

THE CSTE WASHINGTON REPORT

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The *CSTE Washington Report* is provided as an information resource for members of the Council of State and Territorial Epidemiologists on federal legislation and regulation affecting public health and epidemiology in the U.S.

HEALTH CARE REFORM UPDATE – On October 19, the Senate Finance Committee approved America's Healthy Future Act (S. 1796) with one Republican vote in favor, Sen. Olympia Snowe of Maine. Since the vote, Majority Leader Harry Reid (D-NV) has spearheaded work on melding the Health, Education, Labor and Pensions (HELP) Committee health care reform bill, which passed several months ago, and the Finance Committee bills. At stake is \$20 billion within the HELP bill for prevention, wellness and public health infrastructure to be spent over ten years. The funding provides a mandatory investment stream of resources, over and above current spending levels, for states and community-based programs largely aimed at preventing chronic diseases. Also at stake within the HELP prevention-wellness title are two sections drawn from a CSTE supported bill, Strengthening America's Public Health System Act (SAPHSA). The sections, respectively, authorize the Epidemiology and Laboratory Capacity Program at CDC and several fellowship training programs, including the CDC-CSTE Applied Epidemiology Fellowship Training Program. Sen. Reid has stated he hopes to have a completed, merged bill by the end of this week (October 23). Meanwhile, the House is melding three versions of its health care reform bill, H.R. 3200.

Both bills are expected to be on the floor by the end of October, but will need to be conferenced as they will differ in many respects.

APPROPRIATIONS UPDATE – Yesterday, October 20th, Senate Appropriations Chairman Daniel Inouye (D-HI) acknowledged that FY 2010 bills that have not already passed on the Senate floor are likely to be folded into an omnibus bill. Four of the 12 annual appropriations measures have been passed by Congress, three are in conference and may finish. The rest, including the Labor-HHS-Education Appropriations bill which funds all of CDC, will end up in an omnibus bill. Sen. Inouye said the need for the omnibus is dictated by the pressures for floor time for the debate on the health care reform bill. He hopes to have a completed omnibus bill by December 1st.

REAUTHORIZATION OF RYAN WHITE HEADED FOR PRESIDENT'S SIGNATURE – Legislation reauthorizing the Ryan White CARE Act, supporting state, local and community-based services for those with HIV/AIDS, passed both the House and Senate this week. While largely a straight reauthorization with minimal changes, the bill would require states to adopt name-based reporting for patients by 2012 and set a national testing goal of five million tests per year. Also imbedded in the bill is reinstatement of notification requirements for emergency response personnel of possible exposure to infectious diseases that had been stripped out in the 2006 reauthorization. The President is expected to sign the measure into law.

SENATE HEALTH COMMITTEE HOLDS HEARING ON FOOD SAFETY – The Senate Health, Education, Labor and Pensions Committee (HELP) will hold a hearing entitled, “Keeping America’s Families Safe: Reforming the Food Safety System,” on October 22nd. Witnesses include: Dr. Margaret Hamburg, Commissioner, U.S. Food and Drug Administration; Caroline Smith DeWaal, Director of Food Policy, Center for Science in the Public Interest, and Daniel L. Ragan, Director, North Carolina Department of Agriculture & Consumer Services, Food and Drug Protection Division. The House passed legislation reforming federal food safety regulation on July 30th (H.R. 1332).

ENVIRONMENTAL HEALTH BILLS MAKE PROGRESS – The full House Energy and Commerce Committee will mark up three environmental health bills today, October 21st.

The Mercury Pollution Reduction Act (H.R. 2190) was introduced by Rep. Janice Schakowski (D-IL) on April 30, 2009. The bill has 47 co-sponsors. It passed the Subcommittee on Energy and the Environment on June 3rd. A companion measure (S. 1428) was introduced on 7/9/09 by Sen. Sheldon Whitehouse (D-RI). It has been referred to the Environment and Public Works Committee. A Congressional Research Service (CRS) Summary is provided below:

Declares that the United States should develop policies and programs that will reduce: (1) mercury use and emissions; (2) mercury releases from the reservoir of mercury currently in use or circulation; and (3) exposures to mercury, particularly of women of childbearing age and young children.

Amends the Toxic Substances Control Act to prohibit: (1) the manufacture of chlorine or caustic soda using mercury cells; and (2) the export of any mercury, mercury cells, mercury compounds, and mixtures containing mercury by the owner or operator of a chlor-alkali facility.

Requires the owner or operator of each chlor-alkali facility to report to the Environmental Protection Agency (EPA) Administrator and the state in which the facility is located on mercury waste, emissions, and content in products.

Requires the Administrator to: (1) conduct a comprehensive mercury inventory covering the life and closure of chlor-alkali facilities that cease operations on or after July 1, 2009; and (2) obtain mercury purchase records and such other information from each such facility as are necessary to determine the magnitude and nature of mercury releases from the facility into air and other environmental media.

The Safe Drinking Water Act, H.R. 3258, was introduced on July 20, 2009 by Rep. Henry Waxman (D-CA). It passed the Subcommittee on Energy and the Environment on October 14, 2009. There are 10 co-sponsors and no Senate companion measure. The CRS summary follows:

Amends the Safe Drinking Water Act to revise and expand requirements for assessments by covered water systems of their vulnerability to intentional acts of sabotage. Defines "covered water system" as a public water system that is a community water system serving a population greater than 3,300 or that presents a security risk requiring the issuance of regulations.

Directs the Administrator of the Environmental Protection Agency (EPA) to issue regulations to: (1) establish tiered risk-based performance standards for the security of covered water systems and requirements and deadlines for such systems to conduct and update vulnerability assessments; (2) develop site security and emergency response plans for such systems; and (3) provide annual training to system employees and contractor employees. Sets forth matters which such regulations must address, including the vulnerability of a water system to intentional acts, levels of risk, and the role of employees in developing site security and emergency risk plans. Requires the Administrator to review and approve the vulnerability assessments and site security plans of covered water systems.

Authorizes the Administrator to: (1) designate any chemical substance as a substance of concern in issuing water system security standards; and (2) award grants to assist states in implementing regulations promulgated under this Act and for assessing and implementing methods to reduce the consequences of a release of a substance of concern.

Prohibits disclosure of protected information relating to the security of covered water systems. Exempts such information from Freedom of Information disclosure requirements. Imposes criminal penalties for unauthorized disclosure of protected information.

The Chemical Facility Anti-Terrorism Act (H.R. 2868) was introduced by Rep. Bennie Thompson (D-MS) on June 15, 2009. The Subcommittee voted approval on October 14th. There are 8 co-sponsors and no Senate companion measure.

Chemical Facility Anti-Terrorism Act of 2009 - Amends the Homeland Security Act of 2002 to set forth provisions governing the regulation of security practices at chemical facilities.

Authorizes the Secretary of Homeland Security (DHS) to designate any chemical substance as a substance of concern and establish the threshold quantity for each such substance after considering the potential extent of death, injury, and serious adverse effects that could result from a chemical facility terrorist incident.

Directs the Secretary to: (1) maintain a list of covered chemical facilities that are of sufficient security risk; (2) assign each covered facility to one of four risk-based tiers; (3) establish standards and procedures for security vulnerability assessments and site security plans; (4) require each facility owner or operator to submit and, once approved, implement such an assessment and plan; (5) establish risk-based chemical security performance standards for site security plans; (6) establish modified or separate standards, protocols, and procedures for security vulnerability assessments and site security plans for covered chemical facilities that are also academic laboratories; and (7) establish a program to award grants to eligible entities to provide for training and education of specified chemical facility employees (covered individuals), first responders, and emergency response providers.

Permits the Secretary, under specified circumstances, to: (1) accept an alternate security program submitted by the owner or operator of the facility; (2) conduct facility security inspections; and (3) obtain access to and copy records.

Requires: (1) the timely sharing of threat information; and (2) the Secretary to provide information to the public regarding a process by which individuals may report problems, deficiencies, or vulnerabilities at a covered facility associated with the risk of a terrorist incident. Establishes whistleblower protections for facility employees who report violations. Provides penalties for violations of whistleblower protections.

Sets forth provisions that: (1) preclude preemption of states' rights to adopt or enforce more stringent regulations or standards; and (2) prohibit the public disclosure of protected information, subject to specified limitations.

Requires the owner or operator of a covered chemical facility to include in the site security plan an assessment of methods to reduce the consequences of a terrorist attack on that facility.

Directs the Secretary to report to the House Homeland Security Committee regarding exempting small business concerns from security requirements.

Establishes in the Department of Homeland Security (DHS) an Office of Chemical Facility Security.

Directs the Secretary to issue regulations to require covered chemical facilities to conduct appropriate security background checks and ensure appropriate credentials for unescorted visitors and chemical facility personnel. Requires an owner or operator of a facility who finds that a covered individual is not legally authorized to work in the United States to cease to employ that individual, subject to a specified redress process.

Authorizes civil actions by any individuals alleging violations of this Act.

Requires annual (and after four years, biennial) reports to Congress on progress in achieving compliance with this Act. Authorizes appropriations.

Directs the Secretary to establish a notification system that provides any individual the ability to report a suspected security deficiency or noncompliance with this Act, including by telephonic and Internet-based means. Requires the Secretary and the Inspector General for DHS, respectively, to take specified actions to address deficiencies and to report to specified congressional committees.

Requires the Secretary to review the designation of sodium fluoroacetate as a substance of concern.