

**STORAGE NAME:** h1587a.ag

**DATE:** March 31, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
AGRICULTURE  
ANALYSIS**

**BILL #:** HB 1587

**RELATING TO:** Aerial Application of Pesticides

**SPONSOR(S):** Representative Murman

**COMPANION BILL(S):** SB 1760 (s) by Senator Lee

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

- (1) AGRICULTURE YEAS 10 NAYS 0
  - (2) HEALTH CARE SERVICES
  - (3) HEALTH & HUMAN SERVICES APPROPRIATIONS
  - (4)
  - (5)
- 

**I. SUMMARY:**

HB 1587 expands on the legislation passed in 1998 regarding the aerial application of pesticides. This bill allows the aerial application of a pesticide only as a last resort and requires the Department of Agriculture and Consumer Services (department) to assist the United States Environmental Protection Agency in expediting the approval process for alternative pesticides.

The Department of Health (DOH) is instructed to conduct a case-control study to determine if the aerial application of malathion has adverse health effects. The bill gives DOH access to confidential patient information for the purpose of conducting the study. The results of the study shall be made available to the Legislature, the Governor, and the Commissioner of Agriculture no later than February 1, 2001.

The time frame for notification of beginning the aerial application of a pesticide is changed from 48 to 96 hours. DOH is authorized to provide services for evaluating and, if necessary, treating cases of illness associated with the aerial application of malathion to uninsured residents in the spray zone. The total cost per patient for all diagnostic and treatment services shall not exceed \$1,000. Only persons whose illnesses meet the criteria established in the bill and who agree to participate in the study will qualify for these services.

And lastly, an appropriation of \$500,000 from the General Revenue Fund is provided to DOH to carry out these provisions. \$400,000 is provided for the purpose of conducting the study provided for in this act, and the remaining \$100,000 is for the purpose of providing evaluation and treatment to uninsured residents in the affected spray zones.

Please refer to Section VI. (Amendments) for changes to the bill made in committee.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Exotic pest infestations, such as Mediterranean Fruit Fly (Medfly), may be declared agricultural emergencies and may require aerial application of pesticides over urbanized areas.

In 1998, the Legislature passed CS/SB 926 requiring the Department of Agriculture and Consumer Services (department) and the Department of Health (DOH) to work together to effectively notify residents 48 hours prior to pesticide application and to monitor health problems resulting from the aerial application of said pesticides.

The legislation also provided for a toll-free hotline for registering complaints and reporting problems and the establishment of a health advisory committee to work with the department and DOH. The legislation required the department to use only pesticides previously approved by the United States Environmental Protection Agency.

B. EFFECT OF PROPOSED CHANGES:

**Section 1:** Declares the legislative intent that aerial application of a pesticide be used only as a last resort; also, the department shall work with the United States Environmental Protection Agency to expedite the approval process for alternative pesticides for eradication purposes.

**Section 2:** Amends s. 593.21, F.S., to authorize DOH to conduct a case-control study determining whether there are adverse health effects associated with the aerial application of malathion; gives DOH access to confidential patient information for study purposes; provides results of the study be made available to the Governor, Speaker of the House, President of the Senate, and Commissioner of Agriculture no later than February 1, 2001.

**Section 3:** Amends s. 593.22, F.S., requiring the notification period before aerial application may commence to be increased from 48 to 96 hours; authorizes DOH to provide services to uninsured residents in the spray zones by evaluating and treating cases of illness associated with the aerial application of malathion; mandates the use of the pesticide illness classification established by the United States Centers for Disease Control to establish definite or probable cases for eligibility determination for these services; allows \$1,000 per patient for diagnostic and treatment services; and, provides that treatment and diagnostic services will only be paid for those individuals who meet the criteria and participate in the study.

**Section 4:** Appropriates \$500,000 from the General Revenue Fund to DOH to carry out the provisions of this act; \$400,000 is appropriated to conduct the study; and, \$100,000 is appropriated for providing medical services to uninsured residents in the spray zones.

**Section 5:** Provides an effective date of July 1, 1999.

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 (DOH) is charged with conducting a case-control study to determine the adverse effects associated with the aerial application of malathion. DOH is also responsible for providing services to evaluate and treat cases of illness

associated with the aerial application of malathion to uninsured residents of the spray zones.

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

Yes. Uninsured residents in the affected spray zones may receive medical services up to \$1,000 per person provided the individual meets certain criteria established in the bill and the individual agrees to participate in the study.

- 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. The bill allows uninsured residents to seek treatment for adverse reactions to the aerial application of malathion.

- 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:

Sections 593.21 and 593.22, Florida Statutes

E. SECTION-BY-SECTION ANALYSIS:

Please refer to Section B. (Effect of Proposed Changes) for a section-by-section analysis.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

	<u>Year 1</u>	<u>Year 2</u>
Other Personal Services:		
Equivalent of Medical/Health Care Program		
Analyst (PG 24) (\$20.50/hour for 2080 hours + 7.65%)	\$ 45,902	\$ 0

Equivalent of (2) Environmental Specialist II (PG 22) (\$17/hour for 1040 hours + 7.65%)	38,066	0
Equivalent of Administrative Secretary (PG 12) (\$12/hour for 1040 hours + 7.65%)	<u>13,435</u>	<u>0</u>
Total OPS	97,403	0
Expense:		
Professional Package: 3 @ \$18,314*	54,942	0
Support Staff Package: 1 @ \$8,641*	8,641	0
Professional Package: 3 @ \$2,855**	8,565	0
Support Staff Package: 1 @ \$2,387**	2,387	0
Forms, surveys, and public awareness and educational materials	7,349	0
Environmental sampling costs (air, soil and water)	60,000	0
Clinical sampling costs (blood and urine)	79,388	0
Contractual services for clinical examinations and collection of biological specimens (blood and urine) (1 physician @ \$120/hour x 384 hours) (1 RN specialist @ \$20/hour x 1040 hours)	66,880	0
Medical evaluation, diagnosis, treatment and services for eligible study participants	<u>100,000</u>	<u>0</u>
Total Expense	388,152	0
Other Costs of Operation (OCO):		
(1) Standard professional OCO package	4,177	0
(1) Standard support staff package	4,177	0
(2) Compaq laptop computers w/ case (Armada 1750/6333/13.3 TFT/Win 95)	<u>6,091</u>	<u>0</u>
Total OCO	<u>14,445</u>	<u>0</u>
Total Non-recurring	<u>500,000</u>	<u>0</u>
2. <u>Recurring Effects:</u>		
None.		
3. <u>Long Run Effects Other Than Normal Growth:</u>		
None.		
4. <u>Total Revenues and Expenditures:</u>		
	<u>\$ 500,000</u>	<u>\$ 0</u>

\*Includes all recurring costs except State Personnel Assessments Costs from state standards.

\*\*Includes all non-recurring costs from state standards.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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

None.

D. FISCAL COMMENTS:

N/A

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 action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does reduce the authority that municipalities or counties have to raise revenue in the aggregate.

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

This bill does not reduce any state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A strike-everything amendment was adopted on HB 1587. The provisions of the strike-everything amendment include:

- Legislative intent that aerial application of a pesticide be used only as a last resort. Also, that the Department of Agriculture and Consumer Services (department) work with the United States Environmental Protection Agency to expedite approval of alternative pesticides and baits for eradication efforts.

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- The creation of a Pest Exclusion Advisory Committee to look at plant and animal pest infestations, both present and future, and offer solutions and recommendations to the Commissioner of Agriculture, Governor, Speaker of the House of Representatives, and President of the Senate by January 1, 2001.
- A case-control study by the Department of Health (DOH) to determine the adverse health effects associated with the aerial application of malathion and bait.
- A change in the notice requirements from 48 hours to 96 hours at the onset of the emergency aerial application of a pesticide for eradication purposes.
- The creation of a relocation program by the department to reimburse residents for temporary relocation during aerial application of malathion. Mosquito spraying and pest control application is excluded from the relocation program. Persons seeking reimbursement must be listed in the departments' pesticide registry prior to the pesticide application taking place. Only funds explicitly appropriated for such purpose will be used for the reimbursement of relocation expenses.
- An appropriation of \$10,000 from the General Revenue Fund for the operational needs of the Pest Exclusion Advisory Committee; an appropriation of \$450,000 from the General Revenue Fund to the Administrative Trust Fund of DOH for carrying out the case-control study; and; an appropriation of \$200,000 from the General Revenue Fund for costs associated with the relocation reimbursement program.

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

Prepared by:

Staff Director:

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Debbi Kaiser

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Susan D. Reese