



Arkansas Department of Health

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Governor Asa Hutchinson

José R. Romero, MD, Secretary of Health

August 7, 2020

Representative Lanny Fite, Chair
Representative Fredrick J. Love, Vice-Chair
House Committee on City, County, and Local Affairs
Via Email to Barbara Brown, brownb@blr.arkansas.gov

RE: Interim Study Proposal 2019-131, by Representative Jana Della Rosa

The Department of Health submits this report pursuant to Interim Study Proposal 2019-131. The proposal states that its purpose is to study the adequacy of the public notice and procedures regarding public participation for each type of environmental permit, certification, authorization, approval, or coverage issued by various state agencies, including ADH. The Department of Health's Environmental Health Protection (EHP) program promotes health and quality of life by ensuring environments conducive to health through interventions, regulation, policy, and recommendations. The main areas of focus of the EHP program include the following:

- On-site wastewater programs ensure safety of water resources by regulating basic wastewater systems, responding to environmental complaints and approving individual onsite wastewater systems.
- Swimming pool and swim beach safety programs review plans for recreational facilities and test water quality to prevent waterborne diseases.
- Marine sanitation program ensures safety of water resources by regulating wastewater disposal at marinas and on marine craft.
- Engineering programs enforce the federal laws for public water systems, inspect facilities and train, certify public water system workers, and ensures the safety of drinking water.
- Plumbing programs train and license plumbing professionals.
- Clean Indoor Air program enforces ACT 8 of 2006, which protects patrons of public businesses from secondhand smoke.
- Food and milk programs ensure the safety of food establishments and consumer products at the manufacturing, wholesale and retail levels.

Pursuant to Ark. Code Ann. §§ 20-7-109 and 110, the State Board of Health makes all necessary and reasonable rules of a general nature for the protection of the public health and safety, for the general amelioration of the sanitary and hygienic conditions within the state, and for the proper control of chemical exposures that may result in adverse health effects to the public. The Department of Health is the state agency responsible for implementing the Board's rules, which the Board updates on a continuing basis to comply with state and federal law. The Board and ADH must follow the Administrative Procedure Act, § 25-19-201, et seq, and Ark. Code Ann. § 10-3-309, to amend, repeal or adopt a rule, an essential part of which allows the public to comment on any rule through the public Board of Health meetings, the public notice and public comment period, the legislative Public Health Committee meetings, and the legislative ALC-Rules Subcommittee.

Indeed, in order to comply with various Arkansas occupational licensure acts enacted after the 2019 legislative session, the ADH Rules for Onsite Wastewater, Plumbers Licensing, Septic Tank Cleaners, and Water Operator licensing are currently pending review at the Public Health, Welfare, and Labor Committee on August 12, 2020. The Water Operator Licensing Rules are also pending review before the ALC-Occupational Licensing Review Committee on August 17, 2020. Updated versions of the ADH Rules pertaining to the Plumbing Code and Fuel Gas Code were approved by the Board of Health at its most recent regular public meeting on July 23, 2020, and are currently moving through the rule promulgation process.

Additionally, ADH, through the Radioactive Materials Program, also regulates the safe use of radioactive materials in order to protect occupationally exposed workers, the public, and the environment. Arkansas is responsible for the regulation and enforcement of byproduct, source material, and small quantities of special nuclear material. The Arkansas ADH rules are compatible with that of the U.S. Nuclear Regulatory Commission. The Department of Health's Medical Waste program regulates all aspects of commercial medical waste management (i.e., accumulation, separation, storage, transportation, treatment and disposal) with respect to health care related facilities, commercial medical waste transporters and commercial medical waste. There have been no recent changes that required rule promulgation.

In conclusion, the Department of Health can provide subject-matter experts and more specific information if required by this interim study and discussion about it in meetings to conduct the study. Please let us know how we may be of assistance.

Sincerely,



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