

By the Committee on Health, Aging and Long-Term Care; and
Senator Lee

317-1848B-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.

12
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 when the Department of
18 Agriculture and Consumer Services conducts an emergency
19 response to plant pest infestation in an urbanized area. It is
20 further the intent of the Legislature that the Department of
21 Agriculture and Consumer Services shall assist the United
22 States Environmental Protection Agency in expediting the
23 approval process for plant pest eradication alternatives and
24 alternative types of baits.

25 Section 2. Section 593.21, Florida Statutes, 1998
26 Supplement, is amended to read:

27 593.21 Monitoring of health complaints by Department
28 of Health; hotline; rulemaking authority.--At any time when
29 the Department of Agriculture and Consumer Services is
30 conducting an emergency response to a plant pest infestation
31 which involves the aerial application of a pesticide to an

1 urbanized area, the Department of Health shall monitor health
2 problems that result from chemical exposure about which
3 complaints are made to physicians and health care facilities.
4 The Department of Health shall provide a toll-free hotline on
5 which persons may register complaints and shall make a record
6 of all calls received on that line. In consultation with the
7 Department of Health, the Department of Agriculture and
8 Consumer Services shall adopt by rule standards for
9 determining when the use of a particular pesticide should be
10 discontinued. The Department of Health shall conduct a
11 prospective, case-control study to determine whether there are
12 adverse health effects associated with the aerial application
13 of malathion and bait for the purposes of plant pest
14 eradication. The study shall be properly designed to include
15 all aerial plant pest control applications including bait
16 mixtures as well as appropriate classifications, diagnoses,
17 treatments, and monitoring of adverse-effect reactions.
18 Notwithstanding any law to the contrary, the Department of
19 Health shall have access to confidential patient information
20 for the purpose of conducting the study. The results of the
21 study shall be made available to the President of the Senate,
22 the Speaker of the House of Representatives, the Executive
23 Office of the Governor, and the Commissioner of Agriculture
24 within 18 months after the next aerial application of
25 malathion conducted by the Department of Agriculture and
26 Consumer Services occurring after July 1, 1999.

27 Section 3. Section 593.22, Florida Statutes, 1998
28 Supplement, is amended to read:
29 593.22 Notice and information.--Before the Department
30 of Agriculture and Consumer Services begins an emergency
31 response to a plant pest infestation which involves the aerial

1 application of a pesticide to an urbanized area, the
2 department shall notify the public in the area in which the
3 pesticide is to be applied of its impending action. Notice
4 must be given at least 96 ~~48~~ hours before beginning the aerial
5 application of a pesticide to an urbanized area. The
6 department shall use all reasonable methods to disseminate
7 information required under this section as widely as possible.
8 Information to be disseminated includes, but is not limited
9 to: a copy of any Environmental Protection Agency permit or
10 other permit under which the pesticide will be applied, and
11 the source, including the date of publication, of any
12 technical information, if available, about the pesticide which
13 is included in the notice; the projected area over which the
14 pesticide will be applied; the predicted duration of the
15 application period; and the number of the Department of
16 Health's toll-free hotline. When the emergency response to a
17 plant pest infestation requires the aerial application of a
18 pesticide to an urbanized area for a period longer than 1
19 week, the department shall notify the public in the area of
20 the program's continuation. The department shall notify the
21 public in the area when an emergency response to a plant pest
22 infestation which requires the aerial application of a
23 pesticide to an urbanized area is terminated. The Department
24 of Health shall provide services to evaluate and, if
25 necessary, treat cases of illness associated with the aerial
26 application of malathion and bait for the purposes of plant
27 pest eradication; however, the costs of evaluation and
28 treatment services may be paid by the Department of Health
29 only for individuals who are uninsured residents of the
30 sprayed areas and who are included by the Department of Health
31 as participants in the study provided in s. 593.21. The

1 pesticide-illness classification established by the United
2 States Centers for Disease Control and Prevention shall be
3 used to establish definite or probable cases for eligibility
4 determination for these services. The total cost of all
5 evaluation and treatment services, including, but not limited
6 to, health practitioner services, laboratory services, imaging
7 services, and medications, may not exceed \$1,000 per patient.

8 Section 4. The sum of \$550,000 is appropriated from
9 the General Revenue Fund to the administrative trust fund in
10 the Department of Health to carry out the provisions of this
11 act. Of this amount, \$450,000 is for the purpose of conducting
12 the study provided for in the amendment to section 593.21,
13 Florida Statutes, by this act and \$100,000 is for the purpose
14 of providing services to evaluate and treat illness in
15 accordance with the amendment to section 593.22, Florida
16 Statutes, by this act.

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

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 Senate Bill 1760

22 The study by the Department of Health on the adverse health
23 effects associated with the aerial application of Malathion is
24 expanded to also include the adverse health effects of the
25 bait containing the Malathion.

26 The due date of the report is changed from February 1, 2001,
27 to 18 months after the next aerial application of Malathion
28 conducted by the Department of Agriculture and Consumer
29 Services occurring after July 1, 1999.

30 An additional \$50,000 is appropriated for the study. The funds
31 appropriated are to be deposited in the administrative trust
fund in the Department of Health to be used to implement the
bill without regard to the fiscal year in which the bill is
implemented.