

HOUSE BILL NO. 399

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES CISSNA, Gruenberg, Salmon, Kerttula

Introduced: 2/23/10

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a health impact assessment program in the Department of Health**
2 **and Social Services; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 18.07 is amended by adding new sections to read:

5 **Article 7A. Health Impact Assessment Program.**

6 **Sec. 18.07.200. Health impact assessment program established.** (a) A health
7 impact assessment program is established in the department for the purpose of
8 promoting healthy communities, eliminating health disparities among communities,
9 and protecting the human environment. Components of the program include

- 10 (1) an advisory committee made up of individuals with specialized
11 knowledge of health impact assessment and environmental impact analysis, appointed
12 by the commissioner;
- 13 (2) development of a health impact assessment;
- 14 (3) procedures for requesting, applying for, reviewing, taking public

1 comment on, and appealing a certificate of health impact;

2 (4) establishment of an acceptable health risk standard for purposes of
3 issuing or denying a certificate of health impact;

4 (5) establishment of a community health index for use in the health
5 impact assessment procedure; and

6 (6) a procedure for enhanced public notification of and involvement in
7 developing community health awareness and mitigation options.

8 (b) The department shall adopt regulations necessary to carry out the purposes
9 of the program and to establish an application fee and procedure for conducting health
10 impact assessments.

11 **Sec. 18.07.210. Certificate of health impact required; exceptions.** (a)
12 Except as provided in (c) of this section, and in addition to other environmental
13 assessments required by state and federal law, a person may not begin construction or
14 development of a project that requires an environmental assessment or an
15 environmental impact statement for effects on air, water, and soil quality under
16 another state or federal law and that is situated within a one-mile radius of a
17 vulnerable community as determined by the commissioner, unless the person receives
18 a certificate of health impact or a waiver under AS 18.07.200 - 18.07.290.

19 (b) Before the department may issue a certificate of health impact to a project,
20 the department shall develop and publish a community health index under
21 AS 18.07.220 for the area within a one-mile radius of the proposed project.

22 (c) This section does not apply to a project that is identified by the
23 commissioner of environmental conservation as a project that is

24 (1) in response to an emergency declared by the governor;

25 (2) a remediation project;

26 (3) for the treatment or disposal of wastewater or sewage sludge.

27 **Sec. 18.07.220. Community health index.** (a) The department shall, in
28 consultation with the Department of Environmental Conservation, the Department of
29 Natural Resources, and the Health Impact Assessment Advisory Committee, develop
30 and publish a community health index for each health unit established under
31 AS 18.10.010 - 18.10.260. The index shall be a cumulative evaluation of the health of

1 a community in the state that is based on community health outcome indicators that
2 are based on community rates of disease and premature death and that ranks
3 communities according to the average outcomes for the entire state. The index must
4 take into consideration the following factors:

5 (1) primary indicators of the vulnerability of the community to health
6 effects from sources of air, water, or soil contamination that include

7 (A) total age-adjusted mortality;

8 (B) total age-adjusted emergency room visits;

9 (C) the prevalence of elevated blood lead levels in children 13
10 years of age or younger;

11 (D) the number of hospital admissions related to asthma;

12 (E) the prevalence of asthma in children who are 14 years of
13 age or younger;

14 (F) the infant mortality rate;

15 (2) secondary indicators of the vulnerability of the community to
16 health effects from sources of air, water, or soil contamination that include

17 (A) the total age-adjusted noncongenital cardiovascular disease
18 and stroke morbidity;

19 (B) the total age-adjusted heart attack hospitalizations;

20 (C) the total age-adjusted stroke and stroke-related
21 hospitalizations;

22 (D) the total bronchitis and bronchitis-related hospitalizations
23 of children who are 14 years of age or younger and of adults who are 65 years
24 of age and older;

25 (3) other health indicators in the community that include

26 (A) other health outcome indicators determined by the
27 commissioner to be relevant to a community's vulnerability to pollutants;

28 (B) environmental indicators, including air and water quality
29 data.

30 (b) The community health index shall be reviewed and updated at least once
31 every five years.

1 **Sec. 18.07.230. Health impact assessment; notice; waiver.** (a) Within 30
2 days after receiving notification of a proposed project and before issuing a certificate
3 of health impact as required under AS 18.07.210, the department shall notify the
4 contact person for the project of the requirements under AS 18.07.200 - 18.07.290 and
5 publish notice of the availability of a health impact assessment to the affected
6 community.

7 (b) The department shall provide public notice of the availability of a health
8 impact assessment and a certificate of health impact to the community located within a
9 one-mile radius of the proposed project. The notice shall be published in a newspaper
10 of general circulation, posted at the site of the proposed project, and published on a
11 public Internet website used for that purpose. The notice must include the statement
12 that a member of the community may request a health impact assessment and the
13 procedure for making the request.

14 (c) If the department receives 10 or more requests from members of the
15 affected community for a health impact assessment within 30 days after posting the
16 public notice, the department shall immediately notify the contact person for the
17 project of the required health impact assessment and certificate of health impact before
18 beginning construction of the project.

19 (d) Within 90 days after the notice provided under (c) of this section, the
20 department shall either issue or deny a certificate of health impact to the proposed
21 project based on a qualitative review of the health impact assessment and a
22 determination of the acceptable health risk level as described in regulations adopted by
23 the department. If issuance of the certificate is denied, the department shall provide
24 notification of the appeal procedures established by regulation.

25 (e) A health impact assessment must include, at a minimum, a determination
26 of

27 (1) evidence of the anticipated relationship between the proposed
28 project and the health index of the community, including a description of the persons
29 whose health is most likely affected by the project and the cumulative health effects
30 that may result from the project;

31 (2) the opinions, experience, and expectations of residents of the

1 affected community;

2 (3) information and analysis of the potential health effects resulting
3 from the proposed project;

4 (4) other information the commissioner determines to be relevant.

5 (f) If the department does not receive at least 10 requests to conduct a health
6 impact assessment, the department shall issue a waiver of the requirement for a
7 certificate of health impact for the proposed project.

8 **Sec. 18.05.240. Agency notification of project.** A state agency acting as the
9 lead agency on a project located in the state that may result in effects on air, water, or
10 soil quality of the state shall provide the department with notification, including a
11 description of, the location of, and contact information for the project, within 30 days
12 after receiving an application for the project.

13 **Sec. 18.05.290. Definitions.** In AS 18.05.200 - 18.05.290,

14 (1) "community" means the persons who reside or work in a
15 designated health unit under AS 18.10.010 - 18.10.260;

16 (2) "department" means the Department of Health and Social Services;

17 (3) "lead agency" means a state agency that is designated by law as the
18 primary decision-making authority in the state for a project that affects the
19 environment of the state.

20 * **Sec. 2.** This Act takes effect July 1, 2012.