

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 738

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

Sponsors: Representatives Logan, Brockman, Harrison, and Holley (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

April 16, 2019

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.



- 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.