



2014 Environmental Health Legislation

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OVERVIEW

For the 2014 legislative sessions environmental health issues garnered 2794 pieces of legislation, with several being carried-over from the 2013 legislative sessions. Half the states permit bills introduced in 2013 to carry-over into 2014; in the other half of states all bills die at the end of session.

By the end of December 2014, the legislatures in the 46 states, the District of Columbia and Puerto Rico introduced a total of 2794 bills related to environmental health, with 559 bills being enacted into law. Every state in legislative session in 2014 enacted at least one bill regarding environmental health. (Montana, North Dakota, Nevada and Texas were not in legislative session in 2014).

For purposes of this report environmental health legislation addresses environmental factors that may adversely impact human health or the ecological balances essential to long-term human health and environmental quality, whether in the natural or man-made environment. Although this term encompasses a wide variety of issues, NCSL limits its research to specific environmental health issues. Because of the drinking water issues in Charleston, WV and Toledo, OH, NCSL decided to track legislation addressing drinking water. The increase in popularity with body piercings and other forms of body art led NCSL to begin tracking that issue in 2013. And food safety legislation was incorporated into the legislative database in 2014.

The NCSL Environmental Health Legislative Database is available to the public at:
<http://www.ncsl.org/research/environment-and-natural-resources.aspx>

NCSL grouped Environmental Health Legislation into 12 topics:

- Asthma
- Body Art/Tattoo
- Children's Environmental Health
- Drinking Water
- Food Safety
- Indoor Air Quality (includes mold and radon)
- Pesticides (includes mosquito control)
- Swimming Pools
- Toxics and Chemicals (includes asbestos, lead, and mercury)
- Tracking, Surveillance, and Biomonitoring

- Water/Waste Water and
- Environmental Health Management

ASTHMA

Legislatures introduced 43 bills related to asthma, mostly to authorize the administration of epinephrine to someone in a public school who is suffering from asthma-related anaphylactic reaction. Of these, only 5 were enacted, 5 in the 2013 and one in 2014: Mississippi's Asthma and Anaphylaxis Child Safety Act (S 2218, Act No. 464), requiring schools to take certain measures regarding children with asthma.

But several innovative policies were explored. Massachusetts looked at providing asthma screening clinics at schools (H 514). New Jersey sought to make schools 'asthma friendly' (S 535). Mississippi studied three bills on administering asthma medications at schools (S 2218, H 399 and H 1145), finally adopting the Asthma and Anaphylaxis Child Safety Act (Act No. 464). New York looked at creating a Minority Coordinating Council on Asthmatic Affairs (A 7436, S 1426, S 5309).

BODY ART/MODIFICATION

Body art and modification is gaining in popularity, but many of the new trends are not covered by state law. Most states regulate tattoos and piercings, but may not have the authority to regulate tongue splitting (where the tongue is cut one or two times to create multiple tips) and subdermal implants (a kind of body jewelry which is placed under the skin to create a raised design).

50 bills were introduced in 23 states related to body modification. Of these, Illinois, Kansas, Nebraska, Utah and Vermont enacted laws in 2014. Illinois H 5858 (Act No. 936) allows for the removal of a tattoo on a minor who is a victim of trafficking. Kansas H 2154 (Act No. 2014-130) modifies the licensure requirements of cosmetologists (including body artists). Vermont H 656 (Act No. 0138) created an Office of Professional Regulation, which covers body art.

CHILDREN'S ENVIRONMENTAL HEALTH

Because children's environmental health covers a wide variety of topics, most bills overlap with other in this summary. 38 bills with some relationship to children's environmental health were enacted in the 2013-2014 sessions.

California S 1405 (Act No. 848) requires schools to submit a record of all pesticides used on school grounds. DC B 95 (Act No. 48) prohibits the use of tobacco products in playgrounds, bus stops and public recreational facilities. Illinois adopted the Smoke-Free Campus Act (S 2202, Act No. 985). Maryland H 1430 (Act No. 656) increases the number of members of the State Children's Environmental Health and Protection Advisory Council.

DRINKING WATER

Of the 182 bills introduced, 37 laws and 7 resolutions were adopted related to pollution, storage, conservation, treatment and testing, and administrative procedures related to drinking water.

California explored several laws dealing with drinking water and droughts (Acts No. 349, 188, 463, 828). CA A 2738 (Act No. 828) requires a special compliance procedure and proof of compliance for businesses that discharge specified chemicals into water sources.

Illinois amended the Public Water Supply Operations Act to ensure every community water supplier has an operator on staff (S 2770, Act No. 856). Ohio now includes recycled water as part of a private water system subject to regulation (S 179, Act No. 91). Virginia H 674 (Act No. 333) addresses human consumption in context of water supplies and waterworks, and H 1177 (Act No. 599) allows for local governments to establish reasoning drinking water testing requirements to ensure compliance with current standards, including private wells.

In response to the chemical spill in Charleston, WV last January, the legislature adopted S 373 (Act No. 187) which requires the registration and annual inspection of all above ground storage tanks. It also requires the state Bureau for Public Health to work with federal agencies to address any health effects from the chemical spill.

FOOD SAFETY

Food safety remains the most active area of environmental health, with 491 bills introduced and 87 enacted of adopted. Most states only have introduced a few bills on food safety, but certain states have introduced several. Hawaii had 102 active bills on food safety. New York had 73. New Jersey had 27, Massachusetts 25. Maine and California had 21 a piece.

Several bills from Arizona, California, Hawaii and Louisiana sought ways to comply with food safety requirements and the federal Food Safety Modernization Act (FSMA); other states, namely Idaho and New Hampshire, actively sought the repeal of FSMA.

Arizona adopted H 2436 (Act No. 210) requiring county food handler training and certificates meet accreditation standards. California amended the Retail Food Code to exclude beer tasting facilities (S 1235, Act No. 927).

A couple of bills on hand washing in California caused some issues. The Legislature passed A 1252 (Act No. 556) in 2013 that required utensils or gloves in all food preparation (and caused issues for certain food handling operations). This year the legislature countered with A 2130 (Act No. 75) that modified hand washing requirements for food handling, making the requirements less onerous.

Louisiana enacted HCR 168 and SCR 178, which creates a study committee to make recommendations regarding the implementation of FSMA.

The Minnesota legislature passed S 2060 (Act No. 163) which sets standards for farmer's markets, community events and food product sampling and demonstrations by requiring persons to provide certain information to regulatory authorities, sets food safety and equipment standards, addresses seasonal temporary food stands, and addresses fund-raisers conducted by a community-based nonprofit organization.

In New York, the legislature adopted S 2375 (Act No. 529), which requires public food services establishments to post their department of health inspection results from the past 3 years.

Tennessee enacted Act No. 182, the Tennessee Retail Food Safety Act by rewriting Retail Food Store Inspection Act of 1986, replacing the law concerning quick fast food establishments, revising and reorganizing other food safety laws, and allowing the Commissioner of Agriculture to regulate food establishments.

Utah adopted the Food Handler Permits and Food Safety Manager Act (H 176; Act No. 327), which amends provisions of the Health Code related to food handler permits and food safety managers, exempts an individual from food handler permit requirements and food safety manager requirements at charitable events, and makes technical amendments.

Cottage Foods

Cottage food bills were introduced in 11 states leading to the enactment of 8 laws, mostly providing exemptions for certain producers from state food safety requirements for non-hazardous foods. Alabama enacted S 159 (Act No. 180), which provides exemptions people selling baked goods and candies, as long as they label the foods and receive food safety training. The law also allows regulation by county health departments. California's Retail Food Safety Act (Act No. 556) also provides exemptions for cottage food operations.

The council in the District of Columbia adopted B 168 (Act No. 63), which permits cottage food businesses in the district, allowing the Department of Health to define cottage food operations. Georgia adopted H 101 (Act No. 242) which excludes charitable events from state food safety provisions. Illinois H 5657 (Act No. 660) prohibits local public health departments and other units of local government from creating guidelines for farmers' markets that are more stringent than state guidelines. Louisiana H 1270 (Act No. 542) allows for the preparation of low-risk foods at home for public sale and consumption.

Massachusetts' H 3680 (Act No. 230) exempts potluck events from state and local food safety requirements. Oklahoma H 1418 (Act No. 339) authorizes the taking home of foods from Senior Nutrition Sites, and requires the Department of Education to promulgate rules to prevent school lunch food waste and to redistribute leftover food to students in need.

In Missouri, S 525 was enacted that allows cottage food production operations an exemption from state health and food codes, requiring local governments to maintain records of complaints against such operations and requiring notification to consumers that such food has not been inspected by the state.

Hawaii also struggled with the cottage food issue, reviewing 6 bills (SCR 50, SCR 97, HCR 137, H 1992, H 2153, S 2561) that addressed everything from requiring food safety workshops for temporary food establishments to complete exemptions for the industry. In the end, only a bill convening a study committee made up of representatives from the cottage food industry and the department of health passed (HI SCR 97).

Food Labeling

From bills requiring the labeling of GM foods to labeling of allergens, state legislatures have been active on food labeling – 138 bills in 33 states. Since the beginning of 2014 52 bills have been introduced on the labeling of GM foods, with two passing in 2014: Maine H 490 and

Vermont H 112 (Connecticut's H 6527 (Act No. 183) was adopted during the 2013 session); and two resolutions being adopted: Hawaii SR 85 and Utah SJR 20.

Milk, Raw Milk

In 2014, 63 bills relating to raw milk were introduced. Bills providing consumer access to raw milk were introduced in 26 states.

California A 1390 Pasteurization of Goat Milk (Act No. 107) was enacted to exempt the requirement that goat milk be pasteurized. Hawaii passed the Milk Control Special Fund (Act No. 176) to ensure funds for the Milk Control Act. Illinois S 3157 (Act No. 958) expands the definition of milk to include sheep, water buffalo and other hooved animals. Indiana enacted H 1300 (Act No. 186) to revise and update the dairy products law. Maine passed S 444 which would exempt 'homestead foods' and raw milk from state oversight, but the Governor vetoed the bill.

Vermont passed S 70 (Act No. 0149) which permits the sale of raw milk at farmers' markets. Utah adopted SJR 20, which will study private sales of raw milk.

INDOOR AIR QUALITY

For purposes of this section, laws related to indoor air quality relate to carbon monoxide, radon, or mold. Under these categories, a total of 26 laws and 9 resolutions in 22 states were passed in 2014.

Florida enacted a comprehensive law regarding residential properties (HB 807, Act No. 2014-133). The bill exempts timeshares from annual inspection requirements and referring to them at 'public lodging establishments.' Condo associations may inspect and repair abandoned units, and charge the owner for the upkeep.

Carbon Monoxide

Laws regarding carbon monoxide detectors are being more popular. Many state statutes require carbon monoxide alarms to be installed in homes and rental units. Utah S 58 (Act No. 074) requires that buildings or structures used for educational purposes for students through grade 12 be equipped with carbon monoxide detection. Virginia S 490 (Act No. 632) requires a landlord to maintain any carbon monoxide alarm that has been installed in a dwelling unit, requires a landlord to install such alarm at the request of the tenant, authorizes the landlord to charge the tenant a reasonable fee to recover the costs of installation, and requires the installation to be in compliance with the Uniform Statewide Building Code.

Radon

Two laws were enacted and two resolutions were adopted related to radon. Iowa S 366 (Act No. 1116) requires the department of education to notify each school district and accredited nonpublic school in this state of the risks associated with radon gas and radon progeny at such attendance centers. New Hampshire S 405 (Act No. 2014-325) requires certification of airborne radon mitigation system installers with the National Radon Proficiency Program or the National Radon Safety Board. Utah S 109 (Act No. 093) requires the Department of Health, in consultation with the Division of Radiation Control, to develop an awareness campaign to educate the public regarding radon gas in buildings, including health risks, testing options and

remediation. Pennsylvania HR 640 Commemorates the month of January 2014 as 'Radon Awareness Month.'

Mold, Mildew

Georgia SR 953 created the Senate Mold and Mildew Remediation Contractor Study Committee. Louisiana enacted two bills on mold: S 66 (Act No. 572) and H 802 (Act No. 258). S 66 relates the Board of Home Inspectors to provide a written inspection report regarding the presence of mold growth. H 802 establishes the Toxic Mold Task Force.

PESTICIDES

Pesticides is another environmental health topic of interest to state legislatures. In 2014 137 bills were introduced, and 27 of these were enacted or adopted. California S 1244 (Act No. 560) extends the operation and authority of the Structural Pest Control Board. A 1685 (Act No. 304) set forth a fee schedule for companies engaged in structural pest control work.

The Maine legislature addressed standards for outdoor application of pesticides (H 1137, Act No. 88) and notice for aerial application of pesticides (H 1139, Act No. 86). Ohio S 150 (Act No. 95) requires persons who apply fertilizer for agricultural production be certified and provides for a voluntary nutrient management system.

Oklahoma S 1884 (Act No. 280) directs the Department of Agriculture to promulgate rules application, storing and disposal of pesticides, and to seek uniformity between state and federal requirements.

California adopted mosquito abatement law for wildlife areas to require notification to Fish and Wildlife of areas that exceed established mosquito population thresholds (A 896, Act No. 494). It also established a West Nile Virus and Mosquito Control Week in April (ACR 132, Act No. 48). Maine H 1299 (Act No. 548) established state policy for management disease-carrying mosquitoes, authorizing the Department of Agriculture, Conservation and Forestry to conduct mosquito management activities.

SWIMMING POOLS

Swimming pools contribute to a variety of health and safety challenges. Ten laws and a resolution were enacted or adopted in nine states.

Arizona enacted two bills regarding pools: S 1305 and H 2667. S 1305 (Act No. 78) requires new construction or major renovations to provide for locking devices on pool barrier gates. H 2667 (Act No. 215) addresses people with disabilities, with provisions to address Americans with Disabilities Act requirements for swimming pools.

Connecticut adopted S 267 (Act No. 14-50), concerning swimming pool maintenance and repair work, clarifying the scope of swimming pool maintenance and repair work and to adopt regulations concerning trade areas for which licenses are required, training and continuing professional education. Florida's H 7147 (Act No. 2014-154) relates to building construction policies, including the construction of swimming pools.

South Carolina H 5184 declared May 2014 as "Water Safety Awareness Month" to encourage public school districts to provide at least one hour of instruction on water safety during the month of May.

TOXICS AND CHEMICALS

State legislatures are becoming more active on toxics and chemicals policy, with a total of 606 bills being introduced and 92 being enacted or adopted. Legislatures sought to address environmental health threats from specific chemical agents, from specific sites, to protect vulnerable populations or to promote certain health and safety needs.

Alaska's HJR 25 urges Congress to pass the Toxic Exposure Research and Military Family Support Act of 2013 and to establish a national center for the diagnosis, treatment, and research of health conditions of descendants of veterans exposed to toxic substances. Arizona HM 2001 urges Congress to address the connection of Agent Orange and Vietnam Veterans' ailments. Hawaii's HR 19 also addresses Agent Orange and Veterans.

California S 193 (Act No. 830) requires chemical manufacturers, formulators, suppliers, distributors, importers, and their agents to provide Hazard Evaluation System and Information Service the names and addresses of their customers who have purchased specified chemicals or commercial products containing those chemicals, and certain other information upon a request from the Service. S 498 (Act No. 746) requires a solid waste facility sending materials to a biomass conversion facility to ensure the materials sent are limited to certain type of specified materials. S 712 (Act No. 833) requires the Department of Toxic Substances Control to issue a final permit decision on an application for a hazardous waste facilities permit.

Connecticut S 66 (Act No. 14-92) requires outdoor wood-burning furnaces to burn only non-chemically treated wood. Maryland H 189 (Act No. 549) requires employers working with hazardous chemicals to submit a chemical information list to the Department of the Environment as per the Maryland Occupational Safety and Health Act.

Illinois HR 886 urges the strengthening of the state's chemical management status. S 2727 (Act No. 638) prohibits the sale of any product containing microbeads.

Michigan H 5005 (Act No. 24) exempts diverted waste from the definition of solid waste, regulates collection centers, provides that diverted waste include hazardous waste, liquid, pharmaceuticals, electronics, batteries, light bulbs, pesticides, thermostats and switches containing element mercury, medical waste, and other approved wastes that can be easily separated from solid waste for diversion to preferred methods of management and disposal.

Virginia SJR 35 and HJR 57 direct the Department of Environmental Quality to study the toxicity of selenium to aquatic life.

Vermont enacted S 239 (Act No. 0188) which provides for the designation of chemicals of high concern to children, requires the Commissioner of Health to review the list to determine if other chemicals should be added, and creates the Chemicals of High Concern to Children working group. Oregon also had a bill on High Priority Chemicals (S 1569), but it was not adopted. North Carolina had a bill in 2013 on Toxic Chemicals in Children's Products, requiring the state to establish a list of chemicals of concern and high priority, but it did not pass.

Cadmium

Connecticut H 5305 (Act No. 14-140) specifies the amount of cadmium that is allowed in children's jewelry.

Flame Retardants

California S 1019 (Act No. 862) bans flame retardant chemicals in furniture, and requires the manufacturer to state this on the label. Maryland H 229 (Act No. 391) prohibits a person from importing, selling, or offering for sale certain child care products containing certain flame-retardant chemicals known as TDCPP. New York adopted the TRIS Free Children and Babies Act (A 4741, Act No. 354), expanding the definition of TRIS to include other flame retardant chemicals.

Lead Hazard Reduction and Poisoning Prevention

Connecticut's H 5537 (Act No. 14-231) concerns public health statutes and addresses, among other things, lead-based paint poisoning. Illinois H 5410 (Act No. 690) relates to lead poisoning, making changes to regulated facilities and prohibiting persons from acting as lead contractors, workers or supervisors unless licensed by the state. New Hampshire raised the maximum administrative fine for lead-based paint removal violations (S 368 (Act No. 2014-157)). Pennsylvania amended the Plumbing System Lead Ban and Notification Act (P.L. 207, No. 33) (S 1254).

Rhode Island enacted S 2562 (2014-446) which provides for a longer licensing period for lead removal workers, and revises the penalty authority to come into compliance with U.S. EPA standards.

Missouri's S SCR 19 establishes the Lead Industry Employment, Economic Development and Environmental Remediation Task Force.

Mercury

Kansas H 2551 (Act No. 2014-112) directs the Secretary of Health and Environment to establish a statewide atmospheric mercury deposition monitoring network. Minnesota S 2192 (Act No. 277) prohibits placing mercury or a mercury-containing device or product in solid waste, a waste water disposal system, a solid waste processing facility, or a solid waste disposal facility.

Washington H 2246 (Act No. 119) addresses mercury containing lights, providing for the stewardship and disposal of such lights.

Polychlorinated Biphenyls (PCBs)

Washington S 6086 (Act No. 135) requires the Department of Enterprise Services to establish purchasing and procurement policies that provide preference for products and products in packaging that does not contain polychlorinated biphenyls.

Tracking, Surveillance and Biomonitoring

Eleven bills in 5 states were introduced on issues related to tracking, surveillance and biomonitoring. Only MN H 1863 (Act No. 286) passed, confirming that the state's Environmental Health Tracking and Biomonitoring Advisory Panel is continued.

Other bills include Massachusetts H 1953, establishing a high containment biological research laboratory health and safety program. New York S 243 sought to develop an Environmental Health Tracking System within the state. S 3431 sought to require the state to include pesticide exposures in its breast cancer research.

WASTEWATER

Wastewater naturally incurs environmental health concerns. From regulation of sewage, to dumping, to storm water regulations, 41 states reviewed 335 bills, enacting or adopting 76.

Florida's S 272 and H 1321 (Act No. 2014-68) authorizes the State Public Service Commission to revoke a certificate of authorization of a water utility, requires the utility to meet with its customers to discuss the costs and benefits of plausible solutions if the utility has failed to meet water standards, prohibits a customer from petitioning to revoke the certificate of authorization, provides for water testing. S 536 (Act No. 2014-79) requires the Department of Environmental Protection to conduct a study in coordination with the stakeholders on the expansion of the beneficial use of reclaimed water, storm water, and excess surface water.

Indiana's H 1132 and H 1187 (Acts No. 209 and 213) addresses the administration of water and wastewater services. Oklahoma S 1187 (Act No. 364) requires the Environmental Quality Board to develop and promulgate rules relating to water reuse projects. Vermont S 211 (Act No. 0151) Relates to permitting of sewage holding and pumpout tanks for public buildings, requires posting a bond or other financial surety sufficient to finance maintenance of the holding tank for the life of the system by an applicant, provides that all permit conditions,

Virginia adopted amendments to their Storm Water Management Program (S 423, Act No. 303) authorizes the State Water Control Board to adopt regulations that create a procedure for approving permits for individual parcels in a common plan of development. H 1173 allows for storm water management plan be optional for some localities (Act No. 598).

Missouri HCR 38 urges Congress to decrease the U.S. EPA's authority to regulated water quality and the use of coal and wood as energy sources. Utah SJR 20 creates a study committee to look at recycled water and waste water. West Virginia SCR 27 urges the President and Congress to prevent and respond to chemical spills in state and national waters.

ENVIRONMENTAL HEALTH MANAGEMENT

Environmental health management refers to those policies which serve to manage environmental factors that may impact human health. Each of these bills are associated with one of the other categories listed. But they address the management of a program to address the issue, more than the issue itself.

A total of 517 bills were introduced in almost every state, with 102 being either enacted or adopted. This high rate of adoption reflects the fact that most of these bills modify policies or practices to make the agency perform better, or alleviate any outdated policies.

Most of the bills enacted in this section have been discussed before, but a few of the 102 bills adopted will be highlighted.

Because Alabama adopted provisions to allow for cannabidiol oil from marijuana for certain medical conditions, it needed to amend its law to exempt patients and medical staff from laws regarding drug possession. (S 175, Act No. 2014-277). California adopted the Used Mattress Recycling and Recovery program, authorizing an industry-sponsored mattress recycling program certified by the Department of Resources Recycling and Recovery (S 254, Act No. 388). The state also adopted S 1458 (Act No. 544) repealing the provisions that authorized the Department of Toxic Substances Control to exempt hazardous waste management activities from those standards. Provides those exceptions adopted prior to that date shall remain valid, unless repealed. A 2738 (Act No. 828) requires notification by a business that discharges a specified chemical.

Iowa H 225 (Act No. 12) amends the waste management assistance provisions by updating pollution prevention policy to include reuse and combustion with energy recovery.

Maryland H 1259 (Act No. 649) requires the Board of Environmental Health Specialists to establish a seasonal training program, the licensing and reinstatement status of EH Specialists, and conditions for participating in a training program.

Rhode Island S 2137, H 7120 (Acts No. 2014-331 and 2014-275) creates a division of agriculture within the Department of Environmental Management. H 8284 (Act No. 2014-435) Establishes a procedure for the initial payment and renewal registration fees for the operation of a food business.

Health Impact Assessments

Although few bills discussed HIAs, some were introduced and adopted. California's S 436 (Act No. 416) Port Hueneme Beach Shoreline Protection requires a public scoping meeting to address health impact issues.

Minnesota's S 2775 and H 3175 sought to provide funds for the state to perform health impact assessments. In New Mexico, S 48 would have created a health impact assessment program within the state's Department of Environmental Health. Vermont's H 832 sought to study the public health impacts of mobile phones. West Virginia looked to studying the health impacts of shale gas development (H 2062).



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