

By Senator Lee

23-1340-99

1                                   A bill to be entitled  
2           An act relating to the aerial application of  
3           pesticides; providing legislative intent;  
4           amending s. 593.21, F.S.; directing the  
5           Department of Health to study the health  
6           effects of the aerial application of malathion;  
7           amending s. 593.22, F.S.; requiring earlier  
8           notice of the aerial application of a  
9           pesticide; providing for diagnostic and  
10          treatment costs; providing an appropriation;  
11          providing an effective date.

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

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15           Section 1. It is the intent of the Legislature that  
16 the aerial application of a pesticide be used only as a last  
17 resort for plant pest eradication. It is further the intent of  
18 the Legislature that the Department of Agriculture and  
19 Consumer Services shall assist the United States Environmental  
20 Protection Agency in expediting the approval process for plant  
21 pest eradication alternatives, including the use of Spinosad  
22 and alternative types of baits.

23           Section 2. Section 593.21, Florida Statutes, 1998  
24 Supplement, is amended to read:

25           593.21 Monitoring of health complaints by Department  
26 of Health; hotline; rulemaking authority.--At any time when  
27 the Department of Agriculture and Consumer Services is  
28 conducting an emergency response to a plant pest infestation  
29 which involves the aerial application of a pesticide to an  
30 urbanized area, the Department of Health shall monitor health  
31 problems that result from chemical exposure about which

1 complaints are made to physicians and health care facilities.  
2 The Department of Health shall provide a toll-free hotline on  
3 which persons may register complaints and shall make a record  
4 of all calls received on that line. In consultation with the  
5 Department of Health, the Department of Agriculture and  
6 Consumer Services shall adopt by rule standards for  
7 determining when the use of a particular pesticide should be  
8 discontinued. The Department of Health shall conduct a  
9 prospective, case-control study to determine whether there are  
10 adverse health effects associated with the aerial application  
11 of malathion. Notwithstanding any law to the contrary, the  
12 Department of Health shall have access to confidential patient  
13 information for the purpose of conducting the study. The  
14 results of the study shall be made available to the President  
15 of the Senate, the Speaker of the House of Representatives,  
16 the Executive Office of the Governor, and the Commissioner of  
17 Agriculture no later than February 1, 2001.

18 Section 3. Section 593.22, Florida Statutes, 1998  
19 Supplement, is amended to read:

20 593.22 Notice and information.--Before the Department  
21 of Agriculture and Consumer Services begins an emergency  
22 response to a plant pest infestation which involves the aerial  
23 application of a pesticide to an urbanized area, the  
24 department shall notify the public in the area in which the  
25 pesticide is to be applied of its impending action. Notice  
26 must be given at least 96 ~~48~~ hours before beginning the aerial  
27 application of a pesticide to an urbanized area. The  
28 department shall use all reasonable methods to disseminate  
29 information required under this section as widely as possible.  
30 Information to be disseminated includes, but is not limited  
31 to: a copy of any Environmental Protection Agency permit or

1 other permit under which the pesticide will be applied, and  
2 the source, including the date of publication, of any  
3 technical information, if available, about the pesticide which  
4 is included in the notice; the projected area over which the  
5 pesticide will be applied; the predicted duration of the  
6 application period; and the number of the Department of  
7 Health's toll-free hotline. When the emergency response to a  
8 plant pest infestation requires the aerial application of a  
9 pesticide to an urbanized area for a period longer than 1  
10 week, the department shall notify the public in the area of  
11 the program's continuation. The department shall notify the  
12 public in the area when an emergency response to a plant pest  
13 infestation which requires the aerial application of a  
14 pesticide to an urbanized area is terminated. The Department  
15 of Health shall provide services to evaluate and, if  
16 necessary, treat cases of illness associated with the aerial  
17 application of malathion to uninsured residents of the sprayed  
18 areas. The pesticide illness classification established by the  
19 United States Centers for Disease Control and Prevention shall  
20 be used to establish definite or probable cases for  
21 eligibility determination for these services. The total cost  
22 of all diagnostic and treatment services, including, but not  
23 limited to, health practitioner services, laboratory services,  
24 imaging services, and medications, may not exceed \$1,000 per  
25 patient. The costs for diagnostic and treatment services will  
26 be paid only for an individual who meets the criteria  
27 established in this section and who is included by the  
28 Department of Health as a participant in the study provided in  
29 s. 593.21.

30 Section 4. The sum of \$500,000 is appropriated from  
31 the General Revenue Fund to the Department of Health to carry

1 out the provisions of this act for the 1999-2000 fiscal year.  
2 Of this amount \$400,000 is for the purpose of conducting the  
3 study provided for in the amendment to section 593.21, Florida  
4 Statutes, by this act and \$100,000 is for the purpose of  
5 providing services to evaluate and treat illness in accordance  
6 with the amendment to section 593.22, Florida Statutes, by  
7 this act.

8 Section 5. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Directs the Department of Health to study the health effects of the aerial application of malathion. Requires the Department of Agriculture and Consumer Services to provide 4 days' notice before beginning the aerial application of malathion. Provides an appropriation for the Department of Health to conduct the study and to pay diagnostic and treatment costs for uninsured persons in sprayed areas.