

Children's Health and Environment Fact Sheet



Legislative Summary 2004

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Summary

The growth of research demonstrating children's vulnerability to the toxic effects of lead-based paint in the 1970s inspired investigators to look at children's susceptibility to other environmental hazards. The explosion of research in this area gained the attention of both legislators and the public.

State policymakers have worked on a range of policies to protect the health of their youngest constituents during the past year. During the 2004 legislative session, legislators in 29 states introduced 135 measures relating to children's environmental health.

Legislators considered proposals in areas such as air quality in schools or day care centers; childhood asthma; toxic exposure; pesticides; lead poisoning prevention; mercury exposure; and omnibus measures related to children's environmental health.

"States absolutely have a role in protecting children against environmental health risks. Exposures the children receive early in life can effect them physically, mentally, emotionally throughout their life."

— Senator Beverly Gard,
Indiana

Air Quality

Air quality, both indoors and outdoors, continues to be an issue in state legislatures due to the significant effect that air quality can have on children's health. Much of the legislation has focused on air quality in schools and day care centers, since children spend much of their day in these areas.

Tennessee is attempting to improve indoor air quality in schools by addressing the mold issue. House Bill 891 (Tenn. Code Ann. §49-1-2), enacted in 2003, requires the commissioner of education to establish guidelines for mold abatement in public schools. The law also creates a mold abatement task force.

Secondhand smoke has also been a target—it is a carcinogen, worsens asthma and causes respiratory infections in children. Nine states considered bills to reduce smoking around children in 2004. California introduced AB 894, which would fine those who smoked

tobacco inside a motor vehicle where children under age 7 are present. This measure passed the Senate but failed in the Assembly.

Hawaii enacted H.B. 2871 (HAWAII REV. STAT. §302a), prohibiting the use of tobacco by public employees in public schools and at public school functions.

*"The quality of our air is really not good for our children, it's not good for anybody, so there are really many other things that our state needs to do."*²

— Senator Angela Monson,
Oklahoma

Asthma

Legislators in eight states introduced bills related to children and asthma, since rising asthma rates have produced significant social and economic costs across the nation.

Legislatures in Maine (LD 1768,

Public Law 531), Tennessee (HB 2341, Pub. Ch. 493) and Utah (SB 32, UTAH CODE ANN. §53A-11-602) enacted laws to authorize certain school children to carry asthma inhalers and self-administer asthma medications.

Some states are working to improve asthma tracking for both research and public health intervention purposes. Massachusetts introduced H.B. 2573, requiring that public school children be screened for asthma as part of the physical examination process.

Lead-Poisoning Prevention

Lead, long ago recognized as toxic, can cause learning disabilities and behavioral disorders in young children. Thirteen states introduced bills related to lead poisoning prevention in the 2004 legislative session.

Missouri enacted S.B. 1083, which requires all children younger than age 6 to be tested or screened for possible lead poisoning. House Bill 1627, enacted in Louisiana, requires the Department

“What we did in 2000, which was the Children’s Environmental Health Protection Advisory Council, was to put all those issues—whether it be lead, whether it be mercury—under one umbrella, and create an advisory council so that we could get some input from researchers and doctors and the people who deal with these issues every day. Input on what we were doing in relationship to our policies, and whether they would have positive or negative impacts on children’s health.”³

– Delegate James Hubbard,
Maryland

of Health and Hospitals to identify geographic areas where there is a high risk for lead poisoning.

Florida failed to pass House Bill 937, the Florida Childhood Lead Poisoning Reduction Act, which would have created a statewide program for prevention, screening, diagnosis and treatment of lead poisoning in children.

Mercury

Signalling the rising concern about exposure to this toxic metal, a number of states enacted measures to protect children from mercury exposure during the 2003-2004 legislative session.

California enacted A.B. 2943 (CAL. HEALTH & SAF. CODE §124172), which prohibits, with certain exceptions, pregnant women and children under age 3 from being vaccinated with a vaccine that contains more than a specified amount of mercury. Illinois acted by passing Senate Bill 2551, which restricts the purchase or sale of mercury-added products and promotes recycling, recovery, and proper management of mercury and mercury-added products. Still pending, New York A.B. 6416 would prohibit the use, purchase and storage of mercury and mercury instruments in schools.

Some states, such as Connecticut, Massachusetts, New Jersey, and Wisconsin, also are working to reduce mercury emissions from power plants, which are a major contributor to mercury in the environment.

Pesticides

In the 2004 legislative session, six states—Connecticut, Georgia, Hawaii, Michigan, Nebraska and New York—introduced bills related to pesticide exposure and children.

Michigan enacted H.B. 5154 (MICH. STAT. ANN. §§324.8303-6, §324.8316), which regulates the use of pesticides at schools and day care centers. It provides that no pesticide may be used at a school unless the school has adopted an integrated pest management program.

Tracking & Surveillance

Fourteen states introducing legislation on tracking and monitoring during the 2004 legislative session. Disease monitoring and tracking information can improve the public health response to disease and is important to researchers who are investigating the environment’s role in causing disease.

South Carolina enacted H.B. 4115 (S.C. CODE ANN. §44-44), which establishes the South Carolina Birth Defects Program within the Department of Health and Environmental Control. The program is responsible for increasing the understanding of and preventing birth defects.

Massachusetts currently has two tracking bills pending—one that estab-

lishes an asthma incidence registry (S.B. 535) and one that creates an environmental illness registry within the Department of Public Health (S.B. 695).

Omnibus Bills

Seven states—California, Hawaii, Michigan, Nebraska, New Hampshire, New York and Washington—considered measures that were broadly related to children’s environmental health.

Washington S.B. 5060, which failed, would have created a children’s environmental health protection advisory council. The council would review and comment on existing laws and regulations to ensure that they protect children’s health from environmental hazards

Hawaii’s S.B. 572, which also failed, would have established a children’s environmental health council to monitor, assess, and evaluate air pollution with respect to children’s health.

Other Bills

Georgia enacted H.B. 1083 (GA. CODE ANN. §12-8-25.5), which forbids issuing permits to any new municipal solid waste disposal facility if any part of the premises proposed for permitting is within 1 mile of any private recreational camp. Maine enacted LD 1790 (Public Law 629), prohibiting the sale of certain types of brominated flame retardants beginning in 2006. The goal of the legislation is to reduce the amount of these retardants found in breast milk and the environment.

Resources

For more information about children’s environmental health legislation, visit NCSL’s online Environmental Health Legislative Database, located under legislation at www.ncsl.org/programs/esnr/toxics.htm, or call (303) 364-7700, ext. 1341. Fact Sheet by Glen Andersen.

Notes

1. Senator Beverly Gard, State Senate, interview with Glen Andersen, March 2003.
2. Angela Monson, State Senate, interview with Glen Andersen, March 2003.
3. Delegate James Hubbard, Maryland, interview with Glen Andersen, March 3, 2003.

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