

FEB 3 2005
ENVIRONMENTAL PROTECTION

HOUSE FILE 204
BY FOEGE and HEDDENS

(COMPANION TO LSB 2099SS
BY BOLKCOM)

Passed House, Date _____ Passed Senate, 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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HF 204

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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