

By Senator Lee

23-809A-98

1                                   A bill to be entitled  
2           An act relating to eradication of agricultural  
3           pests; prescribing additional duties of the  
4           Department of Agriculture and Consumer Services  
5           and the Department of Health with respect to  
6           programs of emergency application of pesticide  
7           for eradication of plant pests; requiring  
8           studies of pesticides and of health issues  
9           relating to their use; requiring development of  
10          a system for informing the public of such  
11          programs and requiring public and other notice  
12          of certain programs of pest eradication;  
13          providing for information to be furnished to  
14          health-care providers; providing an effective  
15          date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. To carry out its duties with respect to  
20 emergency responses to plant pest infestations when the  
21 eradication programs involve aerial pesticide spraying or the  
22 application of pesticides to residential property by means  
23 other than aerial spraying, the Department of Agriculture and  
24 Consumer Services shall:

25           (1) Study the effect of each pesticide that the  
26 department uses. The study must address the effects of the  
27 pesticide on human populations, on plant life, on animal life  
28 other than human populations, and on the target pest.

29           (2) Provide a system for dissemination of information  
30 to the public about infestations of pests that are the subject  
31 of such eradication programs. The system shall disseminate

1 information relating to the pest; the pesticide selected to  
2 eradicate that pest; the effects of the pesticide on the human  
3 population and the environment in the area in which an  
4 eradication program will be conducted; recommended safety  
5 precautions; the alternative methods of responding to the pest  
6 infestation; and the names, addresses, and telephone numbers  
7 of physicians and health care facilities in the area in which  
8 the eradication program will be conducted which specialize in  
9 health problems resulting from chemical exposure. The  
10 department of Health shall assist the Department of  
11 Agriculture and Consumer Services in carrying out its duties  
12 under this subsection.

13       Section 2. At any time when the Department of  
14 Agriculture and Consumer Services is conducting an emergency  
15 response to a plant pest infestation which involves aerial  
16 spraying of pesticide or the application of pesticide to  
17 residential property by means other than aerial spraying, the  
18 Department of Health shall monitor health problems that result  
19 from chemical exposure about which complaints are made to  
20 physicians and health care facilities. The Department of  
21 Health shall provide a toll-free hotline on which persons may  
22 register complaints and shall make a record of all calls  
23 received on that line. With the advice of the Department of  
24 Health, the Department of Agriculture and Consumer Services  
25 shall adopt by rule standards for determining when the use of  
26 a particular pesticide should be discontinued.

27       Section 3. Before the Department of Agriculture and  
28 Consumer Services begins an emergency response to a plant pest  
29 infestation which involves aerial spraying of pesticide or the  
30 application of pesticide to residential property by means  
31 other than aerial spraying, the department shall notify the

1 public in the area in which the pesticide is to be applied of  
2 its impending action. Notice must be given at least 48 hours  
3 before beginning the eradication program. The department  
4 shall use all reasonable methods to disseminate information  
5 required under this section as widely as possible. Information  
6 to be disseminated includes: the information described in  
7 section 1(2), a copy of any Environmental Protection Agency  
8 permit or other permit under which the pesticide will be  
9 applied, and the source, including the author and the date of  
10 publication, of any technical information about the pesticide  
11 which is included in the notice; the area over which the  
12 pesticide will be applied; the predicted duration of the  
13 application period; and the number of the Department of Health  
14 toll-free hotline. When the response is conducted over a  
15 period longer than 1 week, the department shall notify the  
16 public in the area weekly of the program's continuation. The  
17 department shall notify the public in the area when a response  
18 is terminated.

19           Section 4. The Department of Health shall provide  
20 physicians and health care facilities in an area in which the  
21 Department of Agriculture and Consumer Services is conducting  
22 an emergency response to a plant infestation which involves  
23 aerial spraying of pesticide or the application of pesticide  
24 to residential property by means other than aerial spraying  
25 with technical assistance relating to health problems that  
26 result from chemical exposure.

27           Section 5. The Department of Health shall cooperate  
28 with the Department of Agriculture and Consumer Services when  
29 the latter department is carrying out an emergency response to  
30 a plant pest infestation which involves aerial spraying of  
31 pesticide or the application of pesticide to residential

1 property by means other than aerial spraying. The Department  
2 of Health shall obtain independent expert opinion on safety  
3 issues relating to pesticide application and shall contract  
4 with an independent chemical expert, who shall provide  
5 information directly to the public as well as to the  
6 Department of Agriculture and Consumer Services, which shall  
7 include that information in the notices it is required to  
8 provide.

9           Section 6. The Commissioner of Agriculture shall  
10 notify the Governor and the remaining members of the Cabinet  
11 that the Department of Agriculture and Consumer Services will  
12 begin an emergency response to a plant pest infestation which  
13 involves aerial spraying of pesticide or the application of  
14 pesticide to residential property by means other than aerial  
15 spraying at the same time the department provides public  
16 notice under section 3 and include in that notification the  
17 same information contained in the public notice. When the  
18 response is conducted over a period longer than 1 week, the  
19 commissioner shall weekly notify the Governor and the  
20 remaining members of the Cabinet of its continuation. The  
21 commissioner shall notify the Governor and the remaining  
22 members of the Cabinet when a response is terminated.

23           Section 7. This act shall take effect July 1, 1998.  
24  
25  
26  
27  
28  
29  
30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Provides for the Department of Agriculture and Consumer Services to furnish notice to the public, to the Governor, and to the Cabinet whenever it is going to commence an emergency response to a plant pest infestation which involves aerial spraying of pesticide or the application of pesticide to residential property by means other than aerial spraying. Prescribes information that must be contained in such notice. Requires the department to study pesticide effects, and to provide a system of information dissemination. Requires the Department of Health to monitor health problems resulting from pesticide application and to provide technical assistance to health-care providers.