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FISCAL IMPACT REPORT

SPONSOR HGUAC DATE TYPED 03/07/05 HB HJM 24

SHORT TITLE Precautionary Principles in State Government SB _____

ANALYST Collard

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			Minimal		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SJM 54

SOURCES OF INFORMATION

LFC Files

Physicians for Social Responsibility (www.envirohealthaction.org)

National Centers for Disease Control and Prevention

Center for Environmental Health & Center for Chronic Disease Prevention & Health Promotion

Responses Received From

Department of Health (DOH)

Health Policy Commission (HPC)

New Mexico Environment Department (NMED)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

The House Government and Urban Affairs Committee substitute for House Joint Memorial 24 requests DOH to establish an interagency precautionary principle taskforce to develop a long-term plan to implement the precautionary principle in New Mexico. The precautionary principle means, that when activities potentially threaten human health or the environment, actions should be taken that are precautionary to prevent harm even if cause and effect relationships are not fully established scientifically. The taskforce is to be comprised of representatives of communities, business, labor, municipalities, hospital and health care systems and appropriate state agencies.

The plan is to include:

- Identification of methods to stimulate implementation of United States Environmental Protection Agency's (USEPA) "Tools for Schools" to promote safer environments for children in the public school system;
- Identification of methods to implement the use of safe products and programs in health care facilities that includes recommendations for products and practices related to construction, maintenance and pest management in those facilities;
- Assistance for the General Services Department in creating and implementing an integrated pest management program for state buildings and grounds;
- Assistance for the Economic Development Department in identifying opportunities for and benefits to businesses and industries resulting from the application of the precautionary principle; and
- Encouragement for municipalities to identify and assess the benefits of implementing the precautionary principle ordinances and policies in such areas as land use, vehicle choices and maintenance practices, pest management and purchasing of cleaners, building and remodeling materials, office supplies and electronic equipment.

The taskforce is to report its final plan to the legislative Health and Human Services Interim Committee in October 2006. Copies of this memorial are to be sent to the secretaries of Health, Environment, Public Education, Economic Development and General Services.

Significant Issues

NMED notes the joint memorial encourages implementation of the precautionary principle throughout New Mexico especially in government programs. The principle holds that when an activity raises threats of harm to human health or the environment, mitigation or abatement measures should still be taken. The premise of the joint memorial is that all New Mexicans have an equal right to live in a healthy and safe environment, and implementation of the precautionary principle could promote that as well as reduce the ever-increasing impact on public health resulting from exposure to environmental toxins.

Most environmental statutes contain components relating to prevention of pollution, recognizing that "an ounce of prevention is worth a pound of cure." For example, business entities are required to show progress in hazardous waste minimization and pollution prevention every year.

The joint memorial seeks to study how the precautionary principle could be integrated into state government, focusing on children's health, health care facilities, land use, and ordinary state government activities such as procurement of vehicles, cleaners, building materials, and office and electronic equipment. The city of San Francisco has used the precautionary principle as the framework for city ordinances including: the Integrated Pest Management Ordinance, the Resource Efficient Building Ordinance, the Healthy Air Ordinance, the Resource Conservation Ordinance, and the Environmentally Preferable Purchasing Ordinance.

The taskforce is also directed to give attention to issues of indoor air quality and how this might be improved, such as using carpets that do not produce harmful fumes, using pest control practices that minimize or eliminate the use of pesticides, controlling mold, improving ventilation, and using nontoxic cleaning agents.

NMED notes the joint memorial requires that the taskforce identify methods to stimulate further

implementation of the USEPA Indoor Air Quality Tools for Schools. The Tools for Schools kit shows schools how to carry out a practical plan of action to improve indoor air problems at little or no cost using straightforward activities and in-house staff. The voluntary guidance in Indoor Air Quality Tools for Schools can save schools time and money so that attention can be directed to educating children. Indoor Air Quality Tools for Schools is co-sponsored by the National Parent Teacher Association, National Education Association, Council for American Private Education, Association of School Business Officials, American Federation of Teachers, and the American Lung Association. The Tools for Schools kit includes checklists for all school employees, a flexible step-by-step guide for coordinating the checklists, an Indoor Air Quality Problem Solving Wheel, a fact-sheet on indoor air pollution issues, and sample policies and memos. In New Mexico, the Tools for Schools program has been implemented in schools in the Albuquerque and Gasden School Districts by a NMED contractor through a USEPA grant. The program has been very successful.

NMED maintains an Office of Pollution Prevention directed at implementing pollution prevention measures throughout both the public and private sectors in New Mexico. NMED's Green Zia program has demonstrated that real dollar savings are realized through implementation of pollution prevention measures. In 2004, Green Zia participants saved over 1.5 million dollars, 2 million gallons of water, 4 million kWh of electricity, and recycled over 62 tons of material through the employment of pollution prevention techniques within their organization

FISCAL IMPLICATIONS

There is no appropriation contained in this joint memorial.

DOH indicates it will participate in the taskforce and contribute to the study to the extent resources are available.

NMED notes implementation of the precautionary principle through taking pollution prevention measures in state government could save the state millions of dollars should the state engage in "green purchasing" or "green building." The need for environmentally friendly products that would be generated by the implementation of the precautionary principal within state government might also stimulate the development of new "green" industries in New Mexico, thereby fostering economic growth.

PED notes this process takes approximately 160 hours of an Education Administrator – A's time at \$25.06 per hour plus benefits, for a total estimate of \$5.2 thousand.

DUPLICATION

The House Government and Urban Affairs Committee substitute for House Joint Memorial 24 duplicates Senate Joint Memorial 54.

OTHER SUBSTANTIVE ISSUES

DOH indicates the precautionary principle is a cost-effective approach to health because it could prevent environmental exposures that can degrade health. When environmental exposures have occurred, it is technically difficult and expensive to quantitatively assess such exposures and their health consequences for New Mexicans. These technical difficulties are due, in part, to gaps

in the scientific data such as toxicology. They are due to an unclear understanding of the quantity and health effects of multiple exposures that makes it difficult to assess the effects of a single exposure. Assessments of the health impacts after environmental exposures have occurred are also limited by funding to conduct such evaluations.

It is known that concentrations of environmental contaminants are increasing in people and that certain chronic diseases which may be associated with these exposures are also increasing including certain types of cancer, neurological diseases (Alzheimers, Parkinsons, Multiple Sclerosis, ALS), autism, asthma, and certain birth defects.

In addition to the decreased lifespan and quality of life, the financial costs of chronic diseases, including those cited above, are a huge burden to society estimated at \$1 trillion nationally.

In many cases, implementation of the precautionary principle can produce alternate methods that reduce exposures to environmental toxicants. For example, integrated pest management, can reduce pesticide exposures at less cost than indiscriminant use of pesticides. Similarly, substitution of a less toxic product for a more toxic one can often be made without significant cost impacts. It is possible that there are many situations in state operations where a potentially toxic practice is being continued simply because no one has considered using an alternate product or method due to lack of information.

This proposed task force would evaluate such practices and determine if there are cost-effective means of reducing exposures in state office buildings and facilities.

The NMED Air Quality Bureau has received inquiries and complaints regarding indoor air quality, but has few regulatory mechanisms for managing these complaints. Enhancing the Tools for Schools program is an effect way to address indoor air quality issues for our children.

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