

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 7, 1998 Revised: _____

Subject: Environmental Equity

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>HC</u>	_____
3.	_____	_____	<u>NR</u>	_____
4.	_____	_____	<u>WM</u>	_____
5.	_____	_____	_____	_____

I. Summary:

The bill creates a center for Environmental Equity and Justice at Florida Agricultural and Mechanical University for the purposes of studying the effects of environmental hazards.

This bill creates section 760.854, Florida Statutes.

II. Present Situation:

On February 11, 1994, The President of the United States issued Executive Order 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”). The Order directed all federal agencies with a public health or environmental mission to assure that minority and low income populations are afforded a just implementation of federal policies and activities. It defined environmental justice as “the fair treatment of all people of all races, cultures and income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.” Tracking of agency compliance was assigned to the Environmental Protection Agency (EPA), which has constructed an entire website for this purpose [<http://es.epa.gov/oeca/oejbut.html>]. On April 3, 1995, the EPA published its environmental equity strategy in which it indicated a preference for partnerships with units of government and communities for the identification and remediation of hazardous health effects.

Also in 1994 the Florida Legislature enacted chapter 94-219, Laws of Florida, which placed in state law a parallel process for the examination of the incidence and effects of environmental hazards upon the state population. Created by the act at the Florida Agricultural and Mechanical University was the Florida Environmental Equity and Justice Commission which undertook a state-specific review of environmental threats along five separate dimensions: health effects and risks; enforcement and evaluation, local government site placement; rules and non-rules policies of

the Florida Department of Environmental Protection; and case study reviews. The Commission's Final Report¹ was issued in July 1997 and attempted to build upon prior studies² which catalogued the high incidence of hazardous site placements in minority neighborhoods and the presumptively adverse health effects they caused upon the host communities and their citizens.

In 1995 the Legislature enacted chapter 95-295, Laws of Florida, which commissioned a study by the Risk-Based Priority Council of the types of information needed by state agencies for the preparation of environmental impact statements to provide policy makers with timely and informative data necessary for the assessment of scientific risks and benefits. The Council issued a report the following year³ in which it recommended creation of a Science Advisory Board to provide routine, external advice on the risk assessment process in the agency execution of statutory policy.

The 1997 Legislature passed the Brownfields Development Act (ss. 376.77-376.83, F.S.) which committed the state to work in concert with federal and local agencies on the remediation of abandoned industrial and commercial properties believed to be subject to environmental contamination. At that time there were 1,562 sites identified by state authorities as meeting those criteria and another 893 identified by the EPA as meeting criteria for Superfund review. The Brownfields Initiative has as some of its objectives the revitalization of these sites so they may be returned to the host communities as part of a productive industrial, employment, and property tax base.

III. Effect of Proposed Changes:

Section 1. The bill creates a Center for Environmental Equity and Justice to be established at Florida Agricultural and Mechanical University.

Section 2. Provides for an effective date upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹Florida Environmental Equity and Justice Commission, *Final Report*. Tallahassee, FL: July 1997.

²Prominently cited in the Commission's *Final Report* were Commission for Racial Justice. *United Church of Christ. Toxic Waste and Race in the United States: A National Report on the Racial and Socioeconomic Characteristics of Communities with Hazardous Waste Sites*. New York: Public Data Access, 1987 and General Accounting Office. *Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities*. Washington, DC: 1987.

³*Guidelines for Risk Analysis Undertaken in Conjunction with Rule-Making*. Tallahassee, FL: December 1996.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

While the research will have no impact, the consequences of translating findings into public policy will have longer term effects on individuals and businesses.

C. Government Sector Impact:

While the research will have no impact, the consequences of translating findings into public policy will have longer term effects upon governments at all levels.

There are no funds appropriated in the Senate Appropriations Bill. A similar House measure, CS/HB 945, reports a biennial fiscal impact of \$507,999 in FY 1999 and \$506,499 in FY 2000.

The Department of Health reported a fiscal impact to the agency of \$234,382 for FY 1999 and \$687,750 for FY 2000, principally for the establishment of the data registry as a part of its vital statistics operation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Attribution of hazard exposure at the work site or residence address to particular environmental hazards will be compromised by the highly mobile and seasonal population characteristic of large parts of the State. Epidemiological studies will have to factor this seasonality into their research designs along with other human factors which may predispose persons to certain physical anomalies unrelated to location, occupation, or residence. The research rigor and complexity accompanying such studies is discussed at length in the risk assessment study cited earlier.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
