed to operate the hotline would also vary with the size and duration of the eradication program. Based on past eradication programs, the costs for a three month program could range from finding one fly in one county, which cost \$100,000-\$150,000 in 1991, to the recent medfly eradication program, which cost \$10,000,000 for the first three months of a 10-11 month program of eradication.

Section 5 of the bill indicates that DOH "shall cooperate" with DACS during an eradication program. The proposed responsibilities of DOH are too vague for the fiscal impact to be determined. This section also requires DOH to hire outside experts to determine the safety of the pesticide usage and contract with an "independent chemical expert" who will provide safety information directly to the public. If only 48 hours notice is provided before an eradication program begins, it is not possible for DOH to seek such an expert. If these experts must be retained in the event they are needed, the cost could be substantial.

Funding is currently not available to generate research or study information beyond what is available in the literature or from pesticide registrants. A significant degree of uncertainty exists relative to interpretation of the bill's requirement to study the effect of each pesticide to determine its effects on humans and the environment. As a result, conservative estimates for recurring multi-year research contracts for environmental fate and eco-toxicity data generation were included. More comprehensive research (i.e., mesocosm studies, extensive biological monitoring, etc.), if needed, could increase data generation costs significantly. The three (3) positions, requested by DACS, are necessary to manage the research contracting process, to compile and maintain appropriate data, and to summarize and generate public information about the environmental impacts of pesticides.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The costs to counties and municipalities cannot be accurately estimated because the size and duration of the eradication programs are not known.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 3641 does not reduce the revenue raising authority of any county or municipality.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

HB 3641 does not reduce any state tax revenues shared with counties and municipalities.

V. COMMENTS:

According to DOH, while the intent of this bill is commendable, there will be a significant fiscal impact for DOH. Funding is not provided for activities that have potential for substantial fiscal and workload impacts. There are no provisions for DOH to actively participate in the studies to determine the potential adverse effects of the use of the pesticides. Any pesticide has the potential for adverse effects on human health or the environment or it would not be efficacious as a pesticide.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Representative Murman offered a strike-everything amendment making HB 3641 identical to CS/SB 926. The basic changes in the original bill are:

- Rather than studying the effects of each pesticide used, the Department of Agriculture and Consumer Services (DACS) is required to use pesticides previously approved by the United States Environmental Protection Agency for eradication purposes.
- In the strike-everything amendment, notice for notification was changed from 48 to 96 hours. However, Representative Ziebarth offered an amendment to the amendment to switch the notice back to 48 hours. The amendment to the amendment was adopted.
- Rather than contracting with an independent expert on safety issues relating to pesticide application, the Department of Health (DOH) is authorized to establish a health advisory committee consisting of seven members, who will serve as a resource to DOH and DACS.
- The strike-everything amendment had provided for notification of the Governor and the Cabinet on the progress of the eradication efforts, as did the original bill. However, Representative Ziebarth offered an amendment to the amendment eliminating the requirement for notifying the Governor and the Cabinet. The amendment to the amendment was adopted.
- The strike-everything amendment provides a definition for "urbanized area."

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VII. SIGNATURES:

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