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SENATE FILE

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BY BOLKCOM and RAGAN

(COMPANION TO LSB 2099HH

BY FOEGE)

HUMAN RESOURCES

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the creation of a children's environmental  
2 health and protection advisory council.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 125  
HUMAN RESOURCES

1 Section 1. NEW SECTION. 135M.1 TITLE.

2 This chapter shall be known and may be cited as the  
3 "Children's Environmental Health and Protection Advisory  
4 Council Act".

5 Sec. 2. NEW SECTION. 135M.2 FINDINGS --  
6 RESPONSIBILITIES.

7 The general assembly finds all of the following:

8 1. That children in this state face an array of  
9 preventable exposures to environmental hazards in their  
10 schools, homes, and communities.

11 2. That in certain cases children are at greater risk than  
12 adults for exposure to and possible illness from environmental  
13 hazards due to all of the following:

14 a. Children have decreased ability to detoxify certain  
15 substances. : :

16 b. Children have greater sensitivity to environmental  
17 hazards during the stages of development and growth as a  
18 result of their immature body organs and tissues and immature  
19 immune systems.

20 c. Children have unique exposure behavior patterns, such  
21 as hand-to-mouth behavior, spending a greater amount of time  
22 outdoors near hazards, and spending more time on the floor and  
23 on the ground where contaminants can concentrate.

24 d. Children take in a proportionately greater amount of  
25 contaminants due to their eating proportionately more food,  
26 breathing proportionately more air, and drinking  
27 proportionately more fluids than adults.

28 3. Higher rates of poverty are one factor that places  
29 children in ethnic and minority communities at  
30 disproportionately higher risk for environmental exposures due  
31 to deficient housing, poor nutrition, and limited access to  
32 health care.

33 4. Solutions to complex environmental health problems  
34 require the ongoing communication, collaboration, and  
35 cooperation of affected communities and many disciplines

1 including science, medicine, public health, economics,  
2 planning, law, and policy.

3 5. It is necessary to assess the impacts of state  
4 policies, programs, and activities on children.

5 6. The state recognizes the state's responsibility to do  
6 all of the following:

7 a. Enable all children to grow up in a safe and healthy  
8 environment.

9 b. Use the state's resources to ensure that every child is  
10 provided with an environmentally safe and healthy learning  
11 environment in which to grow, develop, and mature into a  
12 productive and healthy adult.

13 7. The state will endeavor to meet the state's  
14 responsibilities by creating an advisory council to identify  
15 environmental hazards that may affect children's health and  
16 recommend solutions to those hazards through interdisciplinary  
17 problem solving and coalition building.

18 Sec. 3. NEW SECTION. 135M.3 DEFINITIONS.

19 As used in this chapter, unless the context otherwise  
20 requires:

21 1. "Advisory council" means the children's environmental  
22 health and protection advisory council created in this  
23 chapter.

24 2. "Environmental hazard" means one or a group of toxic  
25 chemical, biological, or physical agents in the environment,  
26 resulting from human activities or natural processes, that may  
27 impact the health of children exposed to the agents, including  
28 such agents as lead, pesticides, air pollutants, contaminated  
29 drinking water, polluted waters, toxic waste, polychlorinated  
30 biphenyls, secondhand cigarette or tobacco product smoke, and  
31 industrial and home chemicals.

32 Sec. 4. NEW SECTION. 135M.4 CHILDREN'S ENVIRONMENTAL  
33 HEALTH AND PROTECTION ADVISORY COUNCIL -- MEMBERSHIP --  
34 PROCEDURES.

35 1. A children's environmental health and protection

1 advisory council is created within the Iowa department of  
2 public health.

3 2. The advisory council shall be composed of the following  
4 members:

5 a. The director of public health, or the director's  
6 designee.

7 b. The director of human services, or the director's  
8 designee.

9 c. The director of the department of natural resources, or  
10 the director's designee.

11 d. The secretary of agriculture, or the secretary's  
12 designee.

13 e. The director of the department of education, or the  
14 director's designee.

15 f. Two licensed pediatric health care providers with  
16 expertise in the field of children's environmental health,  
17 appointed by the governor.

18 g. One representative of the university of Iowa hospitals  
19 and clinics with expertise in studying the impact of  
20 environmental hazards on children, appointed by the governor.

21 h. One parent whose child has been clinically diagnosed  
22 with exposure to an environmental hazard such as lead paint or  
23 pesticides, appointed by the governor.

24 i. One environmental epidemiologist with expertise in  
25 issues of importance to children's environmental health,  
26 appointed by the governor.

27 j. One economist with expertise in measuring the economic  
28 costs of illness and the benefits of prevention, appointed by  
29 the governor.

30 k. One environmental toxicologist with expertise in issues  
31 of importance to children's environmental health, appointed by  
32 the governor.

33 l. One representative of the Iowa state association of  
34 counties, appointed by the governor.

35 m. One representative of private industry who represents

1 the regulated community, appointed by the governor.

2 n. Four members of the general assembly, two appointed by  
3 the majority leader of the senate, after consultation with the  
4 president of the senate and the minority leader of the senate,  
5 and two appointed by the speaker of the house, after  
6 consultation with the majority leader and the minority leader  
7 of the house of representatives.

8 3. Members shall serve staggered terms of two years.

9 Appointments shall comply with sections 69.16 and 69.16A.

10 Each term shall commence and end as provided by section 69.19.

11 Vacancies shall be filled by the original appointing authority  
12 and in the manner of the original appointments.

13 4. Nonlegislative members shall receive actual expenses  
14 incurred while serving in their official capacity and may also  
15 be eligible to receive compensation as provided in section  
16 7E.6. Legislative members shall receive compensation pursuant  
17 to section 2.12.

18 5. The director of public health or the director's  
19 designee shall serve as the chairperson of the advisory  
20 council. A majority of the members of the advisory council  
21 shall constitute a quorum. The Iowa department of public  
22 health shall provide staff support to the advisory council.  
23 The advisory council shall meet on a quarterly basis, or more  
24 frequently at the request of the chairperson.

25 Sec. 5. NEW SECTION. 135M.5 ADVISORY COUNCIL DUTIES.

26 The advisory council shall do all of the following:

27 1. Review and comment on existing rules, regulations, and  
28 standards to ensure that the rules, regulations, and standards  
29 adequately protect the health of children from environmental  
30 hazards by considering the special vulnerability of children  
31 due to such factors as children's developing physiology,  
32 exposures, behaviors, and diets relative to adults.

33 2. Review any proposed rule submitted to the advisory  
34 council to determine if the proposed rule:

35 a. Adequately protects the health of children from

1 environmental hazards by considering the special vulnerability  
2 of children due to such factors as children's developing  
3 physiology, exposures, behaviors, and diets relative to  
4 adults.

5 b. Is consistent and uniform with the children's  
6 environmental health policies, rules, regulations, and  
7 standards of other state agencies.

8 3. Following the review of a proposed rule, the advisory  
9 council shall recommend to the entity proposing the rule  
10 measures that would avoid or minimize any negative impact that  
11 the proposed rule may have on the health of children.

12 4. Comment on any proposed rule that may be submitted by a  
13 state agency during the public comment period if the advisory  
14 council determines that the proposed rule will have an impact  
15 on children's health.

16 5. Gather and disseminate information to the public,  
17 including the research and medical communities, community-  
18 based organizations, schools, and state agencies regarding  
19 reduction, treatment, and elimination of children's exposures  
20 to environmental hazards to further the public's understanding  
21 of the environmental hazards that may potentially affect  
22 children.

23 6. Recommend uniform guidelines for state agencies to  
24 follow to reduce and eliminate children's exposures to  
25 environmental hazards.

26 7. Create and promote educational programs, in partnership  
27 with health and environmental professionals, for parents and  
28 caregivers of children that include information regarding:

29 a. The potential health effects of environmental hazards.

30 b. Practical suggestions regarding reduction of children's  
31 exposure to environmental hazards.

32 c. Any other relevant information to assist parents and  
33 caregivers of children in protecting children from  
34 environmental hazards.

35 8. Provide input to the general assembly regarding

1 legislation that may impact environmental hazards that affect  
2 the health of children.

3 9. Report to the general assembly and the governor on or  
4 before December 1, 2005, and annually thereafter by December  
5 1, describing the activities of the advisory council.

6 Sec. 6. Section 17A.4, subsection 1, Code 2005, is amended  
7 by adding the following new paragraph:

8 NEW PARAGRAPH. d. Submit to the state children's  
9 environmental health and protection advisory council created  
10 in section 135M.4 any proposed rule identified by the agency  
11 as having an impact on an environmental hazard, as defined in  
12 section 135M.3, affecting the health of children.

13 Sec. 7. APPOINTMENTS DURING BIPARTISAN CONTROL.  
14 Appointments of general assembly members of the children's  
15 environmental health and protection advisory council created  
16 pursuant to this Act which are to be made by the president of  
17 the senate or by the majority or minority leader of the senate  
18 during the period that the senate for the Eighty-First General  
19 Assembly is composed of an equal number of members of each  
20 major political party, shall be made jointly by the co-  
21 presidents or co-floor leaders, as appropriate, in accordance  
22 with Senate Resolution 1, adopted during the 2005 legislative  
23 session.

24 **EXPLANATION**

25 This bill creates a children's environmental health and  
26 protection advisory council. The bill provides findings and  
27 responsibilities recognized by the general assembly regarding  
28 children's environmental health, provides definitions, and  
29 specifies the membership of the advisory council and the  
30 procedures for the advisory council. The bill specifies the  
31 duties of the advisory council, which include review of  
32 existing and proposed rules of state agencies to determine any  
33 negative effect on children's environmental health; to provide  
34 information to the public, including the research and medical  
35 communities, community-based organizations, schools, and state

1 agencies regarding reduction, treatment, and elimination of  
2 children's exposures to environmental hazards to further the  
3 public's understanding of the environmental hazards that may  
4 potentially affect children; recommend uniform guidelines for  
5 state agencies to follow to reduce and eliminate children's  
6 exposures to environmental hazards; create and promote  
7 educational programs, in partnership with health and  
8 environmental professionals, for parents and caregivers of  
9 children that include information regarding the potential  
10 health effects of environmental hazards, practical suggestions  
11 regarding reduction of children's exposure to environmental  
12 hazards, and any other relevant information to assist parents  
13 and caregivers of children in protecting children from  
14 environmental hazards; provide input to the general assembly  
15 regarding legislation that may impact environmental hazards  
16 that affect the health of children; and report to the general  
17 assembly and the governor on or before December 1, 2005, and  
18 annually thereafter by December 1, describing the activities  
19 of the advisory council. The bill also requires that a state  
20 agency, prior to the adoption, amendment, or repeal of any  
21 rule that the agency identifies as having an impact on the  
22 environmental hazards affecting the health of children, submit  
23 the proposed rule to the advisory council.

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