

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.)

BILL: CS/SB 1760

SPONSOR: Health, Aging and Long-Term Care Committee and Senator Lee

SUBJECT: Aerial Application of Pesticides

DATE: March 23, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Henderson</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/3 Amendments</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable/CS</u>
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Senate Bill 1760 requires the Department of Health to conduct a study to determine if there are adverse effects associated with the aerial application of Malathion and bait for plant pest eradication. It also requires the Department of Agriculture and Consumer Services to provide the public with four days notice before beginning the aerial application of Malathion. The Department of Health is required to evaluate and, if necessary, treat cases of illness associated with the aerial application of Malathion and bait. The Department of Health is required to pay the costs, within limits, of such evaluation and treatment for certain specified people. The bill provides an appropriation for the Department of Health to conduct the study and to pay evaluation and treatment costs for uninsured people in the sprayed areas.

This bill amends sections 593.21 and 593.22, Florida Statutes, 1998 Supplement, and creates two undesignated sections of law.

II. Present Situation:

The Mediterranean Fruit Fly has been detected on four separate occasions in central Florida since May 1997. The Florida Department of Agriculture and Consumer Services (DACCS) and the USDA initiated a joint eradication effort after each detection. During the 1997 interim the Senate Committee on Agriculture completed an interim report on the Review of the Mediterranean Fruit Fly Eradication Program. The report concluded that at the end of the Medfly eradication program, an assessment of its efficiency and effect on human health and the environment should be conducted.

Senate Bill 926 (Ch. 98-108, L.O.F.) passed the 1998 Legislature and became law. It requires the DACCS to use a pesticide that has been approved by the United States Environmental Protection Agency, and to inform the public regarding the Medfly Eradication Program and to notify the public at least 48 hours before beginning the aerial application of a pesticide when the infestation of medflies requires the DACCS to use aerial application.

In addition, the law requires the Department of Health (DOH) to monitor health problems that result from chemical exposure, establish a toll-free hotline so that individuals may call to register complaints, provide physicians and health care facilities with technical assistance, provide technical assistance to the DACS when an emergency arises from aerial application of a pesticide to an urbanized area, and to establish a health advisory committee.

III. Effect of Proposed Changes:

Section 1. Provides legislative intent that the aerial application of a pesticide is to be used only as a last resort for plant pest eradication when the DACS conducts an emergency response to plant pest infestation in an urbanized area. Furthermore, the DACS shall assist the United States Environmental Protection Agency in expediting the approval process for plant pest eradication alternatives and alternative types of baits.

Section 2. Amends s. 593.21, F.S., 1998 Supplement, to require the DOH to conduct a prospective, case-control study to determine whether there are adverse health effects associated with the aerial application of Malathion and bait for the purposes of plant pest eradication. The DOH is authorized to have access to confidential patient information for the purpose of conducting the study. The results of the study are to be made available to the President of the Senate, the Speaker of the House of Representatives, the Executive Office of the Governor and the Commissioner of Agriculture within 18 months after the next aerial application of Malathion conducted by the DACS occurring after July 1, 1999.

Section 3. Amends s. 593.22, F.S., 1998 Supplement, to require the DACS to provide the public with 96 hours notice before beginning the aerial application of a pesticide to an urbanized area. The DOH is required to provide services to evaluate and treat cases of illness associated with the aerial application of Malathion and bait for plant pest eradication. The total cost of all evaluation and treatment services, including the health practitioner services, laboratory services, imaging services, and medications, is capped at \$1,000 per patient. Evaluation and treatment costs will be paid by the DOH only for those individuals who are uninsured residents of the sprayed area and who participate in the DOH study as provided under section two of the bill. The pesticide-illness classification established by the United States Centers for Disease Control and Prevention is to be used to determine which individuals are eligible for services.

Section 4. Appropriates \$550,000 from the General Revenue Fund to the administrative trust fund in the DOH to provide for the requirements of this act. Of this amount \$450,000 is provided to conduct the study provided under section two and the remaining \$100,000 is for the purpose of evaluating and treating illness according to the provisions of this act.

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

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

The bill authorizes the DOH to have access to confidential patient information for the purpose of conducting the study. Although the bill itself does not protect the confidentiality of this information once it is obtained by the DOH, or exempt such information from the Public Records Law requirements, and although there is no companion public records exemption bill, s. 381.0055, F.S., protects the confidentiality of and exempts from the Public Records Law requirements, such information obtained by the DOH.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services reports that implementation of this act has no fiscal impact on that agency.

The Department of Health estimates the fiscal impact of this act as follows:

DEPARTMENT OF HEALTH FISCAL IMPACT

	Amount Year 1 FY (99-00)	Amount Year 2 FY (00-01)
Non-Recurring Costs (positions, expenses, appropriation provided in the bill)	\$550,000	-0-
Recurring Costs	-0-	-0-
Grand Total Costs	<u>\$550,000</u>	<u>-0-</u>

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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