

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 738
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40331-MH-29A

Short Title: Codify DEQ Science Advisory Board. (Public)

Sponsors: Representatives Logan, Brockman, Harrison, and Holley (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CODIFY AND MAKE PERMANENT THE SECRETARY'S SCIENCE
3 ADVISORY BOARD.

4 Whereas, maintaining clean air, water, and land are critical to the quality of life for
5 all North Carolinians; and

6 Whereas, a clean environment is necessary to protect the public health as well as to
7 promote a vibrant economy; and

8 Whereas, for over 25 years, the Science Advisory Board in its various incarnations
9 has brought vitally needed scientific expertise to bear upon the toxicological effects of
10 contaminants through its advice to the Environmental Management Commission as to the
11 necessary level of control of those contaminants for protection of human health and the
12 environment; and

13 Whereas, scientific expertise is needed in other areas of environmental policy,
14 including impacts of climate change and offshore drilling; Now, therefore,
15 The General Assembly of North Carolina enacts:

16 SECTION 1. Article 7 of Chapter 143B of the General Statutes is amended by adding
17 a new Part to read:

18 "Part 37. Science Advisory Board.

19 "§ 143B-344.65. Science Advisory Board: establishment, membership.

20 (a) Membership. – The Science Advisory Board within the Department of Environmental
21 Quality shall consist of 11 voting members appointed by the Secretaries of the Department of
22 Environmental Quality and the Secretary of the Department of Health and Human Services
23 (collectively, the "Secretaries"). Members will serve two-year terms at the pleasure of the
24 Secretaries and may be reappointed by the Secretaries. The members appointed by the Secretaries
25 will represent academic institutions, the public and private sectors, and independent research
26 facilities. Board membership shall include, at a minimum, the following:

27 (1) One doctoral level epidemiologist who is a public health scientist or
28 environmental scientist with strong background in environmental
29 epidemiology.

30 (2) One doctoral level toxicologist, public health scientist, or environmental
31 scientist in the private sector who has at least five years of experience in risk
32 assessment.

33 (3) The State Epidemiologist.

34 (4) The State Health Director or the State Health Director's designee.



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- 1 (5) One doctoral level toxicologist or epidemiologist who is employed by the
2 State or the federal government and has at least five years of experience in
3 risk assessment.
- 4 (6) One doctoral level scientist having a minimum of five years of experience in
5 exposure assessment to air contaminants.
- 6 (7) One doctoral level scientist having a minimum of five years of experience in
7 exposure assessment to water contaminants.
- 8 (8) One licensed medical doctor with board certification in occupational or
9 environmental medicine.
- 10 (9) A representative from the North Carolina Association of Local Health
11 Directors who serves or has within the prior five years served as a health
12 director with relevant experience in environmental health or epidemiology.
- 13 (10) One doctoral level scientist having a minimum of five years of experience in
14 atmospheric science or climatology.
- 15 (11) One doctoral level scientist having a minimum of five years of experience in
16 geology of the coast and continental shelf.

17 (b) Chair. – The Secretaries shall designate one member as chair, and the Board may elect
18 one of its members to serve as the vice-chair.

19 (c) Meetings. – The Board shall meet at least six times per year and at the call of the chair
20 or the Secretaries.

21 "**§ 143B-344.66. Science Advisory Board: duties.**

22 The Science Advisory Board shall have the following duties:

- 23 (1) To perform or recommend reviews and evaluations of matters concerning the
24 release of contaminants into the environment that are placed on the Board
25 agenda by the Secretaries.
- 26 (2) To advise the Environmental Management Commission on information
27 concerning the regulation and evaluation of releases of contaminants that
28 come to the attention of the Board.
- 29 (3) To review the effects of chemicals that are proposed to be regulated by the
30 Department of Environmental Quality as contaminants and to recommend the
31 necessity and urgency for controlling the releases of such chemicals that are
32 found to cause deleterious environmental and human health effects with
33 priority given to the study of contaminants for which control has been deferred
34 pending further study.
- 35 (4) To act as consultants regarding the Department of Environmental Quality's
36 determinations to regulate releases of contaminants and in determining factors
37 for establishing acceptable levels for contaminants and for remediation levels
38 for contaminants in other media.
- 39 (5) To recommend concentrations of contaminants in a "range of risks" to the
40 Department of Environmental Quality and the Environmental Management
41 Commission for regulation that will minimize adverse health responses in the
42 exposed citizenry and to advise the Environmental Management Commission
43 of the scientific basis for these recommendations. In making those
44 recommendations, the Board shall consider all of the following:
- 45 a. Whether factors have been appropriately applied in a media-specific
46 concentration recommendation for a specific chemical.
- 47 b. Whether chemical agents that have adverse reproductive and
48 developmental effects should be treated with risk assessment value.
- 49 c. Whether synergistic health effects of mixtures of contaminants should
50 be considered in the setting of limits for those contaminants.

1 d. Whether and how concentrations of contaminants should be adjusted
2 when there are multiple sources of the same contaminant in a localized
3 area.

4 e. How uncertainties in the risk assessment process can be incorporated
5 into development and revision of concentrations of contaminants.

6 (6) To assist the Secretaries in providing expertise to evaluate the human and
7 environmental impact of exposure to hazardous contaminants as part of a task
8 force that may be formed to investigate the multimedia (air, water, and soil)
9 impacts of those contaminants.

10 (7) To consider the establishment of concentrations for contaminants to be
11 recommended for the establishment of standards in cases where well-designed
12 human studies or data regarding mechanisms of action, pharmacokinetics,
13 pharmacodynamics, or species' differences appear not to have been taken into
14 account.

15 (8) To provide input to the Department of Health and Human Services as the
16 agency establishes health goals.

17 (9) To assist the Secretaries in identifying contaminants of emerging concern and
18 assist in determining whether the contaminants warrant further evaluation.

19 (10) To provide, upon request of the Secretaries, assessment of the state of the
20 science informing current policy issues in the areas of public health and the
21 environment, including the identification and analysis of issues and areas
22 where scientific consensus exists, where there is no scientific consensus, and
23 where data is unavailable or incomplete.

24 "**§ 143B-344.67. Science Advisory Board: administrative support.**

25 (a) The Secretaries will jointly provide oversight and direction to the Board and will
26 designate staff to serve as the liaisons of the Board. Technical support will be provided by
27 members of the Division of Air Quality, the Division of Water Resources, and the Division of
28 Waste Management of the Department of Environmental Quality and by members of the staff of
29 the Division of Public Health within the Department of Health and Human Services.
30 Communications between the two Departments and the Board shall be conducted and
31 coordinated through the liaisons designated by the Secretaries.

32 (b) Members of the Board will be reimbursed for necessary travel and subsistence
33 expenses as authorized by G.S. 138-5, and paid in equal share by the Department of
34 Environmental Quality and the Department of Health and Human Services from available funds."

35 **SECTION 2.** This act becomes effective July 1, 2019. The members of the
36 Secretaries' Science Advisory Board who are serving on the effective date of this act shall
37 constitute the initial members of the Science Advisory Board created by this act. For purposes of
38 this section, the Secretaries' Science Advisory Board refers to the Board created by a charter
39 ratified by the Secretary of the Department of Environmental Quality and the Secretary of the
40 Department of Health and Human Services on July 28, 2017.