

By the Committee on Agriculture and Senator Lee

303-1750-98

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A bill to be entitled
An act relating to eradication of agricultural
pests; prescribing additional duties of the
Department of Agriculture and Consumer Services
and the Department of Health with respect to
programs of emergency aerial application of
pesticide for eradication of plant pests;
requiring use of certain pesticides; requiring
development of a system for informing the
public of such programs and requiring public
and other notice of certain programs of pest
eradication; providing for information to be
furnished to health-care providers; providing
for health advisory committees; providing an
effective date.

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

Section 1. To carry out its duties with respect to
emergency responses to plant pest infestations when the
eradication programs involve the aerial application of a
pesticide to an urbanized area, the Department of Agriculture
and Consumer Services shall:

(1) Use a pesticide previously approved by the United
States Environmental Protection Agency for that eradication
purpose.

(2) Provide a system for dissemination of information
to the public about infestations of pests that are the subject
of such eradication programs. The system shall disseminate
information relating to the pest; the pesticide selected to
eradicate that pest; the generally accepted effects, if any,

1 of the pesticide on the human population and the environment
2 in the area in which an aerial eradication program will be
3 conducted; recommended safety precautions; and the alternative
4 methods of responding to the pest infestation, if any.

5 Section 2. At any time when the Department of
6 Agriculture and Consumer Services is conducting an emergency
7 response to a plant pest infestation which involves the aerial
8 application of a pesticide to an urbanized area, the
9 Department of Health shall monitor health problems that result
10 from chemical exposure about which complaints are made to
11 physicians and health care facilities. The Department of
12 Health shall provide a toll-free hotline on which persons may
13 register complaints and shall make a record of all calls
14 received on that line. In consultation with the Department of
15 Health, the Department of Agriculture and Consumer Services
16 shall adopt by rule standards for determining when the use of
17 a particular pesticide should be discontinued.

18 Section 3. Before the Department of Agriculture and
19 Consumer Services begins an emergency response to a plant pest
20 infestation which involves the aerial application of a
21 pesticide to an urbanized area, the department shall notify
22 the public in the area in which the pesticide is to be applied
23 of its impending action. Notice must be given at least 96
24 hours before beginning the aerial application of a pesticide
25 to an urbanized area. The department shall use all reasonable
26 methods to disseminate information required under this section
27 as widely as possible. Information to be disseminated
28 includes, but is not limited to: a copy of any
29 Environmental-Protection-Agency permit or other permit under
30 which the pesticide will be applied, and the source, including
31 the date of publication, of any technical information, if

1 available, about the pesticide which is included in the
2 notice; the projected area over which the pesticide will be
3 applied; the predicted duration of the application period; and
4 the number of the Department of Health's toll-free hotline.
5 When the emergency response to a plant pest infestation
6 requires the aerial application of a pesticide to an urbanized
7 area for a period longer than 1 week, the department shall
8 notify the public in the area of the program's continuation.
9 The department shall notify the public in the area when an
10 emergency response to a plant pest infestation which requires
11 the aerial application of a pesticide to an urbanized area is
12 terminated.

13 Section 4. The Department of Health shall provide
14 physicians and health care facilities in an area in which the
15 Department of Agriculture and Consumer Services is conducting
16 an emergency response to a plant pest infestation which
17 involves the aerial application of a pesticide to an urbanized
18 area with technical assistance relating to health problems
19 that result from chemical exposure. The Department of Health
20 shall provide the names, addresses, and telephone numbers of
21 physicians and health care facilities in the area in which the
22 eradication program will be conducted which specialize in
23 health problems resulting from chemical exposure.

24 Section 5. The Department of Health shall provide
25 technical assistance to the Department of Agriculture and
26 Consumer Services when the latter department is carrying out
27 an emergency response to a plant pest infestation which
28 involves the aerial application of a pesticide to an urbanized
29 area and shall establish a health advisory committee. The
30 committee shall consist of seven members and shall include the
31 State Health Officer, the local health officer, the poison

1 information center director, a toxicologist from the
2 Department of Agriculture and Consumer Services, a person
3 representing the state teaching hospital, a physician
4 practicing in the area, and an epidemiologist from the
5 Department of Health. The duties of the health advisory
6 committee are to serve as a resource, under the supervision of
7 the Department of Health, to the Department of Health and the
8 Department of Agriculture and Consumer Services in carrying
9 out their duties under this act; duties of the health advisory
10 committee include, but are not limited to, review of the
11 aggregate information collected from physician and hotline
12 calls.

13 Section 6. The Commissioner of Agriculture shall
14 notify the Governor and the other members of the Cabinet that
15 the Department of Agriculture and Consumer Services will begin
16 an emergency response to a plant pest infestation which
17 involves the aerial application of a pesticide to an urbanized
18 area at the same time the department provides public notice
19 under section 3 and shall include in that notification the
20 same information contained in the public notice. When the
21 response is conducted over a period longer than 1 week, the
22 commissioner shall notify the Governor and the other members
23 of the Cabinet of its continuation. The commissioner shall
24 notify the Governor and the other members of the Cabinet when
25 an emergency response to a plant pest infestation which
26 requires the aerial application of a pesticide to a
27 residential area is terminated.

28 Section 7. As used in this act, the term "urbanized
29 area" means land that is zoned for purposes other than
30 agricultural purposes and that has a residential density of
31 two or more units per acre.

1 Section 8. This act shall take effect July 1, 1998.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 926

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6 Requires the Department of Agriculture and Consumer Services,
7 when responding to a plant pest infestation that involves the
8 aerial application of a pesticide to an urbanized area, to:

8 - use a pesticide previously approved by the United States
9 Environmental Protection Agency for that eradication
10 purpose.

10 - give notice to the public at least 96 hours before
11 beginning the aerial application of a pesticide to an
12 urbanized area.

12 - disseminate the source and date of publication of any
13 technical information, if available, about the pesticide
14 and the projected area over which the pesticide will be
15 applied.

15 Requires the Department of Health to provide technical
16 assistance to the Department of Agriculture and Consumer
17 Services and to establish a health advisory committee
18 consisting of seven members:

17 - the State Health Officer

18 - the local health officer

19 - the poison information center director

20 - a toxicologist from the Department of Agriculture and
21 Consumer Services

22 - a person representing the state teaching hospital

23 - a physician practicing in the area

24 - an epidemiologist from the Department of Health

25 Provides that the health advisory committee is to serve as a
26 resource to the Department of Health and the Department of
27 Agriculture and Consumer Services in carrying out their
28 duties. The committee's duties include, but are not limited
29 to, reviewing aggregate information from physicians and
30 hotline calls.

28 Defines "urbanized area" as land that is zoned for purposes
29 other than agriculture and has a residential density of two or
30 more units per acre.

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