



# State Environmental Health Legislation

## 2019 Enactments

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### Introduction

State legislatures introduced 2,624 bills in 2019 related to environmental health, enacting or adopting close to 400. Legislatures in every state, Puerto Rico and the District of Columbia introduced environmental health legislation, and bills were enacted in 48 states, Puerto Rico and Washington, D.C.

Only the legislatures in Ohio and Wisconsin did not enact any bills on environmental health.

New Jersey introduced 508 pieces of legislation, the most in the nation, followed by New York with 460 bills. Massachusetts introduced 276 bills, California was next with 155, Hawaii had

119, Minnesota had 115 and New Hampshire had 119. Wyoming and South Dakota introduced six bills, Alaska introduced four bills, and Idaho introduced the least with three regarding environmental health.

Food safety was the most popular topic, with 798 bills introduced in every state in the nation and 148 enacted. Labeling of plant-based or cell-based meat led to several laws being introduced and enacted. .

The second most common environmental health topic for legislatures in 2019: bills regarding toxics and chemicals. Legislatures in 49 states introduced 793 bills relating to some aspect of toxics or chemical safety; 216 regarded lead hazards or lead poisoning. In 16 states, legislation regarding Per- and Polyfluoroalkyl Substances (PFAS) chemicals was introduced, with nine bills being enacted in eight states.

Several bills relating to drinking water were introduced. More than 413 bills were introduced in 43 state legislatures, with New Jersey leading the way with 77. The foremost topics included the replacement of lead service lines and managing Perfluorooctanoic acid (PFAS).

Bills on wastewater (septic systems, sewers) were popular, with 323 introduced and 39 enacted.

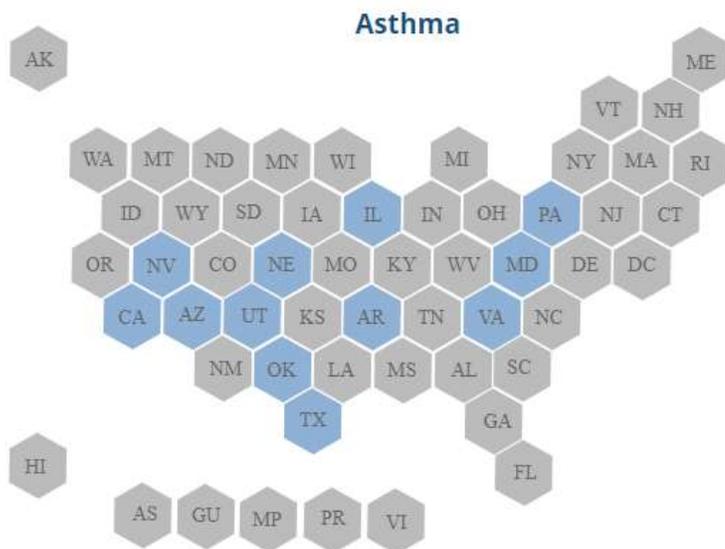
Indoor air quality, which includes issues such as mold hazards and radon, saw 385 bills introduced, and 45 enacted. Radon was the foremost topic.

States introduced 193 bills on pesticides, enacting 17 of them.

Topics such as asthma (59 introduced; 19 enacted), body art (79 introduced; 16 enacted), swimming pools (nine introduced, four enacted), and environmental health laboratories (34 introduced; 8 enacted) were less common environmental health topics legislatures addressed in 2019.

## Asthma

The foremost issue for state legislatures regarding asthma was permission to allow students and school administrators to administer emergency asthma medications.



**Arizona** [SB 1026](#) provides for the authority to administer emergency medications to certain students. [SB 1071](#) extends this authority to charter schools.

**Arkansas** [HB 1745](#) amends the laws concerning prescription asthma inhalers in school districts and public charter schools and authorizes a school district or public charter school to acquire and stock albuterol for administration in certain situations.

The **California** legislature enacted [AB 743](#) requiring a school district to accept a written statement for a pupil carrying and self-administering inhaled asthma medication from a physician who is contracted with a prepaid health plan operating lawfully in Mexico.

The **Illinois** legislature enacted [SB 1250](#) which requires a school district, public school or nonpublic school to permit a student diagnosed with a pancreatic insufficiency to self-administer and self-manage his or her pancreatic enzyme replacement therapy, if the parent or guardian of the student provides the school with written authorization, as well as written authorization for the self-therapy from the students physician, physician assistant, or advanced practice registered nurse.

**Oklahoma** [SB 381](#) requires a school district board of education that elects to stock inhalers to notify parents that trained school professionals may administer asthma medication to students.

In **Texas**, the legislature enacted two bills relating to asthma. [HB 2243](#) provides for the use of prescription asthma medicine on public and private school campuses. [HB 4260](#) revises provisions relating to the possession and administration of an epinephrine auto-injector by amusement parks, childcare facilities, a day or youth camp, private or independent institutions of higher education, restaurants, sports venue and youth centers.

**Utah** [HB 344](#) governs the administration of stock albuterol by certain entities to an individual and permits a school to make stock albuterol available to certain employees for administering to students.

**Virginia** [HB 1377](#) provides that an employee of an outdoor educational organization for youth may possess and administer epinephrine.

**Maryland** [HB 1160](#) establishes the ‘Breathe Easy East Baltimore Pilot Program’.

**Nebraska** [LR 107](#) congratulates the Omaha Healthy Kids Alliance on receiving the National Environmental Leadership Award in Asthma Management.

**Pennsylvania** [HR 256](#) recognizes May 7, 2019 as World Asthma Day.

**Nevada** [SB 262](#) provides for the tracking and reporting of information concerning the pricing of prescription drugs for treating asthma.

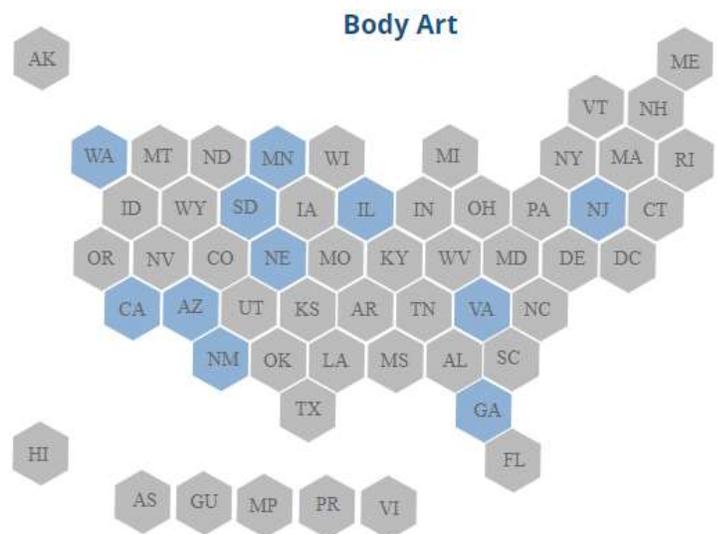
## Body Art

Legislatures enacted 16 bills relating to body art. **Arizona** enacted [SB 1401](#) exempting persons who dry, style, arrange, curl, hot iron, or shampoo and condition hair from licensing requirements. **California** [AB 647](#) requires the manufacturer of a hazardous substance that constitutes a cosmetic to post the material safety data sheet on its website.

**Georgia** [SB 214](#) removes certain requirements for certificates of registration for cosmetologists, hair designers, estheticians, nail technicians, master barbers, and barbers. **Minnesota** [SB 326](#) modifies requirements for supervisors of temporary body art technicians. **New Jersey** exempted hair braiding from licensure ([AB 3754](#)). **New Mexico's** [SB 142](#) requires that an applicant for a body art tattoo or piercing scarification license be granted credit for equivalent training or experience obtained outside the state.

The **Virginia** General Assembly enacted four bills related to body art. [HB 555](#) provides that the term cosmetologist shall not include hair braiding upon human hair, a wig, or hairpiece. [HB 790](#) exempts persons working in a barbershop or cosmetology salon, whose duties are confined to blow drying, arranging, dressing, or curling hair, from being required to obtain an occupational license. [HB 1554](#) and [SB 906](#) establishes the occupational title of Master Barber.

**Illinois** [SB 241](#) makes it unlawful for a manufacturer to import for profit, sell, or offer for sale any cosmetic that was developed or manufactured using animal testing. **Nebraska's** [L 449](#) prohibits scleral tattooing. **South Dakota** [HB 1176](#) provides for the regulation of saline tattoo removal by municipalities. **Washington's** [HB 1856](#) also prohibits scleral (eyeball) tattooing.



## Food and Food Safety

Laws in 42 of the 50 states, Puerto Rico and the District of Columbia were enacted regarding food in 2019. There were 798 bills introduced in 2019, with 148 enacted. Topics included the Food Safety Modernization Act (FSMA), changes to the retail food code, inspectors for produce safety and responses to allergens. New Jersey and New York had the most bills (63 and 59, respectively), followed by Hawaii with 46. At the opposite end were Alaska and Ohio, which had no bills regarding food safety.

The foremost issue regarding food was food safety. Legislatures reviewed many aspects of food safety, from the adoption of the U.S. Food and Drug Administration (FDA) food code to state efforts to implement the federal Food Safety Modernization Act.

Laws regarding food establishments and retail food locations were popular, with 130 bills being introduced and 14 becoming law.

The most interesting issue in 2019 was cell- or plant-based meat laws. The popularity of plant-based meats led to several laws being introduced and enacted on the labeling of these products. Many of these laws involve cell-based meats as well, even though such products are not readily available.

**Arkansas** [HB 1407](#) addresses truth in labeling of edible agricultural products including meat and rice by preventing “cauliflower rice” from being called a “rice” product. **Mississippi’s** [SB 2922](#) bans cell-based, insect-based or plant-based foods from being termed a “meat food product.” **Kentucky’s** [HB 311](#) restricts any food product that is represented as meat or a meat product that contains any cultured animal tissue. **Kentucky’s** [HR 105](#) urges the U.S. Congress to enact legislation granting the U.S. Department of Agriculture jurisdiction over labeling requirements for imitation meat products.

Like Arkansas, **Louisiana’s** [SB 152](#) addresses truth in labeling requirements by prohibiting misbranding or misrepresenting of agricultural products, including plant-based meats or rice and soy products.

**Montana’s** [HB 327](#) looks to work along with USDA-FDA labeling, since it will allow the word “meat” but require additional notification on the source of the meat. In **Oklahoma**, the legislature did not ban the word “meat” as applied to cell or plant-based products, but did prohibit persons from advertising or selling food plans or carcasses from engaging in certain misleading or deceptive practices, meaning that the fact the product came from non-traditional means must be clear ([SB 392](#)).

Other bills on labeling of cell- or plant-based meat were enacted in **Alabama** ([HB 518](#)), **Colorado** ([HR 1005](#)), **North Dakota** ([HB 1400](#); [HCR 3024](#)), **South Carolina** ([HB 4245](#)), **South Dakota** ([SB 68](#)) and **Wyoming** ([SB 68](#)).

Limiting a state’s oversight of food safety regulations was a popular topic, with 59 bills being introduced regarding cottage foods. Food freedom bills, which were introduced and enacted in previous sessions, saw only one bill introduced in 2019; it was not enacted. To date, every state, Puerto Rico and the District of Columbia have enacted cottage food laws that exempt small-scale food production from regulatory oversight, with the exception of New Jersey.

Fifty-nine bills were introduced in the 2019 sessions to expand or define the scope of cottage food operations. Allowing for larger operations to be eligible for cottage food protections, permitting hazardous food products, and altering rules on food handling all were reviewed by state legislatures.



**California's** [AB 377](#) prohibits a microenterprise home kitchen operation from producing, manufacturing, processing, freezing, or packaging milk or milk products, including cheese and ice cream. The law prohibits a third-party delivery service from delivering microenterprise-produced food, except to an individual who has a physical or mental disability.

**Connecticut's** [SB 233](#) provides that a cottage food product does not include maple syrup or honey.

In **Illinois**, [SB 2068](#) amends the Food Handling Regulation Enforcement Act by prohibiting a public health district from regulating the preparing and serving of food in a private residence that is prepared by or for the lessees and their guests.

**Maryland's** [SB 290](#) alters the definition of cottage food products to include food sold to retail food stores or food cooperatives. The law requires the owner of a cottage food business to submit information to the Maryland Department of Health before selling a cottage food product to a retail food store. [HB 527](#) alters the definition of cottage food products to include food sold to retail food stores or food cooperatives, which requires that a specific label be applied to cottage food products. [HB 522](#) provides that regulations from the Maryland Department of Health establishing a licensing system is a rescindable, rather than non-rescindable, alternative regulation. The bill also extends the number of consecutive days of operation authorized under a license to operate a temporary food service facility before the license expires.

In **Montana**, [SB 57](#) removes the authority of the Department of Livestock to inspect and regulate home-killed meat.

**Texas'** [SB 572](#) requires cottage food production operations to include labels regarding food safety and restricts internet and mail-order sales. [HB 1694](#) limits food regulations applied to farms, farmers' markets, and cottage food production operations.

**West Virginia's** [SB 285](#) authorizes the production and sale of homemade food items under certain circumstances. The law establishes conditions for exemption from licensure, permitting, inspection, packaging, and labeling laws, provides required notices to the consumer, and permits local health departments to inspect reported foodborne illnesses. It also authorizes the Department of Agriculture to provide assistance, consultation, or inspection at the request of a producer.

One of the more interesting laws came from the legislature in Maine. [HB 583](#) proposes an amendment to the state Constitution relating to rights to food and food sovereignty and freedom from hunger; declares that all individuals have a natural, inherent, and unalienable right to food, including the right to acquire, produce, process, prepare, preserve and consume and to barter, trade, and purchase the food of their own choosing for their own nourishment, sustenance, bodily health, and well-being. The bill will be subject to a statewide vote if passed by the legislature.

Food donation, a popular topic in 2018, got less attention in 2019. However, the federal Supplemental Nutrition Assistance Program (SNAP) was reviewed in several states.

**Hawaii** [SB 390](#) requires the Department of Agriculture to create a dollar-for-dollar matching program for beneficiaries of the federal SNAP who use their benefits to purchase state-grown produce.

**Illinois'** [HB 3343](#) amends the Public Aid Code by requiring the Department of Human Services to establish a Restaurant Meals Program to permit individuals who are elderly, with a disability, and homeless individuals to redeem their SNAP benefits at private establishments.

The **Maryland** General Assembly renamed the Food Stamp Program to be the Food Supplement Program, established a Restaurant Meals Program (RMP) within the Food Supplement Program in the Department of Human Services, authorized a certain household eligible to participate in the RMP to purchase certain foods at restaurants using a food supplement benefit ([HB 838](#)).

**New Mexico** [SB 84](#) relates to nutritional services for senior citizens, authorizes the growing and use for food service of fruit and vegetable gardens at senior centers.

In **New Jersey**, the Food Desert Produce Pilot Program ([AB 4704](#)) directs the state Department of Agriculture to establish a food desert produce pilot program.

## Drinking Water

State legislatures considered 413 bills related to drinking water in 2019. 61 bills were enacted.



Funding of water infrastructure was a major issue. **California** enacted the Safe and Affordable Drinking Water Fund to assist water systems in providing adequate and affordable supplies of water ([SB 200](#)). **Connecticut's** budget [HB 7194](#) has language regarding recommendations to the public drinking water program and clarification concerning the effect to the state water plan.

**Illinois** [HB 2650](#) amends the state's Environmental Protection Act to adopt rules to expand the usage of federally-allowable set-aside programs within the Water Revolving Fund, including programs that provide financial assistance to utilities exploring consolidation for the purpose of improving efficiency, sustainable water management and equitable water rates.

**Indiana** enacted the Water Infrastructure Assistance Fund and Program ([HB 1406](#)) which provides that money from the Water Infrastructure Assistance Fund is continuously appropriated. In **Maine**, the legislature enacted Funding for Drinking Water and Wastewater Act ([HB 273](#)) to allow funds to be used to provide assistance for capital investment in private and commercial wastewater systems. **Maryland's** [SB 585](#) requires the State Board of Waterworks and Waste Systems Operators to set fees to fund the regulation of waterworks, wastewater works, and industrial wastewater works.

**Nebraska** [L 307](#) provides for transfers between the Drinking Water Facilities Loan Fund to the Wastewater Treatment Facilities Construction Loan Fund, changes the authorized terms of loans. **New Hampshire** enacted the Drinking and Groundwater Trust Fund Study ([SB 164](#)) which establishes a committee to study unprotected drinking water sources and estimate the costs of protecting such sources. **New Jersey** [AB 4748](#) authorizes the State Infrastructure Bank to expend additional sums to make loans for environmental infrastructure projects. **New Mexico** enacted the Drinking Water System Financing ([SB 43](#)).

**Puerto Rico** enacted SJR 196 to authorize the Secretary of the Treasury to provide emergency assistance loans or credit facilities to the Power and Sewer Authorities in response to the challenges caused by hurricanes Irma and Maria.

**Texas** enacted Drinking Water Protection Laws [SB 530](#) which increases the civil and administrative penalties assessed or imposed for violations of laws protecting drinking water, public water supplies and bodies of water.

**Virginia** enacted two laws related to drinking water financing. [SB 340](#) requires the Department of Environmental Quality to prioritize cost-effective technologies to reduce nutrient loads of total phosphorus, total nitrogen or nitrogen containing ammonia. [HB 1035](#) directs the state when making loans, loan subsidies or grants for regional water projects in the Eastern Virginia Groundwater Management Area to give priority to projects relating to alternatives to the withdrawal of groundwater from the coastal plain aquifer.

## Waste Water

State legislatures enacted 39 bills addressing wastewater concerns such as septic systems, reclaimed wastewater, and sewage systems.

**Alabama** extended its Onsite Wastewater Board ([HB 111](#)). **California's** [AB 1588](#) requires the State Water Resources Control Board to evaluate opportunities to issue a water distribution operator certificate by reciprocity or a wastewater certificate by examination waiver to persons who performed duties while serving in the United States military. The **Hawaii** legislature ([HB 444](#)) requires the Department of Health to adopt rules for onsite non-potable water reuse systems.

**Illinois** adopted a bill that supports the Nutrient Loss Reduction Strategy ([SR 52](#)). **Kentucky** is reviewing solutions facing the Martin County Water District ([SR 82](#)). The **Louisiana** legislature requested the Department of Environmental Quality to study sewer systems in the state ([HCR 25](#)) and the commissioner of conservation to study the necessity of declaring an area of groundwater a concern in the Baton Rouge area ([HCR 31](#)). In **Montana**, the legislature requested an interim study on optional septic drain fields ([SJR 3](#)).

The legislature in **Maine** enacted the Water Resources Planning Committee ([HB 162](#)). **New Hampshire** enacted [HB 495](#) the Long Term Seacoast Commission on Drinking Water.

**New Jersey** authorized local government utilities to impose additional connection fees for new construction of additional service units connected to a sewerage system or a water system ([SB 1247](#)). **New York** aligned its water-saving performance standards with the WaterSense Program guidelines developed by the U.S. EPA ([AB 2286](#)).

**North Carolina** [HB 268](#) disapproves of certain wastewater treatment and dispersal rules adopted by the Commission for Public Health. The bill creates a task force to recommend new wastewater treatment and dispersal rules and creates standards for an onsite wastewater evaluator.

**Puerto Rico** adopted 10 resolutions regarding wastewater studies. HR 12 directs the House Committee on Integral Development to conduct a study on the Aqueduct and Sewer Authority in the municipalities of Adjuntas, Jayuya, Lares and Utuado. SR 53 orders the Senate to investigate the objectives, results and duration of environmental compliance and regulatory framework imposed by the Board of Directors of the Aqueduct and Sewer Authority. HR 130 will investigate the locations of the commercial offices of customer service of the Aqueduct and Sewer Authority, and HR 147 will study the effect of the air pressure in the service lines regulated by the Authority. The Puerto Rico House will evaluate the feasibility of constructing a sanitary sewer system that connects the residences located in the urbanization Haciendas de Borinquen (HR 525). HR 602, HR 603, HR 625 and HR 627 extends the authority of previously authorized studies on wastewater. SR 662 orders the Senate to investigate the condition of community water systems and the natural water resources after hurricanes Irma and Maria, and their effect on public health.

**Rhode Island's** [SB 398](#) provides that professional engineers who are registered and authorized to practice by the State Board of Registration for Professional Engineers be deemed to have met the qualifications for a designer's license.

**Virginia** [SB 344](#) provides that the state may not adopt federal EPA freshwater ammonia water quality criteria unless it includes a phased implementation program. [HB 887](#) defines maintenance, provides that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system and does not require a permit. [HB 888](#) directs the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells. [HB 2322](#) directs the Department of Health to develop a plan for the oversight and enforcement by the department of requirements related to the inspection and pump out of



onsite sewage treatment systems that do not require a Virginia Pollutant Discharge Elimination System permit established pursuant to the Chesapeake Bay Preservation Act.

**Washington** enacted [SB 5503](#) which provides that a local health officer may not deny or condition a permit application related to an on-site sewage system located on a single property and serving a single dwelling unit upon the allowing for the inspection or maintenance of the on-site system.

Several states looked into financial support for on-site septic systems. **Illinois** amended its Environmental Protection Act ([HB 2650](#)) to expand the use of federally-allowable set-aside programs within the Water Revolving Fund, including programs that provide financial assistance to utilities exploring consolidation with separate utilities for the purpose of improving efficiency, sustainable water management, and equitable water rates. **Maine** enacted [HB 273](#) to allow funds to provide assistance for capital investment in private and commercial wastewater systems. **Nebraska** enacted [L 307](#) to provide for transfers between the Drinking Water Facilities Loan Fund to the Wastewater Treatment Facilities Construction Loan Fund. The **Oregon** legislature authorized loans from Water Pollution Control Revolving Fund to finance projects to repair or replace failing on-site septic systems with connections to available sewers ([SB 884](#)). **Puerto Rico's** SJR 196 Act 16 provides emergency assistance loans or credit disbursements to the Power and Sewer Authorities and authorizes the Electric Power Authority and the Aqueduct and Sewer Authority to receive emergency assistance.

**Maryland** enacted the Failing On-Site Sewerage Disposal System ([HB 190](#)) which defines the term “failing on-site sewage disposal system.” The state enacted [HB 417](#), which specifies the content of the procedures the Department of the Environment is required to develop for an owner or operator of certain sewer systems or wastewater treatment plants to provide public notification of a sewer overflow or treatment plant bypass.

**Indiana** amended its residential onsite sewerage systems to allow for technological advances in wastewater ([HB 1486](#)). **North Dakota** enacted the Sewage Treatment Study ([SB 2241](#)) Provides a legislative management study relating to regulating the installation, maintenance, testing, and repair of sewage treatment systems.

**Virginia** [HB 1608](#) authorizes support for cost-effective technologies to reduce loads of total phosphorus, nitrogen, or nitrogen containing ammonia in order to meet the requirements of regulations associated with the reduction of ammonia.

Several states looked into water use recycling. **California** enacted [AB 1180](#) which requires the State Water Resources Control Board to adopt standards for the backflow protection and cross-connection control. **Colorado** enacted the Reclaimed Domestic Wastewater ([HB 1200](#)) which relates to the treatment process involved in treating reclaimed domestic wastewater for indoor non-potable uses within a building where the general public can access plumbing fixtures that are used to deliver the reclaimed domestic wastewater. The **Hawaii** legislature also sought requirements for on-site nonpotable water reuse systems ([HB 444](#)). **Virginia** enacted the Rainwater and Gray Water law ([HB 192](#)) which directs the State Department of Health to adopt regulations regarding the use of gray water and rainwater.

## Indoor Air Quality

Legislatures in 29 states enacted 45 bills related to indoor air quality. The main issues relate to vaping, radon and indoor smoke.

**Alabama** enacted [HB 41](#) which relates to alternative nicotine products. **Colorado's** Clean Indoor Air Act Electronic Smoking law [HB 1076](#) adds restrictions to the use of electronic smoking devices indoors. **Florida's** [SB 7012](#) prohibits vaping in an enclosed indoor workplace, revises requirements for custom smoking rooms, and requires the proprietor to implement a policy regarding specified smoking and vaping prohibitions.

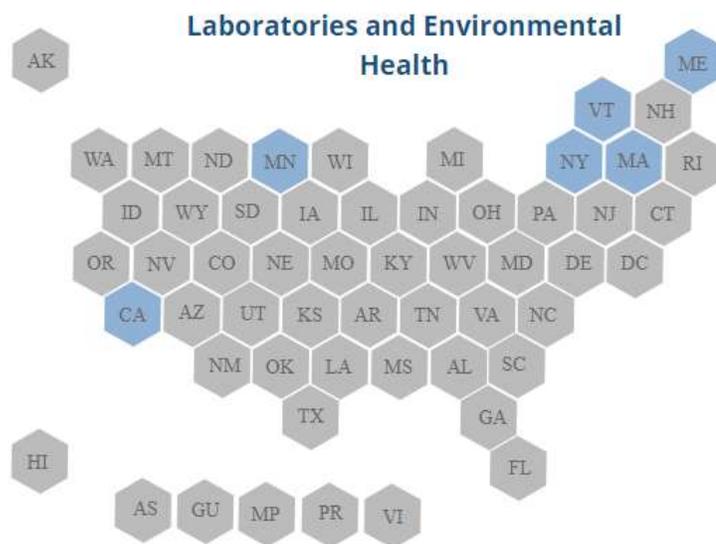


**Arkansas** [SB 667](#) amends its Clean Indoor Air Act to exempt smoking areas on the gaming floor of casinos. **Pennsylvania's** [S 473](#) provides for the offense of the sale and use of tobacco in schools. **Puerto Rico** S 147 Act 69 prohibits smoking in motor vehicles that have passengers under 18. **Virginia** [SB 149](#) authorizes any locality, by ordinance, to designate reasonable no-smoking areas within an outdoor amphitheater or concert venue owned by that locality. [HB 2138](#) relates to prohibited inhalants or other noxious chemical substances, adds fluorinated hydrocarbons or vapors to the list of prohibited drugs.

## Laboratories and Environmental Health

Six states enacted legislation regarding their environmental health lab, the foremost issue being biomonitoring programs.

**California** [AB 35](#) requires the State Department of Public Health to consider reports from a laboratory of an employee's blood lead level at or above 20 micrograms per deciliter to be injurious to their health.



**Massachusetts'** Budget Bill [HB 4000](#) funded the state's biomonitoring program. **Maine's** Board of Environmental Protection bill [SB 605](#) cites the state lab's efforts regarding biomonitoring. [HB 1043](#) also seeks to use biomonitoring to test for PFAS in food packaging. **Minnesota** [HB 13a](#) and [SB 7a](#) authorized perfluorochemical biomonitoring in eastern metropolitan communities. **Vermont's** [SB 55](#) evaluates chemical inventories and identifies potential risks through the use of biomonitoring.

**New York's** Toxic Chemicals in Children's Products [SB 501](#) requires the state lab to provide a list of chemicals of concern.

## Pesticides

The **California** legislature enacted Pest Control: Mosquito Abatement [AB 320](#), which created the California Mosquito Surveillance and Research Program, administered by the University of California. The law requires the university to maintain an interactive internet website for dissemination of data on mosquito-borne virus and surveillance control.

**Hawaii** [HB 297](#) directs the Department of Agriculture to review the Aedes Aegypti Mosquito with Wolbachia bacteria and place it on the appropriate animal import list. **Texas** enacted the Mosquito Control Waiver [SB 113](#) authorizing the application of pesticides for mosquito control by municipal or county employees in an emergency. **Utah's** [HB 72](#) addresses the entity that appoints members to a mosquito abatement board of trustees.

**Colorado** expanded its agricultural chemical management program to protect surface and sub-surface waters [SB 186](#). Colorado also enacted [HB 1328](#) concerning bed bugs by establishing duties for landlords and tenants regarding the presence of bed bugs and requires a tenant to promptly notify the tenant's landlord when the tenant suspects their dwelling unit contains bed bugs.

**Maine** enacted the Pesticide Safety Education Program [SB 393](#) which awards an annual grant to the University of Maine Cooperative Extension for the development and revision of training manuals for pesticide applicator certification, licensing, and recertification

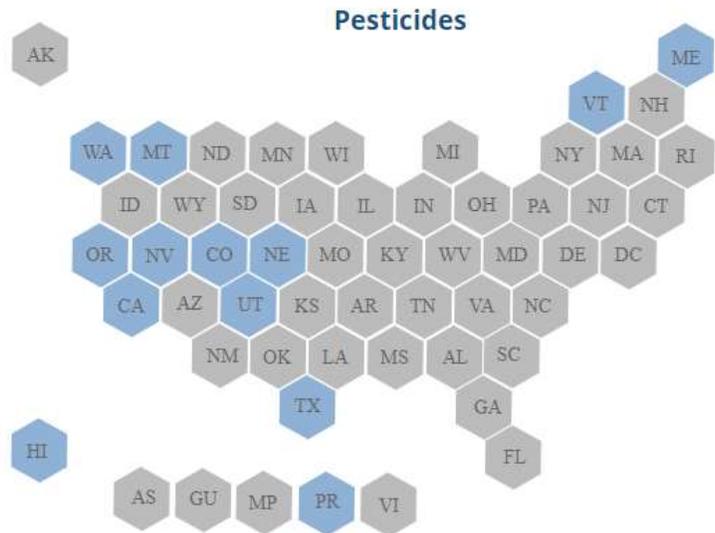
**Montana's** [HB 221](#) provides that farm pesticide applicator licensing examination and recertification requirements may be fulfilled online. **Nebraska's** Pesticide Act [L 320](#) updates federal references and revises the duties of the Department of Agriculture regarding pesticides.

**Nevada's** [AB 205](#) requires the establishment of an integrated pest management policy for controlling pests and weeds on the property of a school district. **Oregon's** [HB 2058](#) eliminates the reexamination administration fee for pesticide applicators and pesticide consultants.

**Puerto Rico** SR 281 directs the Senate Health Committee to study the effect glyphosate has on the public's health.

**Texas'** [HB 191](#) provides that money in the pesticide fund must be appropriated only for pesticide waste and pesticide container collection activities. **Vermont's** [HB 205](#) requires the Secretary of Agriculture, Food and Markets to register as a restricted use pesticide any neonicotinoid pesticide labeled as approved for outdoor use that is distributed, sold, or offered for sale in the state.

The legislature in **Washington** created two workgroups on pesticides. [SB 5550](#) establishes the Pesticide Application Safety Committee and [SB 5597](#) creates a workgroup on aerial pesticide applications in forestlands to review all existing best management practices.



## Toxics and Chemicals

State legislatures reviewed legislation related to several concerns regarding toxics or chemicals. Lead, PFAS, sunscreen, and Ethylene Oxide.

Regarding asbestos, **Montana** revised its Superfund laws related to the Libby Asbestos site ([HB 30](#)). **New Jersey** [AB 4416](#) prohibits the sale or distribution of products containing asbestos.



**California** prohibited the sale or distribution of specified chemicals for use in a waste holding tank of a recreational vehicle ([SB 317](#)). **Illinois** [SB 1392](#) studies the threat of microplastics to human health and the environment. [SB 1852](#) provides that in the event of an ethylene oxide leak, a facility must notify all affected property owners and local governments. **Louisiana's** [SB 22](#) recovers damages caused by an ethylene dichloride spill in the Calcasieu River into Lake Charles.

In **Maine**, the legislature enacted [SB 296](#) which regards the elimination of highly toxic and hazardous chemicals in the workplace. **New Hampshire** [SB 85](#) reestablishes the commission to study environmentally triggered chronic illness. **Washington's** [SB 5135](#) requires manufacturers of children's and consumer products containing a state-identified priority chemical to provide notice to the state. [SB 5993](#) amends the financial structure of the Model Toxics Control Program.

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Wyoming's [HB 9](#) relates to standards for antifreeze and petroleum products.

## Lead Hazards

Lead hazards, replacements of lead water services lines, and the screening of children with elevated blood lead levels were all addressed by state legislatures in 2019. **California** enacted four bills related to lead hazards. [AB 35](#) requires the Department of Public Health to consider a report from a laboratory of an employee's blood lead level at or above 20 micrograms per deciliter to be injurious to the health of the employee. [SB 78](#) allows the state to share blood lead data for children enrolled in Medicaid. [AB 206](#) makes a property owner who participates in a program to abate lead-based paint as a result of a judgment in any public nuisance immune from liability in any lawsuit seeking to recover any cost associated with that abatement program. [AB 142](#) relates to lead-acid batteries. The appropriations bill in the state ([AB 72](#)) provides \$5 million to test and remediate lead in drinking water at licensed daycare centers.

**Maine's** [SB 40](#) requires schools to test their drinking water for lead, as does **Maryland** [HB 1253](#), and **Vermont's** [SB 40](#). **Louisiana** created a task force on lead-free water ([SCR 51](#)). **Maine** also enacted [HB 21](#) which requires a notice of any lead abatement orders and when the abatement is complete.

[SB 336](#) makes several changes to the state's Lead Poisoning Control Act. The law changes the year for the state's goal to eradicate childhood lead poisoning, requires all state children be tested for unsafe exposure to lead at one and two years of age, increases the lead poisoning prevention fee per gallon of paint, and allows up to half of the fee to be used for mandated dwelling inspections. [HB 731](#) amends the reference level of blood lead.

**Louisiana's** [HR 233](#) studies the feasibility of testing child-occupied facilities for lead and mercury. **Maryland's** [HB 1233](#) also amends the reference level for blood lead. The law also requires the Department of the Environment to adopt regulations for conducting environmental investigations.

**New Jersey** enacted a law to issue bonds to replace lead-contaminated water service lines ([AB 4120](#)). [SR 133](#) urges Suez North America to aggressively replace its lead service lines in the state.

**California's** [SB 647](#) and New York's [SB 4046](#) regulates jewelry containing lead. **Pennsylvania** recognized the week of Oct. 20-26, as National Lead Poisoning Prevention Week ([HR 581](#)).

**Vermont's** [HB 218](#) clarifies the definition of "target housing" and prohibits unsafe work practices in housing or child care facilities.

## Mercury

Maine and New York enacted bills related to mercury. **Maine's** [HB 1194](#) amends the state's Mercury Lamp Law regarding the recycling of mercury. **New York** enacted [AB 2501](#) to reduce the amount of mercury in mercury-added lamps and [SB 6145](#) eliminates the installation or covering of flooring containing mercury in elementary and secondary schools.

## Per- and Polyfluoroalkyl Substances (PFAS)

One of the top issues legislatures addressed in 2019 regarded per- and polyfluoroalkyl substances (PFAS) chemicals. Over 40 bills were introduced and 17 enacted regarding these chemicals.

**Alaska** included language on PFAS in its budget ([SB 19](#)). The legislature requested the Department of Environmental Conservation collect data on per- and polyfluoroalkyl substances (PFAS) to estimate the cost of cleanup and to develop a long-term plan of action. **Michigan's** Human Service Budget ([SB 139](#)) allocates grants to local public health departments to support PFAS response and emerging public health threat activities. **Washington's** budget ([HB 1102](#)) includes funds for the Department of Ecology to characterize PFAS chemicals in areas that affect the Issaquah valley aquifer. The biennium appropriation also identifies PFAS contamination in water ([HB 1109](#)).

**Colorado** ([HB 1279](#)) requires the Department of Public Health and Environment to determine the amount of PFAS foam currently held, used and disposed of by fire departments. **Arizona** [SB 1526](#), **Kentucky** [SB 104](#), **Minnesota** [HB 359](#) and **New Hampshire** [SB 257](#) prohibit firefighting foam that contains PFAS chemicals from being used for firefighting training or testing.

**California** [AB 756](#) authorizes a public water system to monitor for perfluoroalkyl substances and polyfluoroalkyl substances.

**Maine** [HB 1043](#) seeks to use biomonitoring to test for PFAS from food packaging in humans. **New Hampshire** prohibits the sale of certain furniture and carpeting with flame retardant chemicals ([SB 193](#)). [HB 737](#) investigates the environmental and public health impacts relating to releases of PFAS in Merrimack, Bedford, and Litchfield.

**North Carolina's** [SB 433](#) has the state conduct an analysis for PFAS, including GenX, at all public water supply surface water intakes to establish a water quality baseline for all sampling sites.

**Pennsylvania** [H 1410](#) revises the guidelines for the Per and Polyfluoroalkyl Substances Remediation Program. **Rhode Island** [HB 5119](#) increases the maximum amount of parts per million of nonpolymeric organohalogen flame retardant chemicals contained in residential upholstered bedding and furniture.

**Vermont** [SB 49](#) adopts a maximum contaminant level for polyfluoroalkyl substances under the Agency of Natural Resources' Water Supply Rule, requires the Secretary of Natural Resources to amend the Quality Standards to include criteria or effluent limitations for PFAS substances, requires landfills to treat leachate for PFAS substances prior to delivery to a wastewater treatment facility or other facilities where the leachate would be discharged to the waters of the state.

## Sunscreen

Allowing students to use sunscreen at schools and camps remains a concern. Five states and the Virgin Islands enacted legislation permitting students to have and use sunscreen.

**Arkansas** [HB 1167](#), **Connecticut** [SB 922](#), **Maine** [SB 119](#), and **Nevada** [SB 159](#) all permit the use of sunscreens at schools. The **Virgin Island's** B 43 ban on the sale and distribution of topical sunscreen products containing oxybenzone and octinoxate. **Alabama's** [SJR 70](#) recognizes May as Skin Cancer Awareness Month.

## Swimming Pools

Legislatures enacted four bills in three states on swimming pools.

**New Jersey** enacted [AB 3772](#) regarding Pool and Spa Service Contractors, which provides that provisions do not apply to a property owner who performs pool and spa building and installation or swimming pool service and repair work on his own property or pool. [AB 4191](#) exempts certain facilities from regulation even if they have a diving board, water slide or other similar feature.

**Texas** adopted the International Swimming Pool and Spa Code for the state [HB 2858](#). **West Virginia's** [HB 2490](#) prevents the state from a review of any repair or modernization of equipment at a public pool facility if such activity does not exceed \$25,000 in planned cost.

