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Enacted 2018 State Environmental Health Legislation

Editor's Note: NEHA's Government Affairs program has a long and productive association with the National Conference of State Legislatures (NCSL). The organizations have worked together on numerous legislative and policy areas that directly impact the environmental health profession. One of the keys to the successes of this collaboration has been the recognition of the fact that often some of the most significant legislation and policy initiatives related to environmental health occur in state legislatures. The states have, in a very real sense, been the innovators in developing new programs and practices. In recognition of this fact, we have asked NCSL to provide occasional overviews of state environmental health legislative activity, covering topics that are of the most pressing public concern

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Introduction

In 2018, state legislatures introduced 3,486 bills related to environmental health and enacted 686 (20%) of the bills. This number of bills is the most on environmental health that the National Conference of State Legislatures (NCSL) has seen since it began tracking the issue back in 2012. Bills on environmental health have almost doubled in the past 7 years. Since 2012, states have introduced 22,727 bills related to environmental health.

The most common environmental health issue state legislatures addressed in 2018 dealt with toxics and chemicals. The 46 legislatures in session in 2018 (Montana, Nevada, North Dakota, and Texas did not hold sessions) introduced 950 pieces of legislation regarding toxics and chemicals and enacted 126 (13%) of the bills. The foremost issue was lead hazards and 19 states passed 40 bills on lead. Not far behind was the issue of food

safety, with states enacting or adopting 188 (21%) of the 898 bills introduced.

Wastewater was the third most popular issue with 707 bills introduced and 148 (21%) enacted. Colorado enacted laws allowing the reuse of graywater. Hawaii enacted several bills regarding cesspools in the state. Maine enacted 5 bills related to wastewater, Maryland enacted 10, North Carolina enacted 4, and Virginia enacted 5.

Drinking water was the fourth most popular issue with 595 bills introduced and 109 (18%) enacted. California enacted 29 bills related to drinking water. Legislation on per- and polyfluoroalkyl substances (PFAS) in drinking water was adopted in Michigan, New Hampshire, New York, North Carolina, Vermont, and Washington.

Due to space limitations, a condensed version of the full report is presented here. Readers can access the full report at www.neha.org/jeh/supplemental or access NCSL's Environmental Health State Bill Tracking Database at www.ncsl.org/research/environment-and-natural-resources/environmental-health-legislation-database.aspx.

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Asthma

In 2018, 65 bills regarding asthma were introduced in 13 states and 12 bills were enacted or adopted in 8 states. Examples include:

- Arizona enacted 2 bills related to asthma. HB 2085 allows for a school employee to administer epinephrine injectors. HB 2323 authorizes a nurse under contract with a school to administer an inhaler to students in respiratory distress and receive civil immunity.
- Illinois enacted 3 asthma bills. SB 1846 requires the Department of Public Health to include asthma in the standard school health examination. SB 3015 amends the school code to authorize a school nurse or trained personnel to provide asthma medication to a student. SB 2889, the Epinephrine Administration Act, allows a health-care practitioner to prescribe epinephrine prefilled syringes and provides for entities to acquire and stock supply of undesignated epinephrine prefilled syringes.
- Nebraska's L 487 provides immunity protections with respect to asthma and allergic reactions.

Body Art

Legislatures introduced 86 bills related to body art, tattooing, or cosmetics and 19 bills were enacted by 11 states. Examples include:

- California SB 1249 bans the sale of any cosmetics that were tested on animals.
- In Idaho, the legislature enacted the Barber and Cosmetology Services Act and Licens-

- ing Board (SB 1324) to require training and licensing for cosmetology professionals.
- The Kentucky legislature clarified that barbers who provide services for hospice or deceased persons must be licensed (H 260).
 - Nebraska's L 731 amends the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act to include mobile cosmetology salons.
 - South Dakota's SB 30 authorizes municipalities to adopt sanitary standards for tattoo and body piercing establishments, including the regulation of the practice of microblading.

Children's Environmental Health

Legislatures adopted 7 bills and enacted 36 bills in 18 states regarding children's environmental health topics. Examples include:

- California enacted 7 bills related to children's environmental health, with 4 bills related to lead poisoning. SB 1041 requires the Department of Health to report on the number of children enrolled in MediCal who have had blood-lead screening tests. SB 1097 requires the department to incorporate lead poisoning data into its Healthy Communities Data and Indicators project. AB 1316 changes the definition of lead poisoning to include concentrations of lead in arterial or cord blood and establishes a standard of care including the risk factors for whether a child is at risk for lead poisoning. AB 2370 requires child day care facilities, upon enrolling or reenrolling any child, to provide the parent with written information on the risks and effects of lead exposure and blood-lead testing recommendations.
- The legislature in Illinois enacted 5 bills and adopted 2 bills on children's environmental health. The legislature is urging the state to monitor and actively participate in federal crumb rubber testing to ensure it is safe for indoor and outdoor recreational facilities (SR 118). HR 790 urges home economics be brought back to high school curriculums, including provisions on the effects of food on well-being and the risk for chronic disease.
- The Louisiana legislature requested the Department of Health to test drinking water at elementary schools and report the results to the legislature (HR 221).
- New Hampshire's SB 247 requires landlords to install lead-reducing filters on faucets if the water exceeds U.S. Environmental Protection Agency (U.S. EPA) standards on lead.

- Oklahoma (SB 950), Ohio (HB 49), and Pennsylvania (HB 1228) enacted laws allowing students and school employees to bring and apply sunscreen to protect students from the sun.
- Rhode Island enacted 2 laws related to children's products and upholstered furniture. SB 166 and HB 5082 prohibit the sale, manufacturing, and distribution of furniture that contains bromide or chlorine bonded to carbon. SB 2179 requires all school buildings where students are in attendance to have carbon monoxide detectors installed and maintained.
- Tennessee SB 619 requires each local board of education to develop a policy to implement a program to reduce the sources of lead contamination in drinking water in public schools.
- The legislature in Washington enacted 3 bills related to children's environmental health. HB 1017 addresses the siting of schools and school facilities. HB 1095 relates to protecting children and animals from poisoning by antifreeze products. SB 5405 allows any person to possess sunscreen products to help prevent sunburn while on school property, at a school-related event or activity, or at summer camp, and encourages schools to educate students about sun-safety guidelines.

Drinking Water

Of the 595 bills introduced on drinking water, legislatures in 27 states enacted 97 bills and adopted 8 bills. Examples include:

- Alabama's SB 180 requires a public water system to notify the state before initiating any permanent changes to fluoridation in their water supply.
- Arizona's SB 1042 directs the State Fire Marshal's office to require backflow protections to prevent contamination of drinking water.
- California enacted 29 bills related to drinking water. AB 277 establishes the water and wastewater loan and grant program. AB 355 defines the parameters of a publicly-owned water treatment system for rural areas. AB 574 specifies that direct potable reuse includes raw water augmentation and treated drinking water augmentation.
- Colorado amended its Drinking Water Project Eligibility List (SJR 3). HB 1069 establishes control regulations for reuse of reclaimed domestic wastewater.

- The District of Columbia's DCB 29 requires the installation of filters on sources of water to reduce lead in public schools.
- Illinois adopted HR 94 to encourage testing for *Legionella* in local school water systems.
- In Louisiana, community water systems must maintain records of complaints, require training in compliance and management in certain instances, and provide to the state health officer health data regarding the regulation of community water systems (HB 894).
- The legislature in Maine limited the fee that the Health and Environmental Testing Laboratory may charge for the testing of a residential private drinking water well (H 1327). SB 426 directs the Maine State Housing Authority to distribute state funds to organizations and agencies to identify at-risk individuals in homes with contaminated wells and assist eligible low-income homeowners with the purchase of a water well.
- Michigan's HB 4541 provides for the duties of the Department of Environmental Quality over public water supplies, including water treatment and distribution systems. It also requires that public water supplies be overseen by a certified water treatment operator.
- Minnesota's H 3660 establishes the Water Quality and Sustainability Account that provides for the testing of private wells.
- The legislature in New Hampshire enacted HB 431 that establishes a commission to study the long-term goals and requirements for drinking water sources along the seacoast. SB 453 changes the criteria for drinking water grant programs and requires a municipality receiving water from another municipality's water system to notify its water users about the possible presence of fluoride in the water. HB 1101 directs the Department of Environmental Services to set standards for PFAS in drinking water. HB 1592 requires the department to review the ambient groundwater standard for arsenic.
- New York enacted SB 6655 that directs the Department of Health to post information related to emerging contaminant levels and educational materials, as well as requires information related to U.S. EPA's Drinking Water Information System be available to public water systems and the public. SB 7504 appropriates \$500,000 to the State University of New York at Stony Brook to provide for a new laboratory testing facil-

ity for perfluorooctanoic acid (PFOA) and other chemicals.

- In North Carolina, PFAS in water is a concern. SB 99 orders any person responsible for the discharge of industrial waste (notably PFAS chemicals) that result in contamination of a private drinking water well to establish permanent replacement water supplies for affected parties.
- Oklahoma limited the licensing requirements of swine feeding operations if the operation does not contribute significantly to the pollution of water (HB 1304).
- Puerto Rico's legislature adopted several studies regarding drinking water. SR 662 will investigate the condition of community water systems and the sources of these systems following the impacts of Hurricanes Irma and Maria. HR 147 studies drinking water consumption in the territory. HR 12 seeks to study the status of drinking water systems in the North Central Region and HR 374 looks at nitrates in drinking water systems.
- The Tennessee legislature requires public water systems with excessive levels of fluoride to notify all customers of the fluoride level (SB 683).
- The legislature in Vermont appropriated \$750,000 to provide for an action plan to clean up PFAS chemicals in Bennington (HB 16).
- Virginia enacted HB 1035 to give priority to the development of water sources to serve as alternatives to the withdrawal of groundwater from the coastal plain aquifer. HB 1608 authorizes the Water Quality Improvement Fund to support cost-effective technologies to reduce phosphorus, nitrogen, or nitrogen containing ammonia to meet the requirements of federal regulations associated with the reduction of ammonia.
- Washington's SB 6901 seeks to ensure that water is available to support residential development and requires an adequate water supply within the water resource inventory area.
- Wisconsin's SB 48 permits for public funds be used for private lead service line replacements. AB 226 provides local assistance to remediate contaminated wells and failing wastewater treatment systems.

Indoor Air Quality

Legislatures adopted 10 bills and enacted 52 bills in 22 states. Examples include:

- The Alaska legislature adopted HCR 29 that prohibits smoking in certain places. This bill was followed by SB 63 that specifies where smoking is prohibited, relates to municipal regulation of smoking in certain places, and allows villages and local governments the option to allow smoking in public places.
- The California legislature enacted the Healthy California Program (AB 74) that requires the Department of Housing and Community Development to establish a Housing for a Healthy California Program. The program's purpose is to create supportive housing opportunities through grants to counties and capital loans to developers.
- The Delaware legislature created a requirement that lodging establishments with an appliance that emits carbon monoxide or an attached garage have working carbon monoxide detection devices in each dwelling or sleeping unit (SB 91).
- Hawaii prohibited smoking and tobacco use, including the use of electronic smoking devices, by any person on the premises of the University of Hawaii (SB 134). SB 2783 increases the distance that smoking is prohibited in and around public housing projects and low-income housing projects and in older adult housing.
- In Louisiana, the legislature created a study committee to evaluate the state's prevalence of tobacco-related illnesses resulting from secondhand smoking (HCR 76). HR 109 requests the Department of Health to study tax- and health-related issues associated with vapor products and electronic cigarettes.
- The legislature in Nebraska enacted the Radon Resistant New Construction Act (L 9) that requires the state to determine minimum standards for state and local building codes regarding radon.
- In New York, the legislature amended the Public Health Law to prohibit smoking at all times in facilities that provide child care services in a private home (AB 397).
- Rhode Island's Public Health and Workplace Safety Act (HB 8357) was amended to include electronic smoking devices, electronic nicotine delivery system products, and other products that rely on vaporization or aerosolization.
- Virginia enacted several laws related to indoor air quality. SB 149 authorizes any locality to designate reasonable no-smok-

ing areas within an outdoor amphitheater or concert venue owned by that locality, requires such ordinance to provide for adequate signage designating such areas, provides that a violation of such ordinance is subject to a civil penalty, and provides that civil penalties shall be expended solely for public health purposes. HB 1534 looks at cancer caused by radon and directs the Department of Health to review consumer complaints related to testing and mitigation received, directs the department to review the current certification requirements for individuals performing radon testing, and directs the department to determine the benefits of any additional oversight for individuals performing testing and mitigation.

Pesticides

Legislatures adopted 6 bills and enacted 29 bills in 16 states on pesticides. Examples include:

- The legislature in Connecticut limited exposure to pesticides by prohibiting the use of residential automatic pesticide misting systems (SB 104).
- Hawaii's SB 3095 establishes disclosure and public notification requirements for outdoor application of pesticides in various sensitive areas or by large-scale outdoor commercial agricultural operations. It also establishes a pilot program that creates a vegetative buffer zone around five selected schools near a commercial agricultural production area.
- In Iowa, HB 2407 forbids a person from intentionally spraying, placing, discharging, or otherwise putting a pesticide off-label into a natural lake, or an artificial lake connected to a natural lake, that is used as a source for public or private water supplies.
- Maryland enacted HB 400 that requires the state, county, or bicounty agency to provide a municipality notification at least 24 hours before the state, county, or bicounty agency sprays a pesticide to control mosquitos within the municipality.
- Michigan enacted a law that allows residents to be notified of pesticide applications adjacent to their property. It also requires the state to maintain a voluntary registry of individuals who, due to a medically documented condition, are required to be notified before the application of a lawn or ornamental pesticide (SB 542).

- Oklahoma's HB 1606 relates to public health and safety, deletes specific herbicide application methods, and requires approval and registration of herbicides used for eradicating plants with the Department of Agriculture, Food, and Forestry.
- Utah's HB 413 modifies provisions of the Pesticide Control Act regarding the requirements for obtaining a business registration certificate for a pesticide applicator business.

Swimming Pools

Legislatures in 5 states enacted 6 bills related to swimming pools, which were mostly technical changes for aquatic professionals. Examples include:

- California enacted 2 bills. SB 442 requires that pools or spas be equipped with drowning prevention safety features when a building permit is issued and requires home inspections to include examinations of pools or spas. AB 1766 requires the State Department of Education, in consultation with the State Department of Public Health, to issue best practice guidelines related to pool safety at K–12 schools.
- Maryland's SB 924 authorizes the governing body of a county to adopt rules and regulations to govern the sanitary condition of splash pads.
- Washington's HB 1449 exempts inflatable equipment operated at a temporary event from regulation of water recreation facilities.

Toxics and Chemicals

Legislatures adopted 16 bills in 8 states and enacted 110 bills in 30 states regarding toxics and chemicals. Examples include:

- California enacted AB 1516 that directs the California Department of Pesticide Regulation and California Environmental Protection Agency to allow the unlicensed use of pesticides if there are no appreciable risks if used properly. AB 2816 requires the department to submit a report that evaluates the implementation of the Healthy Schools Act regarding pesticides and provides recommendations on improving the implementation and efficacy of that act.
- California SB 1263 addresses microplastics. The bill requires the Ocean Protection Council to adopt and implement a statewide microplastics strategy related to microplastic materials that pose an emerging concern for ocean health. The bill

authorizes the council to enter into one or more contracts with marine research institutes for research services that contribute directly to the strategy.

- California's AB 2901 amends the Cleaning Products Right-to-Know Act by updating references to the names of specified substances under the act and adjusting the disclosure on a product label and a manufacturer's website information related to chemicals contained in the designated product.
- The Connecticut legislature enacted legislation providing funding for lead abatement and environmental health and safety concerns (SB 357).
- Delaware amended its law (HB 456) to prohibit the use of lead paints on outdoor structures, such as bridges, water towers, playground equipment, highways, parking lots, and utility towers and poles, in order to protect public health from the dangers of such paints.
- Hawaii banned the sale or distribution of any SPF sunscreen protection personal care product that contains oxybenzone or octinoxate without a prescription issued by a licensed healthcare provider (SB 2571).
- Illinois' SB 2996 updates the state's definition of elevated blood-lead level and requirements for the inspection of regulated facilities occupied by children.
- Louisiana enacted HB 326 to require any local health officer, health unit supervisor, examining physician, hospital, public health nurse, or reporting person to report to the state health officer the existence and circumstances of each case of lead poisoning known to them and not previously reported.
- The Louisiana legislature authorized a pilot program to test drinking water for toxic chemicals in elementary schools (HB 633).
- In Maine, the legislature added language to the appropriations bill to require the Housing Authority to establish and administer a program that provides assistance, including grants, for the abatement of lead paint hazards in residential housing (HB 653).
- The Michigan legislature adopted HR 228 that proposes a framework to guide agencies and ensure the most impactful and relevant decisions in the use of the funds contained in the supplemental budget regarding PFAS-related activities.
- In New Hampshire, if the presence of lead in drinking water exceeds the action level

established by U.S. EPA, the landlord must notify the tenant or prospective tenant and must install on the kitchen faucet a filtering device certified to reduce lead by NSF International/American National Standards Institute (NSF/ANSI) (SB 247).

- New Hampshire enacted S 309 that requires the commissioner of the Department of Environmental Services to adopt a state drinking water standard relative to PFAS, establishes a toxicologist position and a human health risk assessor position in the Department of Environmental Services, and establishes the criteria for setting maximum contaminant limits for public drinking water.
- New York SB 7292 revises provisions related to lead paint remediation from the aboveground transit infrastructure and requires the City Transit Authority to submit a report that identifies all current or planned capital projects involving the removal of existing lead-based paint from any aboveground station, elevated trestle, or elevated subway track. The bill also authorizes the commissioner of health to take enforcement action when areas of lead poisoning are designated.
- North Carolina included language in its Appropriations Bill (S 99) to address PFAS contamination in the state.
- In Pennsylvania, the legislature adopted HR 682 that urges the U.S. Secretary of the Department of Health and Human Services to select the former Naval Air Station Joint Reserve Base Willow Grove; the former Naval Air Warfare Center Warminster; and Horsham, Warrington, and Warminster Townships for an exposure assessment and study on human health implications of PFAS contamination.
- The Tennessee legislature enacted a law (SB 619) that requires each local board of education to develop a policy to implement a program to reduce the potential sources of lead contamination in drinking water in public schools and requires notification to governing authorities and parents if elevated lead levels are detected in drinking water.
- The legislature in Tennessee enacted SB 663 regarding the testing of fluoride in public water systems. SB 683 requires public water systems with confirmed levels of fluoride to perform monthly laboratory

analysis of water samples for fluoride levels and requires these public water systems to notify all customers of the fluoride level.

- Vermont enacted HB 736 that amends the Residential Lead-Based Paint Hazard Reduction Act to include provisions related to the accreditation of lead-poisoning prevention training programs, provides for fees for accrediting training programs, and requires all healthcare providers to test children of specified ages for elevated blood-lead levels.
- Virginia enacted a bill (HB 1241) that prohibits any locality from banning car washing fundraisers that use biodegradable, phosphate free, water-based cleaners.
- Washington addressed PFAS chemicals in food packaging. HB 2658 revises provisions related to the use of PFAS chemicals in food packaging and prohibits the manufacture and sale of food packaging to which PFAS chemicals have been intentionally added in any amount. The legislature also enacted SB 6413 that restricts the manufacturing, selling, and distributing of firefighting foam with PFAS chemicals, requires a recall of firefighting foam products and reimbursement to retailers, and provides that the department must assist local entities in giving priority to the purchase of firefighter personal protective equipment without PFAS chemicals.

Tracking, Surveillance, and Biomonitoring

Legislatures adopted 1 bill and enacted 8 bills in 7 states regarding tracking, surveillance, and biomonitoring. Examples include:

- The Colorado legislature amended its public and environmental health laboratory requirements to allow for certification by a nationally or internationally recognized accreditation organization that includes the scope of forensic toxicology (HB 1302).
- New Hampshire enacted SB 588 regarding inspection of laboratories and requiring laboratory certification under the federal Clinical Laboratory Improvement Amendments.
- The legislature in Utah amended the Environmental Health Science Act (SB 15) to define what constitutes an accredited program and licensure qualifications for an environmental health scientist and environmental health scientist-in-training.

Wastewater

Legislatures adopted 18 bills and enacted 130 bills on wastewater in 31 states. Examples include:

- Alaska's SB 3 and HCR 9 are related to the regulation of wastewater discharge from small commercial passenger vessels.
- Arkansas' SB 8 and HB 1007 focus on the modification and review of permits for liquid animal waste management systems.
- In California, SB 966 requires the Water Resources Control Board to adopt regulations for risk-based water quality standards for onsite treatment and reuse of nonpotable water.
- In Colorado, SB 38 allows reclaimed domestic wastewater to be used for industrial hemp cultivation.
- Connecticut enacted the Sewage Spillage Right-to-Know Act in order to notify the public of unanticipated sewage spills (HB 5130).
- Hawaii enacted 4 bills and adopted 3 regarding private wastewater systems. The legislature prohibited the installation or use of household aerobic units that discharge directly to groundwater unless approved by the director of health (HB 605). HB 1802 directs the Department of Health to certify all qualified cesspools. HB 2043 authorizes counties to inspect and compel property owners to inspect sewer laterals under certain conditions and to make repairs as necessary. SB 2567 establishes a cesspool conversion working group to develop a long-range comprehensive plan for a state-wide conversion of all cesspools.
- Indiana's HB 1233 provides that the term "onsite sewage system" applies to systems that treat sewage from municipalities or publicly-owned treatment works. HB 1267 establishes the Water Infrastructure Task Force to examine standards and practices for the maintenance and management of drinking water systems, wastewater management systems, and stormwater systems, and to prioritize water infrastructure projects.
- The Louisiana legislature amended the state's Sanitary Code to provide limitations on water system testing requirements for certain retail food establishments (HB 846). The state also enacted a law requiring community water systems to establish and maintain records of complaints and sets forth duties of the state health officer

with respect to regulation of community water systems (HB 894).

- Maine's HB 263 increased penalties for the discharge of sewage, septic fluids, garbage, sanitary waste, or other pollutants from watercraft into inland waters.
- In Maryland, SB 496 authorizes the use of graywater for residential purposes and requires the state to adopt regulations regarding graywater use. HB 1765 authorizes reductions in nitrogen from an upgrade to an onsite sewage disposal system to count toward a nitrogen-load reduction required in a watershed implementation plan.
- In Mississippi, the legislature enacted HB 331 that requires advanced treatment systems be in compliance with standards for a Class I system as defined by NSF/ANSI Standard 40: Residential Onsite Systems.
- The New Hampshire legislature appropriated funds (SB 57) to the Department of Environmental Services for the purpose of funding eligible drinking water and wastewater projects under the state aid grant program, as well as made an appropriation from the drinking water and groundwater trust fund to the Department of Environmental Services to address drinking water contamination in Amherst.
- Puerto Rico's SR 662 orders the Senate Committee on Environmental Health and Natural Resources to investigate the condition of community water systems in Puerto Rico and the natural water resources that nourish these systems after the passage of Hurricanes Irma and Maria, as well as their effect on public health.
- Virginia's HB 888 directs the Department of Health to take steps to eliminate evaluation and design services provided by the department for onsite sewage systems and private wells and provides specific requirements and a timeline for such elimination.



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