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2013 Environmental Health Legislation

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OVERVIEW

As states begin to recover from the Great Recession, state legislators are beginning to tackle problems held in abeyance since 2008, including environmental health. Concerns about environmental management, water and wastewater systems, toxics and chemicals, food safety and indoor air all were addressed during the 2013 state legislative sessions. And unlike their federal counterpart, the state legislatures were able to enact several significant pieces of environmental health legislation, as well as adopting budgets for their states.

Every state legislature was in session in 2013. Most adjourned by late June, but the legislatures in eight states, D.C. and Puerto Rico will remain in session throughout the year. More states are under single party control (the most since the 1920s), with both chambers of the legislature and the governor being of the same party. Even with single party control, the overall bill passage rate remains around 10 percent. Certain states had a very high passage rate. Colorado had close to a 70 percent passage rate, with both houses and the governor's office being controlled by Democrats.

Bills on environmental health did particularly well, with close to 16 percent of the bills introduced ultimately being signed into law.

At the halfway point of the year in June 2013, NCSL had identified over 1,300 bills on environmental health being introduced in every state plus Puerto Rico and the District of Columbia. Of these, at least 181 laws have been enacted and 38 resolutions were adopted in 43 states. The NCSL Environmental Health Legislative database lists bills into 16 categories: Asbestos; Asthma; Biomonitoring, Tracking and Surveillance; Body Modification; Children's Environmental Health; Drinking Water, Food Safety; Indoor Air Quality; Lead; Mercury; Pesticides; Swimming Pools; Toxics and Chemicals; Wastewater; Environmental Health Management; and Miscellaneous. The most activity was on Food Safety, however Toxics and Chemicals saw the greatest number of laws enacted (32). Biomonitoring, Tracking and Surveillance saw the fewest (1).

ASBESTOS

In 2013, eight bills were enacted and one resolution was adopted in seven states regarding asbestos. Most measures sought to limit exposure through increased abatement funding, warning labels, and more stringent requirements for asbestos removal and demolition of buildings.

Two bills (Tennessee HB 197 and Texas HB 1325) relate to legal action. The former limits asbestos-related liability and the latter encourages dismissal of long-pending actions arising out of asbestos exposure. Virginia HJR 120 served to establish Mesothelioma Awareness Day in Virginia, which will be recognized annually on Sept. 26.

ASTHMA

All of the 14 enacted laws on asthma authorized the administration of epinephrine¹ to someone in a public school who is suffering from asthma-related anaphylactic reaction. Arkansas HB 2011 permits such treatment only to students who have a prescription on file. Several of the bills explicitly authorize the storage of automatic epinephrine injectors on the school grounds. An Oklahoma bill (OK HB 2101) and bills in Virginia (VA SB 893 and HB 1468) expressly limit liability for those who administer the treatment.

Four resolutions were adopted related to asthma. Companion bills in Illinois (IL SR 237 and HR 263) proclaimed May 2013 as Asthma Awareness Month, and companion bills in Pennsylvania (PA SR 123 and HR 240) recognized May 7, 2013, as "World Asthma Day."

BIOMONITORING, TRACKING, AND SURVEILLANCE

Biomonitoring detects and measures trace concentrations of chemicals that are present in human fluids and tissues due to exposure to chemicals in the air, water, soil, food and consumer products. Three bills were introduced which concerned biomonitoring specifically, all of which are pending. Minnesota HB 961 would appropriate money for biomonitoring of children and disadvantaged communities. New York SB 243 would create an environmental health tracking system which would both link information to other biomonitoring databases and also conduct its own biomonitoring tests. New York AB 4182 would require every health care facility to report clinical laboratory test results which show abnormally elevated tissue levels of pesticides to the commissioner of environmental conservation within 24 hours.

Two bills were passed related to tracking and surveillance. New Mexico HM 42 requests the department of health to study the relationship between Parkinson's Disease and pesticide exposure. Maryland enacted a law (SB 380) which requires a workgroup to study and report on cancer clusters² and potential environmental causes of cancer.

¹ Epinephrine is a hormone used to treat a number of conditions, including anaphylaxis and cardiac arrest. It is typically administered through an injection, or what is commonly known as an EpiPen. Information available at <http://en.wikipedia.org/wiki/Epinephrine>.

² The occurrence of a larger-than-expected number of cases of cancer within a group of people in a geographic area over a period of time. Definition from the National Cancer Institute, available at <http://www.cancer.gov/common/popUps/popDefinition.aspx?term=cancer+cluster>.

BODY MODIFICATION

Body modification, which encompasses physical alterations of the body for non-medical purposes, covers a wide range of practices. Tattoos and piercings are probably best known, but other procedures, including 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), are also considered in this topic area. While body modification procedures are an ancient practice, some body modification procedures have seen increased popularity, and states have responded in kind.

37 bills were introduced in 18 states related to body modification. Of these, four were enacted. In Arkansas, licensure, training and liability for performing body art on a minor were tightened for body artists (AR SB 388). Additionally, AR SB 387 prohibits subdermal implants from being performed in Arkansas. Minors who wish to receive a body piercing or tattoo in Utah must provide their parent or guardian's written and signed consent as well as their physical presence (UT HB 117). New Mexico's Body Art Safe Practices Act (NM HB 350) was bolstered by giving the Board of Barbers and Cosmetologists cease and desist power. Two pending bills in Pennsylvania (PA HB 364; PA HB 1249) would only allow tongue splitting to be performed by a physician or a dentist.

CHILDREN'S ENVIRONMENTAL HEALTH

Because children's environmental health covers a wide variety of topics, there is overlap with other areas in this summary. Of the 36 enacted bills, all 27 coincided with areas including swimming pools, asthma, indoor air quality, lead, and other toxic chemicals. In addition to the enacted laws, four resolutions were adopted. The two most significant trends in children's environmental health were related to schools and product safety.

In regard to schools, there were 12 newly enacted laws and two adopted resolutions. All but two of the laws were related to asthma. Nebraska L 210 changed certain enrollment practices, including provisions for students who are emotionally disturbed. Connecticut HB 5113 established a uniform policy regarding school pool safety. "Green schools," which emphasize superior indoor air quality and which have been shown to lower asthma and allergy rates, were promoted through Kentucky HR 69. Pennsylvania's HR 203 recognizes April 30, 2013 as "National Healthy Schools Day."

Protections related to children's products focused on toxic chemicals, including bisphenol-A,³ formaldehyde, and Tris.⁴ Bisphenol-A was prohibited in children's products through Minnesota HB 459 and Nevada AB 354. Maine HB 625 designated bisphenol-A as a priority chemical in children's products, which means it will be subjected to heightened regulation. Tris is prohibited in children's products in both Vermont (VT SB 81) and Maryland (MD HB 99), and Minnesota HB

³ Bisphenol-A is an industrial chemical that has been present in many hard plastic bottles and metal-based food and beverage cans since the 1960s. Definition from the U.S. Food and Drug Administration, available at: <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm064437.htm>.

⁴ "Tris" is the common name given to types of phosphate ester flame retardants which can be found in household items and have been connected with cancer as well as liver and kidney damage. Information from the National Resources Defense Council, available at: <http://www.nrdc.org/living/chemicalindex/tris.asp>.

458 bans sale of children's products which contain formaldehyde. Maine clarified its rule on reporting priority chemicals found in children's products by requiring that written notice must be submitted to the state's department of environmental protection within 30 days of the sale of the product (ME SB 153). New Jersey SJR 40 designates the month of November as "Children's Product Safety Awareness Month."

Many of the remaining children's environmental health bills addressed lead exposure, restrictions on smoking in a motor vehicle with a youth present, and protecting children from pesticides.

DRINKING WATER

Twenty seven laws and three resolutions were passed in 21 states related to pollution, storage, conservation, treatment and testing, and administrative procedures related to drinking water.

Most of the enacted laws prevent the release of pollutants. Alaska HB 80 regulates the discharge of wastewater from cruise ships in state waters. Arkansas HB 2252 prohibits the grant of a discharge permit for Concentrated Animal Feeding Operations⁵ unless the request has been publicized in a local newspaper. Also in Arkansas, anyone who transports and dumps liquids improperly will be subject to a penalty (AR SB 970). Arizona prohibits application of pesticides Rotenone or Antimycin A to any body of water until an impact analysis is conducted (AZ SB 1469).

Colorado SB 41 calls for protection of stored drinking water through additional rights to storage and construction permits for wells. Conservation was approached at two different angles: in Colorado, use of graywater⁶ was authorized (CO HB 1044), and in Connecticut, the local water utility was directed to promote water conservation through changes to water rates (CT SB 807). Six laws addressed issues related to public information dissemination, reorganization of public utilities, and appropriations for improving drinking water quality. Three laws provided requirements for testing and water treatment. Maryland HB 641 requires the Washington Suburban Sanitary Commission must now test for unregulated contaminants.⁷ In New Mexico, HB 415 requires the department of environment to compile a list of contaminants that will be tested in public water supplies. North Carolina enacted the Private Well Water Education Act (NC HB 396), which requires local health departments to educate private well water users regarding testing of wells.

⁵ Animal Feeding Operations (AFOs) are agricultural operations where animals are kept and raised in confined situations. AFOs congregate animals, feed, manure and urine, dead animals, and production operations on a small land area. Definition from the U.S. Environmental Protection Agency, available at: <http://www.epa.gov/Region7/water/cafo/index.htm>.

⁶ Graywater refers to the reuse of water drained from baths, showers, washing machines, and sinks (household wastewater excluding toilet wastes) for irrigation and other water conservation applications. Definition from Colorado State University, available at <http://www.ext.colostate.edu/PUBS/natres/06702.html>.

⁷ Contaminants suspected to be present in drinking water, but that do not have health-based standards set under the Safe Drinking Water Act. Definition from the U.S. Environmental Protection Agency, available at <http://water.epa.gov/lawsregs/rulesregs/sdwa/ucmr/index.cfm>.

Technological advances in hydraulic fracturing and horizontal drilling have contributed to an unprecedented rise in hydraulic fracturing across the U.S. One growing concern is the contamination of public drinking water resulting from the hydraulic fracturing process. In 2013 Illinois enacted SB 1715, becoming the first state to require water testing before and after drilling operations. At least 22 bills have been introduced in 13 states in 2013 that address water quality protection through the disclosure of hydraulic fracturing fluid chemicals, groundwater testing, or by requiring emergency supplies of drinking water in the event of a spill or leak.

Oregon HJM 7 urges Congress to increase investment in clean drinking water, and Pennsylvania HR 8 designated January 2013 as “Safe Drinking Water Month.”

FOOD SAFETY

In 2013, states introduced 174 bills and adopted 24 laws regarding food safety. As one might expect, many of the 24 enacted laws and two resolutions in 17 states were related to inspections and regulations. However, another category of food safety that is gaining popularity is cottage foods,⁸ addressing the local and small production of food. Mississippi SB 2553 completely exempts cottage food production operations from regulation. In Montana, SB 94 exempts exchanges between home canners and gardeners from food safety regulations, and HB 247 allows for a permit to be obtained to salvage the meat from an animal that has been accidentally killed by a motor vehicle. Mississippi also passed HB 718 to facilitate the procurement and use of locally grown and locally raised agricultural products in school meals in order to improve the quality of food served in schools and support the state economy by generating new income for state farmers.

In the inspection and regulation category, 2013 saw laws passed relating to changing requirements for dairy inspection, deregulation of commercially pre-packaged food and drink, and exceptions to the definition of food service establishments for non-profits. Washington SB 5139 requires sampling of milk products to ensure compliance with bacteriological and cooling temperature standards.

Connecticut’s HB 6527 on GMO labeling has an interesting effective clause. The bill was originally meant to require that baby food which contained GMOs⁹ was labeled, but was expanded to apply to all food. However, this law only goes into effect once four states, one which must border Connecticut, also enact mandatory GMO labeling laws and the aggregate population of those states is at least 20 million.

Three laws contained prohibitions. Delaware (HB 41) outlawed the sale of shark fins; Oklahoma (HB 1999) prohibits sale of horse meat for human consumption; and Minnesota (HB 459) restricts sale of children’s food containers which contain bisphenol-A.¹⁰ Two laws related to

⁸ Cottage foods are non-potentially hazardous foods that do not require time and/or temperature control for safety and can be produced in a home kitchen for direct sale to customers at farmers markets, roadside stands or other direct markets. Examples of cottage foods include breads, jams and jellies, dried pasta, coffee beans, and vinegar. Definition from the Michigan Department of Agriculture & Rural Development, available at http://www.michigan.gov/mdard/0,4610,7-125-50772_45851-240577--00.html#ProductList.

⁹ Genetically-Modified Organisms.

¹⁰ Supra note 7.

labeling: Washington HB 1200 creates a system for the unlawful misbranding of fish and seafood, and Mississippi SB 2687 reserves to the legislature any regulation of consumer incentive items and nutrition labeling for food.

The two resolutions were congratulatory in nature. Georgia SR 205 recognized Feb. 19, 2013 as State Restaurant Day, and Hawaii SR 38 resolved to support the efforts of non-governmental entities that help local agricultural producers meet federal food safety and food security requirements.

INDOOR AIR QUALITY

For purposes of this section, laws related to indoor air quality are categorized as relating to carbon monoxide, radon, mold, or smoking. Under these categories, a total of 18 laws and nine resolutions in 15 states were passed in 2013.

Carbon monoxide gas is dangerous not only because it is toxic at certain levels, but also because it is odorless and colorless and therefore difficult to detect. There are already many statutes which require carbon monoxide alarms to be installed in homes and rental units, and in 2013, seven more laws were enacted in this category. Most provide that either carbon monoxide detectors must be installed or that they must be properly maintained. However, Arkansas SB 840 repeals the requirement that low voltage carbon monoxide detectors be installed in newly constructed homes. Indiana SB 305 restricts child care providers from receiving vouchers from the Child Care and Development Fund if the facility has been damaged from a carbon monoxide gas leak. Companion bills Maryland HB 1413 and Maryland SB 969 require disclosure of whether a carbon monoxide alarm has been installed for sale of real property.

While most of the focus has been on protecting dwellings, a trend has surfaced related to installation of carbon monoxide in public buildings--22 bills were introduced which would require carbon monoxide detectors in schools.¹¹ New Jersey AB 186 proposed requiring carbon monoxide detectors in ice rinks. A carryover bill pending in Oklahoma (OK HB 2059) would require that hotels and motels install detectors.

Two laws were enacted and two resolutions were adopted related to radon. Minnesota SB 887 established the Minnesota Radon Awareness Act, which requires disclosure of radon concentrations in real property transactions and requires property buyers to be warned about the dangers of radon and the importance of having a radon test performed. In Pennsylvania, HR 34 commemorates January 2013 as "Radon Awareness Month." Similarly, January 2014 was designated as Radon Action Month in the state of Utah via SCR 11, which urges the citizens of the state to take steps to protect themselves from the dangers of radon exposure.¹²

¹¹ In December 2012, 42 students and seven adults were seriously sickened by potentially lethal levels of carbon monoxide in an Atlanta elementary school which did not have detectors. "Georgia's Finch Elementary School Evacuated For Carbon Monoxide, 31 People Taken To Hospitals." Huffington Post. December 3, 2012. Available at: http://www.huffingtonpost.com/2012/12/03/finch-elementary-school-e_n_2232191.html.

¹² Radon is the second leading cause of lung cancer in the United States today. A Citizen's Guide to Radon, U.S. Environmental Protection Agency, available at: <http://www.epa.gov/radon/pubs/citguide.html>.

Every mold law that was passed and one resolution that was adopted arose out of Virginia, although 15 bills remain pending in New Jersey, New York and Pennsylvania. Virginia HJR 49, SJR 66, HB 1291, and SB 678 are substantially similar and all provide for the deregulation of mold inspectors and mold remediators.¹³ Virginia's HB 1110 lifts applicability of mold licensure requirements on an owner performing mold inspections or mold remediation on property which contains more than four residential dwelling units. Pennsylvania HR 358 directs the department of health to consider regulations in support of nanotechnology and other nontoxic means that control bacteria, mold, mildew, fungi, algae, viruses and volatile organic compounds causing noxious odors.

Smoking was addressed by eight laws and three resolutions. Oregon SB 444, Utah HB 13, Illinois HR 46 relate to restrictions on smoking in a motor vehicle while a youth is present. North Dakota (ND HB 1253) will now reimburse for the costs incurred in securing signage related to complying with smoking restrictions. All of the other smoking bills and resolutions tightened restrictions on smoking, except that North Dakota HB 1292 no longer requires that non-smoking public vehicles post signage and those vehicles may retain their ashtrays. Though no bills were enacted related to restricting smoking in outdoor areas, several were introduced. In Alabama, SB 195 failed, which would have prohibited smoking in outdoor arenas, amphitheaters, stadiums, and playgrounds.

LEAD

Lead exposure continues to be a serious health concern, especially for children. In 2013, 13 laws and one resolution in eight states were enacted to reduce exposure, increase the flow of information, and more effectively identify lead poisoning.

Of the four laws related to reducing the possibility of exposure, three were designed to regulate lead-based paint. The fourth, Virginia SB 894, makes it a misdemeanor for any person to violate any provisions thereby posing a hazard to the health of pregnant women and children under the age of six years.

Maryland (MD HB 303) established the "Task Force to Study Point-of-Care Testing for Lead Poisoning" to study and make recommendations regarding point-of-care testing to screen and identify children with elevated blood-lead levels. The health departments in New Jersey and Virginia were impacted by lead legislation. In New Jersey (NJ HB 3104), health benefit plans are now required to cover screening for blood-lead levels. Virginia (VA HB 829) now permits linkages between the Virginia Immunization Information System and other health records, including blood-lead level screening.

Missouri SCR 15 established the Lead Industry Employment, Economic Development and Environmental Remediation Task Force which will work to balance a booming lead industry with

¹³ According to the Virginia Department of Professional and Occupational Regulation, Governor McDonnell's Commission on Government Reform and Restructuring recommended de-regulation of the mold remediation and inspection profession because, unlike asbestos and lead abatement, the Environmental Protection Agency does not regulate mold remediation and inspection. In light of the absence of national oversight and standards, the General Assembly determined Virginia's regulatory program is unnecessary and endorsed the Commission's de-regulation recommendation. Available at: http://www.dpor.virginia.gov/Boards/ALHI/Mold_FAQ/.

safe production and remediation measures. New York introduced at least six bills, all of which are pending, which would study potentially toxic substances, such as lead, in synthetic turf.¹⁴

MERCURY

Exposure to mercury can have damaging effects on all people, but it is especially detrimental to fetuses, babies and children because of its impact on neurological development.¹⁵ Eight laws were enacted and one resolution was adopted related mostly to the prevention of environmental mercury contamination.

Illinois (IL SB 1715), Maine (ME HB 800), and New Mexico (NM SB 99) all passed requirements to prevent water pollution through limits on hydraulic fracturing, restrictions on use of mercury in gold prospecting, and proper disposal of dental materials, respectively.

Texas (TX HB 2446) and Connecticut (CT SB 564) opted to offer tax breaks for facilities that meet certain mercury emissions goals. New Jersey AB 3104 served to improve education about mercury contamination by requiring information on the dangers of mercury poisoning through ingestion of certain fish to be posted in any health facilities which serve women who expect to become pregnant, women who are pregnant or breast feeding their children, and young children.

There were two somewhat unusual legislative acts related to mercury in 2013. The first was a resolution (RI HR 6225) from Rhode Island which asks Congress to support a registry of veterans who were stationed at Fort McClellan in Alabama, owing to the extreme contamination of the military base. The second, Oregon HB 2448, removes the obligation of the governing board of the State Department of Geology and Mineral Industries to identify naturally occurring mercury that, if present in sufficient concentrations at a surface mining site, subjects the operator to increased bond or security requirements.

PESTICIDES

Of the 18 bills enacted and three resolutions adopted in 15 states regarding pesticides, 12 were related to regulations for pesticide applicators and direction to certain government agencies. In New Hampshire, HB 393 limits the nitrogen and phosphorus content of fertilizers sold at retail and intended for use on turf. Oregon HB 3364 expands the list of state agencies and public universities required to adopt integrated pest management practices; as well as requiring notice regarding pesticide applications. Use of methyl bromide gas fumigation in the Department of Forestry's forest tree nurseries was continued through Virginia SB 126. Wyoming SB 160 enacted more stringent regulations on pesticide applicators.

Four laws addressed use of pesticides to control mosquitoes. In Maine, HB 201 requires the Department of Agriculture, Conservation and Forestry must develop a plan for the protection of public health from mosquito-borne diseases while minimizing the risk to pesticide use to humans and the environment. Texas SB 186 addressed abatement of mosquitoes on

¹⁴ See NY S 853, NY A 5486, NY A 5813, NY S 4086, NY A 5980, and NY S 5726.

¹⁵ Health Effects, U.S. Environmental Protection Agency, available at <http://www.epa.gov/mercury/effects.htm>.

uninhabited residential property that is reasonably assumed to be abandoned or uninhabited due to foreclosure.

Maryland SB 675 (with companion bill HB 775) and New Mexico HM 42¹⁶ directed studies on the establishment of a pesticide use database and the connection between Parkinson's disease and pesticides, respectively. California ACR 21 declared the week of April 21-27, 2013 as West Nile Virus and Mosquito and Vector Control Awareness Week.

SWIMMING POOLS

While swimming pools contribute to a variety of health and safety challenges, the 10 laws enacted and two resolutions adopted in nine states were mostly related to sanitation and drowning safety and awareness.

Maryland HB 364 requires each county or municipality that owns or operates a swimming pool to develop and implement an onsite automated external defibrillator program. In Texas, (TX HB 1932) abandoned swimming pools which are not covered and protected by a fence are now designated a public nuisance. In Connecticut, schools must follow a new, uniform policy regarding school pool safety so as to reduce loss of life and injury (CT HB 5113). Tennessee SB 172 adopted the Hotel and Public Swimming Pool Inspection Act, which will ensure that swimming pools are constructed and operated in a safe and sanitary manner.

Arizona SB 1290 reined in regulations for swimming pools in terms of licensure and registration requirements for antimicrobial treatments as well as time frames for grant or denial of construction permits. Florida (FL HB 73) no longer requires swimming instructors to submit their certification for instructing people with developmental disabilities to the Department of Health.

Louisiana and South Carolina adopted statutes aimed at pool safety awareness. Louisiana HCR 17 recognizes July 2013 as "Swimming Pool Safety Month" in honor of Aubrie and Angel Castine-Smith, who drowned in a swimming pool. South Carolina HB 4021 declared May 2013 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

Toxics and Chemicals is a very broad category, the bulk of which has already been covered by other sections of this summary. Of the 32 enacted laws and six adopted resolutions in 19 states, 25 are related to one or more of the following areas: asbestos, pesticides, mercury, children's environmental health, mold, or lead.

Aside from these categories, laws and resolutions addressed training in the workplace, prevention of toxics and chemicals contamination, clean-up of contaminated sites and fees, modernization of the Federal Toxic Substances Control Act, and the study of atrazine.¹⁷ Connecticut's HB 5725 established a state-wide strategy to reduce phosphorus loading in inland

¹⁶ NM HM 42 is also covered in the *Biomonitoring, Tracking, and Surveillance* section of this summary.

¹⁷ Atrazine is one of the most widely used agricultural pesticides in the U.S. Change in hormone levels is the most sensitive health effect observed in an extensive battery of atrazine toxicity tests. Atrazine Updates, U.S. Environmental Protection Agency, available at http://www.epa.gov/pesticides/reregistration/atrazine/atrazine_update.htm.

non-tidal waters. North Carolina clarified their laws to ensure that a maximum number of properties are able to participate in the Brownfields Program (NC HB 789). The exemption for incidental combustion of untreated wood from the ban on combusting construction and demolition debris was extended in New Hampshire (NH HB 517). Vermont's SB 81 strengthened its regulations on certain toxics, including flame retardants.

WASTEWATER

Wastewater bills ranged from the regulation of sewage, to dumping, to stormwater regulations. Twelve states responded to these needs with 16 newly enacted laws.

Five laws were related to administrative or broad regulatory changes. Arkansas' SB 670 exempts small water systems and small sewage systems from regulation by the Public Service Commission. North Carolina (NC HB 488) sought to promote regionalization of water and sewer systems by transferring ownership and operation of certain public water and sewer systems to a metropolitan water and sewerage district.

Three laws were passed to ensure proper disposal of materials into the water system. Three more in Iowa (IA HB 311), Indiana (IN HB 1497) and Montana (MT HB 293) serve to provide notice regarding stormwater discharges, connecting property to a sewer system, and the public service commissioner's jurisdiction, respectively.

Colorado HB 1191 provides grants for domestic wastewater treatment plants. New Mexico HB 415 proscribes a procedure for determining which water contaminants will be screened. Texans can now hook up rainwater harvesting systems of over 500 gallons, subject to certain requirements (TX HB 2781).

ENVIRONMENTAL HEALTH MANAGEMENT

Environmental health management refers to those policies which serve to manage environmental factors that may impact human health. Examples of these policies are seen throughout this summary. In 2013, 11 laws were enacted in eight states which specifically relate to environmental health management. Sub-categories include drinking and wastewater, food, property, and general promotion of environmental health.

Three laws are not easily classifiable in the other sections of this summary. First, Florida HB 73 provides for multiple regulations of residential property, including elevators, hurricane shelters, repair or replacement of damaged property. Next, Oregon SB 476 requires the Department of Environmental Quality to provide notice regarding an agreement for perform removal or remedial action. Finally, Utah SB 57 created an Environmental Stewardship Certification Program where agricultural operations can apply for such certification upon compliance with best management practices, including sustainable agriculture, prevention of harm to the environment, and nutrient management plans.

MISCELLANEOUS

In 2013, four environmental health laws and one resolution in five states stand as outliers.

Maryland HB 613 authorized municipalities and certain counties to finance the cost of infrastructure improvements in a sustainable community in the same manner as a transit-

oriented development and establishes a sustainable community tax credit program for commercial properties. New Hampshire HB 482 and Oregon HB 2131 both relate to bed bug infestations. The New Hampshire law assigns responsibility for bed bug infestations in rented properties. The Oregon law requires information pertaining to bedbug infestations to be held confidentially by public health authorities. A new Virginia law (VA HB 839) relates to ownership of property affected by defective drywall and costs for correction or elimination. Finally, Louisiana SR 128 urged and the Louisiana State Board of Home Inspectors to determine whether amendments are necessary in order to expand the scope of practice of home inspectors to ensure that Louisiana home buyers are adequately protected and informed about the condition of residential resale buildings.



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