

STORAGE NAME: h4393.hcs

DATE: April 14, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE SERVICES
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4393

RELATING TO: Community Environmental Health Protection

SPONSOR(S): Representative Greene

COMPANION BILL(S): SB 1868

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

- (1) HEALTH CARE SERVICES
 - (2) ENVIRONMENTAL PROTECTION
 - (3) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

HB 4393 creates the "Florida Community Environmental Health Protection Act" to provide new resources and efforts to promote disease prevention and health protection among low-income people living in communities close to Superfund or Brownfield sites through partnerships with health care providers, state agencies, and other interested parties.

The bill provides for community environmental health pilot projects to be developed to serve Escambia County, Broward County, Palm Beach County, Pinellas County, Dade County, and two additional unspecified sites to be chosen by the Department of Health. Each project is authorized to create a voluntary board of directors, and each board is required to prepare a report to the Legislature.

HB 4393 also provides for legislative intent and applicable definitions.

This bill provides an appropriation of \$1.6 million, and specifies the project allocations and purposes for which the appropriated funds may be used.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The United States Environmental Protection Agency was established in 1970 in response to growing concerns about the problems and difficulties in protecting public health and improving environmental conditions in our country. These concerns included unhealthy air, polluted rivers, unsafe drinking water, and waste disposal. One finding of the EPA is that people of color and low-income communities experience higher exposure to toxic pollutants than the general population.

In 1980, Congress created the Superfund program as a result of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLA was amended by the Superfund Amendments and Reauthorization Act of 1986. These acts established broad authority for the government to respond to problems posed by the release, or threat of release, of hazardous substances, pollutants, or contaminants. CERCLA also imposed liability on those responsible for releases and provided the authority for the government to undertake enforcement and abatement action against responsible parties. Working through the EPA and state governments, Superfund identifies, investigates, and remedies these problem areas.

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.

In 1994, President Clinton issued Executive Order 12898 to establish environmental justice as a national priority. The Order defined environmental justice as "the fair treatment of all people of all races, cultures, and income with respect to development, implementation and enforcement of environmental laws, regulations and policies," and 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. The EPA was assigned the task of tracking agency compliance with the Order.

In 1994, Florida also addressed environmental equity issues at the state level by enacting ch. 94-219, Laws of Florida. This law created the Environmental Equity and Justice Commission administered by the Florida Agricultural and Mechanical University to examine the incidence of effects of environmental hazards upon the state populations. The commission was to submit a report to the Legislature, after it conducted a thorough evaluation of the relationship between racial minority and low-income communities and the siting of hazardous facilities posing environmental risks. In 1997, the Commission's Final Report was issued. The report attempted to build upon prior studies which catalogued the high incidence of hazardous site placements in minority neighborhoods and the presumptively adverse health effects upon host communities and their citizens.

The Legislature commissioned a study by the Risk-Based Priority Council in 1995 to be used in the development of rules related to the protection of human health. The Council was to study 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. In 1996, the Council issued a report recommending the creation of a Science Advisory Board to provide routine, external advice on the risk assessment process in the agency execution of statutory policy.

In 1997, the Legislature created the Brownfields Development Act, sections 376.77-376.83, F.S. In the last several years there has been an increasing interest in brownfield site redevelopment throughout the nation. A brownfield is defined as an "abandoned, idled or underused industrial and commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination." For both older and newer cities, brownfield industrial sites are both a resource, in that they are usually well situated and possess existing infrastructure, and a liability, in that they usually have environmental problems. Nationally, brownfields represent an enormous waste of resources. It is estimated that there may be from 100,000 to 450,000 brownfield sites nationwide.

Florida's Brownfields Development Act committed the state to work in concert with federal and local agencies on the remediation of abandoned industrial and commercial properties thought to be subject to environmental contamination. At the time the Act was passed, there were approximately 1,562 sites identified by state authorities as hazardous, and an additional 893 sites listed in the EPA's Environmental Response Compensation and Liability Information System (CERCLIS). The CERCLIS list is used by the EPA to track the potentially contaminated sites evaluated under the federal Superfund program.

One of the objectives of the Brownfields Initiative is the revitalization of these hazardous sites so that they can be returned to the host communities as part of a productive industrial, employment, and property tax base. The Act emphasized 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 implement a program for the promotion of brownfield redevelopment.

B. EFFECT OF PROPOSED CHANGES:

The "Florida Community Environmental Health Protection Act" will be established to provide new resources and efforts to promote disease prevention and health protection among low-income people living in communities close to Superfund or Brownfield sites through partnerships with health care providers, state agencies, and other interested parties.

Community environmental health pilot projects will be developed to serve Escambia County, Broward County, Palm Beach County, Pinellas County, Dade County, and two additional unspecified sites to be chosen by the Department of Health. Each project will be authorized to create a voluntary board of directors, and each board will be required to prepare a report to the legislature.

An appropriation of \$1.6 million will be provided.

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?

No.

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

Yes, the Department of Health will be required to monitor and report health effects possibly caused by environmental hazards, and it requires the creation of the "Florida Community Environmental Health Protection Act."

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

No.

b. If an agency or program is eliminated or reduced:

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

N/A

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

N/A

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

N/A

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?

No.

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

No.

5. Family Empowerment:

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

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 381.102, 381.103, 381.104, 381.105, 381.106, and 381.107, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Creates s. 381.102, F.S., to provide that ss. 381.102-381.107, F.S. may be cited as the "Florida Community Environmental Health Protection Act."

Section 2. Creates s. 381.103, F.S., relating to community environmental health protection, to provide for the state's commitment to the economic environmental, and public health revitalization of its communities.

Section 3. Creates s. 381.104, F.S., to define the term "low-income community of color" to mean a contiguous grouping of residences with a significant portion of occupants who cannot afford to receive health care services and are African-American, Asian-American, Hispanic, or Native-American.

Section 4. Creates s. 381.105, F.S., providing for the creation of the Community Environmental Health Program to ensure the availability of public health services to members of low-income communities and communities of color that may be adversely affected by contaminated sites and to ensure the collection of information and data on health effects potentially caused by exposure to 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., to establish Community Environmental Health Program pilot projects to promote disease prevention and health protection among low-income people who live in communities that have Superfund or Brownfield sites. Pilot projects must be established to serve: Escambia County, Broward County, Palm Beach County, Pinellas County, Miami-Dade County, Liberty City, and Brownsville, and two additional low-income communities of color in the state chose by the Department of Health. Each pilot project is authorized to establish a voluntary board of directors of which the majority of board members must be low-income beneficiaries of the pilot project, and which must include representatives of the local county health department, health care professional and providers, and elected officials.

Section 6. Creates s. 381.107, F.S., relating to duties of the Department of Health, to provide that the Department of Health: assist the board of directors in obtaining low-cost health services designed to treat the effects of exposure to contaminants and ensure disease prevention and health promotion; develop a proactive, rapid identification system and explore methodologies for evaluating the health impact of exposure to pollution; develop a registry for tracking health problems; develop environmental education and outreach programs; implement communication between affected communities and government agencies; and collect data on potential environmental health effects of pollution.

Section 7. Provides a total appropriation of \$1.6 million for fiscal year 1998-99. Each of named projects, the two projects chosen by the Department of Health which meet the purposes of the pilot project, and the Department of Health is allocated \$200,000. Funds are to be used for: delivery of health services; maintenance of the voluntary boards of directors; resources for accessing the delivery of health services through Medicare, Medicaid, and third-party coverage; and ensuring quality assurance and quality control for the implementation of pilot projects.

4. Total Revenues and Expenditures:

Department of Health

TOTAL REVENUES:	\$0	\$0
TOTAL EXPENDITURES:	\$154,000	\$200,000

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

Citizens who reside near contaminated or polluted sites in which the specified projects are to be implemented may benefit from the implementation of these projects.

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

N/A

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues.

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

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A strike everything amendment has been drafted to conform to the Senate bill. The amendment makes the following changes to the bill:

- Adds to the legislative findings that it would be beneficial to provide resources in this state to undertake a series of pilot projects to ensure health care for low-income persons living in communities adversely affected by contaminated sites;
- Removes the term and definition for "low-income community of color" and adds the term and definition for "low-income community." A definition for "contaminated site" is also added;
- Provides that the Community Environmental Health Program pilot projects are established within the Department of Health;
- Removes the provision allowing for two pilot projects to be established in communities decided upon by the department and adds Polk County, Hillsborough County, and Duval County to the list of communities in which pilot projects are to be established;
- Provides that the Department of Health shall establish a Community Environmental Health Advisory Board for each pilot project;
- Provides that the Department of Health shall facilitate the application to other appropriate Superfund sites and Brownfield areas in the state the techniques and approaches developed by the pilot project to ensure health care for low-income persons living in communities with contaminated sites;
- Establishes the Center for Environmental Equity and Justice at Florida A & M University for the purpose of conducting and facilitating research, developing policies, and engaging in education, training, and community outreach with respect to the fair treatment of all people of all races, cultures, and incomes with respect to the development, implementation and enforcement of environmental laws, regulations, and policies;

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- Increases the appropriated sum from the General Revenue Fund during fiscal year 1998-1999 to \$1.8 million to cover expenses for the additional pilot project; and
- Provides for a sum of \$500,000 to be appropriated from the General Revenue Fund to Florida A & M University for the Center for Environmental Equity and Justice during fiscal year 1998-1999.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE SERVICES:

Prepared by:

Legislative Research Director:

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